

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
DECEMBER 2, 2024, 6:00 P.M.
WORK SESSION**

**LOCATION:
VILLAGE HALL
77 MAIN STREET, WARWICK, NY**

**Call to Order
Pledge of Allegiance
Roll Call**

Discussion

1. Proposed Local Law – Short-Term Rental Property.

Executive Session, if applicable.

Adjournment

**VILLAGE OF WARWICK
LOCAL LAW NO. ___ OF THE YEAR 2024**

A local law to amend the Village Code by enacting Chapter 115 entitled "Short-Term Rental Property"

Section 1. Purpose:

The purpose of this Local Law is to promote the public health, safety and welfare by establishing a municipal registration and permit requirement for all short-term rental units within the boundaries of the Village of Warwick and by enacting regulations for the administration of and enforcement of the Village's permitting requirement.

Section 2. Amendment of Code:

The Village Code of the Village of Warwick is hereby amended to enact Chapter 115 entitled "Short-Term Rental Property" which shall read as follows:

"Chapter 115 Short-Term Rental Property

§ 115-1 Purpose.

Short-term rentals of residential property are a potential source of income to property owners and can provide additional housing for visitors to the area, thereby promoting tourism and strengthening the local economy. However, if unregulated, short-term rentals may have detrimental impacts on nearby properties and the neighborhoods in which they are situated as a result of increased traffic, noise, trash, and similar impacts. Moreover, it is in the overall public interest to require that properties offered for public rental are safely maintained and adequately insured. Therefore, the Village Board of the Village of Warwick hereby establishes the registration and licensing requirements and regulations set forth in this Chapter for the purpose of regulating short-term rentals of residential property to ensure safe, responsible and harmonious operation of such uses.

§ 115-2 Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

Agent

Any person who has written authority from the owner of short-term rental property to enter, care for, and control a building in regard to short-term rentals and act on behalf of the owner in regard to short-term rentals of the building.

Bedroom

A one-person bedroom shall have a minimum of 70 square feet. A two-person bedroom shall have minimum of 100 square feet. A three-person bedroom shall have a minimum of 150 square feet. For bedrooms accommodating more than three-persons, there shall be an additional 50 square feet of space provided for each additional occupant. Bedrooms shall be not less than 7 feet in any plan dimension, and shall have a compliant exterior window as a second means of egress. All bedrooms shall have access to sanitary facilities providing a sink, toilet, potable running water and a shower/tub, and kitchen access. All bedrooms and living space shall adhere to the provisions of the Property Maintenance Code of New York State and the Village Code of the Village of Warwick then in effect.

Building Inspector

The Building Inspector of the Village of Warwick or such person as appointed by the Village Board to enforce Village Code Chapter 53 Unsafe Buildings, and this Chapter.

Daytime

Between the hours of six o'clock a.m. and twelve o'clock a.m. (i.e., "midnight").

Housing or Dwelling Unit

Any single residential living space which is capable of housing one separate household, whether a detached single-family structure or building or part of a multi-household structure or building but not including a hotel, motel or bed and breakfast establishment.

Immediate Family

The immediate family of the owner of a housing unit consists of the owner's spouse, children, parents, grandparents or grandchildren.

Overnight

Between the hours of twelve o'clock a.m. (i.e., "midnight") and six o'clock a.m.

Owner

Any owner of a residence who offers housing in the residence to persons, other than immediate family, in exchange for a fee or compensation, whether monetary or otherwise.

Owner-Occupied

As used in this Chapter the term "owner-occupied" shall mean a residence in which the record owner or the owner's Registered Agent resides for not less than a total of six months in the calendar year.

Residence

Any single residential living space which is capable of housing one separate household, whether a detached single-family structure or building or part of a multi-household structure or building.

Registered Agent

An agent of the property owner who is able to respond and attend at the short-term rental property within at least thirty-minutes of being notified of the need to do so and is identified as the owner's Registered Agent in the short-term rental permit application.

Short-Term Rental Permit

A permit issued by the Village of Warwick stating that the referenced structure or unit conforms to the standards of chapter 49-11, Fire Safety and Property Maintenance Inspections, and other applicable sections of Village Code and that occupancy of that structure or unit is permitted for residential use. Any special circumstances or conditions under which occupancy is permitted may be specified on the permit.

