

TOWN OF BYRON TOWN BOARD MEETING

September 10, 2025

The Byron Town Board Meeting was called to order by Councilman Jeff Thompson at the Byron Town Hall at 7:00 p.m. with the following people present:

Supervisor (Absent).....	Candace Hensel
Councilman.....	Jeff Thompson
Councilman.....	Martin Dilcher
Councilman.....	Fred Klycek
Councilman.....	Brandon Mason
Highway Superintendent.....	David Leaton
Town Clerk.....	Kristy Murphy
Invited Guests	John Sansone, Town Attorney

PUBLIC: Jim Lamkin Don Yaxley Eric Richenberg Steve Hohn
Dwayne Wetherall Lori Ivison Barbie Starowitz Vic DiGregregiro Michelle Weatherell
Dwane Weatherell Peter Yasses

PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Councilman Thompson.

APPROVAL OF MINUTES:

A **MOTION** was made by Councilman Mason to approve the minutes from August 13, 2025. Councilman Klycek seconds the motion and carried the following vote:

Vote: Ayes: 4 Nays: 0 Absent: 1

ABSTRACTS/VOUCHERS RESOLUTION #66

Councilman Mason offered the following resolution and moved for its adoption:

BE IT RESOLVED, that the Byron Town Board pay the following abstracts:

<u>Fund</u>	<u>Abstract</u>	<u>Vouchers</u>	<u>Amount</u>
General Fund	#9	#179 - #198	\$16,042.07
Highway Fund	#9	#84 - #92	\$78,139.25
Sewer Fund	#9	#49 - #52	\$7,796.21
Water Improvement Benefit #1	#9	#12	\$2,296.58
Sewer Capital Fund	#9	#12 - #15	\$72,806.40

General Post Audit	#8	#43 - #47	\$1,112.47
Sewer Post Audit	#8	#16 - #18	\$4,257.42

Councilman Klycek seconded the amended abstracts and vouchers resolution which was adopted by the following polled vote:

Councilman Thompson-	Aye		
Councilman Dilcher-	Aye		
Supervisor Hensel-	Absent		
Councilman Klycek-	Aye		
Councilman Mason-	Aye		
Vote:	Ayes: 4	Nays: 0	Absent: 1

ACCEPTANCE OF RESIGNATION:

-Planning Board secretary Patrick Carr has submitted his resignation as of September 30, 2025

Councilman Dilcher makes the **MOTION** to accept the resignation of Patrick Carr as planning board secretary. Councilman Klycek seconds the motion and carried the following vote:

Vote: Ayes: 4 Nays: 0 Absent: 1

DELEGATION OF THE GENESEE COUNTY PLANNING DEPARTMENT AS RECIPT OF ALL FEMA APPEALS RESOLUTION #67

Councilman Dilcher offered the following resolution and moved for its adoption:

WHEREAS, FEMA has published a notice of proposed Flood Hazard Determinations in the Federal Register possibly affecting tax parcels in the Town of Byron and appeal process has been established

WHEREAS, FEMA has established an appeals process open thru December 10, 2025. The Process includes delegating an agency to collect appeals.

BE IT RESOLVED, The Town of Byron is delegating receipt of any such appeals, appropriately drafted, to the Genesee County Planning Department. The Genesee County Planning Department will review and consolidate any appeal data received and issue a written opinion of the sufficiency of evidence and forward all individual appeals to FEMA.

Councilman Mason seconded the resolution which was adopted by the following polled vote:

Councilman Klycek-	Aye		
Councilman Thompson-	Aye		
Councilman Dilcher-	Aye		
Councilman Mason-	Aye		
Supervisor Hensel-	Absent		
Vote:	Ayes: 4	Nays: 0	Absent: 1

**TOWN OF BYRON SUPPORT SENATE BILL (SENATOR GALLIVAN) S.8481
RESOLUTION #68**

Councilman Klycek offered the following resolution and moved for its adoption:

WHEREAS, Across New York State, communities, including Byron, are facing steep increases in utility costs and housing construction expenses due to electrification mandates. These include restrictive building codes that prohibit natural gas, vehicle sales quotas that eliminate traditional models, and infrastructure benchmarks for EV charging that are often impractical and financially burdensome.

WHEREAS, Legislation proposed through S.8481 would authorize local governments to opt out of mandates and benchmarks established under the Climate Leadership and Community Protection Act (CLCPA), including universal electrification requirements, by filing a resolution with the Department of Environmental Conservation.

WHEREAS, Senate Bill S. 8481 is affirming the principle of home rule by allowing local governments to make energy decisions that reflect the unique needs of their residents and businesses.

