

Short-term rentals discussed at Middle Smithfield Township hearing

By Chris Reber

Pocono Record Writer

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A zoning hearing that got underway Thursday in Middle Smithfield Township will determine whether a property owner in Country Club of the Poconos can legally offer short-term rentals.

Two similar hearings involving the same business partners, albeit through different companies, are underway in Hamilton Township.

On Thursday, Middle Smithfield Township's zoning/building codes officer, Shawn McGlynn, testified about why he issued an enforcement notice against Oval Management of PA LLC.

Oval's attorney cross-examined McGlynn briefly before the hearing which was continued to next month.

Representatives from the CCP's homeowners association, a nearby resort and a neighboring development also joined the proceedings against Oval on Thursday.

The hearing was set after Oval appealed McGlynn's notice, issued in May, advising them to stop using the property for short-term rentals. They are also challenging sections of the township's zoning ordinance.

Oval is operated by Oleg Gorshkov. He and his business partner, Val Kleyman, rent properties around the Poconos through their website, Luxury-stay.com.

In his testimony, McGlynn explained each of the three violations.

He said Oval illegally changed the use of the property from single-family dwelling to boarding house without getting a proper zoning permit, and exceeded the number of people allowed to stay in the house at a time. He cited records showing it had been rented 38 times in the last year, and online reviews that said in some cases 20 people had stayed at the home.

Planned Residential

For the second violation, he cited plans for Country Club of the Poconos showing that the home was always zoned Planned Residential, which does not allow for boarding houses.

"A (planned residential district) has a sense of permanency. A neighborhood can develop around that same concept. When you have (transient uses) it undermines that community cohesiveness," McGlynn said.

And he said Oval violated the township's nuisance ordinance. He said residents reported loud parties, drunken behavior and fireworks.

During cross examination, Oval's attorney, William Higgs, pointed out that the reviews came from families. He said that while the ordinance limits the number of non-related people who can occupy a home to four, it does not limit the number of related persons.

Higgs also had McGlynn read sections of the lease which outlined the acceptable conduct by residents, arguing that the loud parties were the renters' responsibility.

Three other parties were allowed to become a party to the case Thursday — the CCP Homeowners Association, the Bushkill Group, owners of Fernwood Resort, and the Winona Lakes Property Owners Association. None of them had a chance to participate before the hearing was continued.

A date to continue the hearing has not been set. The hearing in Hamilton Township will continue on Oct. 7.