

Town of Byron Planning Board Minutes
Wednesday, September 3, 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. Members of the Public: Lawrence West, Barbie Starowitz, Debra Buck-Leaton, Yvonne Loewke, Mike Loewke, Joe Seman-Graves – Blue Wave, LLC.

Call the meeting to order at 6:03 PM

MOTION: Motion to open the meeting made by B. Stevens, Second by J. Jack. 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 August 6th Meeting Minutes

MOTION: Motion to open the review of August 6, 2025, meeting minutes made by L. Bestehorn, Second by J. Tuerk. All in favor. None opposed.

MOTION PASSED.

No comments or corrections

MOTION: Motion to approve August 6, 2025, meeting minutes with additions made by L. Bestehorn, Second by B. Stevens. All in favor. None opposed.

MOTION PASSED.

Joel Woodward/Special Use Permit

MOTION: A motion was made to open the Joel Woodward/Special Use Permit by B. Stevens. Second by L. Bestehorn. All in favor. None Opposed.

MOTION PASSED

Comments from Chairman Hilbert -

Continuance of use of property. In 1992, the board had approved of the property to be turned into an adult entertainment business. This is not in an industrial zone, it is less than 500 ft from the

nearest resident, less than 200 feet from the nearest place of worship, not enough parking for the occupancy of 100 people.

Occupancy rating of 60 people, the second floor not occupied. This would require 30 parking spaces. The building is not handicapped accessible. A sprinkler system was requested several years ago, that the board is still waiting on.

Comments from Town Attorney, John Sansone:

The board will need to research the previous code/zoning updates.

Are there any meeting minutes requesting a sprinkler system? Was it legal at the time of operation. How long has the business ceased operation?

Is there anything in the town code as to how we handle nonconforming use?

No other questions or comments from the board.

No questions or comments from the public.

MOTION: A motion was made to adjourn the Joel Woodward/Special Use Permit by B. Stevens. Second by L. Bestehorn. All in favor. None Opposed.

MOTION PASSED

Resignation Notice

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

MOTION PASSED

P. Carr has resigned his position as Planning Board Secretary Effective 9/30/2025.

MOTION: A motion was made to accept the resignation notice by L. Bestehorn. Second by J. Tuerk. All in favor. None Opposed.

MOTION PASSED

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

MOTION PASSED

Joeseeph Graves (Blue Wave) gave an update on the status of the project including the screening around the VonBergen's property and email communication with the Loewke's. Mr. Graves is requesting confirmation from the board regarding the finalization of the landscaping plans and decommissioning plans.

Q: What percentage of the land is occupied by solar panels?

A: The actual number is unknown currently.

Q: If the board closes the public hearing, are public voices no longer heard on this topic?

A: That is correct.

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

MOTION PASSED

MOTION: A motion was made to adjourn the discussion on Blue Wave, LLC – Bergen Swamp Solar Farm 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 B. Stevens. Second by J. Tuerk. All in favor. None Opposed

MOTION PASSED

The time of the Monday, September 15th meeting has been changed to 6:00. Town Attorney, John Sansone, will complete his review of these laws prior to this meeting.

Some of these laws/code changes may overlap with the renewable energy laws and it may be best to wait on finalization until the town hires a renewable energy specialist.

No comments or questions from the planning board or public.

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

Other Business

No other business.

Next Meeting – Monday, September 15, 2025, at 6:00 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 7:41 PM

Respectfully submitted,

Patrick Carr

Patrick Carr
Planning Board Secretary