

July 13, 2023

The Town Board of the Town of Warwick held a Continuation of a Hearing to Appeal the Revocation of Airbnb Permit for 7 Silo Lane, Warwick NY, said public hearing was held on Thursday, July 13, 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 – We have a hearing tonight under our code regulating short term rentals. There were notices of violations filed against property of 105 DeKay Road in Warwick. The violations were for advertising an occupancy of 12 guests when only 8 are permitted, excessive noise and amount of people on site on February 5<sup>th</sup> as per police report an advertisement and occupancy of 10 guests, when only a maximum of 8 guests are permitted. Is the owner here this evening of 105 DeKay?

Town Clerk – They did receive notification of a certified notice and I did receive it back that it was signed.

Supervisor Sweeton – Ok, I would...

Attorney Myrow – Ask if anybody is here.

Supervisor Sweeton – Well hold on Attorney for once second. We did receive from the owner an e-mail stated that they've updated the guest count, put out signs and made a strict policy on Airbnb that there are no party or events allowed. That was the response, so now this is an opportunity for the public that wants to comment on 105 DeKay to come forward and state your name and make your comment.

Kathy Moore – Resident, 113 DeKay Road – Not really complaining, however why wasn't the neighborhood notified that was going to be an Airbnb? Is there a rule?

Supervisor Sweeton – You can file a permit to have an Airbnb under our code and any resident can. There is a set of criteria and that code is on our website and you can see what's required. The Building Department goes through that, there's an inspection done of the home and there's regulations that the owner has to abide by. We found since we've

had this in place for 2 or 3 years now, we've found problems with it and we've tried to correct that and tried to make it easier to enforce the rules and make the owners of the property take responsibility. Under the latest revision that makes us get here tonight, there's an automatic revocation of a permit for a violation of any of the items listed, that's what was done here. The code does give the owner the ability to request a hearing, which they did and didn't come apparently to address if they are correcting it or not correcting it or going to manage it. We have at this point as a Board felt there's a place for Airbnb, but it has to be manageable, it can't be I'm listing it and bring 20 of your closest friends and destroy a neighborhood. We are not going to allow that to happen, so that's why we made these revisions to see if can find a place where this can exist in harmony with people that are near it, right. There are many places in the town where you could do this and nobody will ever know that it's going on because people are responsible. It's the small number that are not responsible and it happens in this case, in this instance to be one of those and we're attempting to address it. There's no notice requirement.

Kathy Moore – It would've been nice to know that is was going in my neighborhood especially when it's only two houses away from me. I would have liked to have known about this meeting, because I wouldn't have unless someone told me about it. It's nice to let people know what's going on because you have to get permits for everything and that's fine, but it would be nice to know this.

Supervisor Sweeton – The process is they do have a permit and it's a renewable permit and it's only good for a year, so that's our way of checking if it's properly managed. I will tell you that there are hundreds of these in the Town of Warwick and I would say the issues that have arisen are a handful. We will do whatever we can to discipline the handful so it doesn't impact you as a neighbor and see if this phenomenon can continue.

John Lindstrom – Resident, 20 Millers Lane – The question is we don't know about these things because most of the people who are renting are following the rules. These people had hundreds of kids and I don't live close; I live a half mile away and you heard the noise. This past weekend we called the police about a place two doors down from they had a wedding, they had a bus and they had 18 cars outside the house and I don't know if it was the owner. I see the Chief is here, we called, we left our number and we never got a call back and I know it's an Airbnb.

Supervisor Sweeton – Are you talking about this one or a different one?

John Lindstrom – A different one on Millers Lane.

Supervisor Sweeton – 20 Millers Lane.

John Lindstrom – They had a wedding, they had a bus bringing people up to the house, there were 18 to 20 cars outside.

Supervisor Sweeton – See that's a violation.

