



Under the regulatory radar

County Comptroller wants to tax Airbnbs

by Paul Smart

A FEW WEEKS AGO John Lavallo of the Woodstock planning board went before the Woodstock town board to talk about how everyone had to get thinking about new parking to deal with growth in town. He mentioned a number of projects underway and zeroed in on how much activity was being generated by a spurt of growth in the number of short term rentals available through Airbnb, VRBO and other websites, services that match those looking for lodging with the proprietors of such, as well as the frequency of their use. A call to the planning board chairman a few days later yielded a general reluctance to talk about what he was seeing, it being "still very early." There were expansions being discussed, he allowed. And that short term rental issue.

"There are Airbnbs all over town now," he said. "You get 700 new people in town over a weekend. Much of it is happening on neighborhood streets where no one ever thought there'd be parking problems."

A follow up call to longstanding Planning Board secretary Therese Fernandez uncovered a host of issues under discussion, from a full saturation of virtual in-lieu-of parking situations and need for new spaces that's starting to be negotiated between private parties on the western side of the hamlet on Tinker Street. As well as concerns about where the line between motels, short-term rentals and multiple unit dwellings lies for legal definitions and regulations.

Meanwhile, the Airbnb phenomenon also caught the attention of Ulster County Comptroller Elliott Auerbach in recent weeks, who put out a press release saying that this element of the "sharing economy" needs to share more...and pay its taxes. That came just as neighboring Delaware County decided to delay its implementation of a new lodging tax so it could include Airbnb and other short term rentals, drawing much comment and opposition in the process. And in San Francisco, where Airbnb is headquartered, voters rejected a proposition on Election Day, 55 to 45 percent, that would have started regulating short-term rentals, limiting the frequency of such transactions to no more than 75 days a year.

Airbnb and VRBO, for those not yet in the know, lets people rent out rooms, suites, floors and whole houses for short terms, running from a night to months. Airbnb now operates in 190 countries, and it has provoked a similar response to that of Auerbach's in a great many of them, as seen by the San Francisco fight that saw millions spent in advertising by each side.

In his recent call to arms, the County Comptroller pointed out that in Ulster County, a two percent Hotel and Motel Room Occupancy Tax is part of the charge paid by every visitor overnighting in traditional hostels. Except those staying in the new "underground" short term sites.

So Auerbach says that since these entities are not collecting nor remitting these taxes to the county, he is investigating how to capture the missing revenue. Or more specifically, having his assistant, Evan Gallo, look into what laws and taxes other municipalities and counties around the state and region have employed to deal with the phenomenon.

"Legislation will be necessary in order to capture these new types of businesses under our somewhat antiquated tax structure," the comptroller said, noting how he's hoping to lift his sights from the "hosts" of Ulster County to the big boys, too. "These billion dollar corporate entities need to take on the responsibility of adequately gathering and submitting local taxes that already apply to our established hotel industry."

The official Airbnb site advises hosts to comply

with local tax rules, but Airbnb does nothing to make sure they do; that task is left to local law enforcement.

'Disrupters'

In Woodstock, Fernandez said that as important as the tax matters are, there's also a need to figure out how to deal with a host of planning issues regarding the new phenomenon, almost to the level of a full zoning ordinance revision.

"We have a law that still addresses issues involving satellite dishes," she remarked, noting that such a large issue might be best handled on a multiple municipality or even regional basis.

Dennis Doyle of the Ulster County Planning Department said that when he's gotten inquiries from local towns and villages about short term rentals, he's referred people to the American Planning Association, which has "an extensive data base" including various regulations on the phenomenon in such places as Cape Cod, the Jersey Shore and Saratoga.

"Or I tell them to Google 'disrupters,' a reference to a growing literature regarding all manner of such new internet-based businesses, including Uber, Lyft and other shared services that slide under most current regulatory environments," he added. "Think back to what the talk was like in the early days of telecommunications, not all that long ago," Doyle said. "To figure out the regulatory response you have to take the time to really look at all the pros and cons. It's similar to that of other area we're hearing about, what with more and more nontraditional venues for parties and events, like barns, small b&b's and even stables, getting neighborhoods in an uproar over the meaning of agri-tourism."

Auerbach expressed similar thoughts, albeit in a slightly different context. "The law in practice needs to catch up to what is going on around us in reality," he said. "Business models constantly evolve but economic innovation often occurs before government has a chance to act. We need policies in place, especially with regard to occupancy tax, that level the playing field between online short-term room renters who are likely not paying their portion and conventional hotels that currently follow the rules."

The comptroller added that he, too, had heard about planning concerns in addition to revenue possibilities, along with questions about short-term rentals and insurance.

"I've had some good talks with the lodging coalition," he said. "We're talking about shortcomings and challenges created by new technology."

Auerbach added that he was planning a roundtable discussion with lodging bureau professionals, realtors, and owners of both traditional B and Bs and

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Airbnbs for later this month.

Similarly, Doyle said he's been part of informal discussions in the county executive's office regarding the same matters, and hearing requests for a larger conference on such matters from town and village officials.

