

REGULAR JOINT TOWN AND VILLAGE PLANNING BOARD MEETING

September 17th, 2025, at 6:30pm | 103 Main Street, Mount Morris NY

Present: Jim Patrick, Planning Board Chair; Brianna Rawleigh, Planning Vice Chair; Planning Board Members Larry Woodworth and Phil Race; Town Code Enforcement Officer Shawn Grasby; and Town Councilman Joe Rawleigh

Also Present: Nixon Peabody Associate Stephen Fantouzzo; Community member Tyler Lange

CALL TO ORDER AND REVIEW OF MINUTES

Chairman Jim Patrick called the meeting to order at 6:35 pm and requested that all stand for the Pledge of Allegiance, which was led by Code Enforcement Officer Sean Grasby.

The minutes of the August 20th, 2025, regular Planning Board meeting were reviewed. A motion to approve the submitted minutes was introduced by Brianna Rawleigh and seconded by Woodworth, and was voted on by members as follows:

Aye: 4 (Patrick, Race, Rawleigh, Woodworth)

No: 0

Abstain: 0

The motion carried unanimously.

MINOR SUBDIVISION APPLICATION – TOWN OF MOUNT MORRIS

The Board proceeded out of agenda order to review a new minor subdivision application submitted by Jeffrey D. Swanson on behalf of the David H. Swanson Estate located at tax map #124.-1-44 on the corner of Creek Road and Ridge Road in the Town of Mount Morris. Code Enforcement Officer Sean Grasby explained that the proposed subdivision would divide approximately 3 acres from the larger parent parcel, which fully meets the Town's frontage and acreage requirements. As the land involved is part of the Swanson Estate, a letter of authorization was submitted with the application.

Members briefly discussed the parcel layout and verified that both the remaining and subdivided lots retain sufficient frontage on multiple roads. The application's SEQR form had not yet been received, and the Board agreed it must be included in the application before final approval.

Following discussion, Phil Race moved to waive the county planning review requirement and to set a public hearing for the next meeting on October 15th, 2025, at 6:00 pm. The motion was seconded by Brianna Rawleigh. The motion was voted on by members as follows:

Aye: 4 (Patrick, Race, Rawleigh, Woodworth)

No: 0

Abstain: 0

The motion carried unanimously.

VERIZON SITE PLAN, SPECIAL USE PERMIT – TOWN OF MOUNT MORRIS

The Board then returned to the continued site plan and special use permit review for the Verizon Wireless telecommunications tower project. Chairman Patrick confirmed that the public hearing for this matter had been closed at the prior meeting.

Mr. Patrick stated that the latest combined resolution from the Town's engineer and the Town's attorney consolidates both the site plan and special use permit approvals into one document. The resolution includes several conditions:

- No tower lighting unless required by the FAA.
- No signage except as required by law or regulatory agencies.
- Construction must begin within six months of approval, subject to a reasonable extension if needed.
- Compliance with NYS DEC tree-cutting restrictions (no clearing after March 31).
- All consultant fees must be satisfied through the established escrow account prior to issuance of permits.

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Town Code Enforcement Officer Shawn Grasby clarified that no separate building permit will be issued, as telecommunication towers fall outside the standard building-code permitting process; instead, a zoning permit will be required, confirming compliance with all resolution conditions before work may begin.

After review, Larry Woodworth moved to approve the resolution granting conditional site plan and special use permit approval, with an added allowance for reasonable construction extensions if necessary, and included notations for the extension clause and clarification on the building-permit language. Phil Race seconded. The motion was voted on by members as follows:

Aye: 4 (Patrick, Race, Rawleigh, Woodworth)

No: 0

Abstain: 0

The resolution was carried unanimously, and a copy of the full resolution is located in Exhibit A.

OTHER BUSINESS

Town Code Enforcement Officer Shawn Grasby reported ongoing communications regarding a potential solar farm on Erie Street, as well as increasing inquiries related to battery-storage systems and data-center developments. Due to the emerging demand and limited infrastructure capacity, he intends to recommend that the Town Board adopt a temporary moratorium on data-center development to allow time for appropriate local-law updates.

He also suggested that the Planning Board consider adopting fee-schedule language for special-use permit renewals, as the current code does not establish clear charges for follow-up reviews.

Town Councilman Joe Rawleigh provided an update on the Town's Comprehensive Zoning Committee's ongoing work drafting new legislation for short-term rental regulations (Airbnb, VRBO, etc.). The draft includes an initial permitting process with annual renewals, inspection requirements for occupancy and safety, and differentiated fees for resident versus non-resident property owners. The regulations are intended to ensure equity, proper taxation, and code-enforcement cost recovery while protecting neighborhood character. Once finalized, the draft will be circulated to the Planning Board for review.

Members briefly discussed related topics including bed-and-breakfast operations, farm-animal restrictions within the village, and enforcement of previously denied accessory-apartment applications. Officer Grasby noted that enforcement responsibility for ongoing village code violations lies with the Village Code Officer Tim Dunham.

ADJOURNMENT

With no further business, a motion to adjourn was introduced by Brianna Rawleigh and seconded by Larry Woodworth, and was voted on by members as follows:

Aye: 4 (Patrick, Race, Rawleigh, Woodworth)

No: 0

Abstain: 0

The motion was carried unanimously, and the meeting was adjourned at 7:07pm.

The next regularly scheduled Planning Board meeting is set for Wednesday, October 15th, 2025, at 6:30 pm.