**John Lindstrom – I know and she didn't get a notice because they are supposed to follow the rules, but what do we do?**

**Supervisor Sweeton – Here's what we've done to try and avoid that situation occurring again. There are two things that happened, the Chief did step out for a minute, but the dispatchers are on now for 24 hours a day have a list of the properties that are registered Airbnb's and they have the contact number, because our code requires that either the owners contact 24 hours a day or a registered agent that lives in Orange County. The Dispatchers are supposed to call that number and say go to that location and take care of this issue now. In that instance I don't know whether that happened or not, if it didn't, we'll make sure that it continues to happen.**

**John Lindstrom – The buzz around the neighborhood was that the Police told the people to go park at the high school. I think it's tough for the police to be in a situation like that, if you get a call on a Saturday afternoon what are you going to do? You could start a riot. What can we do when something like that happens other then call the police.**

**Supervisor Sweeton – Here's step 2, what should then happen is if you call and it's logged in as a complaint at 20 Miller Lane for a wedding happening. We know as a registered Airbnb that's an automatic revocation of the permit, we have that authority now, so that's what will happen to that. I will check tomorrow if there is actually a report filed and if there is they will get a notice that their permit is revoked.**

**John Lindstrom – We don't know if it was the owner.**

**Supervisor Sweeton – And we don't know that either, but we'll know when we send a notice to the owner we'll find out. We're trying to send the messages; we're not fooling around anymore. We kind of took initially the approach that you have to do this better, you can't do this anymore, but it kept happening. Again, it's a handful of properties and that one being one of the repeats. We're just not going to do it anymore; we're going to revoke the permit. We have to give them the timeframe to come and try to make their case, but it's going to be like ok have a nice day. It's a privilege to do this not a right and you as a resident have expectations to enjoy your property.**

**John Lindstrom – We all have parties and probably make too much noise, but we all know our neighbors and we can yell over or call them to ask them to keep it down, but you can't call a stranger because you don't know who you're dealing with.**

**Supervisor Sweeton – Right.**

**John Lindstrom – I think you should call the police.**

**Supervisor Sweeton – Yes that's the answer is to call and again we don't want to tie up the police officers, but the Dispatchers are tasked with logging this in and calling the registered**

agent. Then we at least have a record that will allow us to revoke this procedure under the code.

John Lindstrom – I'm talking more about what happened on Saturday, from all of the reviews they have 8 people or 10 people and you never hear them and you never know they are there. It's not that it's not working, but when somebody is abusing it, you're left helpless wondering if this is going to happen often. Thank you very much.

Supervisor Sweeton – I appreciate it, thank you.

Genaro Velez – Resident, 104 DeKay Road – I have a family of 2 young kids, a dog, free range chickens I live in an 1800 farmhouse and it's like heaven. With that backdrop we try and stay in our own business and I think that's what we are about here. Living across from a house that acts like a hotel/motel kind of dampens that and we are vigilant in protecting our family. Overall, the guests have been respectful and I guess this juncture here is to talk about some code violations, mind you at 104 from across the street we observe garbage scattered all over the property for weeks and we notified the owner back in January. It took sometime for them to get a dumpster and we still see issues with garbage and eventually they do clean it up, but there's been a bear around the neighborhood and hopefully it doesn't make a mess and we expect the property owner will take care of that. Parties, they have chairs, tables, deliveries of stuff coming in, they have big parties and the police have been called in because of cars in the driveway and I can verify all of this with dates. We know the house has been having home inspections because the cars are lined up on the street daily and this has happened twice. This is not an overnight stay but this has happened twice and I decided to go talk to the folks. As for over capacity I'm not here to make an official complaint about over capacity but I can tell you it happens frequently as recently as last week. Just last week there was a bus load of folks that stayed over. In March there were 14 people at least, there were 8 cars out there. I can tell you which this is important, we've observed rental cars come in for the weekend overnight and pack the driveway. We've also observed guests walking their dogs unleashed, the property says there's a fenced area and we haven't seen a fenced area. Again, we are concerned a family with 2 kids, we love the place, we like to live in a rural area but it seems like it's becoming a hotel/motel type property and I'm very concerned.

Supervisor Sweeton – Several of the things that you've mentioned are violations, so it goes back to the other gentleman, obviously one call to the police is one option. The other one is you can e-mail to the town hall here to my office documenting those violations and that's enough for us to act as well, so it doesn't have to be that you call the police to document it. You could send in an e-mail with here on this date I observed this and that's sufficient for us to notice a violation.

Genaro Velez – That's great, we didn't know that. We try to keep our distance, if they have 1 or 2 guests that come up for the weekend that's great, but people do take advantage of it.

Supervisor Sweeton - That's what we want to stop is people taking advantage. We want it to work because I think there's a place for it if it's done responsibly, but again it can't adversely impact others.