WHEREAS, The Byron Town Board supports the proposed Senate Bill S. 8481

BE IT RESOLVED, the Byron Town Board will submit a letter of support for S.8481, Drafted by Supervisor Hensel and signed by each member before submitting back to Senator Borello.

Councilman Mason seconded the resolution which was adopted by the following polled vote:

Councilman Klycek-	Aye		
Councilman Thompson-	Aye		
Councilman Dilcher-	Aye		
Councilman Mason-	Aye		
Supervisor Hensel-	Absent		
Vote: Ayes: 4	Nays: 0	Absent: 1	

**TOWN OF BYRON, TOWN BOARD TO INTRODUCE TWO PROPOSED LOCAL
LAWS**

**TOWN OF BYRON, NY
COUNTY OF GENESEE
LOCAL LAW NO. 2 OF THE YEAR 2025**

**A LOCAL LAW TO REGULATE AND SET STANDARDS FOR SHORT TERM
RENTALS IN THE TOWN OF BYRON, NEW YORK**

WHEREAS, the Town of Byron finds that the use of private property for short term rentals can negatively impact the aesthetic character, property values, peace and enjoyment and public safety of the community; and

WHEREAS, it is deemed necessary and appropriate to establish reasonable regulations concerning short term rentals to promote the general welfare, health, safety, and prosperity of the inhabitants of the Town of Byron;

NOW, THEREFORE, BE IT ENACTED by the Town Board of the Town of Byron as follows:

Definitions:

As used in this chapter, the following term shall have the meaning indicated:

SHORT-TERM RENTAL — Any portion of real property rented or used for compensation in exchange for lodging for a period of not more than 31 consecutive days. This may include campgrounds, tent sites or tent platforms and other temporary structures on the parcel. For the purpose of this chapter, the term "short-term rental" shall not include a bed-and-breakfast, boarding/lodging house, hotel, motel, or ongoing month-to-month tenancies

Presumption of dwelling unit as short-term rental property.

A. The presence of the following shall create a presumption that all or a part of the property is being used as a short-term rental:

- (1) All or a part of the property is offered for lease on a short-term rental website, including but not limited to Airbnb, Home Away and VRBO, for a rental period of less than 31 days; and/or
- (2) All or a part of the property is offered for lease for a period of 31 days or less through any form of advertising.

B. The foregoing presumptions may be rebutted by evidence presented to the Code Enforcement Officer that the premises is not operated as a short-term rental.

Required permit.

A. Owners shall not use their property as a short-term rental without obtaining a revocable short-term rental permit.

B. A short-term rental permit shall be valid for one year and must be renewed 30 days prior to expiration of current permit if the premises is to continue to operate as a short-term rental.

C. The short-term rental permit is not transferable to a new owner. The new owner of the premises subject to a short-term rental permit must file a new permit application.

D. Notwithstanding the foregoing, those properties with short-term rental commitments existing on the date this section takes effect shall be permitted to honor such existing commitments and continue to make commitments for short-term rentals, but must apply for a permit within 180 days of the local law's effective date for all future short-term rental commitments. In the event such application is denied, all commitments shall be cancelled.

Short-term rental permit application requirements.

A. Applications for a short-term rental permit may be obtained from the Town of Byron Code Enforcement Officer. Short-term rental permit shall be submitted to the Code Enforcement Officer, accompanied by payment of a non-refundable permit fee of \$100.00 (one hundred dollars). The permit fee may be reviewed and changed from time to time by the town board through resolution.

The application shall include the following:

- (1) The signatures of all title owners or their designated agents. Signatures by designated agents must be validly notarized, acceptable in New York State.
- (2) A statement authorizing the Code Enforcement Officer to inspect the property to ensure compliance with all requirements and standards contained within this chapter.
- (3) An acknowledgement of present and ongoing compliance with the short-term rental standards as defined in this chapter, including, but not limited to, the demonstration of adequate off-road parking spaces for the proposed short-term rental.
- (4) A list of each property owner and the name of any manager or management agency managing the property, including names, addresses, telephone numbers and email addresses of each.
- (5) The name, address, telephone number and email address of a contact person, who shall be responsible and authorized to act on the owners' behalf to promptly remedy any violation of the standards outlined in this section. The contact person may be an owner, or an agent designated by the owner(s) to serve as a contact person, and shall respond to any correspondence or concern from the Town Code Enforcement Officer within 24 hours.
- (6) An accurate suitable floor plan for each level of the dwelling that can be occupied measuring at least 8.5 inch by 11 inch, drawn to scale and certified by the applicant.

The floor plan does not need to be prepared by a professional, but must include the following:

- (a) The location of buildings and required parking.
- (b) Basement: location of house utilities and all rooms including bedrooms, windows, exits and any heating/cooling units.

(c) First floor: all rooms including bedrooms, windows, exits and any heating/cooling units.

