TOWN OF BYRON TOWN BOARD MEETING

October 14, 2026

The Byron Town Board Public Hearing was called to order by Supervisor Jeff Thompson at the Byron Town Hall at 7:00p.m. with the following people present:

Supervisor.....	Jeff Thompson
Councilman.....	Martin Dilcher
Councilman	Fred Klycek
Councilman	Brandon Mason
Councilman	Steve Hohn
Town Clerk.....	Kristy Murphy
Highway Superintendent	David Leaton
Town Attorney	John Sansone

PUBLIC: Frank Iachetta Janelle Iachetta Jim Lamkin Don Yaxley Pete Lockner Sally Capurso Heather Kent Lauren Grimm Bekah Duffy Ann Marie Barclay Pete Yasses Cheryl Thompson Nancy Bailey Brad Nickerson Kristina Grimm Chrissa Roberts

LIBRARY PRESENTATION:

-The library board is requesting the Town of Byron taxpayers vote yes to a proposition on the voters ballot.

-This is the third time the library board has requested to be an annual line item on the Town of Byron tax bill

-2023 the vote was: NO 303 vs YES 255

-2025 the vote was: NO 269 vs YES 268

-Councilman Hohn states that it may not seem like too much additional money for a resident but to our agriculture land tax is a lot of money. To the Byron community this additional cost is made up of agricultural properties and not businesses like Bergen has. It is also not convenient for Byron residences to get to the library.

APPROVAL OF MINUTES:

A **MOTION** was made by Councilman Klycek to approve the amended minutes from September 9, 2026 and September 24, 2026. Councilman Mason seconds the motion and carried the following vote:

Vote: Ayes: 5 Nays: 0

ABSTRACTS/VOUCHERS RESOLUTION #26-82

Councilman Dilcher offered the following resolution and moved for its adoption:

BE IT RESOLVED, that the Byron Town Board pay the following abstracts:

Fund	Abstract	Vouchers	Amount
General Fund	#10	#198 - #220	$13,753.44
Highway Fund	#10	#91 - #104	$185,717.12
Sewer Fund	#10	#49 - #54	$45,265.21

Sewer Capital Fund	#10	#13 -	$45,234.60
General Post Audit	#9	#42 - #46	$1,135.78
Sewer Post Audit	#9	#20 - #21	$839.82
Highway Post Audit	#9	#2 - #	$6.36

Councilman Hohn seconded the resolution which was adopted by the following polled vote:

Supervisor Thompson- Aye
Councilman Dilcher- Aye
Councilman Hohn- Aye
Councilman Klycek- Aye
Councilman Mason- Aye
Vote: Ayes: 5 Nays: 0

APPROVAL OF ACQUISITION OF AN EASEMENT BY THE MONROE COUNTY WATER AUTHORITY PURSUANT TO §1096(6-a) OF NEW YORK'S PUBLIC AUTHORITIES LAW RESOLUTION#26-83

Councilman Mason offered the following resolution and moved for its adoption:

WHEREAS, The Monroe County Water Authority ("Authority") intends to provide public water service to 6776 Hessenthaler Road and 5882 Bird Road located in the Town of Byron; and

WHEREAS, the acquisition of the easement is necessary for operation, maintenance and the future replacement of the water main which will allow the Authority to continue to reliably provide potable water supply to the area; and

WHEREAS, the easement is located along the frontage of 6776 Hessenthaler Road (Tax Acct. No. 11.0-2-70), which is owned by Cole E. Carlson and Taylor L. Schofield; and the easement located along the frontage of 5882 Bird Road (Tax Acct. No. 1.0-2-25), which is owned by Jack R. Hassall and Erin J. Hassall;

WHEREAS, §1096(6-a) of New York's Public Authorities Law requires the Authority to obtain the prior approval of the Town Board for the above-referenced acquisition; now therefore be it

RESOLVED, that the Town hereby approves of the Authority's acquisition of the frontage easement located at 6776 Hessenthaler Road and 5882 Bird Road in accordance with §1096(6-a) of the New York Public Authorities Law and be it further

RESOLVED, that a copy of this resolution be provided to the Authority.