Genaro Velez – Thank you for the advice and we'll follow up.

Supervisor Sweeton – I don't have my cards with me but you can look it up on the website.

Genaro Velez – Thank you.

Supervisor Sweeton – Thanks so much, I appreciate it.

Vince Copello – Resident, 122 DeKay Road – I've already spoken to you several times about the issues at 105 DeKay Road. How many Airbnb's do we have in Warwick?

Supervisor Sweeton – I will tell you there are probably 60 registered Airbnb's. There are probably more unregistered ones, which we are in the process of trying to track down, which is not an easy task because Airbnb does not advertise the address unless you go on to book it. We're looking visually at pictures and fortunately we've had enough people who have been here a while who can usually figure it out and we are noticing those people and that they are operating illegally. We are trying to address that portion of it.

Vince Copello – Out of the 60 registered, how many are in violation?

Supervisor Sweeton – Currently 2, but I heard another one tonight.

Vince Copello – 105 DeKay Road how many violations against the code do they have?

Supervisor Sweeton – Three, I read them earlier.

Vince Copello – How many?

Supervisor Sweeton – Three I read them.

Vince Copello – The information you've given some of my neighbors here is quite effective and efficient because in the past some of us have been calling you up and the police. I think we can get a quicker response if we speak to you or e-mail you about the issues.

Supervisor Sweeton – Yes, if we're going to issue a violation and it's clear I encourage everyone to go on the town website, go to the town code and I think the chapter is 129, don't quote me, but in there is a list in section 7 or 8 that list the 8 or 10 items that you can be violated for. Just make sure when you're calling and documenting what that is that you decide which one it is.

Vince Copello – Ok.

Supervisor Sweeton - Garbage left out more than 24 hours, the house is permitted for 8, it's based on the number of bedrooms, 2 people per bedroom that's based on how much the septic is designed for. It's a de facto violation if there are 15 cars overnight because you can't have that with 8 people. That's enough for us to revoke the permit, so we need those particulars.

Vince Copello – I want to thank you Mr. Supervisor and the Board for reviewing the code and making some adjustments because you only have 60 registered, who knows how many others are not registered.

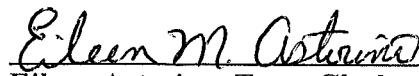
Supervisor Sweeton – We'll get them in the end, it's just taking us a little time.

Vince Copello – Thank you.

Omar Sattar – Resident, 114 DeKay Road – I'm sorry if this is redundant because some of my neighbors already did. The garbage is an issue, the overgrown grass is an issue, but my main concern was the night of February 5<sup>th</sup>. I had to call the police because 114 DeKay Road is about 600' from 105 and my house was vibrating to techno music. I took a walk through the street and there were 6 cars in the driveway and 4 parked on the street with the one closest to my house blasting music. There were people sitting on the cars, in the driveway, sitting on the stoop and there were people in the house. My best guest there were 30 people at that house that night and that was at 11:00 p.m. and I called the police. Kudos to the police, they were there in 6 minutes and shut it down. The next morning when I was leaving for work at 5:00 a.m. there were tables and chairs all stacked up that looked like they were ready to get picked up. It sounds like you guys are doing everything that you can to try and remedy the problem and I appreciate that. That's why I moved here because I wanted that slower lifestyle to get away from everything I complained about.

Supervisor Sweeton – That date was one of the violations that's in this.

**CLOSE THE APPEAL HEARING:** Motion Councilman Gerstner, seconded Councilman Shuback To close the appeal hearing. Motion Carried (5 ayes, 0 nays) 7:37 p.m.  
07-13-23 CP

  
Eileen Astorino, Town Clerk

**LEGAL NOTICE**

**PLEASE TAKE NOTICE** that the Town Board of the Town of Warwick will hold a hearing regarding the Revocation of a Short Term Rental Permit located at 105 Dekay Road Warwick, NY 10990 on Thursday, June 22, 2023 at 7:15 p.m. at the Town Hall, 132 Kings Highway, Warwick, NY or as soon thereafter as the matter may be heard.

All interested persons will be given the opportunity to be heard.

**DATED: June 28, 2023**

**BY ORDER OF THE TOWN  
BOARD OF THE TOWN OF WARWICK  
Eileen M. Astorino  
Town Clerk**