Town of Yates Public Hearing and
Workshop Meeting
8 S. Main St., Lyndonville, NY 14098
January 5, 5:30PM

Present:	Jim Simon, Supervisor Steve Vann, Councilman William Jurinich, Councilman Michele Harling, Town Clerk
Excused:	Susan Hrovat, Councilman Harold Suhr, Councilman

Others:	Larry Wolfe	Justin Edwards	Bob Mack
	Bonnie Mack	Dana Goetze	Steve Colon
	Dennis Goetze	Steve Snell	Paul Lauricella
	Steve Goetze		

Supervisor Simon called the Public Hearing to order for the adoption of Local Law #1 of 2026 known as "Short-Term Rental Local Law" at 5:30PM.

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

Notice of said Public Hearing was duly published in the Batavia Daily News on December 18, 2025 and posted at the Yates Town Hall and on the Town of Yates website.

The purpose of such Public Hearing is to discuss the adoption of Local Law #1 of 2026 known as "Short-Term Rental Local Law" as follows:

The Zoning Regulations of the Town of Yates shall be amended by the following modifications to said sections, and the new section to be added, Section 706, entitled "Town of Yates Short-term Renal Law," which are as follows:

LEGISLATIVE INTENT: There exists in the Town of Yates no short-term rental local law, yet there are a number of existing short-term rentals, and there are an increasing number of short-term rental inquiries being made to the Town. The intent of this local law is to grandfather existing short-term rentals and to require them to obtain a special use permit; to address the addition of short-term rentals which may be created in the future; and to require permitting requirements established herein to apply to all future short-term rentals.

ARTICLE II – Terminology

Section 230. Definitions

SHORT-TERM RENTAL (STR)- A dwelling unit or portion thereof that may or may not be occupied by the owner of record or their immediate family that is offered or provided to a guest by a short-term rental for a fee for less than thirty (30) consecutive nights. They are a form of tourist or transient accommodations that may also include property offered by or booked through online accommodation marketplace platforms (such as Airbnb, Vrbo, etc). Note: For the purpose of administration and enforcement of this title, the terms "overnight rental," "nightly rental," and "vacation rental" are interchangeable with short-term rentals. This definition specifically excludes bed and breakfasts, hotels, and motels.

ARTICLE VIIB: SPECIAL PERMIT CRITERIA

Section 706 Short-term Rental (STR)

A. PURPOSE - STRs are a benefit to the Town, its residents, and the general public. However, the Town holds that STRs can have a negative impact on neighboring residents of STRs if they are not properly licensed and regulated so as to ensure the rights of neighbors are protected. These supplementary regulations are designed to foster STRs and to protect the health, safety and welfare of its citizens and visitors and to minimize adverse impacts to the Town of Yates.

B. DIMENSIONAL REQUIREMENTS The minimum lot size, frontage and setback requirements shall conform to the specifications set forth in the specific Zoning district in which the STR is located.

C. GENERAL

1. STRs shall be allowed in the following Districts: Agricultural/Residential, Hamlet, Residential, General Business, Waterfront Development, and Waterfront Residential.

2. STRs shall require a special use permit and are subject to all requirements of this section. See Article IX: Special Use Permits and Procedures.

3. STRs shall be either owner occupied or directly managed by the owner, and an owner may own only two STRs in the Town of Yates.

4. The building proposed for occupancy as an STR shall contain no more than four lodging rooms for hire.

5. No more than two (2) persons are allowed to occupy each lodging room

6. STR stays must be a minimum of two (2) days.

7. No STR guest shall stay on one visit for more than thirty (30) consecutive days.

8. The STR shall not be altered in a manner which would cause the premises to differ from its residential character.

9. Off-street parking shall be provided as follows:

a. At least two spaces shall be provided STR guests, plus not less than one additional space for each lodging room.

b. No such parking space shall be located in the front yard area, outside of an approved driveway, and each space shall be not less 10 feet by 20 feet in size.

c. No recreational vehicles, campers, trailers, or motor vehicles larger than a one-ton pickup truck, other than trailers for boats or jet skis to be launched at nearby ramps, may be parked on the premises during any transient accommodation. Automobiles, light duty (pickup) trucks, and/or boat and jet ski trailers in association with any transient accommodation may be parked on site in designated off-street parking areas.

d. No vehicles shall be parked on lawns or in other areas not specifically approved as parking areas under the provisions of this ordinance.

