



**STRAG**

Short Term Rental Association  
of Gardiner

A.10793

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Organized to advocate on behalf of all Gardiner residents and the Gardiner business community, both of which will be negatively impacted by the [short term rental law](#) the Town of Gardiner is currently proposing.

Specifically, **STRAG** seeks to promote responsible short term rental practices, protect our neighbors, promote local businesses, and educate community stakeholders about the value of short term rentals.

## THE GOOD

- Permitting
- Inspection and Site Plan Per NYS Code (Occupancy, Etc.)
- Waste, Safety and Noise Regulations
- Ulster County STR Law Registration is Mandatory
- Good Neighbor Brochure & Policy

## THE BAD

- Owner Occupancy Only
- Proposed Restrictions on the Days an STR Can Be Rented - Currently 90 Days Per Year
- Implication That Current Owners Need “Amnesty” - STR’s are Not Illegal
- Second Home and Non-Owner Units Cease to Be Eligible After Three Years

We understand the board is still ironing out these details but we have to be proactive and respond to what is being discussed and written on the draft law 01.01.2020. The primary sticking points as we see it are the unenforceable and unnecessary addition of days/year an STR can be rented (30,60,90,120, etc.) and the limiting of STR units to being only owner occupied and needing an owner on the premises. In the year 2020, with surveillance cameras, noise devices, cell phones and the like, it is ridiculous to assume that individuals need to have someone with them 24-hours per day in order to safely rent a home. Why not ask the owners of long-term rental homes to live in the houses they rent alongside their tenants 365 days per year? Yes, that is ridiculous also.

- Allows for one owner-occupied and one non-owner occupied STR per resident.
- Allows non-owner occupied STR to designate a surrogate or host. Response times must be within 24 hours
- Three Strike Policy - Six Months Suspension Up to Revocation - This is Decided at Renewal.
- No Annual Restrictions or Daily Rental Limits (365 Days/Year)
- Permitting, Inspection, Two/Person Per bedroom, Ten Person Maximum, Safety, Parking & Waste Requirements
- Created a New Zoning Category (P) to Officially Legalize STR.

We have chosen two laws in particular - Warwick, NY and Marbletown, NY - as examples of less stringent and sensible laws. We chose these two laws because we wanted to present a counter to some of the more draconian and harsh laws referenced in Gardiner Town Board meetings and on the Town Website's STR Impacts section. We would like the Town Board to focus on towns like Gardiner itself instead of referencing large metropolitan areas and other towns that are not comparable. They have looked at Denver, Austin, San Francisco, LA, NYC and other locations like them. They have also referenced Rhinebeck which has a thriving commercial district and an established hospitality industry. Two things Gardiner doesn't possess. We wanted to give alternatives and use towns that are more like Gardiner. Warwick and Marbletown have also passed STR related laws recently but neither is as rigid or as potentially damaging as the early proposals that have been suggested in Gardiner..

- No limits on number of Owner-Occupied or Non-Owner Occupied Properties owned. Properties can be owned by entities.
- Allows non-owner occupied STR to designate a surrogate or host. Surrogates must be registered with the town.
- Permits are revocable. Town has a system of fees for first, second, third offenses, etc.
- No Annual Restrictions or Daily Rental Limits (365 Days/Year)
- No Additional Zoning
- Permitting, Inspection, Two/Person Per bedroom, Ten Person Maximum, Safety, Parking & Waste Requirements

Even our group admits that the Warwick law is too liberal in many areas. However, Warwick is taking a more open approach and this approach should allow the town to fully assess the impacts of allowing unfettered STR activity. It is an experiment we will watch closely. Of course, if Warwick determines more regulation is necessary they can always revisit and make their law more strict. The difference is in the methodology. Trust your residents, explore the economic possibilities and give it a chance. We hope Gardiner will take the same approach.

- Short Term Rentals Make It Difficult for Local Residents to Buy Homes by Inflating the Prices and Making Homes Less Affordable
- Short Term Rentals are Just Party Houses! These Types of Rentals Lead to Unnecessary Noise Complaints and Wasted Emergency Resources
- Short Term Rentals Don't Contribute to the Local Economy. Guests Don't Even Leave Their Rentals. They Just Stay In.
- Short Term Rentals Are Illegal!