Respectfully submitted,

Kaylee R. Leone
Planning Board Secretary

EXHIBIT A

Resolution Issuing Site Plan Approval and Special Use Permit
for Proposed 7586 Mt. Morris-Nunda Road
Telecommunications Facility

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TOWN OF MOUNT MORRIS
PLANNING BOARD

**Resolution Issuing Site Plan Approval and Special Use Permit for Proposed
7586 Mt. Morris-Nunda Road Telecommunications Facility**

WHEREAS, before the Town of Mount Morris Planning Board (the “Planning Board”) is an application to issue a Special Use Permit (“SUP”) and site plan approval to construct and operate a 160-ft. telecommunications tower (plus a 4-ft. lightning rod) on property located near 7586 Mount Morris Nunda Road (SBL. No. 144.-1-2) (the “Property”), together with accompanying improvements (the “Action”) proposed by Bell Atlantic Mobile Systems LLC (d/b/a “Verizon”) (the “Applicant”); and

WHEREAS, the Planning Board is the Lead Agency pursuant to the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the Planning Board determined that the Action is to be treated as a “Type I” action under SEQRA and thereafter issued a Negative Declaration in connection with the Project; and

WHEREAS, the Planning Board held a duly noticed public hearing in connection with the Project, which was closed on August 20, 2025, and consistent with General Municipal Law § 239, a full statement of the application was referred to the Livingston County Planning Board.; and

WHEREAS, the Planning Board and its consultants have reviewed the Project application materials, which include those related to the height of the proposed tower, required setbacks, potential environmental impacts, public safety, and visual and other potential community impacts.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Town of Mount Morris that:

1. The following findings of fact and conclusions of law are hereby incorporated into this resolution:

- a. As a new telecommunications tower (with a 4-ft. lightning rod), the requirements of Section 48-62 of the Town of Mount Morris Zoning Code (the “Zoning Code”). Exhibit D of the Applicant’s initial application, as amended and supplemented, demonstrates that the application and proposed Project complies with relevant Town requirements. Exhibit D of the application is therefore expressly incorporated herein by reference.
- b. Additionally, the Planning Board finds no area or use variances are required for the Project. As such, application of the public utility variance standard, as articulated by the N.Y.S. Court of Appeals in

Consolidated Edison v. Hoffman, 43 N.Y.2d 598 (1978) is not necessary.

- c. Nevertheless, as demonstrated by the Applicant, and as confirmed by the Town's Radiofrequency Engineering consultant, Mr. William Johnson, the Project is necessary to remedy inadequate cellular telephone service for Verizon customers in the Letchworth Tuscarora service area, in the northern portion of the Town, and the surrounding area.
- d. Lastly, the Project complies with the requirements for site plan review as set forth in Section 37-1 *et seq.* of the Town's Zoning Code. These requirements and compliance therewith is detailed in Exhibit E of the application materials, as amended and supplemented. Exhibit E of the application is therefore expressly incorporated herein by reference.

2. This Site Plan and Special Use Permit approval is issued subject to the following conditions:

- a. The Applicant shall obtain a building permit within twelve (12) months of this Site Plan and Special Use Permit approval. Otherwise, this approval shall automatically terminate and be deemed null and void.
**with reasonable allowance for an extension if.*
- b. Construction of the proposed Project, consistent with final plans submitted, shall be completed within six (6) months of obtaining a building permit. Otherwise, this approval shall automatically terminate and be deemed null and void.
- c. Before site plan is signed by the Planning Board Chair, the Applicant shall obtain written confirmation from the Town Engineer that all engineering comments have been addressed.
- d. Before a building permit is issued, all outstanding costs of review shall be paid by the Applicant consistent with the Escrow Agreement.
- e. The Applicant shall comply with all time-of-year tree cutting restrictions as set forth in applicable New York State Department of Environmental Conservation ("NYSDEC") guidance required to protect Northern Long Eared Bats and associated habitat.
- f. Before a building permit is issued, the Applicant shall obtain all necessary permits for the construction of the Project and accompanying improvements, including, but not limited to a New York State Department of Transportation ("NYSDOT") curb cut permit for the access road and any wetlands permits required from NYSDEC and/or the U.S. Army Corps of Engineers.

- g. No signage, apart from that which is required by state and federal law, has been approved as part of this Project. Separate approvals from the Planning Board for additional signage will be required.
- h. The Applicant shall ensure that the Tower and all accompanying improvements are constructed and maintained consistent with applicable state, federal, and local laws.
- i. The proposed Project shall not have artificial lighting unless required by the Federal Aviation Administration ("FAA") or other applicable authority.
- j. Storage of all construction materials must be located outside of Town or State right(s) of way. All off-loading of materials must be out of the right-of-way(s) and in a designated staging area.

3. The Clerk of the Planning Board and/or other Planning Board personnel are hereby authorized and directed to distribute copies of the resolution as necessary.

4. This resolution is effective immediately.

The above Resolution was offered by Larry Woodworth and seconded by Phil Race at a regularly scheduled Planning Board meeting held on September 17, 2025. Following discussion, a voice vote was recorded as follows:

Jim Patrick (Chair)
Phillip Race
Larry Woodworth
Joel Clester
Brianna Rawleigh

[AYE]
[AYE]
[AYE]
[AYE]
[AYE]

[NAY]
[NAY]
[NAY]
[NAY]
[NAY]

[ABSTAIN]
[ABSTAIN]
[ABSTAIN]
[ABSTAIN]
[ABSTAIN]

[ABSENT]
[ABSENT]
[ABSENT]
[ABSENT]
[ABSENT]

PASSED AND ADOPTED this 17 day of September, 2025 by the Town of Mount Morris Planning Board.

I, Kaylee Leone, Secretary to the Joint Village/ Town Planning Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Joint Village/Town Planning Board of Mount Morris for the September 17, 2025, meeting.

Kaylee Leone
Kaylee Leone, Joint Village/ Town Planning Board Secretary