(d) Second floor: all rooms including bedrooms, windows, exits and any heating/cooling units.

(e) Attic (if present): all rooms including bedrooms, windows, exits and any heating/cooling units.

(7) A statement that none of the owners of the subject property have had a short-term rental permit revoked within the previous year for any rental properties owned individually or together with others.

B. All completed applications are subject to a floor plan review and approval by the Code Enforcement Officer.

C. Owners wishing to apply for a variance relating to sleeping capacity, parking capacity, or other standards stated below must petition to the Zoning Board of Appeals. Variance applications will be reviewed by the Zoning Board of Appeals in accord with the Town's Zoning Code and said changes shall become effective upon approval of the town board through resolution.

The permit application requirements can be modified from time to time by the planning board and shall be implemented after approval of the town board through resolution

Short term rental standards.

A. Property requirements.

(1) Property must comply and meet all current provisions of the New York State Uniform Code.

(2) There shall be one working smoke detector in each sleeping room and one additional smoke detector on each floor. Carbon monoxide detectors shall be installed as required by the New York State Uniform Fire Prevention and Building Code.

(3) Evacuation procedures must be posted in each sleeping room to be followed in the event of a fire or smoke condition or upon activation of a fire or smoke-detecting or other alarm device. (4) There shall be an ABC fire extinguisher on each floor and in the kitchen. Fire extinguishers shall be inspected prior to a renter occupying the property and no less than monthly by the permit holder(s) to ensure each contains a full charge. A record of the date inspected and initialed by the permit holder shall be maintained and made available to the Code Enforcement Officer upon request.

(5) The house number shall be located both at the road and on the dwelling unit so that the house number is clearly visible from both the road and the driveway.

(6) Exterior doors shall be operational and all passageways to exterior doors shall be clear and unobstructed.

(7) Electrical systems shall be in good operating condition, labeled, unobstructed and shall be visible for the Code Enforcement Officer during the permitting process. Any defects found shall be corrected prior to permit issuance.

(8) All fireplaces shall comply with all applicable laws and regulations.

(9) The property must have a minimum of one off-road parking space for every bedroom shown on the floor plan included with the application.

(10) Maximum occupancy for each short-term rental unit shall not exceed two people per bedroom shown on the floor plan included with the application and two people per minimum full-size convertible sleeping accommodation furniture (i.e. futon, hide-a-bed) also identified on the floor plan. The maximum occupancy of a short-term rental unit shall not exceed 12 people, including permanent residents and renters.

(11) In the event that the property has a septic system, the maximum occupancy shall be defined by the capabilities of the septic system, but in no event shall overnight occupancy for any short-term rental unit exceed 12 people total

(12) A septic system at the property must meet all state requirements.

(13) The septic system must have been pumped within the past four years and proof of pumping and satisfactory inspection by a qualified septic disposal firm shall be available to the Code Enforcement Officer. Once a short-term rental permit is issued, the septic system must be pumped at least once every four years.

(14) The water supply to the property must meet all state requirements.

(15) One sign identifying the short-term rental shall be allowed measuring no more than six square feet on a side. The sign may be double-sided but not internally lighted. The location, design and dimensions of the sign shall be reviewed and approved by the Code Enforcement Officer prior to issuance of the permit. If signage is desired after a permit has been issued, the short-term rental permit holder must submit a request for review and approval to the Code Enforcement Officer prior to installation. If the property has vehicular access on more than one road, there may be one sign fronting on each road. Any sign associated with a short term rental shall comply with the town code for signs at all times.

(16) A sewer rate per unit charge shall be paid in full after determination of the code enforcement officer. That determination may require a visual inspection of the premises by the code enforcement officer.

(17) A bed tax shall be paid after determination by the code enforcement officer. That determination may require a visual inspection by the code enforcement officer.

B. Insurance standards.

All applicants and permit holders must provide "evidence of property insurance" and a "certificate of liability insurance" indicating the premises is rated as a short-term rental and maintain such insurance throughout the term of the short-term rental permit. C. Provisions shall be made for weekly garbage removal during rental periods. Garbage containers shall be secured with tight-fitting covers at all times to prevent leakage, spilling or odors, and placed where they are not clearly visible from the road except at approximate pick-up time. D. Rental contract: All applicants and permit holders must have a rental contract, which includes the following:

- (1) Maximum property occupancy;
- (2) Maximum on-site parking provided; and
- (3) Good neighbor statement stating:
 - (a) The short-term rental is in a residential area in the Town of Byron and that renters should be considerate of the residents in neighboring homes.
 - (b) Guests are requested to observe quiet hours from 11:00 p.m. through 7:00 a.m.
 - (c) All renters will be subject to New York Penal Law § 240.20 or any successor statute regarding disorderly conduct.
 - (d) Littering is illegal; and (e) Recreational campfires must be attended.

