

July 11, 2024

The Town Board of the Town of Warwick held a Public Hearing for Introductory Local Law No. 4 of 2024 Amending Short Term Rentals in the Town of Warwick. Said public hearing was held on Thursday, July 11, 2024 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor opened the public hearing at 7:30 p.m.

ATTENDANCE: Supervisor Jesse Dwyer
Councilman Floyd DeAngelo
Councilman Russell Kowal
Councilman Kevin Shuback
Councilman Thomas Mattingly

Attorney for the Town, John Buckheit

LEGAL NOTICE: The Clerk read the legal notice, which was duly published in the Warwick Valley Dispatch on July 3, 2024.

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

SUPERVISOR DWYER – Thank you. Some of the highlights of what is being changed with the short-term rental law is one of the main things that we found to be a flaw in the short-term law was that if the town board instituted a revocation of a short-term rental, then that person who might have been in violation and will eventually be revoked, have their permit revoked. By us revoking the permit and creating the hearing process, they were essentially able to begin renting the very next day and that to me is a loophole.

If your permit is going to be revoked, it should be revoked until the hearing and then you'll have your opportunity to be heard by the Town Board as to whether or not your permit should continue or continue to be revoked. Other slight changes were the application component making because we found that a lot of these short-term rentals are held by LLCs that have multiple owners and the corporations. We didn't know who the individuals were that actually owned the properties and we made sure that the new law will require in the application process that all owners of the property, even if they're in an LLC or an incorporated entity, they will be known on the application and then we can have the opportunity to communicate directly with the owners of the real property. John, what are some of the other components?

ATTORNEY BUCKHEIT – The Building Department only has the option to allow them to continue to operate or vacate the permit. There's no interim level. Under the new proposed law, the Building Inspector will have the ability to suspend the short-term rental permit for up to 60 days. If there's a minor violation that does merit to vacate the Building Inspector and suspend the permit. The confusion is whether a legal person in an LLC as proposed to a real person can get a short-term permit. The proposed law will allow the Town to have a legal person as well as a real person. The short-term rental application will require you to identify the real owner or owners of the corporate entities.

SUPERVISOR DWYER - Now the Town Board understands the need for short-term rentals. We certainly want to have them. There aren't very many hotels in the Town of Warwick and our tourism industry is booming here.

We understand the benefit to both homeowners as well as businesses in the community that rely on short-term rentals. We just want to make sure that the laws are being followed. We don't think that the laws are too strict, but two priorities.

Number one is to make sure that they are registered rental units and that is both for the safety of the neighbors, but also for the safety of the occupants that these homes are inspected by the building inspector to ensure that they comply with local building laws, that there are no existing violations and also so that they understand the rules that are required to operate a commercial business within a residential neighborhood. So, registering your short-term rental is very important within the town of Warwick, but it's also very important to make sure that you're complying with the rules as you agree and sign a contract with the town to operate this commercial operation within a residential neighborhood. At this time, we'll open it up to the public or any public.

LISA MULCAHY - I just have a comment on it. It's not a review proposal here, but it goes back to the communication process.

SUPERVISOR DWYER - We send certified copies to the person who's on record.

LISA MULCAHY - So that person's on record?

SUPERVISOR DWYER - I think it goes to the owner of the property, not the rental agent.

LISA MULCAHY - I think that would ordinarily be fine. Some of the owners are out of town and could be away for months and not get their mail which could lead to a problem because they are not aware of any issues. Could the letter be sent to the rental agent?

SUPERVISOR DWYER - I can see that being a possibility, but just merely sending it to the rental agent would not be a good idea. We will take that into consideration. Thank you.

JOHN BOWMAN - I live at 258 Jersey Avenue and I'm the primary resident. I have concerns about the absentee landlord. I am not renting yet due to the recent storms, I hope to reapply early August. When I rent, I stay with a friend in Homestead Village. Am I considered an absentee landlord?

ATTORNEY BUCKHEIT- According to the zoning law you are considered an absentee landlord. You are also considered the rental agent if you are the contact for any issues.

SUPERVISOR DWYER - even nearby, you are no different from a rental agent. If it was an Air B&B, you live on site 24/7 there is a clear distinction.

JOHN BOWMAN- So I am the rental agent for my own property?