Councilman Hohn seconded the resolution which was adopted by the following polled vote:

Supervisor Thompson- Aye
Councilman Dilcher- Aye
Councilman Hohn- Aye
Councilman Klycek- Aye

Councilman Mason- Aye
Vote: Ayes: 5 Nays: 0

CLASSIFYING A PROPOSED LOCAL LAW AS A TYPE I ACTION, ESTABLISHING LEAD AGENCY, ADOPTING THE FULL ENVIRONMENTALASSESSMENT FORM, AND ISSUING A NEGATIVE DECLARATION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT RESOLUTION #26-84

Councilman Klycek offered the following resolution and moved for its adoption:

WHEREAS, the Town Board of the Town of Byron has prepared a proposed local law entitled "A Local Law to Repeal and Replace Section 11.15 of the Zoning Law of the Town of Byron Relating to Solar Energy Systems" (the "Proposed Local Law"), a copy of which is before this Board and dated October 7, 2026; and

WHEREAS, the Proposed Local Law would repeal Zoning Law § 11.15, as enacted by Local Law No. 3 of 2020, and replace it so as to (1) permit Tier 1 Solar Energy Systems — roof-mounted, building-integrated, on-farm, and small ground-mounted systems up to 25 kW, not more than 3,000 square feet of panel surface area, and generating up to 110 percent of electricity consumed on the site — in all zoning districts, subject to a building permit and dimensional standards; (2) prohibit Tier 2 and Tier 3 (community-scale and utility-scale) Solar Energy Systems in all zoning districts; (3) state fallback special-permit, site-plan, setback, agricultural, decommissioning, and related standards that apply only if a court or body of competent jurisdiction annuls, waives, or does not apply the prohibition; and (4) grandfather systems already constructed or installed, and systems for which review under the State Environmental Quality Review Act has been completed and all necessary permits other than a building permit have been awarded; and

WHEREAS, the Proposed Local Law is a legislative, town-wide zoning-text amendment; it proposes no construction, grading, excavation, or other physical alteration of land, and it grants no site plan, building permit, or other project approval; and

WHEREAS, at its regular meeting in September 2026, the Town Board referred the draft Proposed Local Law to the Genesee County Planning Board pursuant to General Municipal Law § 239-m, together with a Full Environmental Assessment Form Part 1, which referral was designated T-01-BYR-09-26; and

WHEREAS, a Full Environmental Assessment Form Part 1 for the action, including the Section F narrative dated September 2, 2026, has been completed and is before this Board (the "Part 1"); Part 1 describes the action as town-wide, identifies the Town Board as sponsor, and classifies the action as Type I; and

WHEREAS, the action is a Type I action under 6 NYCRR § 617.4(b)(2), because the Proposed Local Law adopts changes in the allowable uses within zoning districts affecting 25 or more acres of those districts, the Agricultural-Residential district alone comprising

approximately 17,331 acres; a Type I classification does not mean an environmental impact statement is required; and

WHEREAS, 6 NYCRR § 617.6(a)(2) requires use of the Full Environmental Assessment Form for a Type I action, and the Part 1 before this Board is that form; and

WHEREAS, the only approval required to enable the action to proceed is adoption of the Proposed Local Law by this Town Board; no other agency has been identified as having jurisdiction to fund, approve, or directly undertake the action; the Genesee County Planning Board's review under General Municipal Law § 239-m is a referral, not an approval; and the Town Board is therefore the appropriate lead agency under 6 NYCRR § 617.6; and

WHEREAS, the Town Board has received the written recommendation of the Genesee County Planning Board on referral T-01-BYR-09-26, review date September 10, 2026, signed by the Director; the County Planning Board recommended APPROVAL of the zoning text amendments to repeal and replace the section of the Byron Zoning Law related to solar energy systems, applicable to the entire Town, and explained that the proposed amendments "are intended to protect the health, safety, and welfare of the Town and should pose no significant county-wide or inter-community impact"; the recommendation does not disapprove the proposal and does not recommend any modification; and

