

April 13, 2023

The Town Board of the Town of Warwick held a Public Hearing to Amend Chapter 129 of the Code of the Town of Warwick, "Short Term Rental Property" by replacing the entire chapter. Said public hearing was held on Thursday, April 13, 2023 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor opened the public hearing at 7:00 p.m.

**ATTENDANCE:** Supervisor Michael Sweeton  
Councilman James Gerstner  
Councilman Floyd DeAngelo  
Councilman Russell Kowal  
Councilman Kevin Shuback

Attorney for the Town, Jay Myrow – Absent

**LEGAL NOTICE:** The Clerk read the legal notice, which was duly published in the Warwick Valley Dispatch on March 15, 2023.

(Copy of this legal notice is printed at the end of these minutes.)

Supervisor Sweeton – We've been going over and tightening up the code a little bit to see if we can't mitigate some the issues that have risen. Lisa Mulcahy and the group have come together and helped us find Airbnb's that were not getting permits and we've been following up on that, so we thank you for that effort. We did review several different codes and made changes in the code that will hold people more accountable. We think this has a place so far, there's been a few bad apples which is always the problem with things like this. We're not at the point where we want to make this to overly restrictive so it doesn't have a place here, because I think there is a place for it in the town. Primarily what we did in changes was added information to get the permits, we need floor plans that can be hand drawn, they don't have to be an architect drawing, they just have to show the number of rooms, bedrooms etc. That helps us determine the number of occupants that can be there, it's all based on how many are permitted by the health department for your septic that was designed for your house based on the number of bedrooms. There are some requirements to post additional information in your unit, so that people who come to stay there who are not familiar with the area, who are not familiar with the neighbors can understand there are obligations for them as renters of your home if that's what you're doing. There are also some additional items in there that would allow the Building Department to determine if a residence is being used as a short-term rental without having a valid permit. There's a presumption that certain things are there, if it's advertised without a permit number that's a factor of omission. Those things are in the code that were changed and that's really all of it that was changed and we will take public comment at this point.

Lisa Mulcahy – I have a question in the code it was mentioned a code enforcement officer, will that be a new hire?

Supervisor Sweeton – Potentially it could be depending on how we see the revenue stream from short-term rentals. Right now, it would be one of the two, part-time or full-time code

enforcer that we have, Building Inspector Code Enforcer. If one thought we have had, we talked about it is hiring somebody part-time to do short-term rentals. I think that was something that came out of your committee. We did look into that and had a chat with one interested individual, but we would solicit multiple entries.

Lisa Mulcahy – With respect to the inspection fee of \$50 is that in addition to the \$750 renewal that's in 129.4E?

Supervisor Sweeton – No, I would say the initial permit renewal is going to include a certification by the Inspector that it still meets ingress/egress those things.

Lisa Mulcahy – Ok.

Supervisor Sweeton – That would be for some reason if they had an additional inspection for something.

Lisa Mulcahy – The year penalty period, so if you had a permit revoked or you were in violation you would be...

Supervisor Sweeton – The process is if you get a violation for it, you get the opportunity within a certain period and I think it's 10 days to request and come to the Board to talk about the issue and the violation. The presumption would be if you inadvertently, this was the first time you've done this or whatever the Board is not going to right away revoke the permit for a year. It's the repeat offenders, the person that doesn't manage the property responsibly and I believe again, I think the data and the evidence that we've seen shows that 80% to 90% are responsible, but it's the 10% that cause issues for everyone. It would be the repeat issue, someone comes and says it's the large gatherings and the parties that go on all night and it happens again the following weekend because it's an absentee landlord, which is not necessarily a bad thing but it's someone who's not monitoring it. I think I relayed at the last hearing an incident where the person said, what am I supposed to do about it, well it is your responsibility to do something about it. That's what we want to err on the side of making sure the residents that are not doing this can enjoy their homes. Those are the kind of things that would cause that one-year revocation, I believe. If it was a one-time incident and we didn't get another report of it, one of the things we did and some people may not be aware after the first few meetings here where we've looked at this. The violation now if a call comes into the police station which is 24 hours a day, they automatically now notify the person on record as the agent whether it's the owner or the agent that lives in Orange County that's responsible. That person now has to meet the police officer there, so the police officer is not going multiple times telling them to turndown the noise and then an hour later it's loud again. That has helped a lot with that situation.

Lisa Mulcahy – That's usually the rental agency that can make that immediate phone call to the guest and figure out what's going on.

**Supervisor Sweeton – I think the message with the changes to tighten this up here is we understand sometimes somebody makes a mistake, but we are not going to be tolerant of multiple occurrences of that, because it will jeopardize everybody.**

**Lisa Mulcahy – I think the committee was in agreement with that and everybody should be following the rules and that's what our hope was. I want to put on the record what I said to you previously we looked into the AirDNA subscription which is a really great resource for the town to have. That is what we use primarily in our group to identify the unregistered ones and the cost is minimal, I think \$12 a month if you're just focusing on the Town of Warwick.**

**Supervisor Sweeton – I did ask what the cost was and I would allow the Building Department to find these unregistered ones.**

**Brenda Wiley – My question is related to the application that we also amended or updated in any way to reflect the changes in the current regulations?**

**Supervisor Sweeton – Yes.**

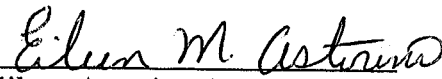
**Brenda Wiley – I'm assuming it will probably rollout quickly or at the same time.**

**Supervisor Sweeton – We haven't adopted this and we won't adopt it tonight, as soon as it can be adopted is two weeks from tonight. We'll work on the permit in the meantime, because I think the Boards consensus on this is that we want to do this as the next step.**

**Brenda Wiley – Ok, thank you.**

**Supervisor Sweeton – Is there anyone else who would like to speak to the Board on the issue? Any comments from the Board? Any last comments? I would then entertain a motion to close the hearing. We will take written comments for 10 days, so if you decide you want to submit additional comments you can send them to my office at 132 Kings Highway, Warwick, NY 10990.**

**CLOSE PUBLIC HEARING: Motion Councilman DeAngelo, seconded Councilman Kowal that the public hearing be closed. Motion Carried (5 ayes, 0 nays) 7:11 p.m.  
04-13-23 CP**

  
Eileen Astorino, Town Clerk

## **NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE** that the Town Board of the Town of Warwick will hold a public hearing at 132 Kings Highway, Warwick, New York, on April 13, 2023 at 7:00 P.M. to afford all interested parties the opportunity to be heard regarding Amendment of Chapter 129 of the Code of the Town of Warwick entitled “Short-term Rental Property” by replacing the entire chapter. A copy of the proposed amendment is available for review in the Town Clerk’s Office at 132 Kings Highway, Warwick, NY 10990 or on the town website, [townofwarwick.org](http://townofwarwick.org).

All interested persons will be given the opportunity to be heard. All written comments must be received by the Board at or prior to the public hearing.

**DATED: March 15, 2023**

**BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF WARWICK  
EILEEN M. ASTORINO  
TOWN CLERK**