

September 28, 2023

The Town Board of the Town of Warwick held a Hearing to Appeal the Revocation of Airbnb Permit for 20 Deer Pond Drive, Warwick NY, said hearing was held on Thursday, September 28, 2023 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor opened the public hearing at 7:18 p.m.

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

Attorney for the Town, Jay Myrow – Absent

Supervisor Sweeton – There is a hearing under our Airbnb Code for a revocation that was issued for Deer Pond Drive. Is there anyone here representing Deer Pond Drive?

Yes.

Supervisor Sweeton - Can you please come forward and give us your name for the record?

Mitchell Maier – Attorney, 255 Route 32, Central Valley, NY 10917 – We also have with us today the local property manager her name is Rosata Vangorder.

Supervisor Sweeton – The purpose of this is we've had since we enacted Airbnb legislation, we've had some issues with non-compliance with the ordinance. We've tightened the ordinance up a bit and allowed this provision where by a violation would cause a revocation and it does give the property owner the opportunity to speak to that issue before the Board makes any final decision. The permit remains in effect until such time as the Board by resolution renders a decision.

Mitchell Maier – I was taking a look at the notes and I know we have a violation date of 8/31/2023 and a date of inspection of 8/31/2023. My investigation has shown the actual date to violation would have been earlier than that date the allegations and I'm just not sure whether or not this notice and this violation itself is actually is in compliance with the proper notices that needed to be filed so that's just a procedural thing right off the top. Two, it does talk about the short-term rentals I know I took a look at the notice of violation, the memorandum of violations and I'm not sure if every single violation that sets forth, I don't know if a five-page document is being alleged in this case or not. I didn't have any back pattern attached to this violation. The second thing and then third I know I was taking a look at the potential actions of the Board besides there being an actual revocation of the permit and it talks about a first offense. I believe this is the first official offense being brought in front of the Board and it does talk about the penalties including the first offense of \$500 per day fine versus there being an actual revocation. Based upon that just to know what is going on right now with that property by the owner based upon the events that

occurred either on I believe August 26<sup>th</sup> or August 25<sup>th</sup> I'm still not clear about what dates we're talking about, but the event that occurred where there alleged to have been too many cars and too many guests at the house. From that I know when they originally booked that outing, that short-term rental they have a camera outside the door and what happens is the party walked up to the door, there's a camera there plus an electronic keyset that they can have to get in. At that time 6 people came up to that door and again we thought everything was going to be in compliance. What happened was with a day or two of that there happened to be a party at that location allegedly that can lead up to 10 cars and up to 20 people at this location which of course would be in violation. I know that my client the property manager was contacted and she immediately tried to contact both the parties who were staying there and she wasn't able to get in contact with them until the next day. I believe the actual property manager of the company finally got in contact with them and removed and removed all cars that were in violation plus all the extra parties that were there. So, they acted as quickly as they had gotten notified to place the situation back in compliance as it should be with the local codes. What's going on now is they have also installed a camera not just on the front door, but on the driveway and they also updated some of their rules, like how many cars can be at that location and be in compliance with the local code. They can have a periodic review of how many cars are there, how many people are walking in and out and supposedly there's cameras that are setup in the back process with the company that is viewing those cameras and they've been directed that they should be looking at an everyday situation versus there being just a periodical look at each camera. So, there now has been a safety question put in place so that we can see immediately if there's any outstanding violations so we can react immediately to that so there doesn't have to be a phone call so the police don't have to come or the neighbors have to complain whatever it might otherwise be, so there are steps being taken to make sure. We've never condoned there being parties at this and we know the local code very well and there have been multiple e-mails that were sent to me and I didn't think it was necessary to provide to the Board. Multiple times when we were renting this place people were asking how many people they can have at the location if they're allowed to have parties at this location and each and every time from these e-mails which there were several back and forth and they were told no parties can take place. There was never any setup or condoned any actions by the party that occurred on this August date that we are talking about. What we are looking for knowing that we are taking extra steps to try to be in compliance, that we've taken all steps even after we found out to be in compliance that we give an additional chance and just be given a fine of \$500 at this time based upon the statute and allow us to still move forward with that permit.

Supervisor Sweeton – Again, we understand the issues with these things that the property owner may with great intent list them and then people show up and bring friends. What we want the property owner manager to understand is that they're going to be called and it's not going to be sufficient response that I couldn't get them. It's going to be meet me at the site and take care of this issue, just to give your clients a heads up that's the way it's going to payout going forward. I appreciate the efforts that you appear to be trying to make.

**Mitchell Maier – I know I've spoken to the property manager beforehand and I know she was called on the 25<sup>th</sup> at 11 o'clock and she was immediately over to the property and I know she was there on the 26<sup>th</sup> and she was reacting the whole time on behalf of the owner and there's been immediate action taken each and every time and there's been a call to the property manager that something was going on, on that property that should not have been going on.**

**Supervisor Sweeton – Ok, do you have any questions gentlemen? Is there anyone from the audience that would like to speak to the issue? Seeing none, the Board will take the testimony, the permit remains in effect and by the next Town Board meeting on the 12<sup>th</sup> of October the Board will have a discussion how it wants to go forward and a resolution will be issued 2 weeks after that. You have a 4-week window here.**

**Mitchell Maier – In case you should have any additional questions should I be here on the 12<sup>th</sup>?**

**Supervisor Sweeton – I will notify you if it is. I don't know that. You certainly can view it on the YouTube Channel that we have, so you can see it and it will just be a discussion between the Board. Since this has been enacted we are trying to work with the property owners on this issue, we're not opposed to Airbnb's we just want them to be managed properly so they are not a detriment to their neighbors. We have been leaning towards second chances but we will proceed with taking into account with what you've testified to.**

**Mitchell Maier – Any additional information that is required I know I have given you, my information.**

**Supervisor Sweeton – I have your phone number.**

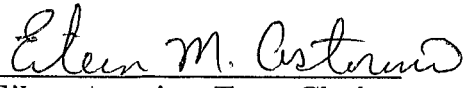
**Mitchell Maier – Please reach out if you want additional documentation about what's being sent out to each party, what the rules are which I made copies of that was provided to me for the Board. These are some of the rules, but I believe they've been update too.**

**Supervisor Sweeton – Yes, they are and you can access the entire section of code on townofwarwick.org site and you can get through General Codes site and it lists clearly what we except and what's required to be posted in the facilities.**

**Mitchell Maier – Ok, thank you.**

**Supervisor Sweeton – Thank you and thank you for coming out.**

**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.  
09-28-23 CP**

  
Eileen M. Astorino  
Eileen Astorino, Town Clerk