10. The dwelling may display a sign not to exceed four (4) square feet in size and shall be set back from the street right-of-way line a minimum of 10 feet.

11. The Planning Board shall specify the minimum amount and location of landscaping and buffer screening to ensure that the use does not create a nuisance for adjoining property owners.

12. Subleasing or subletting of units for short- term rental is prohibited.

13. The structure proposed for use as a STR shall meet the requirements of the NYS Uniform Fire Prevention and Building Code. The permit application must include a drawing of the building floor plan and the designated parking areas and setbacks from property lines and roads.

14. Each rental unit in a STR shall maintain a working smoke detector and a working carbon monoxide monitor, which shall meet the requirements of the NYS Uniform Fire Prevention and Building Code.

15. Each rental unit in a STR shall have clearly defined fire and emergency exit routes posted.

16. During the short-term rental the owner, his agent, or a local responsible person designated by the owner shall be available at all times to respond in person no later than 30 minutes of acknowledging complaints regarding the condition, operation, or conduct of the occupants of the STR.

17. The STR to be utilized by guests shall not be permitted in any accessory structure, sheds or similar structures, basements, attics, sunrooms, porches or garages.

18. Owners/operators of STRs shall provide to the Town proof of general liability insurance against claims for personal injury, death, or property damage occurring on, in, or about the STR premises in amounts and with limits as determined and set by the Town Board, by resolution, from time to time.

19. The owner of the rental unit shall conspicuously post contact information for the owner, agent, or contact person as well as any specific rules pertaining to the occupancy.

D. SPECIAL USE PERMIT

1. Any special use permit application for an STR shall require site plan review by the Planning Board (Article X)

2. The Code Enforcement Officer (CEO) shall be authorized, after inspecting an STR for compliance with the requirements of the NYS Uniform Fire Prevention and Building Code and payment of the appropriate fees, to issue a Special Use Permit to the owner (s) of the STR.

3. Duration of permit. Only a one-time Special Use Permit for the STR is required.

4. STRs shall have quiet hour restrictions between 10:00 pm and 8:00 am.

5. A one-time fee amount for the permit shall be set by the Town Board by resolution from time to time.

E. VIOLATIONS AND PENALTIES

1. Refer to Article I, GENERAL PROVISIONS, Section 107

F. ACTIONS

1. Refer to Article I, GENERAL PROVISIONS, Section 108

EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Department of State.

Supervisor Simon said the public hearing rules of engagement are pretty simple, just refer all of your comments to the board, and you have three minutes. There won't be any interaction while you're speaking, so if you ask a question during your speaking time, that's up to you, but we're not going to interact or answer questions, we're just going to listen. At the end of your statement, a board member may feel free to ask you a question for clarity if there's something that they weren't sure about. We'll make sure that Susan and Harold get a full manuscript of the minutes, so that they can weigh in for the final vote.

PUBLIC COMMENT

Steve Goetze, Town of Yates, said, I was reviewing some of the minutes from the previous meetings on short-term rentals and certain statements that were made about them not being allowed on shared lanes. My concern is special use permits with short-term rentals. How does that work? Let's say I have a short-term rental and the neighbors have a long-term rental, and there were concerns about guests, unwanted guests or suspicious guests. Say they have a long-term rental that brings in low-income or interesting people coming in and out of that residence, bringing drugs, maybe, or this and that. How are you going to control that? Let's say my Airbnb brings in people from all over the country, decent people that bring money into this township. And then you want a permit for us, why not those types of people as well, that's my biggest concern. Campers are another thing. There's multiple residences down there that have 10, 15 campers at a time down there. Should that be considered a short-term rental? They have multiple individuals coming in and out of their place, using their property, and they're avoiding the taxes by having campers and not residences on that place. So should there be a permit for campers on it?

Bonnie Mack, Town of Yates, said I'm on a shared lane, and I am for Airbnb's and short-term rentals, but not on a shared lane. Due to the fact that we purchased our property and spent a lot of money for peace and quiet so that our grandchildren, and back then our children, could run and we didn't have to have a worry. I feel that Airbnb's could be in rural areas, business areas, in any area, but not on a shared lane. A shared lane and a private lane are two different things. As far as the permit goes, I feel, yes, everybody should get a permit, a temporary use permit. That way, if things don't go right, they could be shut down. As far as trailers being on other people's property, people come and go and visit all the time; to permit that is just a waste. I could come to your place and put a trailer there and spend the weekend, and you're going to charge me? I do have a proposal that I would like for all of you to read.