Short-Term Rental Property

Any residence in which overnight accommodations are offered in exchange for a fee or compensation, whether monetary or otherwise, for a period of less than thirty (30) days, including, but not limited to, rentals provided by such companies as Air B&B and Vrbo. Month to month tenancies are not considered short-term rental properties.

Substandard

Any deficiency in a residence that does not meet the standards of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code and applicable sections of Village Code. Substandard conditions shall also include failure to maintain a single-station smoke-detecting alarm device and carbon-monoxide-detector device, or devices, in accordance with New York State standards.

§ 115-3 Regulation of Short-Term Rentals

(1.) Only single-family dwellings, duplexes, and mixed-uses with no more than two dwelling units may be used for short-term rentals. Units in a multiple dwelling may not be used for short-term rentals.

(2) Short-Term Rentals are allowed in all zones in the Village except in Continuing Care Retirement Community (CCRC) and Multiple Residence-Senior Citizen (MR-SC).

(3.) Only owner-occupied properties may be used for short-term rentals. Provided, however, that properties located in the Central Business Zone used for short-term rentals need not be owner-occupied if the Registered Agent is able to respond and attend at the short-term rental property within at least thirty-minutes of being notified of the need to do so.

(4.) For property used for short-term rentals, off-street parking requirements shall be the same as the requirements for the use in which the short-term rental is offered as provided in the Schedule of Uses and Parking Space Requirements in Village Code §145-70 "Off-Street Parking and Loading Requirements."

(5.) Commencing ninety (90) days after the effective date of this Chapter, any person offering short-term rentals within the Village of Warwick shall be required to first register and obtain a permit for short-term rental of the residence under this Chapter.

(6) Home Owner Association policies in developments within the Village shall supersede short-term rental provisions herein, provided that the Home Owner Association polices are more restrictive than the terms hereof.

§ 115-4 Registration of Property for Short-Term Rentals.

A short-term rental registration application, as established by the Building Inspector, shall be submitted to the Village Building Department by the owner of proposed short-term rental property stating that the owner is seeking a short-term rental permit and providing, at a minimum, the following information:

- (i) Name, mailing address, telephone number, and e-mail address, of the owner and of the Registered Agent;
- (ii) In the event that the owner is a corporate entity, such as a corporation, an LLC, a partnership or a DBA, provide the names mailing addresses, telephone numbers, and e-mail addresses of all owners, stock holders, members, or partners with an ownership interest in such corporate entity;

- (iii) In the event that the Registered Agent is a corporate entity, such as a corporation, an LLC, a partnership or a DBA, provide the names mailing addresses, telephone numbers, and e-mail addresses of all owners, stock holders, members or partners with an ownership interest in such corporate entity;
- (iv) The street address of the short-term rental property as well as the tax map section, block and lot;
- (v) The number of rental units in each building on the property;
- (vi) The number of conventional bedrooms in each building on the property.
- (vii) The proposed maximum overnight and daytime occupancy limits of each building on the property;
- (viii) The types and placement of any fire-protection systems located each building;
- (ix) The number and location of all exits;
- (x) A floor plan indicating the placement and size of each bedroom, exit and fire-protection system;
- (xi) A statement of the number of off-street parking spaces provided for the property and a parking plan showing the location of the parking spaces;
- (xii) A certificate of liability insurance for the property with policy limits in an amount of no less than \$1,000,000 with rental endorsement on policy;
- (xii) Copy of a Certificate of Occupancy for each building proposed to be used for short-term rental or a letter stating such dwelling was built prior to 1973;
- (xiv) Acknowledgment of review of and responsibility for compliance with the Code of the Village of Warwick;
- (xvi) A statement that the owner will include the municipal permit number assigned by the Village in all listings for short-term rental of the property; and
- (xvi) The completed Rental Registration Application must be notarized.

§ 115-5 Grant of Permits for Short-Term Rental Property.

(1.) Upon submittal of complete application for short-term rentals, the owner or Registered Agent shall contact the Building Inspector to schedule an inspection of the short-term rental property for the purpose of issuance of a short-term rental permit.