WHEREAS, the Town Board, acting as lead agency, has caused Parts 2 and 3 of the Full Environmental Assessment Form to be completed, dated October 7, 2026 (the "Parts 2 and 3"); Part 2 answers each gateway question "No," and Part 3 states the magnitude and importance of the relevant impacts and the reasons supporting a determination of significance; and

WHEREAS, the Town Board has reviewed the Part 1, the Parts 2 and 3, the Proposed Local Law, the January 2019 Town of Byron Comprehensive Plan as described in the Part 1, and the September 10, 2026 County Planning Board recommendation, and has considered the criteria for determining significance in 6 NYCRR § 617.7(c), including setting, probability, duration, irreversibility, geographic scope, magnitude, and short-term, long-term, and cumulative impacts;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Byron hereby classifies the Proposed Local Law as a Type I action under 6 NYCRR § 617.4(b)(2), and adopts the Type I classification set forth in the completed Full Environmental Assessment Form Part 1 before this Board, including the Section F narrative dated September 2, 2026; and be it further

RESOLVED, that the Town Board of the Town of Byron hereby establishes itself as lead agency for review of the Proposed Local Law under the State Environmental Quality Review Act, Environmental Conservation Law Article 8, and 6 NYCRR Part 617; no coordinated review is required, there being no other involved agency; and be it further

RESOLVED, that the Town Board acknowledges receipt of the Genesee County Planning Board recommendation of APPROVAL on referral T-01-BYR-09-26, dated September 10, 2026, and acknowledges that the recommendation recommends no changes or modifications to the Proposed Local Law and finds no significant county-wide or inter-community impact; because the recommendation is approval, and not disapproval or modification, General Municipal Law § 239-m does not require a majority-plus-one vote to adopt the Proposed Local Law as referred; and be it further

RESOLVED, that the Town Board hereby adopts the completed Full Environmental Assessment Form Part 2 and Part 3, dated October 7, 2026, as the lead agency's identification of potential impacts and evaluation of the magnitude and importance of those impacts, and incorporates the Parts 2 and 3 into this resolution as the written elaboration of the determination of significance; and be it further

RESOLVED, that, for the reasons stated in the Parts 2 and 3, and upon the record identified above, the Town Board as lead agency determines that the Proposed Local Law will not have a significant adverse impact on the environment and hereby issues a Negative Declaration pursuant to 6 NYCRR § 617.7. An environmental impact statement will not be prepared. The reasons for this determination include the following:

1. The action is legislative. It authorizes no construction, excavation, fill, tree cutting, water withdrawal, stormwater discharge, lighting, traffic, or contaminant source. Direct physical impacts on land, geological features, surface water, groundwater, flooding, air, plants and animals, aesthetic resources, historic and archaeological resources, open space, critical environmental areas, transportation, noise, odor, light, and human health are of no magnitude.
2. The Town is predominantly agricultural. The prohibition of new Tier 2 and Tier 3 systems avoids conversion of agricultural land to community-scale and utility-scale solar use. It does not itself take farmland out of production. On-farm and other Tier 1 systems remain permitted.
3. The action implements the January 2019 Comprehensive Plan direction that the Town preserve its rural nature and agricultural base and that community character not be radically altered. It does not amend district boundaries or add a permitted use. The Genesee County Planning Board recommended approval and did not recommend modification.
4. The action does not increase the use of energy and does not site a facility in a floodplain, coastal area, or other hazard area. Tier 1 systems remain permitted in every district. One town's zoning amendment is not a significant adverse climate impact because it is impossible for any town action to result in any measurable impact on global climate change.

5. The action creates no pollution, traffic, waste, or air-emission burden, and the record does not identify a disadvantaged community that would bear a comparatively higher burden. Indirect, growth-inducing, and cumulative effects have been considered under 6 NYCRR § 617.7(c) and are not significant adverse impacts of the action under review.

