

Town of Byron Planning Board Minutes
Wednesday, August 6, 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, Jason Jack, Bill Stevens, Laura Bestehorn, Jenn Tuerk, Town Supervisor – Candace Hensel, Town CEO/ZEO – Melissa Ierlan, Town Attorney John Sansone. Joe Graves – BlueWave, Gabrielle Hayes – Blue Wave, Evan Young – Crawford & Associates, Javid Afzali – Excelsior Energy Center. Members of the Public: Roger Rouse, Steven Hohn, Barbie Starowitz, Lawrence West, Debra Leaton, Dick VonBergen, Shirley VonBergen, Joel Woodward, Yvonne Loewke, Michael Loewke, Joanne Czachorowski, Kevin Czachorowski, Jeff Thompson.

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 June 4th and July 2nd Meeting Minutes

MOTION: Motion to open the review of July 2, 2025 and June 4, 2025, meeting minutes made by B. Stevens, Second by J. Jack. All in favor. None opposed.

MOTION PASSED.

No comments or corrections

MOTION: Motion to approve July 2, 2025, meeting minutes with additions made by J. Jack, Second by J. Tuerk. All in favor. None opposed.

MOTION PASSED.

MOTION: Motion to approve June 4, 2025, meeting minutes with additions made by L. Bestehorn, Second by J. Jack. All in favor. None opposed.

MOTION PASSED.

MOTION: Motion to close the review of July 2, 2025, and June 4, 2025, meeting minutes made by J. Jack, Second by L. Bestehorn. All in favor. None opposed.

MOTION PASSED.

No comments or corrections

Resignation Notice

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

MOTION PASSED

B. Mason has resigned his position as alternate. An email was received and will be attached to the minutes.

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

MOTION PASSED

Hohn Land Separation 7097 Tripp Road tax id: 10.-1-7

MOTION: A motion was made to open the Hohn Land Separation by L. Bestehorn. Second by B. Stevens. All in favor. None Opposed.

MOTION PASSED

This is a continuation of the June 4, 2025, meeting. No further questions or concerns regarding this project

MOTION: A motion was made to approve the Hohn Land Separation by L. Bestehorn. Second by B. Stevens. All in favor. None Opposed.

MOTION PASSED

MOTION: A motion was made to close the Hohn Land Separation by B. Stevens. Second by J. Jack. All in favor. None Opposed.

MOTION PASSED

Public Hearing – Blue Wave, LLC - Bergen Swamp Solar Farm Proposal

MOTION: A motion was made to continue the Public Hearing for the Blue Wave, LLC – Bergen Swamp Solar Farm Proposal by L. Bestehorn. Second by L. Tuerk. All in favor. None Opposed

MOTION PASSED

Joeseeph Graves (Blue Wave), Gabriella (Blue Wave), Evan Young (C&A) discussed the revisions to the project.

Screening options using evergreens, maples and a mix of evergreens, dogwoods, and cedar tree. Simulations of all options were shown at 5 years, 10 years, and 15 years as well as a leaf-on and leaf-off visual simulation of each. Site plans currently use a mix of evergreens and shrubs.

No questions or comments from the board.

Q: Candace Hensel – what is planned usage of the land between the road and setback of the screening array.

A: This will continue to be used as agricultural.

Q: Yvonne Loewke – were the same type of shrubs used for each the maple and evergreen simulations?

A: Yes, the same type of shrubs used in both.

Q: Yvonne Loewke – How can you guarantee that these trees will grow and survive in this area?

A: Maintenance plans are in place to monitor the growth of these plants.

Q: Yvonne Loewke – who is accountable for the maintenance of these plants.

A: Blue Wave Solar, LLC would ultimately be responsible.

Q: Mike Loewke – Will these be planted on a berm?

A: These are intended to not be planted on a berm.

Q: Shirley VonBergen – Behind our home, there is quite a rise in land. This will expose the solar panels at all times of year.

A: This is a unique vantage point. Accommodation will be made to screen this view, including a green mesh fence around the parameter. Can certainly consider the planting of larger trees in this area.

Q: Barbie Starowitz – can we review landscaping notes, construction notes, demolition notes, maintenance notes right now for discussion?

A: All notes are in the O&M plan and on file with the town. There is a copy on hand for review.

Engineer, Evan Young, walked through the landscaping plan with the board and public.

Q: Chairman Hilbert – After 25 years, will all the trees be removed as well?

A: Yes, that is currently in the plan per the comments from the town engineer.

Q: Yvonne Loewke – If Bergen Swamp, LLC goes belly up, does Blue Wave, LLC step up and take responsibility.

A: Blue Wave, LLC is the parent company and is ultimately responsible for the O&M Plan. There is also a bond issued by Blue Wave, LLC on the project.

Q: Barbie Starowitz – will the sheep be able to eat the types of grass that are being planted?