Procedure upon filing application:

A. Short-term rental permit applications shall be filed with the Town of Byron Code Enforcement Officer with all supporting documentation and the non-refundable permit fee. Only completed applications will be accepted by the Town's Code Enforcement Officer.

The Code Enforcement Officer may decline to accept an application for consideration for any of the following reasons, including, but not limited to:

- (1) The application, documentation required by this section was not included or inaccurate or fraudulent information was included therein or the full permit fee was not paid.
- (2) A previously issued short-term rental permit was revoked within the past year and defects and/or violations have not been corrected and inspected by the Code Enforcement Officer.

B. Upon receipt of a completed short-term rental permit application, adjacent property owners of the short-term rental will be notified of the application by the Town of Byron via post card or e-mail.

C. Upon the Code Enforcement Officer's acceptance of the completed permit application, all documents and information required by this section and the permit fee, the Code Enforcement Officer shall have 30 days to conduct a property inspection to certify and approve that all short-term rental requirements have been met.

D. Upon approval of the short-term rental application by the Code Enforcement Officer, a short-term rental permit will be issued. Short-term rental permits issued pursuant to this Section shall state the following:

- (1) The names, addresses and phone numbers of each person or entity that has an ownership interest in the short-term rental property.
- (2) The name, address and phone number of a primary contact person who shall be available during the entire time the short-term rental property is being rented.
- (3) The maximum occupancy and vehicle limits for the short-term rental property.
- (4) Identification of the number of and location of parking spaces available.
- (5) Any conditions imposed by the Zoning Board of Appeals and/or Code Enforcement Officer.

Conformity and display of permit.

A. Short-term rental permits are subject to continued compliance with the requirements of these regulations.

(1) If the Code Enforcement Officer has probable cause to believe that the homeowner is not in compliance with the provisions of this law, the Code Enforcement Officer may request permission from an owner of the short-term rental permit to enter the premises and to conduct an inspection of the short-term rental property for purposes of ensuring compliance with this section. If the property owner refuses to permit the Code Enforcement Officer to inspect the property, the permit will be revoked. If an inspection authorized herein is conducted, the Code Enforcement Officer shall use the results of such inspection in determining whether to revoke the permit.

(2) The short-term rental permit, maximum occupancy limit, maximum parking, contact form and standards shall be prominently displayed inside and near the front entrance of the short-term rental; and

(3) The short-term rental permit holder shall ensure that current and accurate information is provided to the Code Enforcement Officer and that they notify the Code Enforcement Officer immediately of any change in the information displayed on the permit. If, based on such changes, the Code Enforcement Officer issues an amended short-term rental permit; the owners must immediately post the amended permit inside and near the front entrance of the short-term rental.

(4) The short-term rental permit holder must conspicuously display the short-term rental permit number in all advertisements for the applicable short-term rental.

Application for renewal of permit.

Renewal permits will be granted for an additional one-year term if the following conditions are met:

- A. Application for renewal of the short-term rental permit shall be made 30 days prior to expiration of current permit and requires payment of renewal fee.
- B. At the time of application for renewal, the owner or designated agent must present the previous permit for short-term rental.
- C. The property must have undergone an inspection performed by the Code Enforcement Officer.
- D. Any violations must be remedied prior to renewal of a permit for short-term rental, however, the Compliance and Penalties provision below are applicable.

The renewal permit fee shall be \$100 per year and is subject to change from time to time by the planning board with approval of the town board through resolution.

Compliance and penalties.

- A. Violations of this section or of any short-term rental permit issued pursuant to this section shall be subject to enforcement and penalties prescribed in this chapter.
- B. If the Code Enforcement Officer either witnesses or receives a written complaint of an alleged violation of this section or of any short-term rental permit issued pursuant to this section, the Code Enforcement Officer shall properly record such complaint and immediately investigate the report thereon. If the Code Enforcement Officer determines there is a violation of this code, the owners shall be notified in writing by first class mail and certified return receipt mail at the last known address of said violations and the Code Enforcement Officer may take any or all of the following actions:
 - (1) Attach conditions to the existing short-term rental permit.
 - (2) Suspend the short-term rental permit. The notice of suspension shall be provided to the property owner and a copy filed with the town clerk.
 - (3) Require corrective action that remedies the violation(s). The corrective action must be completed and approved within 35 days of the date of the notice from the Code Enforcement Officer is dated or the owner risks suspension or revocation of the short-term rental permit.
 - (4) Issue a court appearance ticket for violation of the town code or New York State law.

