

## **Town of Byron Planning Board Minutes**

Tuesday, June 4, 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, Jason Jack, Bill Stevens, Alternate – Brandon Mason, Town CEO/ZEO – Melissa Ierlan, Town Attorney John Sansone. Members of the Public: Pete Yasses, Larry West, Eric Zuber, Mike Loewke, Yvonne Loewke, Sherley VonBergen, Kris DeValder, Dick VonBergen, John DeValder, Joe Graves – Blue Wave, Evan Young – Crawford & Associates Engineering, Matt Sauza – MRB Group, Barbie Starowitz.

### **Call the meeting to order at 7:00 PM**

MOTION: Motion to open the meeting made by B. Stevens, Second by L. Bestehorn. All in favor. None opposed.

MOTION PASSED

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 7<sup>th</sup> Meeting Minutes**

Noted that J. Jack was missing from the meeting participants. The secretary will correct this.

Note that pile drivers will not be used for the Blue Wave project, screw in stands will be used instead. The secretary will correct this.

MOTION: Motion to accept May 7, 2025, and May 22, 2025, meeting minutes made by L. Bestehorn, Second by B. Stevens. All in favor. None opposed.

MOTION PASSED.

### **Tiny Homes/ADU introduction**

MOTION: A motion was made to open Tiny Homes/ADU introduction by L. Bestehorn. Second by J. Jack. All in favor. None Opposed.

MOTION PASSED

An email was received regarding tiny homes. A definition was read by the Chairman. This is something that should be reviewed as the planning board goes through the zoning law.

MOTION: A motion was made to close Tiny Homes/ADU introduction 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 by B. Mason. Second by B. Stevens. All in favor. None Opposed.

MOTION PASSED

Jason Graves from Blue Wave and Evan Young of the Crawford Group presented a site plan sketch and road use exhibit, email correspondence from Melissa Ierlan, and email correspondence from Yvonne Loewke.

Estimated timeline for tree growth – 2 to 3 feet per year for evergreens. Renderings will identify the screening visually with 5-year visuals up to 15 years.

MOTION: A motion was made to adjourn the BlueWave Solar Project Update by B. Stevens. Second by L. Bestehorn. All in favor. None Opposed.

MOTION PASSED

MOTION: A motion was made to open the continuation of BlueWave Solar Project Public Comment by B. Mason. Second by B. Stevens. All in favor. None Opposed.

MOTION PASSED

Mike and Yvonne Loewke presented notes to the planning board and voiced their opposition to the project. The Loewke's encouraged the board to take a second look at the solar laws and take appreciation for what we have in the Byron community.

Eric Zuber discussed his opposition to the project as well. Too much prime farmland has been used up for the solar projects. The people of Byron have had enough solar farms. The prime farmland is gone in this land; it has been destroyed forever.

Larry West (owner of the land where the project will be installed) discussed the history of the land and the reasons for the project.

Barbie Starowitz presented questions about continued tree maintenance. Can it be required by the planning board to get local seed for the grass within the project? Can Blue Wave promise (in writing) that local laborers are employed for this project.

Sherley VonBergen – What is the benefit to the neighbors that will have to look at solar panels out their window?

Kris DeValder – How much are we going to be able to get for their house after the solar panels are installed? Are there chemicals that will be leaching into the ground?

Eric Zuber – “Farmers are supposed to be stewards of the land. Should be leaving it as good or better than when it was found. This goes against all of that. Why are we destroying it? Future generations will pay the price.”

Dick VonBergen – Moved into their home in 1965. What is going to be worth when he is gone, and his wife must sell out?

Yvonne Loewke added to Mr. VonBergen’s comments regarding home values decreasing and property taxes increases. All this needs to be discussed further before moving forward.

Barbie Starowitz commented that there are projects in the town of Stafford that require assessments of surrounding homes and businesses. If owners sell the home, it is guaranteed that it will not lose value. Perhaps the planning board should reach out to Stafford to learn more about this. This could be an option to consider.

