

Town of Byron Planning Board Minutes

Wednesday, December 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, Jen Tuerk, Town CEO/ZEO – Melissa Ierlan, Town Councilmen Steve Hahn & Brandon Mason, Town Attorney John Sansone. Rob Panasci – BlueWave. Sarah Stevens – Blue Wave. Javid Alfiza – Excelsior. Bridget Cudding – Cypress Creek Renewables. Mark Sweeney – Sweeney Law. Members of the Public: Yvonne Loewke.

Call the meeting to order at 7:00 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 November 5th Meeting Minutes

MOTION: Motion to open the review and approval of November 5th, 2025, meeting minutes made L. Bestehorn. Second by J. Jack All in favor. None opposed.

MOTION PASSED

No corrections/changes to be made.

MOTION: Motion to approve November 5, 2025, meeting minutes made by L. Bestehorn, Second by B. Stevens. All in favor. None opposed.

MOTION PASSED.

MOTION: Motion to close November 5, 2025, meeting minutes made by L. Bestehorn. Second by J. Jack. All in favor. None opposed.

MOTION PASSED.

Resignation Notice

Chris Hilbert: Wanted to make everyone aware that Candace, our town supervisor, has offered her resignation as of November 25, 2025. Jeff Thompson has assumed the

responsibilities as town supervisor and the town board will be taking care of the transition for that.

Excelsior Land Separation opened at 7:03 pm

MOTION: Motion to open Excelsior Land Separation made J. Jack. Second by B. Stevens. All in favor. None opposed.

MOTION PASSED

Javid Afzali, Harris Beach (on behalf of Excelsior Energy): Was before the board previously, needed to do a land separation for the interconnection. The first part, a split of about 25-26 acres so that Excelsior has control over it and has the ability to negotiate with the transmission owner (already previously approved), there will be a future application to further split that parcel in half.

Have the final survey with the signed off boundaries. SEQR form and application are there and now just ready for the final action.

Chris Hilbert: If there are no questions from the board, John or Melissa, we can move forward.

No other questions.

MOTION: Motion to accept and sign Excelsior Land Separation made by L. Bastehorn. Second by J. Jack. All in favor. None opposed.

MOTION PASSED

MOTION: Motion to approve Excelsior Land Separation made by B. Stevens. Second by L. Bastehorn. All in favor. None opposed.

MOTION PASSED

Excelsior closed at 7:07

Leatherleaf 6 mo. Pension extension 7:07

MOTION: Motion to open Leatherleaf extension request made J. Jack. Second by B. Stevens. All in favor. None opposed.

MOTION PASSED

Bridget Cudding (Cypress Creek Renewables) & Mark Sweeney (Sweeney Law Firm): Requesting a 6 month extension on special use permit, in the process of putting together the building permit application and submit in February but the code requires us to have that firm in hand ahead of the February 5th expiration, we're just looking for a little bit more time to get that application in. No changes to the plan, just an extension.

John Sansone: There's a proposed letter that was sent. I looked at it, and I approved it, just need to put it on letterhead, sign it and return it.

Chris Hilbert: We will get that put together and get it sent out to Leatherleaf (Cypress Creek) as soon as possible via email.

Chris Hilbert: If there are no questions from the board, John or Melissa, we can move forward.

No other questions.

MOTION: Motion to sign and extend Leatherleafs' special use permit made by L. Bastehorn. Second by J. Jack. All in favor. None opposed.

MOTION PASSED

MOTION: Motion to close Leatherleaf portion made by B. Stevens. Second by L. Bastehorn. All in favor. None opposed.

MOTION PASSED

Leatherleaf closed at 7:09

Joel Woodward SU application *applicant not present

MOTION: Motion to open Joel Woodward (Playmates) special use permit application request made by B. Stevens. Second by J. Jack. All in favor. None opposed.

MOTION PASSED

John Sansone: Kristy (Murphy) and Chris (Hilbert) spent a significant amount of time trying to locate some records from the past and were successful in finding stuff from 1992 – 2003. I spoke with Melissa about that, and the fairest way to handle this is to share everything that was found with the applicant. Copy everything that was found, I can draft a letter on letterhead and mail everything certified to the address we have on file, with a return receipt requested. Adjourn this discussion to next month, once he's had a chance to digest everything he's received.

Chris Hilbert: Everything that we have at this moment, we can get sent to the applicant. There are a lot more to go through, and we will be going back through everything to pull more.

*Please note that the applicant was not in attendance for this meeting.

MOTION: Motion to adjourn Joel Woodward (Playmates) special use permit application request made by B. Stevens. Second by J. Jack. All in favor. None opposed.

MOTION PASSED

Bergen Swamp LLC update opened at 7:19 pm

MOTION: Motion to open Bergen Swamp LLC update made by B. Stevens. Second by J. Jack. All in favor. None opposed.

MOTION PASSED

Rob Panasci, Young Sommer (representing Blue Wave): Thank you John for keeping us in the loop on what is going on. The waiver issue is not being addressed, the county and the MRB with John are looking into that. We wanted to make sure that everybody is on the same page with everything else. Making sure that the board or the MRB Group are not waiting for something else in the meantime.

John Sansone: I talked to Sherman today, and there were some discussions about comments that were made and he said that Joe and the firm had already addressed them. You have, unless something comes up, already addressed everything. Do you want us to work together to get this completed?

Rob Panasci: Yeah, if it's a call, or a team's call, or another meeting, I will come back out if it would be helpful.

John Sansone: Yeah, we should probably coordinate show we are going to address the information, try to get the county to give something in writing and determine the questions that I put in my email.

Sarah Stevens (Managing director for Solar Development at Blue Wave): I'm just here to help answer any questions, make sure my team is doing what they need to be doing.

Chris Hilbert: One of the open items was to coordinate a telephone conference the week of the 12th. Available the 9th and the 12th.

John Sansone: I'm available the afternoon on the 9th and the morning of the 12th, so we can get the issues all coordinated and get the answers done.

MOTION: Motion to adjourn Bergen Swamp LLC update made by L. Bestehorn. Second by B. Stevens. All in favor. None opposed.

MOTION PASSED

Bergen Swamp LLC updated closed 7:28 pm

Additional meetings – Bill 1st Jason 2nd

MOTION: Motion to open need for additional meetings for Zoning/codes made by B. Stevens. Second by J. Jack. All in favor. None opposed.

MOTION PASSED

December 15th was agreed upon.

MOTION: Motion to hold additional meetings for Zoning/codes at 6:30 pm on December 15, 2025 made by B. Stevens. Second by L. Bestehorn. All in favor. None opposed.

MOTION PASSED

MOTION: Motion to close additional meetings for Zoning/codes made by L. Bestehorn. Second by B. Stevens. All in favor. None opposed.

MOTION PASSED

Misc. agenda items as needed

Chris Hilbert: Increased pay for Planning Board members (to Brandon Mason). Our budget did not include any additional funds, just the time for John Sansone, Melissa Irelan and ours, but not any additional. How do we get this increased?

Also, this is my personal computer. How do we get computers for both the chairman and the secretary.

Brandon Mason: Can bring this back to the board, wasn't sure of tax implications for the board members. Was going to leave it to the planning board members. The computers, not sure if this would be something we can do currently since the budget has already been passed for this year, but we can make some inquiries and let you know what we come up with.

MOTION: Motion to close misc. agenda items as needed made by L. Bestehorn. Second by B. Stevens. All in favor. None opposed.

MOTION PASSED

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

MOTION PASSED

Meeting ADJOURNED at 8:01 PM

Respectfully submitted,

Jennifer Tuerk