(2.) Upon payment of such inspection and permit fees as the Village Board shall prescribe in the Village's schedule of fee, the Building Inspector shall conduct an inspection of the short-term rental property to determine whether it is substandard and to verify that the residence and the maximum overnight and daytime occupancy limits proposed by the owner are acceptable under the New York State Uniform Fire Prevention and Building Code.

(3.) Upon completion of an inspection of the short-term rental property and ascertaining that the residence is not substandard, the Building Inspector shall issue a short-term rental permit.

(4.) Permits shall be on a form approved by the Building Inspector and shall, at a minimum:

- (i) State the address, section, block and lot of the short-term rental property;
- (ii) List the name of the owner and the Registered Agent;
- (iii) State the number of bedrooms and in the residence and identify any other approved sleeping quarters;
- (iv) List the maximum permitted overnight and daytime occupancy limits;
- (v) State the date of issuance and the date of expiration; and
- (vi) Assign a rental registration permit number to the short-term rental property.

§ 115-6 Duration and Terms of Short-Term Rental Permits.

(1.) All short-term rental permits shall expire one year after the date of issuance, unless sooner revoked.

(2.) The following shall be mandatory terms of every short-term rental permit:

- (i) No illegal conduct shall be carried on the short-term rental property by the landlord, Registered Agent, or short-term rental tenants, their guests or invitees;
- (ii) The short-term rental tenants and their guests or invitees shall not block or otherwise impede ingress or egress over the street on which the short-term rental property is located and/or to or from any driveways of other property on the said street;
- (iii) Trash, refuse and recycling, and the bins or containers therefore, shall not be left stored within the public view, except that covered bins or containers may be left curb side for the purpose of scheduled collection in compliance with Village Code §75-1;
- (iv) No exterior lighting of the residence shall be permitted from midnight to six o'clock a.m., except for such lighting of driveways or walkways as may be necessary for safe ingress and egress of persons entering or exiting the short-term rental property;
- (v) The short-term rental tenants and their guests or invitees shall not engage in any conduct which violates the Village's noise ordinance or which would otherwise constitute disorderly conduct or creation of a public nuisance;
- (vi) In the event that short-term rental tenants plan on using the residence as the site of a party or event involving more than ten (10) guests or invitees, the owner shall require that the tenants disclose such intent as a condition of the rental and shall require the tenants to undertake measures and limitations to prevent unreasonable disturbance of neighboring property owners, such as limiting the hours of outdoor music and assuring adequate parking for guests and any catering or delivery vehicles; and
- (vii) The owner shall prominently display at the short-term rental property the contact names and phone numbers for the Registered Agent if there is one, and if there is no Registered Agent then for the owner, along with a list of emergency services, information relating to garbage, recycling, available parking, winter parking, and noise limitations.

(3.) In the event that there is any change in the information provided by the owner or Registered Agent in the registration application, the owner shall advise the Village Building Department in writing of such change no later than five (5) business days after such occurrence. Failure to timely advise the Village Building Department of a change in the information provided by the Owner in the

registration application constitutes a violation of this Chapter and is grounds for suspension or revocation of the short-term rental permit as provided herein.

(4.) A short-term rental permit may not be transferred or assigned to any person or used by any other person other than the owner to whom it was issued.

§ 115-7 Denial of Short-Term Rental Permits.

(1.) In the event that the Building Inspector determines that a residence is substandard, he shall issue a written denial of the short-term rental permit to the owner or Registered Agent listing all of the substandard conditions identified in the inspection.

(2.) If an application for a short-term rental permit is denied, an owner may re-apply for the permit after correcting such substandard conditions as have been found. Upon such re-application, the owner or Registered Agent must arrange for an additional inspection by the Building Inspector. The owner must pay an additional inspection fee, as specified in the Village's Schedule of Fees, for each inspection.

§ 115-8 Renewal of Short-Term Rental Permits.

(1.) Applications to renew existing short-term rental permits shall be submitted on forms approved by the Village Building Department at least ninety (90) days but not more than one-hundred and twenty (120) days prior to the expiration date of the existing license and must be accompanied by the renewal fee set by the Village Board in the Village's Schedule of Fees.