BE IT FURTHER RESOLVED, that this Negative Declaration is a Type I Negative Declaration; a conditioned negative declaration is not available for a Type I action and is not issued; and be it further

RESOLVED, that the Town Clerk is directed to file and circulate this resolution and the Negative Declaration, consisting of the adopted Parts 2 and 3 with the Part 1 attached, as required by 6 NYCRR § 617.12, including filing with the Environmental Notice Bulletin, and to maintain the determination in the office of the Town Clerk as part of the record of the action; the preparer note on the draft Parts 2 and 3 shall be omitted from the filed copy; and be it further

RESOLVED, that the Town Clerk is directed, within thirty days after final action on the Proposed Local Law, to file with the Genesee County Department of Planning, 3837 West Main Street Road, Batavia, New York 14020, the Notice of Final Action on referral T-01-BYR-09-26, reporting agreement with the County Planning Board recommendation, with a copy of the adopting resolution attached; and be it further

RESOLVED, that the Town Clerk is directed to set a rescheduled public hearing for Local Law 4 of 2026 to be held during the November regular board meeting, and to provide public notice and notice to adjacent municipalities as required by law; and

RESOLVED, that this resolution shall take effect immediately.

Councilman Mason seconds the motion and carried the following polled vote:

Supervisor Thompson-	Aye
Councilman Dilcher-	Aye
Councilman Hohn-	Aye
Councilman Klycek	Aye
Councilman Mason-	Aye
Vote: Ayes:5	Nays: 0

PUBLIC HEARING TO BE SCHEDULED FOR SOLAR LOCAL LAW:

A **MOTION** was made by Councilman Hohn to schedule a public hearing regarding the Town Of Byron Local Law 4 Of 2026 A Local Law **To *Repeal And Replace Section 11.15 Of The Zoning Law Of The Town Of Byron Relating To Solar Energy Systems Energy.***
Public Hearing will be scheduled for November 11, 2026 at 6:35pm
Councilman Mason seconds the motion and carried the following vote:

Vote: Ayes: 5 Nays: 0

INTRODUCTION OF A LOCAL LAW NO. 5 ENTITLED TOWN OF BYRON FLOOD DAMAGE PREVENTION LAW RESOLUTION#26-85

Councilman Mason offered the following resolution and moved for its adoption:

A Local Law For Flood Damage Prevention As Authorized By The New York State Constitution, Article Ix, Section 2 And Environmental Conservation Law Article 36

Councilman Klycek seconds the motion and carried the following polled vote:

Supervisor Thompson- Aye
Councilman Dilcher- Aye
Councilman Hohn- Aye
Councilman Klycek Aye
Councilman Mason- Aye
Vote: Ayes: 5 Nays: 0

PUBLIC HEARING TO BE SCHEDULED FOR TOWN OF BYRON FLOOD DAMAGE PREVENTION LOCAL LAW:

A **MOTION** was made by Councilman Mason to schedule a public hearing regarding the ***Local Law No. 5 of 2026 Town of Byron Flood Damage Prevention*** Public Hearing will be scheduled for November 11, 2026 at 6:30pm

Councilman Hohn seconds the motion and carried the following vote:

Vote: Ayes: 5 Nays: 0

APPROVAL OF FIRST AMENDMENT TO DECOMMISSIONING AGREEMENT FOR LEATHERLEAF SOLAR PROJECT RESOLUTION#26-85

Councilman Hohn offered the following resolution and moved for its adoption:

WHEREAS, a Decommissioning Agreement was signed in 2023 outlining terms related to Decommissioning the Leatherleaf solar project; and,

WHEREAS, the project required approval of the form and procedure for the Letter of Credit to be utilized for this project; and,

WHEREAS, discussion was had regarding how the monetary figure would be determined or estimated to cover the cost of decommissioning this project in the future;

NOW, BE IT RESOLVED, that the Town of Byron Board approves the First Amendment to the 2023 Decommissioning Agreement and Letter of Credit procedure related to the Leatherleaf solar project and authorizing Supervisor Thompson to sign this Amendment, subject to Attorney approval.

