

REGULAR JOINT TOWN AND VILLAGE PLANNING BOARD MEETING

June 17th, 2026, at 6:30pm | 103 Main Street, Mount Morris NY

Present: Acting Chair Brianna Rawleigh; Planning Board Members Larry Woodworth, Johnna Schrier, and Joel Clester; Town Code Enforcement Officer Shawn Grasby; Town Councilman Joe Rawleigh; Town Engineering Consultant Sherman Gittens of MRB Group; Applicant Engineering Consultant Hayden Woods of Bohler Engineering; and Community Members Matt Scully, Patrick Scully, Chuck Cottone, Dwight and Gloria Yoder, Tammy Morris, Brian Baker, and Dick and Barb DeMay

CALL TO ORDER AND REVIEW OF MINUTES

The regular meeting of the Joint Town and Village of Mount Morris Planning Board was called to order by Acting Chair Brianna Rawleigh at 6:34pm. The meeting opened with the Pledge of Allegiance. Introductions were then made for the record. Johnna Schrier was introduced as a new Planning Board member. It was noted that she needed to be sworn in by the Village before voting as a full member, as the Planning Board is a joint Town and Village board. It was clarified that she could participate in discussion and ask questions but would not vote at this meeting. Following introductions of board members, consultants, and applicant representatives, the Board reviewed the minutes from the May 20th, 2026, Planning Board meeting.

A motion to approve the submitted May 20th, 2026, meeting minutes was introduced by Joel Clester, and seconded by Larry Woodworth, and was voted on by members as follows:

Aye: 3 (Clester, Rawleigh, Woodworth)
No: 0
Abstain: 0

The motion was carried unanimously.

PUBLIC HEARING OPENING – MULTIPLE MINOR SUBDIVISION APPLICATIONS

Acting Chair Rawleigh then opened the scheduled public hearings for the subdivision applications before the Board. The public hearings were opened at 6:35pm for the following applications:

- the minor subdivision at 8311 Mount Morris–Nunda Road, Tax Map No. 157.-1-45.1;
- the minor subdivision at 2847 Ridge Road, Tax Map No. 124.-1-31;
- the minor subdivision on Ridge Road, Tax Map No. 124.-1-44.1; and
- the minor subdivision at 8463 Scipio Road, Tax Map No. 158.-1-34.

PUBLIC HEARING – 8311 MOUNT MORRIS – NUNDA ROAD TOWN MINOR SUBDIVISION

The Board first discussed the application submitted by Dwight and Gloria Yoder involving property owned by Richard and Barbara DeMay at 8311 Mount Morris–Nunda Road. The proposal involves subdividing approximately five acres from the west side of the existing parcel to be conveyed to Dwight and Gloria Yoder and combined with their neighboring parcel located at 8304 State Route 408. Shawn Grasby advised that the proposal met applicable code requirements, including frontage, parcel size, and related requirements. The Board reviewed the notice materials, including the public hearing notice, mailing documentation, and copies of notices sent to neighboring property owners. Secretary Leone stated that no written comments had been received and that no calls or other comments had been submitted prior to the meeting. Barb DeMay spoke in support of the subdivision and stated that she was happy to sell the property to the neighboring owners and believed they would take good care of it. The Board also discussed a discrepancy in Part 1 of the Short Environmental Assessment Form relating to wetlands. Because the EAF Mapper indicated a potential wetland or regulated waterbody concern, but no visible or discernible wetlands were identified on the property, Gloria Yoder added a clarifying comment to the EAF stating that there were no discernible wetlands on the property. The Board accepted that correction as part of the application record. Secretary Leone also advised the applicants that publication and postage fees would be invoiced through their attorney’s office.

PRELIMINARY REVIEW – 2847 RIDGE ROAD MINOR SUBDIVISION

The Board then reviewed the first Swanson Estate subdivision application for 2847 Ridge Road, Tax Map No. 124.-1-31. The application was submitted by Jeffrey D. Swanson on behalf of the Estate of David H. Swanson. The proposal involves subdividing an existing single-family residence on approximately three acres from a larger agricultural parcel, with the remaining acreage to continue in agricultural use. The Board noted that the required EAF materials had been received and included in the meeting packet. Sherman Gittens and Shawn Grasby reviewed the application materials and confirmed that the proposal appeared to meet applicable subdivision requirements. The Board also discussed prior questions regarding estate authority and confirmed that documentation had been provided showing Jeffrey D. Swanson's authority as Administrator of the Estate. No representative for the applicant was present. No Board members had further questions, and no public comments were offered regarding this application.