**Public Data Available on Zillow and the MLS Web Page Illustrates a Number of Statistics That Show Gardiner (and even New Paltz) are not Experiencing Rapid Real Estate Growth.**

- The Average Sales Prices is Far Less Than the Average List Price - 17.5%
- The Average Number of Days Properties Need to Sell is over 150.
- 11% of Gardiner Residents Currently Have a Negative Equity Position
- Property Values have yet to rebound from pre-crisis levels in 2006 despite one of the strongest economies in the history of the country.
- Ulster Remains in a Five-Year Housing Shortage and Still the Rise in Property Values is Meager at Best in Gardiner

These numbers do not reflect a powerhouse real estate market that is being drastically affected by STR. To suppose STR is the only thing affecting growth would also be to pretend that the stock market isn't up 300% and that we are currently experiencing one of the strongest economies in history. The Town Board has continued to reference cities like NYC, LA, SF, Austin in their research while avoiding taking a good hard look at Gardiner and the surrounding the areas. Property values in rural areas are not affected in the same ways that urban areas are affected. We need to use real numbers that relate to our town, county and region and stop using heavily populated cities that do not have the same demographics or realities as Gardiner, NY.



“ (In) Reference (to) your e-mail correspondence dated and received at this office on May 8, 2019, requesting copies of police reports pertaining to noise complaints that occurred in Gardiner, New York, from January 1, 2018 to May 8, 2019, pursuant to the requirements of Article 6 of the Public Officers Law (Freedom of Information Law).

Please be advised that copies of **one (1) Incident/Arrest Report and 18 Incident Reports** located responsive to your request will be forwarded to you upon receipt of a check or money order in the amount of \$285.00, pursuant to the statutory fee of \$15.00 per report (Public Officers Law 66-a(2)).” - *Major Frank Keyser, New York State Police*

STRAG filed a FOIL Request from the NY State Police. It took months to get it back. Currently 77 STR's registered with Ulster county. We estimate there is more than 100. This percentage assumes the number of bookings is correct (it is higher) the number of STR is correct (there are more) and that all 18 incidents were a direct result of STR. Chances are the actual statistic is even lower. We have even spoken with Matt Aube, Gardiner's Fire Captain, and he stated that the Fire Department responded to no more than 7 STR related calls in all of 2019. The term "party house" and the idea that noise complaints and safety issues are rampant is inaccurate and downright disingenuous.

- With Only **18 Incidents in 493 Days** the **Average Number of Noise Complaints Per Year is 13.**
- Currently Ulster County has roughly **80 Short Term Renters Registered** in Gardiner. Assuming Each Host Has Only **25 bookings/year/host** = that's **2000 bookings annually.**
- Percentage of STR Bookings That result in a Noise Complaint:

**.0065%**

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- “Ulster has increased tourism revenue to \$450,000,000/year. STR's have been an important factor.” - Dennis Doyle, Director of Planning, Ulster County. In Fact, Ulster County Estimates That STR Activity Contributes to About \$140,000,000 Annual.
- “The second home and airbnb industry has sparked revitalization in many areas like farm-to-table, cideries and breweries” - Freda Eisenberg, Commissioner, Sullivan County Division of Planning. We Are Seeing That In This Community.
- Ulster County is Collecting a 2% Tax on STR Revenues Already and STRAG has Proposed Gardiner Should Implement a “Booking Fee” or “Bed Fee” (“Fee” as opposed to “Tax” because the Town has stated it cannot levy a tax) to Help With the Local Budget. Charging a Fee Could Circumvent Rules That Circumvent the Town's Inability to Levy Taxes and Only a \$15 Fee per Booking Could Generate as Much as \$100,000 in Additional Revenue.

We need a registry of the places our guests go and the dollars they have spent. We have created the questionnaire and plan to have our members begin disseminating it.

- There is currently no law in New York State That Restricts Short Term Rentals: The Primary New York State Law That Prohibits Short-Term Occupancy, and in turn the use of Airbnb, is the New York State Multiple Dwelling Law (MDL). The MDL Applies to Residential Buildings with Three or More Units; It Does Not Apply to Single Family or Two-Family Houses
- In July of 2019, New York State Passed a Sweeping New Law Designed to Protect Renters. Short-Term Rentals Are Not Mentioned in this Law Anywhere.
- “There is nothing in our zoning that prohibits property owners from renting their single family residences to others.” - 2015 Email from Hank Vance, Former Gardiner Building Inspector. That means there is no law against long term renting OR short term renting. Period.

This is something to run past our attorney. We cannot allow STR owners to be liabled.