Councilman Dilcher seconds the motion and carried the following polled vote:

Supervisor Thompson- Aye
Councilman Dilcher- Aye
Councilman Hohn- Aye
Councilman Klycek Aye
Councilman Mason- Aye
Vote: Ayes: 5 Nays: 0

REPORTS:

Highway Superintendent Report:
-No Report

Town Clerk Report-Kristy Murphy:
-Town of Byron Supervisor $3629.35
-Paid Ag & Market spay & neuter program..... $39.00
-Paid NYS Environmental Conservation $913.65
-It has been brought to my attention that the sewer department and the museum are no longer are in need of a landline phone service. With the board's permission I would like to cancel those two phone lines.

A **MOTION** made by Councilman Mason to allow the town clerk to cancel the museum land line and the sewer alarm land line. Councilman Dilcher seconds the motion and carried the following vote:

Vote: Ayes: 5 Nays: 0

Supervisors Report- Jeff Thompson:.
-Financials were reviewed
-Reminder Preliminary Budget Public Hearing is scheduled for Wednesday October 21, 2026 at 5:30pm

Historical Society/Museum Don Yaxley:
-Fall Dinner October 27th at 6:00pm
-The museum has received records from the North Byron Sunshine Club that ran from 1927-1976. The collection came from the estate Arlene Darch Robinson who passed away in 2025 just prior to her 100th birthday

Parks Report Brad Nickerson:
-Trestle park walk through was done with the playground representative. He is recommending that the playground is removed to not become a liability to the town.
-He would like to make a pollinator garden to Fireman's Park
-There was a yellow jacket problem under the Trestle park bridge. Jacob Ivison donated his pest control services to take care of the problem

Fire/EMS:
-No Report

Planning Board/ZBA Report Steve Hohn:
-The meeting was supposed to be going over zoning laws however, John was sick and Gerry was unable to attend. The meeting has been rescheduled to go over those zoning laws on Monday, October 26th at 6:30pm

CEO/ZEO Gerry Wood:
-No Report

Sewer:
-No Report

New Business:
- No new business

Public Comments:
-Don Yaxley- Have the Fire Departments come to any decision regarding the merger? It is hindering our park plans
-Pete Lockner- All the paperwork has been given to the fire department's lawyer and we are waiting on information back from him. He states he believes we have come up with a financial plan for next year
-Pete Yasses- Jacob Ivision should get a thank you card for taking care of the bees
-Pete Yasses- States there is a GAM meeting and he thinks a board member should attend. The county is considering taking over all code enforcement

EXECUTIVE SESSION:

A **MOTION** was made by Councilman Mason to go into executive session for ongoing negotiations purposes at 7:59 pm. Motion was seconded by Councilman Dilcher and carried with the following polled vote:

Councilman Klycek-	Aye
Supervisor Thompson-	Aye
Councilman Dilcher-	Aye
Councilman Mason-	Aye
Councilman Hohn-	Aye

Vote: Ayes: 5 Nays: 0

A **MOTION** was made by Councilman Mason to come out of executive session at 8:48 pm. Motion was seconded by Councilman Klycek and carried with the following polled vote:

Councilman Klycek-	Aye
Supervisor Thompson-	Aye
Councilman Dilcher-	Aye
Councilman Mason-	Aye
Councilman Hohn-	Aye

Vote: Ayes: 5 Nays: 0

ACTION TAKEN:
-No Action Taken

ADJOURN:

A **MOTION** was made by Councilman Mason to adjourn the Byron Town Board meeting at _____849___ pm. Councilman Dilcher seconded the motion which was carried by the following vote:

Vote: Ayes: 5 Nays: 0

Respectfully Submitted, Kristy Murphy, Town Clerk

Kristy Murphy