Town of Yates Public Hearing and
Workshop Meeting
8 S. Main St., Lyndonville, NY 14098
July 6, 2026 5:30PM

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

Excused:

Others: Larry Wolfe John Riggi Justin Edwards
Georgette Stockman

Supervisor Simon called the Public Hearing to order for the adoption of Local Law #2 of 2026 known as "A Local Law Repealing and Replacing the Town of Yates Short-Term Rental Law" at 5:30PM.

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

Notice of said Public Hearing was duly published in the Batavia Daily News on June 23, 2026 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 #2 of 2026 known as "A Local Law Repealing and Replacing the Town of Yates Short-Term Rental Law" as follows:

BE IT ENACTED by the Town Board of the Town of Yates, County of Orleans, State of New York, as follows:

SECTION 1.

LEGISLATIVE INTENT

The Town Board finds that short-term rentals provide economic, tourism, and property rights benefits to the Town and its residents. The Town Board further finds that basic health, safety, occupancy, and emergency requirements are appropriate to protect guests, neighboring property owners, and the public.

The Town Board further finds that short-term rentals are a residential use of property and that regulation of such uses should be administrative in nature rather than discretionary. Accordingly, the purpose of this Local Law is to establish a registration and permitting process administered

by the Code Enforcement Officer and to recognize and protect lawfully existing short-term rentals.

SECTION 2.

REPEAL OF PRIOR LOCAL LAW

Any previously adopted Local Law establishing Section 240-96, "Short-Term Rental (STR)," including all provisions requiring special use permits, Planning Board review, or site plan approval for short-term rentals, is hereby repealed in its entirety.

SECTION 3.

AMENDMENT OF SECTION 230 DEFINITIONS

The definition of SHORT-TERM RENTAL shall read as follows:

SHORT-TERM RENTAL (STR)

A dwelling unit or portion thereof that may or may not be occupied by the owner of record or the owner's immediate family and that is offered or provided to a guest for compensation for a period of less than thirty (30) consecutive nights.

The terms "overnight rental," "nightly rental," and "vacation rental" shall be considered synonymous with short-term rental.

This definition shall not include hotels, motels, bed and breakfast establishments, rooming houses, boarding houses, or other uses otherwise specifically regulated by the Town Code.

SECTION 4.

SHORT-TERM RENTAL PERMITS

A. Applicability

1. Short-term rentals shall be permitted in the following zoning districts:
   a. Agricultural/Residential (AR)
   b. Hamlet (H)
   c. Residential (R)
   d. General Business (GB)
   e. Waterfront Development (WD)
   f. Waterfront Residential (WR)

2. Short-term rentals shall not require a special use permit, site plan approval, or Planning Board approval.

3. Short-term rentals shall require a Short-Term Rental Permit issued by the Code Enforcement Officer pursuant to this section.

B. Grandfathering of Existing Short-Term Rentals

1. Any short-term rental lawfully operating on the effective date of this Local Law shall be deemed a lawful preexisting short-term rental use.

2. Existing short-term rentals shall apply for a Short-Term Rental Permit within twelve (12) months of the effective date of this Local Law

3. Failure to register within twelve (12) months shall terminate lawful preexisting use status and may subject the owner to enforcement of the permit requirements of this section.

C. Permit Application

The applicant shall submit:
1. A completed application on forms provided by the Town.
2. The name, address, telephone number, and email address of the property owner.
3. A local emergency contact available twenty-four (24) hours per day.

D. Health and Safety Requirements

1. The structure shall comply with the New York State Uniform Fire Prevention and Building Code.

2. Each rental unit shall maintain:
   a. Working smoke detectors;
   b. Working carbon monoxide detectors;
   c. At least one operable fire extinguisher.

3. Emergency exit information shall be posted within the rental unit.

4. The owner shall maintain the premises in a safe and sanitary condition.

E. Permit Review

1. The Code Enforcement Officer shall inspect the property or otherwise verify compliance with this section.

2. The Code Enforcement Officer shall issue the permit upon determining that the applicant has submitted the required materials and that the property complies with the objective requirements of this section.

3. Any denial shall be in writing and shall identify the specific code provision not satisfied.

F. Permit Term

1. A Short-Term Rental Permit shall be valid for five (5) years.

2. Renewal shall be administrative in nature and shall be granted upon demonstration of continued compliance with this section.

