

Dover Township
Planning Commission Minutes
May 4, 2022

Chairman Wayne Hoffman called the regular Planning Commission meeting to order at 7:03 p.m. Members present: Eric Harlacher, Justin Bigham, and Mark Miller; alternates Stephen Stefanowicz and Monica Love. Absent: Anthony Pinto. Also present: Solicitor John Baranski, Zoning Officer John McLucas, Engineers Terry Myers and Cory McCoy, Recording Secretary, and two citizens.

It was noted that Monica Love will be a voting member tonight in the absence of a regular member.

I. **Minutes**

Motion by Bigham, second by Harlacher, to approve the minutes of the meeting of April 6, 2022. All members voted aye; motion carried.

II. **Zoning Cases**

A. The case for a PSES was continued again until May 18, 2022.

III. **Plans**

None this month.

IV. **Other Business**

Public comment – Kathy Klingaman, 5550 Crone Road, asked questions about the solar farm project that is before the Zoning Hearing Board now. She was looking for the date when the Planning Commission made a recommendation on the solar farm. Chairman Hoffman gave the history of the applicant’s presentation. At the time of the presentation, the Township’s ordinance did not permit a solar farm in the Residential District. The text amendment proposed was to permit solar farms in the residential zone if the land was already in ag use.

The Planning Commission recommended approval, as long as the applicant meets all requirements of the Special Exception. However, the Planning Commission recommended *against* permitting the solar farm in the R1 zone. The Board of Supervisors compared two versions of the ordinance, and they approved the proposed ordinance, not the one that the Planning Commission recommended for approval. Because the application is for a special exception, it goes to the Zoning Hearing Board. If the Zoning Hearing Board approves this use by special exception, then the applicants will present an official plan. The criteria were already in place; the applicant created a text amendment. The Township Solicitors reviewed and commented on the proposed amendment and decided on a final version. Worth noting from Mr. McLucas, PA DEP approved utility-scale solar energy projects. However, there were no guidelines or sample ordinances. The Township did provide for solar farms, but there were no guidelines, etc. That’s what the applicant saw and provided some helpful language. The Township has to provide for all uses, so the Planning Commission acted proactively to get something in place before it was too late to act.

On request by Chairman Hoffman, Mr. McLucas reviewed the requirements for being granted a Special Exception.

It was clarified that the Planning Commission only recommends, it doesn't actually approve. In this instance, the Planning Commission didn't want to include the residential zone; the BOS chose to ignore that recommendation. Then, when the Zoning Hearing Board application came before the Planning Commission, the Planning Commission had to act within the parameters of that now-current zoning ordinance.

V. Ordinances

Planned Residential Development (PRD) – still *tabled*.

Common Ownership Merger (COM) -- still *tabled*.

Short-Term Rentals -- discussion was held. Mr. McLucas refreshed our memories from last month's discussion. Everyone or nearly everyone on the Planning Commission agrees that an ordinance is required, but what should be contained in it is up for discussion. Ms. Love noted that in her latest stay in a short-term rental cabin in upper Pennsylvania, there were no fire extinguishers; not all windows opened for escape; the deck boards were spongy, and essentially, there was no security to her that the place was actually safe for use as a home/rental. Has Mr. McLucas spoken to a third-party building inspector? Once a property is offered as a short-term rental, it should be up to safety standards. Could the building inspector assure that properties are up to those standards? Ms. Love's other question, is special insurance required? Does the company that one lists the property through require a specific insurance coverage? Unknown. One would think that the owner would assume to obtain liability insurance, but there are no guarantees. This could be required as part of the ordinance. If one cannot rely on the integrity of the owner, someone else needs to oversee the safety issue. This would be an aspect of the property registration fee.

Mr. Stephanowicz has a family member whose house could conceivably be an eight-bedroom air bnb, but the septic system is sized for a smaller family/use. How would that work? Would 2 people staying for 7 days work out the same as 5 people for 2 days? Discussion: the SEO would approve an on-lot system's integrity. Wouldn't the sewage system be designed for the structure? The system is based on the number of bedrooms – if other rooms are used as bedrooms in a short-term rental situation, that means that the septic system would likely be undersized. Mr. McLucas noted that PSATS has discussed what "bedroom" actually means.