(5) Should a permit be revoked, all owners of the short-term rental are prohibited from obtaining a short-term rental permit on the property for one year after the date of revocation. The Code Enforcement Officer will record and send notices of revocation to property owners and inform the Town Planning Board.

Application for renewal of permit.

Grounds for suspension or revocation of permit.

A. The Code Enforcement Officer may immediately suspend a short-term rental permit based on any ground, including, but not limited to the following:

(1) Applicant has falsified or failed to provide accurate information in the application for a permit or the application for permit renewal.

(2) Applicant failed to meet or comply with any of the requirements of this chapter.

(3) Owner is in violation of any provision of the Code of the Town of Byron.

(4) Owner has violated any provision of the Penal Law of the State of New York, which violation occurred at, or related to the occupancy of the short-term rental.

(5) Any conduct on the premises, which disturbs the health, safety, peace or comfort of the neighborhood or which otherwise creates a public nuisance.

(6) Removal or disrepair of any safety devices such as, but not limited to, smoke and carbon monoxide detectors, fire extinguishers and egresses.

No portion of the premises can be rented or used for compensation during the suspension or revocation period. Continuing to rent or use any portion of the property for compensation during the suspension or revocation period shall constitute a separate, distinct violation of the permit.

Appeals and hearings.

The property owner is entitled to appeal the Code Enforcement Officer's determination to the Zoning Board of Appeals when a property owner's application for a short-term rental permit or a short-term rental permit renewal is denied or a short-term rental permit is suspended or revoked.

A notice of appeal shall be filed with the Town Clerk and the Zoning Board of Appeals within 60 days of the Code Enforcement Officer's filing of the denial or suspension or revocation with the town clerk. A hearing shall be held by the Zoning Board of Appeals not more than 45 days after the filing of the notice of appeal.

Severability

If any section, subsection, sentence, clause, phrase, or portion of this law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Conflicting laws

All laws or parts of laws inconsistent herewith are shall be considered invalid or unenforceable.

Effective date

This law shall take effect upon its filing with the New York State Secretary of State.

TOWN OF BYRON, NY
COUNTY OF GENESEE
LOCAL LAW NO. 3 OF THE YEAR 2025

A LOCAL LAW TO REGULATE THE OUTDOOR STORAGE OF COMMERCIAL TRAILERS ON RESIDENTIAL AND RECREATIONAL PRIVATE PROPERTY

WHEREAS, the Town of Byron finds that the outdoor storage of large commercial trailers, specifically tractor-trailer trailers (also known as semi-trailers or 18-wheeler trailers), on private property within residential and certain recreational zoning districts can negatively impact the aesthetic character, property values, and public safety of the community; and

WHEREAS, such storage can create visual blight, obstruct views, contribute to noise, and pose potential traffic and safety hazards due to their size and potential for unmonitored activity; and

WHEREAS, it is deemed necessary and appropriate to establish reasonable regulations concerning the outdoor storage of such trailers to promote the general welfare, health, safety, and prosperity of the inhabitants of the Town of Byron;

NOW, THEREFORE, BE IT ENACTED by the Town Board of the Town of Byron as follows:

SECTION 1. TITLE AND PURPOSE

This local law shall be known as the "Commercial Trailer Storage Law of the Town of Byron." The purpose of this local law is to regulate the outdoor storage of commercial trailers on private property within designated zoning districts to mitigate adverse impacts on residential neighborhoods and public safety.

SECTION 2. DEFINITIONS

For the purpose of this law, the following terms shall have the meaning ascribed to them:

- **Commercial Trailer (Tractor-Trailer Trailer/Semi-Trailer):** A non-motorized, inspected, licensed and registered vehicle designed to be pulled by a tractor trailer rig or semi truck, exceeding 28 feet in length and eight (8) feet in width, typically connected to the trailer at a fifth wheel coupling and designed for the transport of goods, materials, or equipment as part of a commercial enterprise. This includes, but is not limited to, dry vans, refrigerated trailers, flatbeds, car carriers, tanker trailers, and any other similar unenclosed or enclosed commercial hauling unit.
- **Commercial Vehicle:** Often defined by gross vehicle weight rating (GVWR), length, height, or type of registration (e.g., any vehicle designed, used, or maintained primarily for the transportation of property for hire or for business purposes, exceeding a certain weight or dimension).
- **Parking:** The stopping or standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actively engaged in loading or unloading.
- **Outdoor Storage:** The placement or keeping of a commercial trailer on any portion of a property that is not fully enclosed within a permitted building or structure.
- **Residential Zoning District(s):** Any zoning district designated primarily for residential use, including but not limited to R-1, R-2, R-3, Residential-Agricultural, or similar classifications as defined in the Town's Zoning laws.
- **Recreational Zoning District(s):** Any zoning district designated for recreational use, where such storage is not explicitly permitted as an accessory use, including, but not limited to, Conservation, Open Space, or similar classifications as defined in the Town's Zoning laws.
- **Accessory Use/Structure:** A use or structure incidental and subordinate to the principal use of the lot and located on the same lot.
- **Owner:** The person or entity holding legal title to the private property.