(2.) Upon receipt of an application for renewal and the prescribed fee, the Building Inspector shall schedule and conduct an inspection of the short-term-rental property using the same criteria as upon an inspection for grant of a permit. In the alternative, upon submission of an application for renewal an Owner may privately have a certified home inspector, engineer, or architect conduct the inspection and provide a written report on its compliance with the criteria for grant of a permit. Renewal shall be granted if the short-term rental property is not substandard.

(3.) Upon grant of renewal, the Building Inspector shall issue a new short-term rental permit which shall expire one year after the date of issuance unless revoked earlier.

§ 115-9 Suspension or Revocation of Short-Term Rental Permits.

(1.) If it is determined by the Building Inspector that the owner or Registered Agent has falsified or otherwise failed to provide accurate information on the registration application for short-term rental property, the owner shall be referred to the Village Board for suspension or revocation proceedings under this Section.

(2.) It is the responsibility of the owner or Registered Agent to comply with all terms and provisions of this Chapter and to ensure that the short-term rental tenants, their guests and invitees to comply with this Chapter and the terms and conditions of the short-term rental permit. Any failure of short-term rental tenants, their guests and invitees to comply with this Chapter and the terms and conditions of a short-term rental permit shall be attributed to the failure of the owner and the owner's Registered Agent to discharge the responsibility to ensure such compliance.

(3.) Upon receipt of a complaint or upon his or her own initiative, the Building Inspector may investigate any property for failure to comply with the terms of this Chapter.

(4.) If, upon investigation, the Building Inspector determines that a violation of this Chapter and/or the terms and conditions of the short-term rental permit has occurred on property for which a short-term rental permit has been issued, he shall issue a written notice of the violation to the owner and Registered Agent via certified mail return receipt requested to the mailing address(es) listed on the registration application and shall provide a copy of the same along with a report regarding his or her factual findings on the violation to the Village Board.

(5.) Upon receipt of such notice and report, the Village Board shall set a date at which the owner shall be heard in regard to the Building Inspector's findings of a violation. Notice of such hearing date shall be mailed to the owner, by certified mail return receipt requested at the address provided in the registration for the short-term rental property no less than ten (10) days prior to the hearing date.

(6.) At the hearing, the Village Board shall consider the report of the Building Inspector and such further information or proof as the Building Inspector may submit. The property owner shall be heard and given the opportunity to contest the alleged violation of this Chapter. Each day that a violation occurs shall constitute a separate violation.

(7.) If, after affording such an opportunity to be heard, the Village Board confirms the existence of the violation of this Chapter, the Village Board shall suspend or revoke the short-term rental permit. For one or two violations within a period of six (6) months, the permit may be suspended for a period of up to six (6) months from the date of the suspension. For more than two violations within a one-year period, the short-term rental permit may be suspended or revoked and, if

revoked, no short-term rental permit will be available for the short-term rental property for a period of up to one year from the date of revocation.

§ 115-10 Appeals.

- (1.) If the Building Inspector denies an application for a short-term rental permit or for renewal of a short-term rental permit, it shall be done in writing, reciting the grounds for the denial.
- (2.) An applicant may appeal from such denial by filing a written request for a hearing before the Village Board of Trustees. Such request shall be filed with the Village Clerk within thirty (30) days after issuance of the denial.
- (3.) Upon receipt of such request, the Village Board shall schedule the appeal to be heard at a Village Board meeting to be held within the next thirty (30) days of receipt of the appeal, affording the owner at least ten days' written notice of the place, date and time of the hearing by certified mail return receipt requested at the address provided in the registration application for the short-term rental property.
- (4.) At the hearing, the applicant shall be afforded reasonable opportunity to be heard. The applicant shall bear the burden of proof by preponderance of credible evidence to show that the determination of the Building Inspector was arbitrary or capricious or in excess of his or her authority.
- (5.) Determinations made by the Village Board on an appeal from denial of a short-term rental permit, denial of renewal, or from suspension or revocation of a short-term rental permit, are subject to review in New York State Supreme Court pursuant to CPLR Article 78.”

§ 115-11 Fees for permits.

The Village Board shall set such application, review, inspection and renewal fees as it may find appropriate for short-term rental permits by resolution and such fees shall be listed in the Village's Schedule of Fees

§ 115-12 Penalties for offenses.