SUPERVISOR DWYER - You are the person to contact if there is an issue. You list yourself as the contact person if you are both a homeowner and a tenant. John and I talked about having different rules and making the process simpler and cheaper if you do live on the property and let us say you are renting out a bedroom in your home. There is a clear distinction in that situation. Living in the home and renting out a bedroom, the renters are far less likely to break any of our rules and disturb the neighbors if you are sleeping in the bedroom next door. We have thought about ways to do that where it is not an absentee landlord, and I hate to even use that term because it's almost derogatory. You live there and they can stay 10 minutes away. However, we want to try to make it a little more flexible for the people that are living in the house and renting out a room or renting out an upstairs because the renter is simply going to follow the rules more. I will say this, there are problems in almost every single person renting. There are calls. There are noise complaints. There are parking complaints. There are people walking over the yards, over the property lines. These are happening in almost every single one of them. And by not having someone there all the time that is personally vested in this town, such as yourself, that makes the rules harder to follow for the people that are renting, that don't care so much about our town. So, one of the things I was thinking of offering two options. One is someone who, wants to rent a room. The law says as of right now, it doesn't give any difference for someone who lives on the property that they're renting. As of right now, it wouldn't make a difference. In the future, it may. I think if you live in the town of Warwick, you're going to follow the rules and you'll do the right thing. I would say that 90% of the time you're renting an extra bedroom, but you're still living there and the one time you get somebody that wants to rent your entire house and you stay at your friends in Homestead Village, I don't think it will be much of a problem.

JOHN BOWMAN – Thank you

SUPERVISOR DWYER- Anyone else?

JOHN LINDSTRUM - My name is John. I live over on Millers Lane. I have a couple of questions about this. One is just that this is revised from the last one. A lot of issues have to do with garbage cans and not pulling them away like I do every week to make sure it's away from the road, like the recycling can. Well, short-term rental seems to have a problem with that and there is no 63-3E in the code. There was one in the last one, but I can't find it. 63 deals with blasting. But I was going to ask John about that. Blasting what? Blasting out of the house. Blasting rock? No, I can't. The rule is 63 is blasting. It doesn't have to do with garbage.

JOHN LINDSTRUM - So, because it says you're supposed to bring it out by 5 p.m., you should put the cans back the next morning after they're picked up. And otherwise comply with 63-3E. And there is no 63-3E in the code. So, I just want to know where the rules are about the garbage cans. I'm a lawyer. John knows me for years. I've been looking and looking at the town code since the last time we were here trying to find that section about garbage cans.

SUPERVISOR DWYER- Well, that's not in the proposed change.

JOHN LINDSTRUM- It says 63-3E?

ATTORNEY BUCKHEIT- No, it's not a proposed change. I will look into that. It might be in the old code. I'll talk to you about that.

JOHN LINSTRUM- The other question I have is...

SUPERVISOR DWYER- Well, to answer your question about the garbage, there is a law that requires you to pull in your garbage cans back in. So, if they're not complying with that, then the building department should be notified, issue them a violation for that, and that will be documented and considered and evaluated for their renewal. Some of my neighbors have been inspired to do the same and leave their cans out all the time. And I feel in a residential neighborhood, you shouldn't be leaving your garbage cans out. I want to complain about those neighbors, and I can't find the section. I'll call John. I do have a question for each of you. When is it overnight? No guests, other than those contracting for and residing in short-term rental property, are permitted on the premises overnight. There are 20 cars down the road from me, on the grass, on the road, and it's 10 o'clock in a four-bedroom house. Is it overnight yet? How about 11 o'clock? How about 12 o'clock? When is it overnight? Overnight, as I looked it up, is the entire night. So, if everybody leaves at 5 o'clock, that's illegal? Because it says you should not stay overnight, but it's 5 o'clock. Overnight is an overnight, so it's not a violation. You need to put it in there what is considered overnight. How about 8 o'clock? Only residents or only renters stay in the property. How about quiet hours after 8 o'clock? There's nothing in there. I've seen other towns that have it. People will come up and they have a birthday. They start shooting off fireworks. Residents have got dogs in the neighborhood. Dogs are running to the basements afraid. All our properties are five acres. You'll still hear that kind of thing. I would suggest, instead of overnight, put 8 o'clock, 10 o'clock, sometime, so that when we call the police, we can say, it's 10 o'clock, and there's 15 cars in that driveway. That's certainly more than 10 people.

SUPERVISOR DWYER- That is a good point.

JOHN LINDSTRUM- And require quiet hours. We know people are going to shoot off fireworks on the 4th of July. I'm guilty of that. New Year's Eve, that sort of thing. I wish people wouldn't do it on Memorial Day, but people seem to feel that that's a time to celebrate something. I don't think it's appropriate, but that's what people do. But how about putting a time in? The listing of things that are allowed. It says no events such as, but not when to do weddings, parties, concerts. There was a wedding party in a bus on Millers Lane, which is about this much wider than two cars together, and we sat waiting while all the cars pulled out, and this was for 20 minutes. You guys already had a hearing about that. But it's that type of thing that can happen. Entire wedding party got out, went to the backyard, and took pictures, and I guess all the people who were going to the wedding got dressed there. So, they had to pull all the cars out, 15, 20 cars, for the bus to get in, and we just sat there waiting. I had a couple of neighbors behind me and a neighbor in front of me. And we called the police, and the police came, and they told all the people in the house, you know, we're getting complaints about this, go park at the high school. Well, that's a good practical solution,

because I think this law puts your police in a very bad situation. They're not code enforcement officers. And our problem is also who do you call? It's Saturday afternoon.

