

September 14, 2023

The Town Board of the Town of Warwick held a Hearing to Appeal the Revocation of Airbnb Permit for 20 Miller's Lane, Warwick NY, said hearing was held on Thursday, September 14, 2023 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor opened the public hearing at 7:15 p.m.

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

Attorney for the Town, Jay Myrow

**LEGAL NOTICE:** The Clerk read the legal notice, which was duly published in the Warwick Valley Dispatch on June 28, 2023.

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

Supervisor Sweeton – This is a revocation hearing for 20 Millers Lane. We are trying to tighten up our Airbnb ordinance and it does have a provision for a revocation in the event of a violation. There was a violation notice issued for the permit at 20 Millers Lane and this is for an incident that was called in by a resident for a lot of traffic on the road blocking the right-of-way etc. and the police were called in that instance. Normally the process is to notify your agent and I believe you have an agent that handles the issue. You do have an opportunity under our code to come and talk to the Board about why they should or should not revoke the permit.

Diya Raichand - Good evening esteemed members of the town board and members of our community. Thank you for giving us the opportunity to present our side of the events. I'd like to start by acknowledging our unwavering commitment to the town of Warwick, our community and our neighbors. We love this town, our children were born less than 20 minutes from here, and while we have only more recently joined the local community, we have been coming to Warwick for the past 10 years.

It's unfortunate that we are here today due to a small misunderstanding, and I appreciate that you will allow me to state the facts of what occurred on July 8 so that everyone is on the same page. Our first indication that any sort of disturbance even occurred was on August 6, via a letter from the town board revoking our STR permit- the reason listed was an "event" took place at our property. We immediately responded to the town board and applied for a FOIL report.

We also recently read that a verbal complaint was made about this supposed event during the prior town board meeting in July, by a neighbor who lives several doors down the street. We read that this neighbor assumed that there was a wedding at the house- this is a complete misunderstanding as the wedding was at Emmerich Tree Farm in Warwick, and the bridal party of 10 was the group staying at the house, which is within our approved guest count.

They did inform us that their group and extended family were going to use the house to get ready on the morning of the wedding, and a bus would be coming to pick them up to take them to the venue. At no point was there an event, or party at the house, and neither did the bus bring anyone to the house. I reiterated that it was there to take people away, not bring them in. We are sincerely apologetic of any disturbance this may have caused our neighbors. Additionally, contrary to what was stated in the previous board meeting minutes, the FOIL report confirmed that there were 4 cars in the driveway and 4 cars parked on the street, along with the bus. We have been extra vigilant and cautious on ensuring that we always meet all the town STR regulations. We actively monitor the property during every single stay, and every single day, to ensure that there is no restriction to ingress and egress from the property.

We looked through the code to try and understand any restrictions on cars parked on the road during the day, but we were unable to find anything. If there is a rule around street parking during the day (outside of what is common knowledge and polite neighborly conduct), we request clarification and guidance. If such rules are in place, we will 100% abide by them.

We also were under the impression that under new town STR guidelines, dispatchers were directed to call the property owner or managers first, regarding any complaints made about a STR property. This misunderstanding we are discussing today could have been diffused in minutes, but neither us nor the property manager were called. As community members, we also want to avoid unnecessary strain on the town's resources.

I want to highlight to the board that we are all learning here- it isn't an exact science, and we have worked very hard in a short time to make several changes to our home and to the STR listing to ensure that we are executing the rentals in a safe, effective and collaborative way within our community. We recognize and appreciate that this is a privilege and we have never intended to abuse it.

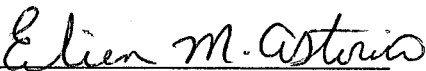
I truly hope you will acknowledge that there was not any sort of event held at our home, which would be in violation of the code. We would ask the town to advise us if there are daytime parking guidelines on the street, and we will ensure that we abide to those, STR or otherwise.

At this time, I revert to you if you have any questions for me or require any follow-up information subsequent to the meeting today. I would like clarification of parking regulations for the town.

Supervisor Sweeton – So I will answer a couple of questions. It's Illegal to park a vehicle on a town road period. It's Illegal to park a car on a town road in the Town of Warwick nothing to do with Airbnb. You live on rural road on Millers Lane off of Covered Bridge Road, it's a town road, you can't park your car on it. That's illegal and the police could have ticketed that and we don't like to do that kind of thing. We just like to get people to cooperate. I noticed that you did increase your bedroom count now I think as of March to go to a capacity of 10 people in the home. We try to manage Airbnb's we do go on to sites, we do look, we have countless reviews where there have been more than 10 people listing for your house. What I would say to you is that it's your responsibility from here forward to make sure that doesn't happen. The automatic revocation is our way of now trying to get these things under control. The issue of the police being dispatched instead of the call to your agent that was a

flaw in our system, which we are working to correct. That is the mechanism we'd like to have these things addressed immediately. It's a waste of our police resources, which are not great to begin with to go to answer these kinds of things. I'm just going to say we are not going to make a decision tonight the Board will discuss it. Your permit remains in effect until such time the Board does make a decision. The process for that is at our next meeting we would have some discussion of that and we would not act that night but have a resolution the following meeting. We will do that after hearing what you've testified to. I would say we have been supportive of Airbnb's but there have been abuses of Airbnb's and at this point we consider them to be a privilege for people to have and we are not going to hesitate to have them get out of control anymore. You sound like you are sincere about wanting to manage it properly and that's on you to do and we are going to trust that perhaps you do that. any Board members have questions of the folks here? Thank you for coming, I appreciate it and we will be in touch. If you could submit that it would be great, thank you so much.

**ADJOURN THE APPEAL HEARING: Motion Councilman Gerstner, seconded Councilman Shuback To adjourn the appeal hearing until the September 28<sup>th</sup> Town Board Meeting. Motion Carried (5 ayes, 0 nays) 7:26 p.m.  
09-14-23 CP**

  
Eileen Astorino, Town Clerk