

REGULAR JOINT TOWN AND VILLAGE PLANNING BOARD MEETING

July 17th, 2024, at 6:30pm | Mount Morris Town Hall | 103 Main Street, Mount Morris NY

Present: Jim Patrick, Planning Board Chairman; Planning Board Members Phil Race, Larry Woodworth, and Joel Clester; Mark Mullikin, Village Code Enforcement Officer; Shawn Grasby, Town Code Enforcement Officer; Kaylee Leone, Planning Board Secretary

Others Present: Town Supervisor, David DiSalvo; Town Councilmember, Joseph Rawleigh; and community members Beverley Sackett, Tom Yorks, and Katie Yorks

CALL TO ORDER

Chairman Jim Patrick called the meeting to order at 6:30pm and led those in attendance in reciting the Pledge of Allegiance. All members in attendance introduced themselves.

REVIEWAL OF MINUTES

Board member Joel Clester brought an error at the bottom of page three of the June 19<sup>th</sup>, 2024, Planning Board Meeting Minutes to the board's attention. The month was improperly reflected in the prior month's minutes as "July" when it should have been reflected as "June". Secretary Kaylee Leone stated that she would update this error.

A motion to approve the June 19th, 2024, Regular Planning Board Meeting Minutes with one minor change to the improper month reflected at the bottom of the third page was introduced by Jim Patrick and seconded by Phil Race, and was voted on by members as follows:

- Aye: 4 (Clester, Patrick, Race, Woodworth)
- No: 0
- Abstain: 0

The motion was carried.

RESCHEDULING OF PUBLIC HEARINGS FOR MINOR SUBDIVISIONS

Chairman Jim Patrick explained to those in attendance that previously scheduled public hearings for Emily Goho's minor subdivision located at 56 Erie Street in the Village of Mount Morris, as well as The Estate of Vern Dillon's minor subdivision located at 7054 Cleveland Road in the Town of Mount Morris will need to be rescheduled for next month's Planning Board Meeting due to an issue with the Livingston County News ("LCN") not posting the required legal ads when they were slated to run.

Secretary Kaylee Leone apologized to the board and elaborated by explaining that the affidavits had been received from the LCN stating that the ads were printed in the prior week's print edition of the paper but that the ads were cut off upon printing and were not reformatted to be included into an additional column of the legal ads section as the LCN confirmed is standard practice. Secretary Leone added that the ad was posted online by the LCN but that this notice alone would not meet the notice requirements for public hearings outlined in the New York State Open Meetings Law. Due to this missed printing, a new ad must be posted in the LCN. Secretary Leone stated that it is possible that a special meeting could be held for these two hearings but that she could not be certain of a date until the coming day.

A motion to reschedule the Public Hearing for Emily Goho's 56 Erie Street Subdivision in the Village of Mount Morris to Wednesday, August 21<sup>st</sup>, 2024 at 6:30pm was introduced by Joel Clester and seconded by Phil Race, and was voted on by members as follows:

- Aye: 4 (Clester, Patrick, Race, Woodworth)
- No: 0
- Abstain: 0

The motion was carried.

A motion to reschedule the Public Hearing for The Estate of Vern Dillon's 7054 Cleveland Road Subdivision in the Town of Mount Morris to Wednesday, August 21<sup>st</sup>, 2024 at 6:30pm was introduced by Larry Woodworth and seconded by Joel Clester, and was voted on by members as follows:

- Aye: 4 (Clester, Patrick, Race, Woodworth)
- No: 0
- Abstain: 0

The motion was carried.

MINOR SUBDIVISION APPLICATION – TOWN OF MOUNT MORRIS

Chairman Jim Patrick began the review of Thomas and Carol Yorks' Minor Subdivision Application in the Town of Mount Morris. Chairman Patrick asked Town Code Enforcement Officer Shawn Grasby to give an

overview of the proposed subdivision. Officer Grasby stated that Thomas and Carol Yorks wish to divide 41 acres off from their approximately 300-acre lot on Dutch Street Road. The Yorks wish to gift this land to their daughter as a wedding present. Officer Grasby stated that the proposed parcel meets all requirements of Town Code. Officer Grasby added that the property is just south of where the lay-down yard for the solar company is on Dutch Street Road and that the resulting parcels will result to approximately 132 acres on both sides of Dutch Hollow Road. Chairman Jim Patrick asked if the board had any further questions, to which none were offered.

A motion to set the Public Hearing for Thomas and Carol Yorks' 7391 Dutch Street Road Minor Subdivision for Wednesday, August 21<sup>st</sup>, 2024, at 6:30pm and to waive the requirement to send the application materials to the Livingston County Planning Board was introduced by Larry Woodworth and seconded by Phil Race, and was voted on by members as follows:

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

No: 0

Abstain: 0

The motion was carried.

#### MINOR SUBDIVISION APPLICATION – TOWN OF MOUNT MORRIS

Chairman Jim Patrick began review of the Didas Family Limited Partnership's subdivision application in the Town of Mount Morris. Chairman Patrick asked Town Code Enforcement Officer Shawn Grasby to give an overview of the proposed subdivision. Officer Grasby stated that the Didas family is looking to keep approximately 17.25 acres from the original 78 acres behind their home. Officer Grasby pointed out that a well from a neighboring house on the other side of the street is located on the land that is proposed to be subdivided. Chairman Jim Patrick asked if there were any structures located in the proposed subdivision, to which Officer Grasby advised that there weren't.