- The Restriction of Property Owners Rights and Future Implications for Retirees, the Deceased and Their Heirs.
- A Direct and Negative Impact on Local Businesses
- The Law Makes Gardiner Less Attractive to New Neighbors, New Families and New Investment
- The Law Potentially Puts Corporate Interests Above Those of Gardiner Residents

Restrictions on Property Rights are obviously troubling even if you support certain regulations. Any law that prohibits what the rightful owner of a property may do with that property presents the potential for over reach. However, as more towns pass STR laws property owners need to recognize and respond to threats today that might affect them tomorrow. Once a town passes a law the only way to find out if it is constitutional is to sue and potentially spend a tremendous amount of money getting a case up into a higher court through appeals if necessary. That isn't an ideal way to go. We have to push our elected officials to make sensible decisions rather than to overreach. You may be a resident that supports severely limiting short term rentals today but what if you need the benefits of STR tomorrow? What if a husband or wife pass away and they can no longer afford their property? What if a job or income stream goes away? What if you have inherited a home from a family member but can't relocate to Gardiner to take care of the property the way the law requires? These laws may not impact you today but you better believe they could in three, five or ten years. Additionally, laws like these make the towns they are enacted in less desirable.

We will continue to reach out to local businesses. We have spoken with many and all of them we have spoken to are not in favor of limitations to STR. Some are willing to go on the record and work alongside our cause and others are less interested in the extra political attention. Either way, Dennis Doyle stated that tourism revenues had reached \$450,000,000 in Ulster county and STR related activities had generated an estimated \$140,000,000 of that. Those numbers come from the economic development office of Ulster County itself. Whether the Town of Gardiner chooses to

believe this - these are facts -and whether or not the town embraces small business is another story altogether. The economic impact is without question. We have even proposed a booking fee or bed fee in Gardiner so that the town can directly receive some of the windfall.

By limiting the ways in which citizens may use their homes, the Town of Gardiner will also send a negative message to people who may be considering moving to Gardiner or the surrounding area as primary or secondary residents. Creating a law that threatens to subvert potential new residents and tax payers is not good. We have spoken to realtors who are directly telling both potential primary residents and second home owners to be cautious if they plan to look in Gardiner due to the uncertainty surrounding this proposed law. No community can thrive without new neighbors and some form of sustained growth. You need look no further than Sullivan County and other areas North of the Catskill region. When your community isn't growing it declines. Trying to control the pace of growth is a worthy effort in some cases but taking drastic action and choking it completely is irresponsible.

It is often said at meetings and on calls: "There is no place to stay in Gardiner". Well, that isn't true currently because we have at least 77 registered STR owners who are doing a terrific job and who are EXCELLENT ambassadors for Gardiner and The Gunks. Of course, if the ability to have an STR is restricted, the only places left in Gardiner will be corporate campgrounds and Heartwood once it is complete. Why again is it bad for Gardiner residence to have the ability to take advantage of a wonderful cottage industry? We pay taxes, we pay STR taxes and we are openly looking for ways that the Gardiner budget can benefit. What are we doing wrong that big corporate run interests and campgrounds can do better?

- Allow Primary, Secondary and Non-Owner Occupied Properties
- Limit Investment Properties to Three - particularly important in cases where property is being passed down or inherited.
- Approved and Registered Surrogates to Manage Homes and Act As Emergency Contacts
- Permitting, Inspection and Adherence to NYS Building Code
- Permits Allow for Unlimited Daily Renting for Two Years - No Limits
- Strict Adherence to Good Neighbor Policy
- Implementation of Cameras and Noise Devices
- STRAG Working Hand-in-Hand with the Town of Gardiner to Help Enforce a Sensible STR Law
- STRAG Working Hand-in-Hand with Local Businesses
- Support Tourism with a “Bed Fee” or “Booking Fee” to Help Gardiner Reap Benefits
- Support Sensible Allocation of Tax for Low-Income Housing

“There is historical precedence. Since the early 1900’s the Catskills have always been a place where people came to rent a place, this is ‘back to the future’” - Dennis Doyle, Director of Panning, Ulster County



- Sensible Short Term Rental Law Petition - 25 Signatures Per Member
- 2019 Survey of Guests:
  - Why Gardiner?
  - What Activities Did You Enjoy in Gardiner?
  - List of Places You Visited on Your Trip
  - Estimate the Daily Amount of Money Spent
- Letters to the Board
- Complete Dues Collection for All Members for Media Campaign and Legal Retainer
- STR Workshop: Tuesday, January 27 at Gardiner Town Hall

## Call to Action - Support STRAG



# Question & Answer

Responsible Neighbor and Community  
Relations Efforts and Implementation of Good  
Neighbor Policy

Links Attached.