Bob Mack, Town of Yates, said I side with what my wife had to say. We are pro-business. There is nothing wrong with people making an income doing a service for people. But to have it on a shared lane where it takes away my peace and quiet for somebody else to profit off of that, I do not feel that that is right. If it's on a private lane, you own the property exclusively and you're the one controlling who's going in and out. To own property and have people that you do not know coming in and out all the time and who do not know you have children or grandchildren; I do not believe that that should be allowed. I also believe that there should be strict regulations about how many people can stay in these places that are being rented, for fire codes and safety codes.

Steve Goetze said as far as piece and quiet and serenity is concerned, say another individual on that lane has guests that come down, they may not know there's children down there as well, correct? In that case, there really is no evidence to stop a short-term rental on a private lane, or a shared lane, due to the fact that nobody on that lane may know that there are kids down there. How would you ever control somebody from speeding down a lane or not paying attention? Like on the roadway, you would never know that as well. Kids play in the village. People don't have

to have a permit for you to have a house in the village because somebody may hit a kid. It has nothing to do with that. Also, with shared lanes; a lot of these lanes are actually shared lanes, but there's a deeded access. You don't own the lane way, it's a deeded right-of-way for everybody on that lane. Nobody should be able to say that's my lane or his lane. There's not much of a difference between a shared lane and a private lane, except that a private lane may only have one house on it and not multiple residences.

Dennis Goetze, Town of Yates, said I was under the impression that Goetze Lane is a right-of-way. Back when old man Donald surveyed it, for the lots; it's a right-of-way to each individual lot on the Goetze Farm versus the term shared or my, it's a right-of-way to those lots. I could be wrong. You know, designated to the lot, not to a name or associated with a name.

Paul Lauricella, Town of Yates, said I've got the legislation here, and I'm looking at the legislative intent, just that paragraph, to me, is too restrictive. Under the purpose section of the STRs it says that the law is to protect the general health and safety and welfare of its citizens. I looked around and I didn't see anything; I couldn't find anything scientifically, I think that clause was overused in this by the lawyer. I couldn't find anything that would be adverse to people and their general health and safety. I don't think some of these regulations will hold up constitutionally if somebody challenged them. The general section is too restrictive. For example, they can't contain more than four lodging rooms for hire, no more than two persons are allowed to occupy each lodging room, your stay has to be two days; how can you dictate to somebody that they have to rent their place out for two days? How do you enforce any of this, how do you know, are you standing there watching? The STR should not be altered in any manner in which it would cause the premises to differ from its residential character. I doubt people are going to do that anyway. Why would we put a big neon sign out front? Restrictions for off-street parking, two places must be provided. You're turning it into a business and creating a problem where there's no problem. No such parking space should be located in the front of the area. Well, if you're on the lake, where are you going to have parking, by the water? Where are you going to park? No recreational vehicles; sometimes people travel around in an RV and they want to sleep in a bed for a night. This whole thing is just ridiculous. The board will specify the minimum amount and location of landscaping and the buffer. You're telling people what they can and can't do with their property. That's really none of your business. The structure proposed for an STR shalll meet the requirements of the New York State Uniform Prevention and Building Code. You've already got to have smoke detectors and things that. You're just creating a hardship for the people that own it because now they've got to comply with all these codes, ridiculous codes in a lot of cases. The operator shall provide the town proof of general liability and insurance. That's none of your business. The owner of the rental unit shall conspicuously post contact information for the owner, agent, account, contact person, as well as the specific rule. Then they've got to get a permit, it's ridiculous. Then you've got the code guy in there. Nothing against the code guy, but he's going to be looking for every little thing that he can find in there to make it hard for the person. I'm an older guy. I've watched the freedoms erode, mostly by towns and lawyers and state bureaucrats that don't live in the area. They don't live like us. They come out of college and go right into the government and start pushing pencils and telling people what to do. It's time to start pushing back on stuff like this. We need to become YIMBYs. New York State could be a great state if we didn't have all this nonsense and restrictions and codes. That's why people move and go to other states. I'll just end with this, with a quote from

Benjamin Franklin. Those that would give up essential liberty to purchase a little temporary safety deserve neither liberty, or safety. That's all I've got to say.