A motion to set the Public Hearing for the Didas Family Limited Partnership's 2502 Frost Road Minor Subdivision for Wednesday, August 21<sup>st</sup>, 2024, at 6:30pm and to waive the requirement to send the application materials to the Livingston County Planning Board was introduced by Phil Race and seconded by Larry Woodworth, and was voted on by members as follows:

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

No: 0

Abstain: 0

The motion was carried.

#### MINOR SUBDIVISION APPLICATION – TOWN OF MOUNT MORRIS

Chairman Jim Patrick began a review of Nicholas Shea's application for subdivision located within the Town of Mount Morris. Chairman Patrick pointed out that the project type listed in the application materials is shown as "Lot Line Adjustment" and advised the applicant to update this to "subdivision". Chairman Patrick asked Town Code Enforcement Officer Shawn Grasby to give an overview of the proposed subdivision. Officer Grasby stated that Nicholas Shea hopes to add .496 acres from a neighboring parcel onto his property. Officer Grasby added that the applicant is also hoping to build onto his current home but is over the 5% lot coverage set forth within Town Code and currently has a pre-existing non-conforming lot under the total 3-acre lot requirement set forth within Town Code. Officer Grasby clarified that the 3-acre lot requirement would still not be met should the subdivision be approved as the total proposed acreage would equal 1.356 acres. Officer Grasby also stated that the applicant will need to have variances approved before the Joint Town and Village Zoning Board of Appeals to receive variances for lot size and lot coverage prior to the approval of the building permit he is currently seeking. Officer Grasby added that a 150-foot wide transmission line easement stretches diagonally across a significant portion of the applicant's property. Chairman Patrick asked how many acres the adjoining property would be left with should the subdivision be approved, to which Officer Grasby estimated approximately five acres. Chairman Patrick asked if there were additional questions that the board had regarding Nicholas Shea's application, to which none were offered.

A motion to set the Public Hearing for Nicholas Shea's 7783 Dutch Street Road Minor Subdivision for Wednesday, August 21<sup>st</sup>, 2024, at 6:30pm and to waive the requirement to send the application materials to the Livingston County Planning Board was introduced by Larry Woodworth and seconded by Jim Patrick, and was voted on by members as follows:

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

No: 0

Abstain: 0

The motion was carried.

**OTHER BUSINESS**

Chairman Jim Patrick asked the board members and Code Enforcement Officers if they had any additional business to discuss.

Town Code Enforcement Officer Shawn Grasby stated that he'd recently been in contact with Pure Sky, a solar company, and understands that they will not be renewing their contract with town resident Doug Welch. Chairman Jim Patrick asked how this change would affect the moratorium, to which Officer Grasby explained that the special use permit and site plan had already been approved and would follow the tax ID going forward. Town Supervisor Dave DiSalvo added that the decision not to renew Mr. Welch's contract stemmed from Rochester Gas and Electric's choice not to expand the nearby grid updates to the resident's area within the town. Supervisor DiSalvo added that Mr. Welch has since written a letter to Senator Chuck Schumer regarding the issue.

Board member Larry Woodworth stated that large piles of topsoil from nearby solar developments have seemingly been moved offsite. Mr. Woodworth recalled that the soils were supposed to stay in the sites of origin and wondered how these soils could have been moved. Code Enforcement Officer Shawn Grasby stated that the soils would need to be transferred back to the original sites upon decommissioning. The Department of Public Service would be responsible for tracking the displaced amount and where it was moved.

Village Code Enforcement Officer Mark Mullikin shared that he had received notification from the Village Engineer regarding the Fire Department project on Chapel Street and added that Livingston County will be forwarding information for initial review that will be available as soon as next month's regularly scheduled Planning Board meeting. Chairman Jim Patrick stated that a change in venue would be needed once the application reached the Public Hearing Phase, to which several other board members agreed. Town Code Enforcement Officer Shawn Grasby asked if the application would require a long-form SEQR, to which Chairman Patrick stated that he wasn't sure at present but that if a long-form SEQR is necessary, the Village Engineer will likely need to assist. Officer Mullikin added that the proposed building would include a social building consisting of a rec hall, meeting room, and office. Officer Mullikin added that the Village Code stated that any proposed use of a lot that isn't permitted within a particular zone would require a special use permit, which can be obtained from the Joint Town and Village Zoning Board of Appeals.

Chairman Jim Patrick asked the board if members would be willing to set up a special meeting to review the application materials for the Fire Department's project. Town Councilman Joseph Rawleigh stated that he believes that the project is quite contentious, to which Village Code Enforcement Officer Mark Mullikin agreed. Planning Board members seemed amiable to the idea of a working session should the project necessitate it.

Town Supervisor Dave DiSalvo added that emails were recently sent from Livingston County regarding solar and wind farm tours that will be conducted in August.

**ADJOURNMENT**

A motion to adjourn and set the next Planning Board Meeting for Wednesday, August 21<sup>st</sup>, 2024, at 6:30pm was introduced by Joel Clester and seconded by Phil Race, and was voted on by members as follows:

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

No: 0

Abstain: 0

The motion was carried, and the meeting was adjourned at 7:10pm.

Respectfully submitted,

Kaylee R. Leone  
Deputy Town Clerk/Town Planning Board Secretary