Meanwhile, this week Dr. Gerald Benjamin of the former Center for Research, Regional Engagement and Outreach at SUNY New Paltz, recently renamed The Benjamin Center for Public Policy Initiatives in his honor, said that his office will start work towards putting on just such a conference in the coming months.

"It's definitely a regional issue that needs addressing," he said. "We are honored to help with this. See www.newpaltz.edu/benjamincenter for further information.++

FM, en Español

There's a new sound coming to the airwaves in the Hudson Valley – Spanish-language FM radio.

Last month, Townsquare Media launched its Spanish-language format on two radio stations broadcasting on 95.7 FM from translators in Middletown and Poughkeepsie. The station broadcasts a mix of mainstream Latino music designed to appeal to a variety of nationalities and musical tastes.

Jason Finkelberg, market president for Townsquare Media's Hudson Valley holdings, which include rock stations WPDH and WRRV, said the company had been seeking a Spanish-language outlet for some time. When the opportunity arose to acquire the two translators, Finkelberg said, Townsquare saw an opportunity to tap into a large – and largely underserved – market. Finkelberg said Latinos comprise about 20 percent of the Hudson Valley's population. Until now, there was no dedicated local Spanish-language FM station to tune into.

"There's really nowhere else where you have a segment of the population that's this large that doesn't have a media outlet," said Finkelberg. "It's a pretty glaring hole."

– Jesse J. Smith

Ulster-UCCRA breakup

For the total sum of \$23,459.30, Ulster's town board last week authorized the purchase of four dumpsters for the town's transfer station – another step in its commitment to ending their hauling relationship with the Ulster County Resource Recovery Agency.

"This is to facilitate the town's revision of its operating policy at the transfer station whereby the town will be responsible for its own hauling of municipal solid waste and recycling," said town supervisor James E. Quigley III during the board's workshop meeting last week. In August, the board okayed spending \$130,121 for a 2016 Mack Granite truck to haul trash.

Like other towns across the county, Ulster balked at the new terms offered by the UCRRA earlier this year. The proposed contract would have covered five years of service, but also included a ten-year commitment needed to pay off new containers the agency planned to purchase. The fee for each of the containers would be \$77 per month for a decade. The contract would include annual increases on top of the current rate of \$62 per pull and a \$103-per-ton emptying fee for containers.

The total per-container cost over the length of the contract would come to \$9240. Of the 19 municipalities covered by the UCRRA, only nine agreed to the new terms. Town officials are still exploring the idea of shared hauling services with other local municipalities, but only if it makes sense.

"The Town of Ulster does not want to end up in the garbage transfer business. Given the combined volumes of the towns, it's a full-time job," said Quigley. "This is why it has to be shared, because they're going to have to provide their own personnel to do this, or make some kind of accommodation."

– Crispin Kott

Busting curb-busters

Heavy trucks have once again damaged some sidewalks and curbing on Partition Street in Saugerties, and the village wants the police to go after the drivers. "We have surveillance cameras there," said the village government. "Get the police to look at the recordings and find out who is doing the damage and get their insurance to pay for the repairs."

Alex Wade, who is in charge of special projects for the village, said he would contact the police. One of the officers or dispatchers will review the recordings to see if they can determine which trucks caused the damage.

Real ID excludes licenses

There's confusion around New York State regarding what people need now to take a domestic airplane flight. Congress passed the Real ID Act a decade ago to set security requirements – proof of citizenship or residency in their application stages – for drivers' licenses across the nation. But New York never got its act together and is now one of four jurisdictions (Louisiana, Minnesota, New Hampshire and the American Samoa) not in compliance with new federal standards.

Real ID laws go into effect in 2016, the exact date not yet clear. If one doesn't have a Real ID sort of license, the feds say you'll need other forms of identification, such as birth certificates or passports, to get through airport screenings.

New York last updated its licenses in 2013 and isn't planning anything new right now. But an October 14 press release noted that a year's extension has been granted the state, with promises Albany will work with the feds to get everything right.

Currently acceptable at all airport checkpoints and as substitute for a passport to travel to Canada and Mexico are "enhanced driver's licenses," or EDLs, available for an extra \$30. DMV does require proof of citizenship or residency, plus a whole new application process that can take weeks. That process includes in-person application at a regular DMV office with proof provided of identity, U.S. citizenship, a Social Security number, New York State residency, and date of birth.

A different stripe

Saugerties' village board wants to slow down traffic on Washington Avenue, near the high school and sports complex. Trustee Jeannine Mayer said county officials suggested painting a stripe down the center of the road and adding crosswalks. A stripe would narrow the lanes and "psychologically this would slow people down," she said.

The work would be done in the spring. Trustee Donald Hackett suggested lowering the speed limit from 30 mph to 15 mph, though the state Department of Transportation would have to approve the request, as would the town.

A previous idea to install a stop sign at the corner of Washington Avenue and Finger Street fell out of favor due to concerns about traffic back-ups, especially for school buses.

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