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

MOTION PASSED

MOTION: A motion was made to reopen the continuation of BlueWave Solar Project Update by B. Mason. Second by B. Stevens. All in favor. None Opposed.

MOTION PASSED

Tree maintenance was addressed by Mr. Graves & Mr. Young. If this is not done, the town can pull their permits. Other varieties and different sizes of trees were discussed.

The planning board discussed the recommendation for alternative tree types. The code states that evergreens are required and an exception will be needed to deviate from the code for this project. The board also discussed the use of a third-party valuation for the tree types used.

Blue Wave will provide renderings for both options of trees.

The planning board discussed the type of grass that will be used within the project. Can the local recommendations be followed? Something in writing will be presented to the board.

Mr. Graves answered the question regarding the benefits for local neighbors – local workforce will be used. Community host benefits will also be provided to the town as well as increased taxes. Statewide solar for all provides 10% on energy bills.

John DeValder wanted to know how it went about expanding on the solar projects outside of what was approved for the excelsior project. Timeline for contamination resulting in damage to the solar panels?

This project is outside Excelsior. The solar map that was provided was for Excelsior only.

Baseline test of the soil should be conducted along with periodic soil samples throughout the life of the array. If meaningful impact is determined, remediation should be the responsibility of the project owner.

Blue Wave typically follows soil testing in accordance with Cornell which will be implemented on these plans.

Regular inspections are part of the maintenance plan.

MOTION: A motion was made to close the BlueWave Solar Project Update by B. Stevens. Second by J. Jack. All in favor. None Opposed.

MOTION PASSED

### **Star Growers Land Separation Update**

MOTION: A motion was made to open the Star Growers Land Separation Update by B. Mason. Second by J. Jack. All in favor. None Opposed.

MOTION PASSED

Chairman Hilbert read and email received on May 28, 2025. Email attached to minutes.

According to the Town Attorney, John Sansone, two applications had previously been submitted. The separation being considered for nullification is the Chapell Farm Property. There is an application pending for an easement, which is the reason for delaying the nullification. The easement has been denied by a Genesee County Judge. It would be his recommendation that the board nullify the recent land separation for the Chapell Hill property. If the easement is granted at some point, a new application should be submitted and considered without prejudice.

Mr. Sansone provided court documents to the board.

Barbie Starowitz stated that no planning board laws have been broken and that she has not received any communication on this. Ms. Starowitz stated that if this easement is taken away, there will be a landlocked piece of property, which is prohibited by town law.

Pete Yasses voiced his opinion on land separations.

The board was polled. All members agreed with the decision. 5 yes, 0 no

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

MOTION PASSED

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

MOTION PASSED

### **Update on Town Codes/Discussion Renewable Energy Acreage Status/Trailer Storage/ Bed & Breakfast/Short Term Rental property/Permitted Uses in C1 District**

MOTION: A motion was made to open the Update on Town Codes/Discussion Renewable Energy Acreage Status/Trailer Storage/ Bed & Breakfast/Short Term Rental property/Permitted Uses in C1 District by L. Bestehorn. Second by B. Mason. All in favor. None Opposed

MOTION PASSED

A discussion was held to move this agenda item to the July 2, 2025, meeting.

MOTION: A motion was made to adjourn the Update on Town Codes/Discussion Renewable Energy Acreage Status/Trailer Storage/ Bed & Breakfast/Short Term Rental property/Permitted Uses in C1 District by B. Mason. Second by L. Bestehorn. All in favor. None Opposed

MOTION PASSED

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

This will be moved to July 2, 2025, Meeting.

**Other Business**

No other business

**Next Meeting – Thursday, July 2<sup>nd</sup>, 2025, at 7:00 PM**

**Adjournment**

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

MOTION PASSED

Meeting ADJOURNED at 9:16 PM

Respectfully submitted,

*Patrick Carr*

Patrick Carr  
Planning Board Secretary