G. Transferability

A permit shall run with the property and shall remain valid upon transfer of ownership until expiration, provided the use continues in compliance with this section.

H. Enforcement

Violations shall be governed by Article I, General Provisions, including Sections 240-7 & 240-8.

SECTION 5.

SEVERABILITY

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof.

SECTION 6.

EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State pursuant to Municipal Home Rule Law.

PUBLIC COMMENT

John Riggi, Town of Yates, said my name is John Riggi. I am a resident and property owner in the Town of Yates. My address is 10640 Lakeshore Road (Firelane 51) in the Town.

I am here this evening to make comment at this public hearing regarding upgrades and potential solutions to issues contained in STR Local Law #2 of 2026, the modified Short-Term Rental Law that is under review.

I would first like to commend the Town Board on its efforts to get something on the books regarding STR's. I have sat in those chairs and understand the pressures you face on an ongoing basis. Fortunately for the constituency, you clearly see and understand the global STR wave that is growing daily and clearly coming to every rural, waterfront community.

While I am very happy that the Town Board is attempting to address the issue, my view is that the Town Board could do much more to protect the rights and quality of life of current taxpaying property owners in the Town of Yates.

I have read the law and believe the law protects STR customers. However, there is precious little in STR Local Law #2 of 2026 that protects current, taxpaying residents who make up the heart and soul of the very special place we call home.

So, in an effort to provide constructive, actionable criticism of the proposed law and solutions, I offer the following:

1. **Moratorium On Any STR Activity:** Institute a moratorium on implementation of an STR Law until a fair and equitable solution is reached that addresses all significant concerns on the part of current, taxpaying residents of the Town of Yates. I believe that a moratorium has been enacted once prior. However, given the considerable impact of a wrong decision, an additional moratorium is needed.

2. **Survey of the Taxpayers:** Use the time allowed by the moratorium to survey the current, taxpaying residents of the Town of Yates on their views and ideas on the STR issue. I have done a personal, informal survey of a number of current, taxpaying residents and have found very little support for the proposed STR Local Law #2 of 2026 as written. All want a say in whether or not an STR is located adjacent to their property. Surveys were performed by the Town Board during the Lighthouse Wind, Industrial Wind Emplacement Project fight. The results were telling and served as the basis for winning the fight against the State and the Developer. A survey is critical. The people need to be heard. I offer my assistance in developing and administering a survey of Yates, taxpaying residents if needed.

3. **Suggested Updates to STR Local Law #2 of 2026**

    a. **Special Use Permitting:** The Special Use permit provision in the original STR Local Law #1 of 2026 has been written out of STR Local Law #2 of 2026 that is currently under assessment. I would urge the Town Board to revisit and reinstate the Special Use Permit Requirement for STR businesses. Special Use Permits are a critical part of ensuring compliant behavior of businesses that are located in areas of the town zoned as residential. Special Use Permits also give current, taxpaying residents input into the Special Use Permit process via public comment at Zoning Board Planning Meetings where a Special Use Permit is being discussed and voted on. I understand that legal opinion has been obtained on the legality of disallowing Special Use Permits for STR businesses that are attempting to locate in a residential zoned property. Clearly, a very similar situation occurred 2 years ago with the Special Use Permitting of the migrant labor camp on Main Street in the Town. Differences yes, but an uncomfortable number of similarities as well. Is disallowing Special Use Permits for businesses planned for location in residential-zoned areas opening the Town to lawsuits which, win or lose, would need to be paid for out of Town Coffers? Was a precedent set with the migrant labor camp?

b. **Grandfathering:** Grandfather current STR business owners based on previous performance.

c. **Adjacent, Bordering Property:** As a part of the Special Use Permit (or the normal permitting) process, each adjacent, bordering property owner will have approval/disapproval decision on the Special Use Permit. Given the real "skin in the game" imposed by a potential STR a few yards away from their homes, approval/disapproval by adjacent property owners seems prudent and fair in ensuring the closest neighbors have a say in the approval of a Special Use or any permit for an STR. If any adjacent property owner does not approve or does not respond, the Special Use Permit for the STR business will not be approved. This would be in effect for single use and multi-use drives. This would also be utilized for multi-property lanes, where only the adjacent bordering properties would have the approval/disapproval option.

