

Town of Byron Planning Board Minutes
Tuesday, May 7, 2025 at 7:00 PM
Byron Town Hall, 7028 Byron Holley Road, Byron, NY 14422

Those Present: Planning Board Members: Planning Board Chairman Christopher Hilbert, Laura Bestehorn, Bill Stevens, Jason Jack, Alternate – Brandon Mason, Town Attorney John Sansone. Members of the Public: Alyson Tufillaro – Rupp Pfalzgraf, Joe Graves – Blue Wave, Eric Richenberg, Evan Young – Crawford & Associates Engineering, Frank Starowitz, Dave Brumsted, Matt Sauza – MRB Group, Barbie Starowitz, & Andrew Starowitz.

Call the meeting to order at 7:05 PM

Note from Chairman Hilbert:

Please note that from this date forward all planning board meetings will be conducted as a business meeting. There will be an allotted time for public comments. At the next meeting and going forward you will need not only sign in but sign that you are requesting to speak. Each speaker is given 3 minutes.

Public comments will be on agenda items only. Agenda items will be accepted 10 days prior to each meeting and will be posted on the town website. Beyond that, it will be at the discretion of the Planning Board to add to the agenda.

Review and Approval of the May 7th and May 22nd Meeting minutes

MOTION: Motion to open and review May 7, 2025 and May 22, 2025, meeting minutes made by L. Bestehorn, Second by J. Jack. All in favor. None opposed.

MOTION PASSED

MOTION: Motion to approve April 2, 2025, meeting minutes made by L. Bestehorn, Second by B. Stevens. All in favor. None opposed.

MOTION PASSED

MOTION: Motion to close the review April 2, 2025, meeting minutes made by L. Bestehorn, Second by J. Jack. All in favor. None opposed.

MOTION PASSED

BlueWave Solar Project Update/Public Hearing – Bergen Swamp LLC – NY Byron Rt 262

MOTION: A motion was made to open the continuation of BlueWave Solar Project Update/Public Hearing by L. Bestehorn. Second by J. Jack. All in favor. None Opposed.

MOTION PASSED

The Public hearing will be moved to July 2nd Planning Board Meeting to allow for proper notification to all neighbors within 500 feet of the property.

Joe Graves, of Blue Wave Solar, presented the site plans for the Blue Wave - Bergen Swamp LLC solar project on Rt 262. He also gave an overview of the firm.

Matt Souza, of MRB Group, is representing the town on this project. MRB Group is working to formally respond to comments from the Genesee County Planning Board. Mr. Souza went through the comments with the board.

The board is requesting a written statement from the (4) adjacent neighbors regarding their preference of tree screening.

Evan Young with Crawford Group discussed the roadway and turnaround points.

Town Attorney, John Sansone, also asked some questions to the parties involved.

An agricultural integration plan will be submitted by Blue Wave at the next Planning Board Meeting.

Public comments:

Q: Are there tax incentives?

A: There are none currently at the state level, but there are at the federal level. There may be some in the future.

Q: Will prevailing wages be used for this project?

A: Yes

Q: How will this benefit the town?

A: Increased income for a local landowner, increased tax benefits for the school and local municipalities, residents will get first access to power at a discounted rate.

Q: How will the posts be driven into the ground?

A: They will be using pile drivers.

Comment: Would suggest more analysis done around the sound study, since the pile driving will create a significant amount of sound, and you will feel the effects within $\frac{3}{4}$ mile.

Comment: Mike from 6664 Rt 262 has voiced his opposition to the project.

Question from the board regarding the sale of the project (reassignment): How are we notified as a town that the project has been sold to someone else?

A: There are requirements in the agreement that stipulate an ownership transfer.

Q: What is the timeline?

A: This will be decided at the next meeting.

Matt Souza, MRB Group, read through the comments received by the Genesee County Planning Board.

MOTION: A motion was made to adjourn the BlueWave Solar Project Review/Public Hearing by B. Stevens. Second by J. Jack. All in favor. None Opposed.

MOTION PASSED

Star Growers Land Separation Review

MOTION: A motion was made to open the Star Growers Land Separation Proposal by L. Bestehorn. Second by J. Jack. All in favor. None Opposed.

MOTION PASSED

Alyson Tufillaro representing Rupp Fitzgerald was present to discuss the ongoing lawsuit between Leo Starowitz and his brothers. Separations of certain properties are still in dispute including the Merriman Road property. Requesting the recent approval of the land separation be nullified until the matter is decided by the court. Ms. Tufillaro disseminated the most recent court order (February 2025) to the board.

Comments from the Public:

Andrew Starowitz comment: Argued discrepancies in comments by Ms. Tufillaro regarding what has already been settled by the court.

Response from Ms. Tufillaro - No easement has been established by the court. An easement of necessity is required, but not yet determined by the court. Land separation was premature.

Barbie Starowitz comment: presented land purchase in 1993, the property lines and easement are the same as the purchase agreement. Ms. Starowitz read through the court transcript from the court in November 2023 describing the settlement of the property. Ms. Starowitz is contesting the ability of the planning board to reverse the approval of the land separation.

Frank Starowitz mentioned that an email was sent regarding the fact that the land separation was done illegally.

Town Attorney, John Sansone, will look into the planning board minutes and get back to the Starowitz's.

Ms. Tufillaro disseminated a map of the property showing the tillable & non-tillable land without the easement to the board. A discussion was held between the public and town attorney around the easement. Ms. Tufillaro clarified that she was not here to argue where the easement should be placed.

The Starowitz' requested that they get a copy of the letter send by Loe Starowitz' attorney.

Recommendation from Town Attorney, John Sansone: Adjourn this portion of the meeting and revisit at the next meeting.

No other public comment.

MOTION: A motion was made to adjourn the Star Growers Land Separation Nullification Proposal by L. Bestehorn. Second by J. Jack. All in favor. None Opposed.

MOTION PASSED

Update on Town Codes/Discussion Renewable Energy Acreage Status

MOTION: A motion was made to open the Update on Town Codes/Discussion Renewable Energy Acreage Status by L. Bestehorn. Second by J. Jack. All in favor. None Opposed

MOTION PASSED

Town Attorney, John Sansone received a zip file from previous town attorney. Mr. Sansone will look through the materials to see what he can glean from the contents.

The planning board will hold off on finalization of the town codes until review is complete by the town attorney.

A discussion was held regarding the current town codes.

MOTION: A motion was made to adjourn the Update on Town Codes/Discussion Renewable Energy Acreage Status by J. Jack. Second by B. Mason. All in favor. None Opposed

MOTION PASSED

Discuss the need for an additional meeting to only review zoning/codes

MOTION: A motion was made to open the discussion to the need for an additional meeting to only review zoning/codes by B. Stevens. Second by J. Jack. All in favor. None Opposed

MOTION PASSED

The planning board discussed the need for a separate meeting to discuss zoning laws and codes. The meeting is planned for May 22nd at 6 PM. Notice will be sent out. Zoning/Codes will be the only item on the agenda.

MOTION: A motion was made to close the discussion to the need for an additional meeting to only review zoning/codes by B. Mason. Second by J. Jack. All in favor. None Opposed

MOTION PASSED

Other Business

No other business

Next Meeting – Thursday, May 22nd, 2025, at 6:00 PM

Adjournment

MOTION: A motion was made to adjourn the meeting by B. Mason. Second by B. Stevens. All in favor. None Opposed

MOTION PASSED

Meeting ADJOURNED at 8:04 PM

Respectfully submitted,

Patrick Carr

Patrick Carr
Planning Board Secretary