SUPERVISOR DWYER - They are code enforcement officers. They do enforce the Code.

JOHN LINDSTRUM- Are they going to throw all those people off that lawn when they come in with a bus, and there's 20 cars in the driveway? Are they going to say, everybody out of here?

SUPERVISOR DWYER – They certainly could.

JOHN LINDSTRUM- Certainly could, but I don't hear much of that happening in terms of... They'll come in to town hall, and maybe they'll get a code enforcement violation, and maybe they'll get suspended for a little while. But it seems like unless you've got a home or something nearby, you can get in touch with your neighbors. We don't know who these people are. It could be John Gotti. I'm not going to go over and tell them to be quiet. I don't know who they are. We don't know if they're sex offenders. But in terms of notice, we need to be able to call somebody and know that it will be addressed. We have to make a complaint about those vehicles and the bus, and we came here to complain about it, but we weren't told about the hearing, so we didn't get a chance to testify at the hearing about that particular night.

SUPERVISOR DWYER- I will say this. Number one, you call the police, they will go there. Our police department also has a very good policy and communication system with the building department. The building department and myself are both notified of any violations that occur on any property, including what you're talking about as a violation. We've already had three revocation hearings for short-term rentals in the past six months. We're taking this very seriously, to the point where I'm sure some of these people here are probably going to complain about it. I think we're all on the same page. There might be a different style of attacking this now than there ever was. I think as we're learning more about what they're doing and some of the different creative ways that they're kind of evading situations, but our police department is very hands-on with working with the building department to enforce the town code, not just the laws. I think we're doing a very good job overall enforcing the rules that we've set in the town. Do you have any other proposed suggestions for the short-term rental code?

JOHN LINDSTRUM- Just, again, I guess it's gathering. If people come here to watch a basketball tournament at Warwick Valley High School and they say, everybody come on back, we'll have a big party tonight, all the people from wherever, then all of a sudden you're having a dinner. And I think that instead of just no gatherings, why does somebody from Warwick need to go visit somebody who's had a bed and breakfast? And if they're getting together and having a giant pig out with whatever, ribs and that sort of thing, they can go to any of our local restaurants and do that. So why invite them into another house? Let them go out and spend money in Warwick. And it seems like, especially the homes, people are given the advantage of being able to cook, and then all of a sudden other people are showing up and the cooking's for them. And, again, gatherings. I would say gatherings as opposed to

you start looking at it, what's this with it? Is this a party? A concert? Yeah, lots of stuff. But I think I've hit my notes. I just really, the garbage can thing has got me, Thank you very much. Thanks a lot. I appreciate it.

SUPERVISOR DWYER-Anyone else?

ELISSA VELEZ - We live across from an Airbnb. We've had a number of issues with them. While there's a number of issues that I can bring up, it is our opinion that, at minimum, there should be a board of inspectors that all guests are subject to background checks, especially if they're not limited to who the inspectors are. They're limited, they're not guaranteed. I don't know the possibility of this, but as someone who lives across from this, where there's a keyless entry and there's absolutely no supervision of who's coming in and out, these guests, maintenance people, landscapers, whoever. This is a major concern for us and our family. Hopefully we can start a conversation where the safety and the quality of life of those who live next to these businesses are considered. We hope that the concerns of residents are taken into account for future revisions as this entity evolves. It's been made clear that the town supports the short-term rental industry, but I guess what's less clear to me as a resident is how the town is managing these businesses, how you're keeping us safe, comfortable in our own homes, how we can prevent Warwick from turning into something other than a close-knit community where kids can roam a little more freely.

SUPERVISOR DWYER- Thank you. Tricky. That's a tricky one. I don't know. I didn't know that Airbnb even offered that service to do that. It's a rented and internet-guaranteed system. I don't know about folks who come from across state lines how that is managed.

ELISSA VELEZ- But ultimately, you know, the Airbnb across from our home doesn't have some feeling for it. They don't know anything about the town or area. We don't know who's in the house at any given time. The owner has e been in here for other issues and claims that they didn't know. Ultimately, it's their responsibility. It is what it is, and I respect the town's opinion and position on that, but I just feel it's a consequence.

SUPERVISOR DWYER- Fully understood. Thank you. Anyone else? No? Okay. Any comments from the board? All right, there being none, I'll ask for a motion to close this public hearing.

**CLOSE PUBLIC HEARING: Motion Councilman Mattingly, seconded Councilman Shuback that the public hearing be closed. Motion Carried (5 ayes, 0 nays) 8:00 p.m.
07-11-24 CP**


Eileen Astorino, Town Clerk