PRELIMINARY REVIEW – RIDGE ROAD MINOR SUBDIVISION

The Board next reviewed the second Swanson Estate subdivision application involving property on Ridge Road, Tax Map No. 124.-1-44.1. This application was also submitted by Jeffrey D. Swanson on behalf of the Estate of David H. Swanson and similarly proposes to subdivide an existing single-family residence on approximately three acres from a larger agricultural parcel, with the remaining lands continuing in agricultural use. The Board discussed the fact that a prior subdivision had been approved in 2025 and filed with the County, but that the County GIS mapping system had not yet been updated to reflect the new parcel configuration or tax map information. Secretary Leone stated that proof had been provided showing that the prior plat had been filed with the County. No Board members had additional questions, and no members of the public offered comments on this application.

PRELIMINARY REVIEW – SCIPIO ROAD MINOR SUBDIVISION

The Board then discussed the application for 8463 Scipio Road, Tax Map No. 158.-1-34, submitted by 73 Main Street Associates, LLC. The proposal involves subdividing approximately 3.36 acres from a larger farm parcel. Secretary Leone advised that the surveyor had suffered a leg injury and was unable to complete the field survey in time for the meeting. As a result, the Board had only preliminary, unofficial, small-scale mapping available and did not yet have full-sized final maps or a mylar. Sherman Gittens stated that, upon review, he had not noticed the septic information shown on the materials and would follow up with the applicant's representatives to make sure proper setbacks, siting, and mapping requirements were addressed. Shawn Grasby explained that he had discussed with the applicant that the public hearing would need to remain open to allow proper maps and materials to be submitted. Secretary Leone asked whether the proposed parcel would include an easement or deeded right-of-way for the rear parcel because a road appeared to run through the proposed subdivision area. Sherman Gittens stated that he did not know what the applicant intended to do with that access, but also clarified that both parcels would have frontage and that the subdivision would not create a landlocked parcel. Brianna Rawleigh asked whether the remaining parcel's agricultural use affected the location of the well or water service. The Board discussed the need for additional information before any final action could be taken.

Upon motion by Larry Woodworth, seconded by Joel Clester, the Board voted to keep the public hearing for 8463 Scipio Road open until the July 15th, 2026 meeting. The motion was voted on by members as follows:

Aye: 3 (Clester, Rawleigh, Woodworth)

No: 0

Abstain: 0

The motion was carried unanimously.

CONTINUED REVIEW – ARI PRESBYTERIAN ROAD SOLAR SUP AND SITE PLAN REVIEW

While the subdivision public hearings remained open for the required time, the Board moved to the next agenda item concerning Aurora Renewables' ARI Presbyterian Road Solar project, a proposed site plan review and special use permit application for a 5 MWac ground-mounted solar project with associated battery energy storage at 3003 Presbyterian Road in the Town of Mount Morris. Hayden Woods of Bohler Engineering appeared on behalf of the applicant and provided a progress update. Mr. Woods stated that the majority of the plan set had remained consistent with prior submissions, but that additional detail had been provided relating to reports, stormwater mitigation features, and other supporting materials. He explained that the updated materials included a decommissioning plan, operations and maintenance plan, emergency response plan, and stormwater-related documentation. Secretary Leone noted that some of the attachments had been provided electronically because of their length, although printed copies of several key materials had been included in the Board packets.

The Board discussed scheduling a public hearing for the ARI Presbyterian Road Solar application. It was noted that if the Board wished to schedule the hearing for July, the applicant's preferred representative might not be available for a special meeting date that had been discussed. Mr. Woods stated that if the Board could not meet on the alternate date, the applicant would prefer to proceed at the regular July 15th meeting and provide alternate coverage if necessary, rather than delay the matter to August. Sherman Gittens advised that the Board should have as complete a Board as possible, particularly if the County Planning Board or any involved agencies provided comments requiring additional consideration. It was also discussed that Livingston County Planning had already received the referral and had taken no action, meaning no County recommendation for denial had been issued and the Board would not need a majority-plus-one vote to act based on County comments.