- (1.) Any person who violates any provision of this Chapter, whether the owner or tenant, shall be guilty of an offense. Each day that the violation continues shall be deemed a separate violation.
- (2.) Conviction of violation of the provisions of this Chapter shall be punished by a fine of \$500 for each violation (i.e., \$500 per day). The Village Board may subsequently change the amount of the fine imposed under this Chapter by resolution.

(3.) The penalties for violation of this Chapter listed in this Section shall be in addition to any suspension or revocation of a short-term rental permit imposed under this Chapter.

(4.) The penalties for violation of this Chapter shall be in addition to any penalties imposed for violation of other provisions of the Village Code and the New York State Uniform Fire Prevention and Building Code, the State Energy Conservation Construction Code.

(5.) The imposition of penalties herein prescribed shall not preclude the Village or any person from instituting appropriate civil action or proceeding to prevent unlawful occupancy of property in violation of this Chapter.

§ 115-13 Civil Remedies for Offenses.

A civil action or proceeding may be instituted by the Village in a court of competent jurisdiction to abate any violation of this Chapter by means of injunctive relief and for collection of civil penalties in the amount of \$500 per day for each violation or such other amount of penalty as the Village Board may subsequently establish by resolution. In the event that the Village successfully commences a civil action for violation of this Chapter, the party found liable for such violation shall also be liable the reasonable attorneys' fees incurred by the Village in prosecuting the action.

Section 3. Severability:

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances, and the Village Board of the Village of Warwick hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 4. Effective Date:

This Local Law shall become effective upon filing with the Secretary of State of the State of New York subsequent to having been duly adopted by the Village Board.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:		Telephone:	
		E-Mail:	
Address:			
City/PO:		State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest Agricultural/grasslands Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
49. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: _____ Date: _____ Signature: _____ Title: _____		



Steven M. Neuhaus
County Executive

Orange County Department of Planning

124 Main Street
Goshen, NY 10924-2124
Tel: (845) 615-3840
Fax: (845) 291-2533

Alan J. Sorensen, FAICP
Commissioner

www.orangecountygov.com/planning
planning@orangecountygov.com

County Reply – Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-l, m, &n

Local Referring Board: Warwick Village Board

Referral ID #: WRV05-24M

Applicant: Warwick Village Board

Tax Map #: Village wide

Project Name: Local Law to enact Chapter 115 entitled “Short Term Rental Property”

Proposed Action: Local Law to enact Chapter 115 entitled “Short Term Rental Property”

Reason for County Review: Zoning Code amendment

Date of Full Statement: September 30, 2024

Comments:

The Department has received the above referenced local law to require registration and permitting of short-term rental of dwelling units within the Village of Warwick and enacting regulations for the administration of and enforcement of the said registration and permitting requirement. This office has found no evidence that significant intermunicipal or countywide impacts would result from its approval. We would like to offer the following advisory comment:

- **§ 115-5 Grant of Permits for Short-Term Rental Property:** The Village should clarify the intention of proposed §115-5(4)(iii), as this section states that permits should “state the number of bedrooms *and in* the residence and identify any other approved sleeping quarters.” This indicates that the application should list the number of bedrooms and other approved sleeping quarters. However, it also implies that the application should include other additional information.

County Recommendation:

Local Determination

Date: October 7, 2024

Prepared by: Kate Schmidt
Planner


Alan J. Sorensen, FAICP
Commissioner of Planning

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available on-line at www.orangecountygov.com/planning.

OCT 25 2024

VILLAGE OF WARWICK
CLERK'S OFFICE



VILLAGE OF WARWICK

INCORPORATED 1867

October 11, 2024

Submitted via e-mail

Mayor Michael Newhard and
Village Board Trustees
77 Main Street
Warwick, NY 10990

Re: Planning Board of the Village of Warwick Comments on Amendment of Village Code to Establish a Local Law regarding "Short-Term Rental Property"

Dear Mayor Newhard and Village Board Trustees,

The Planning Board of the Village of Warwick and consultants reviewed the proposed local law regarding "Short-Term Rental Property" during a regularly scheduled meeting on October 8, 2024. Below are a few points the Village Board may wish to consider:

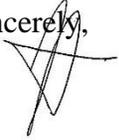
- 1. Owner-Occupant Presence During Short-Term Rentals (Section 115-3):**
A clarification is needed on whether the owner-occupant must be present during the rental period. It is assumed the intent is that the owner-occupant does not need to be present, as long as they occupy the premises as their primary residence when it is not being used as a short-term rental. It would be helpful to clearly state this in the law to avoid any confusion.
- 2. Distinction for Central Business Zone (Section 115-3(3)):**
The local law creates a distinction for properties located within the Central Business Zone. The purpose for this distinction should be clearly articulated, as it is unclear why this provision is specific to the Central Business Zone and does not apply to other districts. Clarifying the rationale behind this will ensure consistency and transparency.
- 3. Homeowners Association (HOA) Consent (Section 115-3(6)):**
The Village Board may want to consider adding a provision that requires HOA consent and proof of approval before a property within a homeowners association can be registered as a short-term rental. This would help avoid potential conflicts between property owners and their associations.
- 4. Workload and Resources for Implementation:**
The Village Board should evaluate the benefits of this regulatory scheme against the costs of implementing it, specifically the additional workload it would place on the Building Department. Careful attention should be given to balancing the goals of the regulation with the resources available to enforce it. Additionally, the registration Fee Schedule should be regularly reviewed and adjusted as necessary.

5. **General Consensus on Regulation of Short-Term Rentals:**

The general consensus of the Planning Board is that some regulation of short-term rental properties is necessary to ensure safety and to limit the number of such rentals to preserve the availability of housing for residents.

If you have any questions or need further clarification, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jesse N. Gallo". The signature is stylized with overlapping loops and a horizontal line extending to the right.

Jesse N. Gallo
Village of Warwick
Planning Board

Margaret E. McNeely
5 Welling Avenue
Warwick, New York 10990

Mayor Michael Newhard
Village Board of Trustees
Main Street
Warwick, New York 10990

Thank you for the opportunity to speak at the Public Hearing on November 18th concerning Short Term Rentals in the Village. Please note that there seems to be much confusion surrounding the meaning and scope of the proposed rules beyond the public hearing mechanism. I do understand that an informational meeting might be unusual prior to final rulemaking but it could clarify the proposed rules before a final decision is made.

As requested, the following is a summary of my recommendations/comments/concerns:

Fee Structure

I believe a tiered application fee structure for non-residents, residents, and senior citizen owner/operators of short-term rentals should be part of the local law. The application fee structure needs to consider the cost to the Village in managing this process including inspections, record keeping, and mandated reporting requirements. If it is not already completed, a reasonable assessment of person hours based on the number and rental rates of extant short-term rentals will better inform the fee setting process.

Specific Provisions

115.2 Definitions

The Bedroom definition seems both unnecessary and overly prescriptive. The type and scale defined in Housing or Dwelling Unit and Residence is clear.
Add a definition of Village Quiet Hours in this section.

115-3 Regulation of Short-Term Rentals

(5) Provide a timeline for new short-term rentals to register and obtain a permit.

115-5 Grant of Permits for Short-Term Rental Property

A timeline for Steps 1-3 would be useful. For example, the inspection and issuance of short-term rental permit will be completed within five (5) days of the payment of inspection and permit fees.

Allow for pre-inspection process for a fee of \$XX prior to formal inspection and permit fee to identify possible issues with dwelling.

Need further definition of substandard.

115-6 Duration and Terms of Short-Term Rental Permits

(vi) Revise to prohibit the use of residence for party or event to no more than 10 guests and/or the maximum capacity of the rental unit.

General Comments

Develop a Short-Term Rental Registration Application similar to the Town of Warwick's.
Note: it may also serve as the basis for tracking over time.

Given that this not a "one time event," is it appropriate to establish an annual review of rules, procedures, etc.?

Thank you again for the opportunity to comment on the proposed local law. It is always an interesting combination of oversight, foresight, and hindsight.

Sincerely,

Margaret McNeely

Attn Village Board

10/09/2024

Notice of Public Hearing – Proposed Local Law No. 7 of 2024 to amend the Village Code by enacting Chapter 115 entitled “Short-Term Rental Property”

In the interests of open and good government please post this letter on the village website.

I’m writing regarding the upcoming public hearing referenced on the village website.