SECTION 3. PROHIBITION OF OUTDOOR STORAGE

A. Except as specifically provided in Section 4 of this law, no person shall store or permit the outdoor storage of any commercial trailer on any private property located within any Residential or Agricultural-residential Zoning District in the Town of Byron.

B. This prohibition applies whether the commercial trailer is attached to a tractor trailer rig/semi truck or unattached.

SECTION 4. EXCEPTIONS

The following exceptions shall apply to the prohibition set forth in Section 3:

A. Active Loading/Unloading: A commercial trailer may be temporarily present on private property for the sole purpose of active loading or unloading of goods or materials, provided that such activity does not exceed a continuous period of 24 hours from the time the loaded trailer first arrives at the private property site.

B. Construction Sites: A commercial trailer may be present on a property that is an active, permitted construction or renovation site, directly associated with the construction project, for the duration of the valid building permit, provided it is used solely for the storage of construction materials, tools, or equipment necessary for the project. Upon completion or cessation of the construction activity, the trailer shall be removed within 72 hours from the time the loaded trailer first arrives at the construction or renovation site.

C. Agricultural Use (where permitted): On properties located within a designated Agricultural or Agricultural-Residential Zoning District where active agricultural operations are the principal use, a commercial trailer may be stored outdoors if it is directly and exclusively used for the active agricultural operations on that property, as an accessory use incidental to the agricultural activity. This exception does not apply to properties primarily used for residential purposes with incidental agricultural activity.

D. Emergency Services: Commercial trailers owned and operated by the Town of Byron or its authorized contractors for municipal purposes (e.g., public works, emergency services) may be stored as necessary for the performance of their duties.

E. Repair (Limited Duration): A commercial trailer may be temporarily present on private property for necessary and minor emergency repairs, provided such repairs are completed and the trailer removed within 72 hours. Major repairs or long-term maintenance are not permitted under this exception.

F. Trailer Storage: Trailers stored in approved areas shall be located on an improved surface such as pavement, concrete or stone. The trailer shall be parked in a manner that is not visible from the public right-of-way or is screened from view by a solid fence, wall, or dense evergreen landscaping at least six (6) feet in height. No semi-trailer shall be used for human habitation, occupation, or for a residential or housing purpose, on a temporary or permanent basis, within the town limits.

SECTION 5. ENFORCEMENT AND PENALTIES

A. Enforcement Authority: Violations of the provisions of this law shall be enforced by the Code Enforcement Officer of the Town of Byron.

B. Any property not in compliance with the provisions of this local law at the time of its enactment shall bring their property into compliance within six (6) months after the date of

enactment of this local law. After that six months period, the enforcement and penalty provisions shall apply.

C. Violation Notice: Upon discovery of a violation of provisions of this law, the enforcing authority shall issue a written notice of violation to the owner of the property where the violation occurs. The notice shall describe the violation and order its abatement within a specified period, not to exceed ten (10) calendar days from the date of the notice. If after the 10th day the owner has not complied, the Town will have the authority to contract for its removal, after reasonable written notice is made to the property owner. The property owner will be responsible for all towing and storage fees.

D. Penalties: Any person who violates any provision of this law shall be subject to a fine of: First Offense: One Hundred Dollars (\$100.00) or imprisonment not to exceed 15 days. Second Offense: Two Hundred Fifty Dollars (\$250.00) or imprisonment not to exceed 15 days Third and Subsequent Offenses: One Thousand Dollars (\$1,000) or imprisonment not to exceed 15 days. Each day a violation continues after the expiration of the abatement period specified in the notice of violation shall constitute a separate offense.

Fine amounts may be reviewed and changed by the planning board from time to time and said changes shall become effective upon approval of the town board through resolution.

E. Remedies: In addition to monetary penalties, the Town may pursue any other legal or equitable remedies including jail time available to it, including but not limited to injunctive relief to compel compliance with this law.

SECTION 6. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 7. CONFLICTING LAWS

All laws or parts of laws inconsistent herewith are shall be considered invalid or unenforceable.

