

SPECIAL BYRON TOWN BOARD MEETING

June 24, 2020

The Special Byron Town Board Meeting was called to order by Supervisor Peter Yasses at 7:00 p.m. with the following people present:

- Supervisor.....Peter Yasses
- Councilmen.....Sue Fuller (via Zoom)
 - Josh Kent
 - Jeff Thompson
 - Eric Zuber
- Highway Superintendent.....David Leaton, Jr.
- Town Clerk.....Debra Buck-Leaton

- Invited Guests.....Paul Boylan, Esq., Town Attorney
 - Benjamin Wisniewski, Esq., The Zoghlin Group
 - Jack Oster, The Zoghlin Group

Public (Via Zoom):

- | | | | |
|----------------|--------------|----------------------|------------------|
| Jim Lamkin | Dave Engle | Pam and Twilly Lynch | Shari Felton |
| Brad Nickerson | Elaine Bezon | George Squires | Gayla Starowitz |
| Steve Doty | Tess Zuber | Victor Digregorio | Barbie Starowitz |
| Maureen Fink | | | |

Public (In Person):

- | | | |
|--------------|-------------|----------------|
| John Sackett | Ben Raccuia | Candace Hensel |
|--------------|-------------|----------------|

PLEDGE TO THE FLAG:

Supervisor Yasses led the people in attendance in the Pledge of Allegiance.

**LEGAL NOTICE
NOTICE OF SPECIAL MEETING
TOWN OF BYRON**

PLEASE TAKE NOTICE, that the Town Board of the Town of Byron will hold a Special Meeting on Wednesday, June 24, 2020 at 7:00 p.m. in the Byron Town Hall, 7028 Byron-Holley Road, Byron, New York to hear all persons present in person or by video conference regarding a Preliminary Video Impact Survey by TRC Companies, Inc. dated June 2020.

Pursuant to Executive Order issued by Gov. Andrew Cuomo the number of persons in attendance at the Town Hall is limited to 25 and members of the Board and advisors will number 9, therefore members of the public will be limited to 16. Residents are urged to attend and make themselves available by Zoom. To join the meeting online via Zoom go to

<https://us02web.zoom.us/j/8999752190?pwd=RzB2aVdxcmVYSDFWU09zdXdDRWt3OjT09> or dial 646-876-9923 and use Meeting ID: 899 975 2190 and Password: 230986. A direct link to the meeting can be found on the Town of Byron website at www.byronny.com.

A copy of the Preliminary Visual Impact Survey is available on the Town's website and its Facebook page.

**BY ORDER OF THE TOWN BOARD
TOWN OF BYRON**

*Debra Buck-Leaton
Town Clerk*

Paul Boylan, Esq., Town of Byron Attorney:

·This Special Meeting is to discuss the Preliminary Visual Impact Study and no other subject can be discussed because no other matter was put in the public notice. The Preliminary Visual Impact Study is part of the Article 10 proceedings, which The Zoghlin Group will be handling. This Special Meeting gives the public the opportunity to express their opinion to the Town Board so that the Town Board can collect the information and give it to the Zoghlin Group and Excelsior Solar for further Visual Impact studies by TRC Companies in the Town.

Benjamin Wisniewski, Esq., The Zoghlin Group, Town of Byron Solar Attorney:

·Discussed how the Preliminary Visual Impact Study is dealt with under the Article 10 process

·The application submitted by Excelsior has many different exhibits, one of which is the Visual Impact Study. Excelsior has supplied Town attorneys with several application documents prior to the application filing for review, making it easier for the attorneys to raise questions and concerns prior to the application being filed

·The maps in the Preliminary Visual Impact Study only show the potential location of the project panels. The pink shading on the maps show, based on various factors, where you'll be able to see solar panels. One potential criticism that could be raised is that the study was done with leaf on visualization, so maps aren't representative of the several months when there are no leaves on the trees.

·The Town should take into consideration whether viewpoints are representative of the area, if different locations should be proposed, and if too many of the pictures were taken outside of the Town of Byron. The Town could force Nextera to do this, but they would need to use intervenor funds and hire someone to do it.

·With regard to the visually sensitive resources and locations that can be impacted by the project, should more locations be added and should there be special mitigation (redesign or screening).

·The Town Board should respond, current response date is June 30th, and Attorney Wisniewski would like to ask for an extension for 2 weeks.

A **motion** was made by Councilman Zuber to request an extension of the June 30th deadline for responses to the Preliminary Visual Impact Study until July 13, 2020. The motion was seconded by Supervisor Yasses and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Councilman Zuber: The Town pulls a lot of traffic from the north going to Batavia and was concerned how the visual impact of that drive would affect commuters.

Benjamin Wisniewski, Esq., The Zoghlin Group, Town of Byron Solar Attorney: The Town can use roads as a visual resource to see how many people would be impacted.

Councilman Kent: Corky Shaw who resides at 5927 Rte. 262 would like to have a study done from his property.

Steve Doty: His address is 5786 Byron-Elba Road, near the corner of Rte. 262 and Bank Street Road and he would like to be included in the study.

Brad Nickerson: His address is 5597 Cockram Road and he would like to be included in the study.

Dave Engle: His address is 6101 Tower Hill Road and would also like to be included in the study.

Nancy Engle: Would like to see berms put in to help fix the problem with the views.

Ben Raccuia: Can there be a panoramic view taken instead of still views?

Benjamin Wisniewski, Esq., The Zoghlin Group, Town of Byron Solar Attorney: Nextera does not have to acknowledge requests for individual visual impact studies, but he would like to compile a list, have the Town Board review the list and then have The Zoghlin Group narrow down the requests. The Town should request that some residences be included in the Visual Impact Study.

·The Visual Impact Study should address the impact on the community and how it will change.

·The Visual Impact Study will continue through the next step of the process.

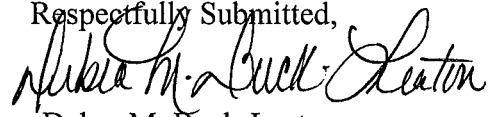
·He will put together a notice for the Town Clerk to put on the website for interested residents to contact the Town Clerk if they would like to be a part of the Preliminary Visual Impact Study.

Supervisor Yasses: The Town Clerk will put the notice supplied by Attorney Wisniewski on the website and will compile a list of residents that would like to be included in the Preliminary Visual Impact Study and then forward those on to Attorney Wisniewski prior to the July Town Board meeting.

ADJOURN:

A **motion** was made by Councilman Kent to adjourn the Special Meeting of the Byron Town Board at 7:58 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Respectfully Submitted,

Debra M. Buck-Leaton
Byron Town Clerk