A: The Solar Grazers of America worked with the seed company to create the type of grass seed that will be used on this project. Solar Grazers of America are made up of over 1000 sheep farmers across the country.

Q: Barbie Starowitz – Will local sheep farmers be hired for the maintenance?

A: Blue Wave Solar, LLC will utilize the closest and most available companies using a map available through the Solar Grazers of America.

Evan Young walked through their response to the comments that were received from various sources. All comments have been addressed.

Joe Graves, Blue Wave Solar, LLC, walked through the process to get connected with National Grid and answered questions surrounding this.

Q: Steve Hohn – Who determined this as wetlands?

A: Diehlux Environmental Consulting – wetland consulting specialist

Q: Mike Loewke –The town is currently at 30% saturation of solar projects in the town of Byron. When will this end?

A: It is on the agenda for tonight's meeting.

No other questions or comments at this time.

The board gave their opinion of the types of trees and shrubs that are appropriate.

Q: Roger Rouse – These types of trees would not offer the same type of snow baffle that the evergreens would.

A: There is no issue with this in this area.

Q: Joel Woodward – What is the penalty if this property is not maintained?

A: This would be up to the town code enforcement. Measures have been provided for them to be penalized in the site plans.

L. Bestehorn will take this information back to soil and water and get their opinion on the types of trees being used, the sheep grazing, and amount of prime soil that is being used in this project. She will share their comments with the board.

J. Graves requested that any comments be received prior to the next meeting be addressed prior to that meeting.

Q: Dick VanBergen – Does the planning board have the power to object this project in its entirety?

A: Yes

Crawford & Associates Engineering firm is prepared to revise the plan to utilize the maple trees and other shrubs as opposed to the evergreens. The board would also like the group to utilize additional screening behind VanBergen's property in addition to/in place of the green mesh fence.

MOTION: A motion was made to adjourn the Public Hearing for the Blue Wave, LLC – Bergen Swamp Solar Farm Proposal by L. Bestehorn. Second by B. Stevens. All in favor. None Opposed

MOTION PASSED

2026 Budget Proposal

MOTION: A motion was made to open the budget proposal by L. Bestehorn. Second by J. Tuerk. All in favor. None Opposed

MOTION PASSED

Chairman Hilbert discussed the proposed budget for the planning board for 2026.

Town Attorney, John Sansone, advised the board to increase the legal fee budget if we are going to get a solar specialist involved.

MOTION: A motion was made to approve the budget proposal submission to the town board by L. Bestehorn. Second by B. Stevens. All in favor. None Opposed

MOTION PASSED

MOTION: A motion was made to close the budget proposal by L. Bestehorn. Second by J. Jack. 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 property by J. Jack. Second by B. Stevens. All in favor. None Opposed

MOTION PASSED

Chairman Hilbert discussed the details of the proposed Trailer Storage laws.

Town Attorney, John Sansone, discussed some corrections to the laws and will send to Chairman Hilbert for review.

No questions or comments from the board.

MOTION: A motion was made for the Bylaw to Regulate the Outdoor Storage of Commercial Trailers on Residential and Recreational Private Property, subject to legal approval, to be sent to the town board by L. Bestehorn. Second by B. Stevens. All in favor. None Opposed

MOTION PASSED

Discussion was held regarding the proposed short term rental laws.

Comments were shared by Town Attorney, John Sansone, the planning board, and public.

MOTION: A motion was made for the Short-Term Rental Law, subject to legal approval, to be sent to the town board by L. Bestehorn. Second by B. Stevens. All in favor. None Opposed

MOTION PASSED

MOTION: A motion was made to adjourn the Update on Town Codes property by L. Bestehorn. Second by B. Stevens. All in favor. None Opposed

MOTION PASSED

Misc. Agenda Items as needed

MOTION: A motion was made to open discussion of Excelsior Energy by L. Bestehorn Second by B. Stevens. All in favor. None Opposed

MOTION PASSED

6959 Byron Road – Tax Map 6-1-43.12 - Proposed land separation with no application received yet. The public utility interconnection to the solar farm. Completed SEQRA was included. Javid Afzali discussed the project.

The board will continue to review this application

MOTION: A motion was made to adjourn discussion of Excelsior Energy by L. Bestehorn Second by J. Jack. All in favor. None Opposed

MOTION PASSED

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

Chairman Hilbert proposed that we add additional meetings to review only zoning/codes in October and November.

John Sansone will email his calendar for the rest of the year, and we will figure out some dates.

MOTION: A motion was made to additional meetings for review of zoning/codes by J. Jack. Second by B. Stevens. All in favor. None Opposed

MOTION PASSED

Other Business

No other business.

Next Meeting – Wednesday, September 3, 2025, at 7:00 PM

Adjournment

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

MOTION PASSED

Meeting ADJOURNED at 9:16 PM

Respectfully submitted,

Patrick Carr

Patrick Carr
Planning Board Secretary