The Board discussed SEQRA lead agency coordination for the ARI Presbyterian Road Solar project. Secretary Leone stated that one acknowledgment had been received from an involved agency indicating no objection to the Planning Board serving as lead agency. Sherman Gittens stated that, in practice, agencies often do not respond and that a lack of response is generally treated as no objection after the required period. He also stated that he would double-check whether any additional agency responses had been received or forwarded.

The Board also reviewed outstanding technical issues related to fire access and emergency response. Sherman Gittens explained that he had agreed, as fire code official, to allow the fire access road width to be reduced from the usual 20-foot requirement to 12 feet, subject to appropriate documentation and conditions. Brianna Rawleigh asked for clarification regarding communications with the fire district, fire department, and fire companies, noting that those terms are often used interchangeably locally but refer to different entities. The Board discussed that any equipment or support associated with the reduced access road width would be provided to the Mount Morris Fire District, and that the documentation should clearly identify the correct entity. Brianna Rawleigh also asked about the useful life of any equipment provided in comparison to the anticipated life of the solar project and the access road. Sherman Gittens stated that, in his experience with other solar projects, site-specific emergency access equipment, such as spray trucks or similar apparatus, may be part of the project mitigation, and that host agreements are often used to provide ongoing funding sources that may assist with equipment or maintenance needs. It was clarified that, for Planning Board purposes, the Board needed appropriate documentation explaining the basis for the reduced road width and the related emergency access considerations, while broader financial or host agreement matters would be handled separately by the Town Board and other involved entities.

The Board also discussed battery energy storage and emergency suppression considerations. Sherman Gittens noted that County comments referenced consideration of an on-site suppression system because the project includes battery energy storage. He stated that he did not believe an on-site suppression system was necessarily proposed or required, but that the

Uniform Code includes stringent standards for battery energy storage systems. Shawn Grasby stated that conditions could be added as needed, such as annual training or other emergency response requirements. The Board agreed that these issues should be further reviewed and that any necessary documentation should be available before or at the public hearing.

Brianna Rawleigh asked whether the Board should apply the Town Code in effect at the time an application is received or the code in effect at the time of the Board’s decision, particularly if the code changes while an application is pending. Sherman Gittens responded that, generally, the code in effect at the time of application is used unless a code amendment specifically states otherwise or applies to pending applications. The Board discussed that no immediate additional review was required because of code changes, but that the issue should be monitored where applicable.

A motion to schedule the public hearing for Aurora Renewables’ Special Use Permit and Site Plan Review application on Wednesday, July 15th, 2026, at 6:30pm was introduced by Larry Woodworth and seconded by Joel Clester, and was voted on by members as follows:

- Aye: 3 (Clester, Rawleigh, Woodworth)
- No: 0
- Abstain: 0

The motion was carried unanimously.

PUBLIC HEARING CLOSING – MULTIPLE SUBDIVISION APPLICATIONS

The Board then returned to the subdivision public hearings. After allowing additional time for public comment, the Board closed the public hearings for the subdivision applications at:

- 8311 Mount Morris–Nunda Road,
- 2847 Ridge Road Tax Map No. 124.-1-31, and
- Ridge Road Tax Map No. 124.-1-44.1.

The public hearing for 8463 Scipio Road remained open until the July 15th, 2026 meeting.

SEQRA DECLARATIONS AND APPROVAL OF SUBDIVISIONS

Before the Board proceeded to SEQRA and subdivision approvals, Melissa Jacobs asked questions regarding the effect of a subdivision on neighboring parcels located in an agricultural district and whether land could later be used for solar development. Sherman Gittens, Kaylee Leone, and Brianna Rawleigh explained that the Yoder/DeMay subdivision would combine the conveyed land with an existing residential parcel and would not create a new standalone developable lot. The Board further explained that the application before the Board did not propose a solar farm or other commercial development. It was clarified that the applicants had represented that they did not intend to develop the conveyed land, though the Board could not permanently restrict all future lawful uses of the property through the subdivision approval. Brianna Rawleigh explained that if a future owner sought to fundamentally change the use of the property, a new application would be required and would be reviewed under the applicable process at that time, including any required public hearing. The Board also noted that a residential property owner may be permitted to install a personal, behind-the-meter solar system if otherwise allowed by code, but that such a system is different from a commercial solar farm.

