

**Town of Byron Planning Board Minutes**  
Tuesday, March 5<sup>th</sup>, 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, Laura Bestehorn, Jason Jack, Bill Stevens, Zoning Board CEO/ZEO, Melissa Ierlan, Town Attorney John Sansone. Members of the Public: Javid Alzari – Excelsior Solar, Larry West, Matt Sauza – MRB Group.

**Call the meeting to order at 7:00 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.

**Changes to Agenda**

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 February 5<sup>th</sup> Meeting minutes**

MOTION: Motion to approve February 5<sup>th</sup>, 2025, meeting minutes made by L. Bestehorn, Second by J. Jack. All in favor. None opposed.

MOTION PASSED

**Land Separation/Receipt of Letter/Excelsior Energy**

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

MOTION PASSED

Memorandum of Agreement shared with the board.

Javid Afzali, Esq. representing Excelsior Energy, was present to explain the details of the land separation.

This land separation is not subject to public hearing. SEQR part 1 (unlisted) and part 2 were discussed by the board.

MOTION: A motion was made for a negative declaration on the SEQR for the land separation for Excelsior Energy and Lea-View Farms by L. Bestehorn. Second by J. Jack. All in favor. None Opposed

MOTION PASSED

MOTION: A motion was made to approve the land separation for Excelsior Energy by L. Bestehorn. Second by B. Stevens. All in favor. None Opposed

MOTION PASSED

MOTION: A motion was made to adjourn the Excelsior Land Separation by B. Stevens. Second by L. Bestehorn. 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

Matt Sauza of MRB Group provided a project schedule to the board and discussed the timeline. Recommends that the board initiate the SEQR process

Resolution presented for the Byron Planning Board to declare Lead Agency on this.

MOTION: A motion was made to schedule a Public Hearing for the April 2<sup>nd</sup> meeting for BlueWave – Bergen Swamp Solar Project Application by L. Bestehorn. Second by J. Jack. All in favor. None Opposed

MOTION PASSED

MOTION: A motion was made to approve the resolution of the declaration for the Town of Byron's intent to take lead agency and MRB Group to circulate 30-day lead agency review packet by L. Bestehorn. Second by L. Bestehorn. All in favor. None Opposed

MOTION PASSED

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

MOTION PASSED

#### **Leatherleaf Solar Project Update – Ivison Rd.**

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

MOTION PASSED

Town Attorney, John Sansone discussed the next steps in the process including his approval of the resolution, which will be signed and certified by the chairman of the board.

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 L. Bestehorn. Second by J. Jack. All in favor. None Opposed

MOTION PASSED

M. Ierlan explained that she had a discussion with Filipe Oltramari said that he can do a calculation to determine exactly where we stand as of now.

A discussion by the board on whether we should put a cap on the total land used for solar projects. M. Souza of MRB Group explained that we can put whatever type of cap that we would like on these projects. The solar law must be amended to include this cap. Projects in-process cannot be counted toward the cap.

This topic will be added as an agenda item for the April meeting for the Planning Board.

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

MOTION PASSED

### **7548 Byron Holley Rd, South Byron Zoning Designation Change**

MOTION: A motion was made to open 7548 Byron Holley Rd, South Byron zoning designation change by L. Bestehorn. Second by J. Jack. All in favor. None Opposed

MOTION PASSED

The prospective buyer of the current 7548 Byron Holley Road, South Byron property is looking to change the property into a residential property. This property is not currently zoned residential and will need to be rezoned to allow this.

MOTION: A motion was made to adjourn the 7548 Byron Holley Rd, South Byron zoning designation change by B. Stevens. Second by L. Bestehorn. All in favor. None Opposed

MOTION PASSED

### **Other Business**

No other business

**Next Meeting – Wednesday, April 2<sup>nd</sup>, 2025, at 7:00 PM**

**Adjournment**

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

MOTION PASSED

Meeting ADJOURNED at 8:02 PM

Respectfully submitted,

*Patrick Carr*

Patrick Carr  
Planning Board Secretary