Since the hearing is not necessarily a question-and-answer session I’m raising very specific questions prior to the hearing to fully understand the intent and direction of the board’s decision making so that I and can comment appropriately at the hearing.

If I offered my apartment to a long-term lessee or renter there would be no local government oversight. I believe members of the village board may have rental property that does not require local government or any government supervision whether they reside on the premises or not.

I understand that other AB&B hosts throughout the village do not live on the premises and do not personally oversee the wellbeing of the guests and neighbors

Those unsupervised AB&B rentals apparently are going to be allowed a designated individual within a designated distance or time frame who would respond to any problems at the unsupervised location where the owner is not present and living on site. This by definition would be after the fact when a violation has occurred.

How you will know the response time or actual location of this person is a mystery to me. It’s unreasonable to think there will be actual accountability beyond the regular liability/responsibility of the actual owner. The agent is not likely the owner or ultimately responsible.

This seems to be an accommodation or carve out for commercial/corporate entities or LLCs that purchase and operate multiple properties as short term rentals which you have chosen to embed in the proposed law.

We fulltime village residents and homeowners operating a single B&B in our own homes are not the villainous irresponsible cause of long-term rental property

shortages or of housing stock shortages. We are not party houses. We are ultimately responsible and behave accordingly.

The failure of local government to address housing shortages do not fall at our doorstep. We share your frustration.

We will not and do not want to be tarred with the same brush as the corporate operators who disturb neighborhoods, soak up residential homes for use as AB&B party houses and sometimes require a police presence.

I reside full time in my home and offer my downstairs apartment on Air B&B.

My home is a legal two family.

I respect my neighbors and community.

The entire home is up to date with inspections and insurance.

If you check the records, you will find there have never been disturbances requiring any intercession by police, no noise violations or parties are allowed.

As you can see from the attached reviews going back 7 years my guests are safe and happy.

I have off-street parking and no more than two guests ever.

I pay my taxes, overhead and insurance with proceeds from my AB&B.

Taxes are also paid to Orange County through AB&B.

Imposing additional onerous taxes, fees and inspections by outside providers on seniors aging in place is misguided at best.

Do you plan to add village employees to handle the proposed inspections?

I'm almost 67 Years old, I've lived in the village 32 years.

My carefully managed income consists of social security and proceeds from AB&B.

SS Cost of living increases will not cover the additional ever escalating expense you would impose on myself and others with this law.

You offer corporate entities operating a B&B with no on-site owner or supervision and entities in the Central Business District the opportunity to appoint an offsite

“agent” in what appears to be a carve out/exception with no clear rationale except their location and status as a business or business in the CBD.

You do not regulate or require similar measures for a rental property.

You have the clear ability to make categorical exceptions.

I respectfully request your explanation in clear written detail as to why you would not provide exemption from the proposed local law to seniors such as myself with one owner occupied, owner supervised in home apartment with off street parking and a sterling history going back 7 years along with others in the same circumstances within the village.

Thank you for your prompt attention to this inquiry.

I look forward to your thoughtful response prior to the public hearing.

Patrick Gallagher

57 West St

Warwick NY 10990

845 258 0749

gallagrr@warwick.net

Reviews

Overall rating

4.98

Total reviews

372

Check-in

4.98

•

📄 Clear instructions

(28)

👍 👍 Easy to get inside

(27)

👍 👍 Felt right at home

(24)

- 👍

Easy to find

(23)

Cleanliness

4.97

-

👍 Pristine kitchen

(21)

👍 👍 Spotless furniture & linens

(19)

👍 👍 Free of clutter

(19)

- 👍

Squeaky-clean bathroom

(18)

Accuracy

4.99

-

👍 Looked like the photos

(24)

☑ ☑ Matched the description

(24)

- ☑

Had listed amenities & services

(22)

Communication

4.97

-

☑ Always responsive

(22)

☑ ☑ Friendly

(21)

☑ ☑ Helpful instructions

(20)

- ☑

Proactive

(12)

Location

4.97

-

☑ Walkable

(29)

☑ ☑ Peaceful

(24)

👍 👍 Beautiful surroundings

(21)

- 👍

Great restaurants

(20)

Value

4.9

372 reviews