SECTION 8. EFFECTIVE DATE

This law shall take effect upon its filing with the New York State Secretary

PUBLIC HEARING REGARDING TWO PROPOSED LOCAL LAWS #2 AND #3:

A MOTION was made by Councilman Klycek to schedule a public hearing regarding proposed Local Law #2 a Local Law To Regulate And Set Standards For Short Term Rentals In the Town Of Byron on Wednesday, October 8, 2025 at 6:00pm

Councilman Thompson seconds the motion and carried the following vote:

Vote: Ayes: 4 Nays: 0 Absent: 1

A **MOTION** was made by Councilman Klycek to schedule a public hearing regarding proposed Local Law #3 to Regulate the Outdoor Storage of Commercial Trailers on Residential and Recreational Private Property in the Town of Byron on Wednesday, October 8, 2025 at 6:30pm

Councilman Thompson seconds the motion and carried the following vote:

Vote: Ayes: 4 Nays: 0 Absent: 1

SPECIAL BUDGET MEETING TO BE SCHEDULED:

A **MOTION** was made by Councilman Dilcher to schedule the special meeting regarding A review of the tentative budget for 2026, the discussion of fire protection and the need for a proposed tax cap override if needed on Wednesday September 24, 2025 at 6:00pm

Councilman Klycek seconds the motion and carried the following vote:

Vote: Ayes: 4 Nays: 0 Absent: 1

SOLAR PROJECT ASSISTANCE DISCUSSION:

- Per the last town board meeting the supervisor was to reach out to Dwight Kanyuck a specialized solar attorney and Michael Dunn Clean Energy Advisor.
- At this time Michael Dunn has agreed to review our zoning laws
- Dwight Kanyuck is unable to be retained due to a conflict of interest
- Supervisor Hensel reached out to Benjamin Wisniewski, Wisniewski Law PLLC to see if the town could retain him for his services regarding the towns solar needs
- Genesee County is having a meeting regarding the impact the solar farms are having in the county and the towns. After that meeting is had that will potentially direct how the town moves forward in regards to retaining solar legal assistance

GAZEBO ROOF REPLACEMENT DISCUSSION :

- The parks committee is requesting the town board give permission to hire someone to replace the roof on the gazebo in the park

- The parks contractual budget has \$8,408.00 remaining in the 2025 budget at this current time -

Three quotes were received and they are as follows:

Tall Pines Roofing.....	\$8,700.00
D & B Home Renovations	\$5,800.00
Sunset Roofing	\$9,970.00

- Discussion had regarding how to proceed and if the quotes were written "apples to apples"
- Councilman Dilcher & Councilman Thompson will go take a look at the gazebo and see exactly what they would like to see quoted out for the repair/replacement

A **MOTION** was made by Councilman Thompson to table the discussion until they have looked at the project. Councilman Mason seconds the motion and carried the following vote:

Vote: Ayes: 4 Nays: 0 Absent: 1

REPORTS:

Highway Superintendent Report- David Leaton:

- Almost all the salt is in
- Roadwork is almost done

Councilman Mason makes the **MOTION** to accept the Highway Superintendent report.
Councilman Klycek seconds the motion and carried the following vote:

Vote: Ayes: 4 Nays: 0 Absent: 1

Town Clerk Report-Kristy Murphy:

- Town of Byron Supervisor \$2,715.55
- State Health Department for Marriage License \$22.50
- Paid Ag & Market spay & neuter program..... \$40.00
- DEC \$1,655.45
- Thank you to the Highway Department for removing and storing the hometown hero banners last week. If there is still interest in additional banners I will be reaching out early spring for a price and will let everyone know when I am ready to roll the program out again.

Councilman Klycek makes the **MOTION** to accept the Clerks report.
Councilman Mason seconds the motion and carried the following vote:

Vote: Ayes: 4 Nays: 0 Absent: 1

Supervisors Report- Candace Hensel:

- Supervisor Hensel attended workshops/meetings this month which included:
Genesee Association of Municipalities, Brand Genesee, Glow with Your Hands, County Municipal Resources Inc. Study (Fire Department) Solar/Renewables, BBS Accounting, Vacant Rental Property Grant Opportunity, Parks Committee and Parks Committee Grant Meeting
- Registered for Land Use Leadership Alliance in Buffalo(3 day)
- Drafted the itinerary for fall budget meetings, workshops, public hearings and deadlines.
- Anyone seeking additional information may contact Supervisor by email or town voicemail.