Steve Goetze said I have another question. In statement D of the rules that you guys are proposing it says that the owner can only own two short-term rentals. How can you control that? You have multiple people that own hotels, multiple low-income housing and apartments. How does that pertain? If I want to buy three, four, or more cottages and use them as short-term rentals to bring people into this area, how is it beneficial for me not to be able to do that? I would be better off buying a house and just renting it out to four or five different families which probably is not going to bring in as much money into this economy, especially into this town. This town is definitely not doing the best for the citizens, as I can see. The taxes have been going up, everything's been going up. Now you're going to start hitting us with permits and doing this and that. Then we're going to have regulations when we're trying to bring more people into this economy. I've had people come over from Spain, Germany, even a West Virginia coal miner. Nobody's ever caused any problems with my short-term rental. If they do, they're gone. That's how I follow the rules, my own rules. The only people that are going to suffer from this whole policy are those that don't have a good relationship with their neighbors for some reason, which in this case there are multiple people like that that don't have very good ties with their neighbors for certain reasons. They're the ones that are going to start ratting everybody in or causing problems with the individual that has a decent Airbnb. They miss one violation and they're going to blow them in. Then there's going to be nothing but problems down there. You're going to turn this into Hatfield and McCoy's down there. With the insurance thing, the businesses that we go through, if you're doing Airbnb or Vrbo, they cover the insurance on those places. We have our own insurance on top of it, just because if something happens and Airbnb doesn't cover it, we want to be covered. I don't have to have insurance on my house if I don't want it. If my house burns down, that's on me. If my house is paid for, it is what it is. Anybody in this village can do that, in this town. I don't know how you can expect people to have insurance if they don't want to have it or if they can't afford it. If it burns down and they don't want to deal with it then they tear it down, that's all that matters. With hotels, people stay for a night at a hotel. Like he was saying before, you can't recommend to people that they have to stay a minimum of two days. Ith parking spots; some people are parking on their lawns right now. You already have a code in this town that they have to have a driveway to their cottage. And those aren't even being enforced. There are multiple cottagers down on our property, on our lane way, that are parking on their lawns. They don't have a designated driveway. It also says something about campers. Everybody has multiple campers on their property. Some of them are here. They're going to have to get a permit again for those campers that they have down there on their property. I mean, I could go all day with this, but that's about all I got to say.

Steve Colon, Town of Yates, said I just wanted to say I'm a constitutionalist. I'm not a sovereign citizen, but I do believe in the Constitution. I benefit not only from the federal Constitution, but every state's Constitution because I'm equal to a Texan or a Californian. We're all Americans, so we're all equal. I don't think anybody should be telling anybody what to do with their own property. If you can find in the Constitution, where you can control property, point it out to me, I'd appreciate it. Thanks.

Dana Goetze said one of my concerns is that our taxes have gone up, water has gone up, and electric has gone up. We've consistently kept our Airbnb at the same price for the 4th year. We try to keep it at a low price so decent people can come in and use it. We have certain rules that we put on, and that Airbnb puts on. We have our own noise ordinance, we have our rules for how fast they can drive up and down the lane, we have our own rules for how many people can stay. I've looked at our Airbnb records; we've had over 60 people from all over the country, and a few from outside of the country, come and stay. We've never had one 911 complaint. No noise issues, no animal control issues with our guest dogs, with our own dogs, yes, but not with guest dogs. People shouldn't have to pay an arm and a leg to come and visit the little Town of Lyndonville. Not to mention we've had people come that have family here, grew up here, and they're coming for a wedding, they're coming for a reunion, and they want to just get away, be somewhere quiet, and not have to get a hotel in Medina or be right in the Village of Medina or Albion. They want to be where they grew up. At this point, with everything going up in price, how do you keep stuff at a decent price? We can't just let people stay there for free because we've got to pay to maintain it; the same thing with this permit fee. What is that fee going to be for? Is that for somebody to come down and babysit us to say what we should be doing and not doing? If you have one person that doesn't like you, they can say, oh, somebody was too loud and we want to call in a complaint. Or, I can see somebody over there swimming, they need to have higher shrubs. We already have shrubs right down the property line. If you're going to have a permit fee, what is it going to be for?