A motion to classify the 8311 Mount Morris–Nunda Road subdivision action as an Unlisted Action under the New York State Environmental Quality Review Act and to adopt a Negative Declaration upon finding that, after review of the application materials, EAF Mapper Summary Report, and supporting documentation, the proposed action would not result in any significant adverse environmental impacts significant adverse environmental impacts was introduced by Larry Woodworth and seconded by Joel Clester, and was voted on by members as follows:

- Aye: 3 (Clester, Rawleigh, Woodworth)
- No: 0
- Abstain: 0

The motion was carried unanimously.

A motion to classify the 2847 Ridge Road, Tax Map No. 124.-1-31, subdivision action as an Unlisted Action under the New York State Environmental Quality Review Act and to adopt a Negative Declaration upon finding that, after review of the application materials, EAF Mapper Summary Report, and supporting documentation, the proposed action would not result in any significant adverse environmental impacts significant adverse environmental impacts was introduced by Joel Clester and seconded by Larry Woodworth, and was voted on by members as follows:

Aye: 3 (Clester, Rawleigh, Woodworth)

No: 0

Abstain: 0

The motion was carried unanimously.

A motion to classify the Ridge Road, Tax Map No. 124.-1-44.1, subdivision action as an Unlisted Action under the New York State Environmental Quality Review Act and to adopt a Negative Declaration upon finding that, after review of the application materials, EAF Mapper Summary Report, and supporting documentation, the proposed action would not result in any significant adverse environmental impacts significant adverse environmental impacts was introduced by Larry Woodworth and seconded by Joel Clester, and was voted on by members as follows:

Aye: 3 (Clester, Rawleigh, Woodworth)

No: 0

Abstain: 0

The motion was carried unanimously.

The Board then considered final subdivision approval for the three applications.

A motion to approve the minor subdivision application for 8311 Mount Morris–Nunda Road, Tax Map No. 157.-1-45.1, was introduced by Larry Woodworth and seconded by Joel Clester, and was voted on by members as follows:

Aye: 3 (Clester, Rawleigh, Woodworth)

No: 0

Abstain: 0

The motion was carried unanimously.

A motion to approve the minor subdivision application for 2847 Ridge Road, Tax Map No. 124.-1-31, was introduced by Joel Clester and seconded by Larry Woodworth, and was voted on by members as follows:

Aye: 3 (Clester, Rawleigh, Woodworth)

No: 0

Abstain: 0

The motion was carried unanimously.

A motion to approve the minor subdivision application for Ridge Road, Tax Map No. 124.-1-44.1, was introduced by Larry Woodworth and seconded by Joel Clester, and was voted on by members as follows:

Aye: 3 (Clester, Rawleigh, Woodworth)

No: 0

Abstain: 0

The motion was carried unanimously.

OTHER BUSINESS

The Board briefly discussed referral requirements to the Livingston County Planning Board. Secretary Leone provided updated Town and Village materials relating to County referral exemptions. Sherman Gittens explained that New York State law generally requires certain matters to be referred to the County Planning Board unless the County has adopted an exemption

agreement or exemption list. He explained that projects within certain trigger areas, including projects within 500 feet of another municipality or other listed features, may still require referral or notice. He also noted that, where a project is within 500 feet of another municipality, the municipality should be notified so it has an opportunity to comment.

Under Code Enforcement updates, Shawn Grasby stated that additional subdivision applications may be forthcoming. Sherman Gittens then provided an update regarding the Environmental Assessment Form. He advised that a new EAF form became available as of June 12th, 2026, and that it includes new environmental justice-related questions and mapping considerations. He stated that applications already in process should continue using the forms already submitted, but that new applications received after that point should use the updated EAF form. He explained that environmental justice review is generally more relevant in urban or higher-impact development contexts, including matters involving pollution, lack of green space, significant traffic increases, or other impacts to surrounding communities, but that the Board should nevertheless use the updated forms going forward to ensure proper SEQRA procedure. The Board discussed that Part 1 of the EAF remains the applicant's responsibility, but that the Board and staff should make sure applicants are using the correct and complete form.

