

Town of Byron Planning Board Minutes
Tuesday, February 5th, 2025 at 6:30 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, Zoning Board CEO/ZEO, Melissa Ierlan, Town Supervisor, Candace Hensel, Town Board Member Nathan Knickerbocker, Town Attorney John Sansone. Members of the Public: Chris Otness – BlueWave Energy, Evan Young – Crawford and Associate Engineering, Javid Alzari – Excelsior Solar, Michelle Yasses, Pete Yasses, Larry West, Bridget Cudding – Leatherleaf Solar, Mark Sweeney – Leatherleaf Solar.

Call the meeting to order at 6:30 PM

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.

Chairman Hilbert read an email received from David Leaton, Jr., President, Lea-View Farms. See attached.

Changes to Agenda

Chairman Hilbert Introduced the new town attorney, John Sansone.

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 January 7th, 2025 meeting minutes

MOTION: Motion to approve January 7th, 2025, meeting minutes made by L. Bestehorn, Second by B. Stevens. All in favor. None opposed.

MOTION PASSED

Land Separation Excelsior Energy

MOTION: A motion was made to open the land separation for Excelsior Energy by L. Bestehorn. Second by J. Jack. All in favor. None Opposed

MOTION PASSED

Javid Afzali, Esq. representing Excelsior Energy, presented this land separation and requested the public hearing be held at the next meeting. Mr. Afzali will be back within a few months to further subdivide this property. The planning board reviewed the application. Chairman Hilbert suggested that we table the application for a final decision at the next meeting. Town Attorney, John Sansone

suggested that we schedule the public hearing for the next meeting and review the application in the meantime.

MOTION: A motion was made to adjourn the land separation for Excelsior Energy and for a public hearing to be held on this application at the March 5th, 2025 meeting by L. Bestehorn. Second by J. Jack. All in favor. None Opposed

MOTION PASSED

BlueWave Solar Project Application – Bergen Swamp LLC – NY Byron Rt 262

MOTION: A motion was made to open the BlueWave Solar Project Application by L. Bestehorn. Second by J. Jack. All in favor. None Opposed

MOTION PASSED

Chris Otness of BlueWave Energy & Evan Young of Crawford & Associates gave a presentation to the board on the site plans.

The Planning Board was given the opportunity to ask any questions they may have regarding the project.

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

MOTION PASSED

Leatherleaf Solar Project Amended Site Plan Review – Ivison Rd.

MOTION: A motion was made to open the Leatherleaf Solar Project Amended Site Plan Review – Ivison Rd by J. Jack. Second by L. Bestehorn. All in favor. None Opposed

MOTION PASSED

MRB Group did not find any issues with the amended plans.

Mark Sweeney of Sweeney Law Firm and Bridget Cudding of Leatherleaf Solar fielded questions and comments from the Planning Board and Town Attorney.

Resolution was submitted to the Secretary for the minutes. A new version will be submitted including a 13th condition, that it is subject to review by the Town Attorney.

The board reviewed the Amended Site Plan Approval Resolution and gave an opportunity for board comments and public questions.

Motion to approve the resolution as amended by J. Jack. Seconded by L. Bestehorn. All in favor. None Opposed

MOTION: A motion was made to adjourn Leatherleaf Solar Project Amended Site Plan Review – Ivison Rd. by L. Bestehorn. Second by B. Stevens. All in favor. None Opposed

MOTION PASSED

Prime Soil Discussion Regarding NYS 10% Rule

MOTION: A motion was made to open the Prime Soil Discussion Regarding the NYS 10% Rule by J. Jack. Second by L. Bestehorn. All in favor. None Opposed

MOTION PASSED

L. Bestehorn led a discussion on the prime soil being used for solar projects to stay within the Town Zoning Laws.

Comments from the floor:

Q: How do you know the difference between prime farmland and not.

A: The soil and water department will help us to decide that.

MOTION: A motion was made to adjourn the Prime Soil Discussion Regarding the NYS 10% Rule by J. Jack. Second by B. Stevens. All in favor. None Opposed

MOTION PASSED

Next Meeting in February to be discussed – If Necessary

The town attorney needs to finish his review of the codes and will be prepared for discussion at the March 5th meeting. The second February meeting will not be needed.

MOTION: A motion was made to cancel the second February meeting by L. Bestehorn. Second by J. Jack. All in favor. None Opposed

MOTION PASSED

Other Business

No other business

Next Meeting – Wednesday, March 5th, 2025, at 7:00 PM

Adjournment

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

MOTION PASSED

Meeting ADJOURNED at 7:33 PM

Respectfully submitted,

Patrick Carr

Patrick Carr
Planning Board Secretary