Steve Goetze said as far as noise ordinances, on a day-to-day basis, there's nothing we can do about them. In order to legally uphold a noise ordinance, you have to have certain equipment to prove that their decimal is over that allowed. How far do you want to go with it, you know what I'm saying? We can't, in the law field, uphold that law. It's not something that we can do. Code enforcement can try, but if somebody really wants to fight it, it's an easy fight. I know that Lyndonville and multiple townships are not going to pay for the equipment it takes to find out what the decimal level is on a property.

Bob Mack said I'd like the board to consider this; I've owned property down on Goetze Lane for 20 years, two properties. One on each side of the lane, the lane cuts through my properties. I should not be subject to somebody that's running a business and profiting from it. My peace and quiet should not have to suffer for that. I believe that these rentals should be on a temporary use permit so if a problem occurs, the permit does not get renewed. The voice of the people should have something to say about it. With just giving them a one-time permit, you're giving them free reign forever. There is absolutely no control. With a temporary use permit at least you can have a handle on what's going on.

Paul Lauricella said I just have one thing to add. It says right now there's no law pertaining to short-term rentals. There are laws for bed and breakfast and hotels. In my opinion, the purpose of this is to get a law on the books. Once it gets on you can come back and make it as restrictive as you want. You just keep adding to it and adding to it and adding to it. My hope is that there are some people on this board that have enough guts to say no to this because once you let a law in, once you let the devil in, it's hard as hell to get him out. So I hope this does not pass.

Steve Snell, Town of Yates, said was that three-minute limit that you had consecutive?

Supervisor Simon replied I was very liberally applying it. I normally wouldn't let someone re-engage. This is for the benefit of Harold and Susan so they can hear all of this. They'll see it all in the minutes, and we've had some great comments, I appreciate that. Yes, I did stretch my own rule.

Greg Dugan, Town of Yates, said for someone who says that he's pro-business, who apparently is a businessman, he's anti-business when it affects where he lives. But yet, there are numerous residences down there that have people come and go all the time, regardless if it's a business or not a business, family members, visitors. There's traffic there all the time, day and night. There have been parties near him that run until late in the evening, and there's never been one comment or law enforcement complaint that I know of at all, except for one individual that has an Airbnb. I find it disturbing. That's all I have to say.

A written comment was submitted by Derrick Enderby to the Town Board to be recorded as part of the permanent public record, as follows: I think shared roadways should be specifically addressed (particularly shared lanes along the lake shore that are owner maintained). The property owners that maintain these lanes also try to establish rules (speed limits, size and weight of vehicles allowed, etc). I think the town's proposed notice should identify these situations and explicitly state that the property owners are responsible for communicating these rules to the STR tenants. Repeated violations should be reported to the enforcement officer (which ties into my next point) Tangential to this is the one time permit requirement. I think a one time permit simply makes any rules put into place by the town ring hollow. Once an owner gets their one time permit, what incentive do they have to monitor guest behavior or to address issues like their guests speeding on the shared lanes? I propose an annual permit process with a recurring fee to offset the administration requirements of the town. The permit renewal approval should be based in part on the compliance to the rules set forth in this proposal (including addressing violations reported to the enforcement officer). It is my opinion that this is the most effective way to drive compliance. This is also a way to establish ongoing compliance to requirements such as smoke and carbon monoxide detectors and maintenance of needed insurances. Property owners attesting annually to these items are much more likely to maintain these needed safety items. A simple question - in 3 or 4 years from now, do we really think a STR owner is going to remember they signed something indicating they were supposed to keep a working CO2 detector, or that they are limited to 2 guests per bedroom? It is human nature that they will not. I believe the annual renewal is critical.

RESOLUTION NO. 1-1/25

RESOLUTION TO CLOSE THE PUBLIC HEARING ON LOCAL LAW #1 OF 2026 KNOWN AS SHORT-TERM RENTAL LOCAL LAW

WHEREAS, all persons wishing to submit comments either written or spoken were heard, be it

RESOLVED, to close the Public Hearing at 5:55PM.

Offered by Councilman Vann, who moved its adoption

Seconded by Councilman Jurinich

3 Ayes 0 Nays 2 Absent (Hrovat, Suhr)

Motion: Carried

ADJOURNMENT

Moved by Councilman Vann, Whereas there is no new business to be brought before the Board, the meeting be adjourned at 5:55PM.

Seconded by Councilman Jurinich

3 Ayes 0 Nays 2 Absent (Hrovat, Suhr)

Motion: Carried

Respectfully Submitted,
Michele L. Harling
Yates Town Clerk