These three, simple improvements/modifications to the STR Local Law #2 of 2026 would allow for:

1. Via Grandfathering, fair and equitable treatment of long-time STR business owners that have remained very closely connected to their properties.

2. Ensure that adjacent taxpaying property owners have some say and teeth in the location decision of STR's, considering the potential property misuse and quality of life reductions that may come with the location of an STR so close to their homes.

As an aside, I have heard the following from residents of the Town:

1. **"If you have a problem, just call the cops"** – I can honestly say that I did not make the biggest real estate investment of my life, so that I could be on a first name basis with the Orleans County Sheriff's Department or the New York State Police. If I had wanted that, I would have chosen a life of criminality. So, "just call the cops" is not a viable solution to an issue that could be just as easily legislated.

2. **"No need for concern, because STR property owners completely vet potential renters to avoid problems"** – All I can say to that is that I was a Board Member during the Penny Lane adjudication issue. It was not fun for plaintiff or defendant, and cost everyone involved, bad blood and a fair amount of funds in legal fees. I for one am on a fixed income and while comfortable did not invest money for retirement, only to see it used up in legal fees. The solution can easily be legislated by this Board with previously suggested updates to STR Local Law #2 of 2026.

In closing, I'd like to thank the Town Board for the opportunity to speak at this public hearing on STR Local Law #2 of 2026. Only in America does this precious right of free speech exist.

Thank you.

Supervisor Simon replied well said. I appreciate it.

Councilman Vann said I have STRs. I would just say if there's somebody out there that's struggling with an STR resident, or that happens to stop in and cause issues, or 20 cars, whatever, it should be reported to Airbnb, or VRBO. I have a house in Bristol, Rhode Island, and I have a bush that is growing over my neighbor's fence. He reported it to Airbnb, and almost got me suspended from being able to rent my place. So there are avenues, if there's a nuisance, even as little as a bush growing over your fence too far, that Airbnb and VRBO will both take action hard, to the point that I have to prove that I took care of the issue, even as minute as that is. Anything serious like parking on somebody's yard, you're done. You're suspended. They are not letting you rent to anybody for a significant amount of time. I just offer that as a short-term solution, but it's crazy what they do to the STR owner if there is a legitimate complaint. If somebody sends them a picture of a car parked on another person's property that's staying in the STR, you could get shut down for six months.

John Riggi, Town of Yates, said I have very different views, but I would love to be able to discuss this with you one-on-one, so maybe I could set something up with Shelly where the two of us could get together and talk.

Councilman Vann said absolutely, you have my number.

Georgette Stockman, Town of Yates, said I have comments on both sides. I've said this to the previous board. The only way I would have gotten a vacation at the lake as a child was by being able to have my widowed mother rent a short-term rental on Lake Champlain. So I get that this should be there. But everything I'm hearing puts the bad actors and bad actions on the neighbors. I should not have to call because a short-term rental is an egregious addition to the neighborhood. I am a Lakeshore property owner, and I did have my next-door neighbor at one point rent out to someone she described as a library assistant, and there would be no problem. I think she had cars from six different states parked there. I could not even get into my driveway because she had no idea where my driveway was. They had no idea where anything was. They were just there and it was a tough situation. It was very tricky. I would very much like to not be put in that position again. I think the rental owner needs to be completely responsible for everything that is taking place on the outside that could impact the neighbors.

Councilman Hrovat replied very well said, thank you.

RESOLUTION NO. 60-7/26

RESOLUTION TO CLOSE THE PUBLIC HEARING ON LOCAL LAW #2 OF 2026 KNOWN AS "A LOCAL LAW REPEALING AND REPLACING THE TOWN OF YATES SHORT-TERM RENTAL LAW"

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

RESOLVED, to close the Public Hearing at 6:45PM.

Offered by Councilman Hrovat, who moved its adoption
Seconded by Councilman Suhr

5 Ayes 0 Nays

Motion: Carried

ADJOURNMENT

Moved by Councilman Vann, Whereas there is no new business to be brought before the Board, the meeting be adjourned at 6:45PM.

Seconded by Councilman Jurinich

5 Ayes 0 Nays

Motion: Carried

Respectfully Submitted,
Michele L. Harling
Yates Town Clerk