Councilman Dilcher makes the **MOTION** to accept the Supervisors report.
Councilman Klycek seconds the motion and carried the following vote:

Vote: Ayes: 4 Nays: 0 Absent: 1

Historical Society/Museum:

- Storm windows will be installed this month
- HVAC company is scheduled to come out and clean the ducts
- Thanks to the highway department for replacing bathroom faucet
- Historical Society Dinner will be held on October 7th at 6:00pm. Dinner will be ham and

scalloped potatoes. For reservations call Jan Kent 585-739-0447. Tickets are \$18.00 and Ray Cianfrini will be speaking on the history of the Ku Klux Klan in Genesee County

Councilman Mason makes the **MOTION** to accept the Historical Society report.
Councilman Dilcher seconds the motion and carried the following vote:

Vote: Ayes: 4 Nays: 0 Absent: 1

Parks Report:

- Decorating fireman's park with Christmas trees have been discussed
- A subcommittee has been created to discuss other events
- The highway department did a wonderful job of clearing weeds around Trestle Park pond
- Camera footage has been retrieved and reviewed. The park is busy at all hours even late at night but, no damage has been reported
- Nex meeting will be held October 2nd at 7pm at the Byron Hotel

Councilman Dilcher makes the **MOTION** to accept the Parks Committee report.
Councilman Mason seconds the motion and carried the following vote:

Vote: Ayes: 4 Nays: 0 Absent: 1

CEO/ZEO Report:

Permit Type:			
Permit #	Applicant	Location	SBL#
building			
28-25	Mark Felschow	5678 Shelt Rd	2.-1-30.1
Deck			
13-25	Christopher Lee Brown	7676 Route 237	9.-2-48.2
Fence			
33-25	Michael James Cody	7156 Route 237	7.-1-81
OP. Other			
29-25	William Stevens	6181 Cook Rd	1.-2-21
Repair			
30-25	Gerald Bateman	6903 Lyman Rd	10.-2-2.1
Shed			
31-25	Frederick Dries	7015 Old State Rd	10.-2-15.2

- CEO took 3 more hours of my 24 required training hours.
- Completed an inspection at the former Southwoods Campground and met with the manager.
- Completed inspections at Yasses 3 properties, office and garages, storage rental and adjoining lot.

Councilman Mason makes the **MOTION** to accept the CEO/ZEO report.
Councilman Dilcher seconds the motion and carried the following vote:

Vote: Ayes: 4 Nays: 0 Absent: 1

Sewer Report:

- Sewer protest letters were due back on September 8, 2025 the town clerk's office received none
- Septic tanks have been pumped in Center Byron
- Tanks are currently being pumped in South Byron

Councilman Dilcher makes the **MOTION** to accept the CEO/ZEO report.
Councilman Mason seconds the motion and carried the following vote:

Vote: Ayes: 4 Nays: 0 Absent: 1

FIRE/EMS Report Dwane Weathrell:

- Councilman Dilcher asked Chief Weatherell who is running the meeting on September 17th
- Chief Weatherell stated he was not sure and it would be best to reach out to Steve Lockner or Brian Hickey
- Discussion had between the board and Chief Weatherell on what the agenda will be
- 155 Calls to date, 81 EMS calls, 21 MVA calls
- Installing an air purifying system to keep carcinogens off our gear from the diesel truck. The project should be completed by the end of the year
- 10 air packs, 20 bottles, 10 masks and 1 rip pack were approved at the fire departments last meeting
- A new cutter/spreader and ram are being discussed to get into cars
- New nozzles are being trialed
- New garage doors are being installed next week

Councilman Mason makes the **MOTION** to accept the Fire/EMS report.
Councilman Klycek seconds the motion and carried the following vote:

Vote: Ayes: 4 Nays: 0 Absent: 1

PUBLIC COMMENTS:

- Jim Lamkin asked what the status of the Pumpkin Hill property
- Clerk states the property is online now running through September 24th and to date there was one bid
- Pete Yasses 10 air packs bought how many respond 6 qualifies
- Steve Hohn asked if there could be an advertisement placed to replace the planning board secretary and a second alternate for the planning board as soon as possible

EXECUTIVE SESSION:

A motion was made by Councilman Thompson to go into executive session to receive legal advice from its attorney regarding litigation strategy concerning Water Improvement Benefit Area No. 1. At 8:15pm. Motion was seconded by Councilman Mason and carried with the following polled vote:

Councilman Klycek-	Aye
Councilman Thompson-	Aye
Councilman Dilcher-	Aye
Councilman Mason-	Aye
Supervisor Hensel-	Absent
Vote: Ayes: 4	Nays: 0 Absent: 1

A motion was made by Councilman Klycek to come out of executive session at 8:37pm. Motion was seconded by Councilman Dilcher and carried with the following polled vote:

Councilman Klycek-	Aye
Councilman Thompson-	Aye
Councilman Dilcher-	Aye
Councilman Mason-	Aye
Supervisor Hensel-	Absent
Vote: Ayes: 4	Nays: 0 Absent: 1

NO ACTION TAKEN AT THE EXECUTIVE SESSION

ADJOURN:

A **MOTION** was made by Councilman klycek to adjourn the Byron Town Board meeting at 8:38pm. Councilman mason seconded the motion which was carried by the following vote:

Vote: Ayes: 4 Nays: 0 Absent: 1

Respectfully Submitted,



Kristy Murphy, Town Clerk