Sherman Gittens also discussed recent changes and litigation-related issues involving New York State wetlands regulations. He explained that certain expanded wetlands provisions, including provisions related to wetlands of unusual importance, had been pulled back, and that the regulatory threshold had returned to larger wetland acreage requirements. He also discussed the prior 90-day response process and explained that some additional follow-up requirements had been rolled back. He advised that if applicants or the Board have significant questions about wetlands, applicants should contact the appropriate DEC regional office or obtain confirmation rather than assuming no issue exists. Secretary Leone noted that EAF questions relating to wetlands often create procedural problems when the EAF Mapper identifies a possible wetland or regulated water body but the applicant fails to provide the required explanation. Sherman Gittens agreed that complete forms are important to avoid procedural vulnerabilities and to support the Board's SEQRA record.

The Board also discussed how Part 2 of the EAF should be handled for more complex applications, particularly long-form EAFs. Sherman Gittens stated that, for some communities, MRB assists by filling out Part 2 to the best of its ability based on the submitted materials and then providing it to the reviewing board for consideration. He emphasized that the Board remains the decision-making body and may accept, reject, or revise the recommended responses. Secretary Leone stated that receiving a completed draft in advance would help the Board review the form and come prepared with questions, especially for longer and more complex forms. Sherman Gittens stated that he would work with the attorneys and provide support as needed.

Town Board representative Joe Rawleigh provided an update regarding the proposed solar law and the work of the Comprehensive Zoning Committee. He stated that the Committee had incorporated nearly all of the County Planning Board's substantive comments into the draft solar law and that the law was moving toward final stages. Shawn Grasby recommended that SEQRA be completed by the Town Board as part of that process. It was noted that the public hearing on the solar law remained open. Joe Rawleigh also stated that, after the solar law, the Committee expected to move into work on battery energy storage systems and related issues. The Board discussed that the Town currently has a moratorium relating to battery energy storage systems and data centers, which provides additional time for review and code development.

There were no liaison reports from the Village as no Village Code Officer or Village Board representative was present.

Secretary Leone stated that the Planning Board section of the website needed to be updated to reflect current Board membership and vacancies, as it still listed former members. She also discussed preparing a general procedural webpage explaining common applications that come before the Planning Board, the general process for contacting the appropriate Code Enforcement

Officer, preliminary review, public hearings, fees, and differences between Town and Village procedures. The Board discussed the need to keep any website language general and informational, to avoid giving legal advice or creating confusion if code provisions change. It was suggested that the website include disclaimer language stating that the information is for general guidance only and is not a substitute for the applicable Town or Village Code, review by the Code Enforcement Officer, or advice from the applicant’s own professionals. The Board also discussed that questions for Town matters should be directed to the Town Code Enforcement Officer and questions for Village matters should be directed to the Village Code Officer.

The Board discussed that Brianna Rawleigh was serving as Acting Chair and that chairperson appointment procedures involve the Town and Village, depending on the applicable agreement and code language. The Board decided to hold off on taking further action regarding chairperson selection because another member appointment was still pending.

Shawn Grasby briefly updated the Board on recent Zoning Board of Appeals matters, including a code interpretation request involving a storage facility in the B-1 district and a use variance request involving a proposed self-storage use in the LDR district. He noted that the ZBA acted on the code interpretation matter and that the use variance matter did not proceed because the applicant did not satisfy the applicable threshold requirements.

ADJOURNMENT

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

- Aye: 3 (Clester, Rawleigh, Woodworth)
- No: 0
- Abstain: 0

The motion was carried unanimously, and the meeting adjourned at 8:07pm.

The next meeting of the Joint Town and Village of Mount Morris Planning Board was scheduled for Wednesday, July 15th, 2026, at 6:30pm at the Mount Morris Town Hall.

Respectfully submitted,

Kaylee	R.	Leone
Planning	Board	Secretary
Town of Mount Morris		