Mr. Miller voiced that if it's an approved use, nothing further needed, however he sees the other points of view. Discussion: what if an outbuilding is renovated for short-term rentals? How to be sure that's brought up to proper living conditions?

Mr. Bigham asked how many Dover Township properties are included in this? Three. For the safety issues, the Township doesn't dictate that for regular rentals. And how to define frequency? Does safety issue enforcement lead to ADA accessibility? Discussion: just because the Township doesn't have a hotel doesn't mean that it shouldn't be included in the ordinance. The building code doesn't care if the owner dies in his own house BUT inviting the public to use the house adds another level of responsibility. If we are going to worry about short-term rentals, why not worry about

regular rental properties? That's in the works. If talking about safety, safety should be a factor in all properties.

Mr. Harlacher related a story about a trip he took in which none of the homes where they stayed had proper safety precautions. No fire extinguishers, etc. This was a very public tourist location, getting far more "customers" than Dover Township will. Also, same thing with another location where he stayed, no safety measures. And to Steve's point about all the bedrooms, there are homes in the Township that have more occupants than bedrooms, so should that be regulated? Mr. McLucas feels that once the property is offered as a short-term rental, it ceases to be operated as a single-family home. Also from Mr. Harlacher, is a motor home parked in the driveway with someone staying there for a few days regulated? Yes, that's only permitted for a certain number of days. Are motor homes inspected? Yes, as a motor vehicle. Not as a living space. How about a campground? How is that regulated? The difference is that people stay in their own campers in campgrounds; they are the short-term renters of the campground, not the camper. And there are indeed regulations specific to a campground. So, that's a bit different.

If the Township certifies that a structure is adequate and something happens and people are injured, the plaintiff will hold the Township responsible for damages. Is it better not to have anything in place and not run that risk?

Discussion was held on the difference between a roommate situation and a rooming house. Mr. Harlacher said that if it's not owner-occupied, yes, there should be regulations. This ordinance would define it as "either/or" owner-occupied.

Chairman Hoffman is opposed to any such ordinance. He agrees with the safety concerns brought by Ms. Love. He feels that it doesn't matter if there are four people living in the house one day and four different ones the next day. He doesn't think that government should intervene in this matter. He fears that people might automatically assume that a property is safe, proper, etc., and will not take any personal responsibility.

Mr. McLucas noted that he's aware of someone who wants to build a development of single-family homes for the sole purpose of offering them for short-term rentals. His desire is to protect the health, safety, and welfare of the neighboring properties. He appreciates Mr. Hoffman's position of not wanting the government to get involved, but people don't police themselves. He just doesn't want to be inundated with phone calls and angry neighbors complaining about a short-term rental use. This is a relatively new use, and it's becoming more popular. He feels that permitting uses without parameters is not good planning. He wants acknowledgement that this use exists and what parameters or regulations should be included. He's the one who has to deal with applications or complaints.

Mr. Stephanowicz noted that Mr. McLucas was instructed to develop certain ordinances during the comprehensive plan stage. That's what he's trying to do. He also noted that when he goes to a hotel, he assumes that everything will be adequate, because of the hotel license granted by the state.

Owner-occupied properties are different. Definition of short-term rentals would not include owner occupied properties. From the proposed ordinance, definition of Short-Term Rentals should read: "any dwelling that is not owner occupied and is utilized..." So, how is owner-occupied defined? Living there at least seven to nine months out of the year?

Mr. Harlacher said don't create an ordinance for something that already exists.

Consensus: this use should be permitted in the Township but with very little regulation. Don't repeat regulations that are already existing in other ordinances in the Township. Mr. McLucas doesn't want to permit it in a residential subdivision because of the possibility and likelihood of neighbor complaints about noise, parking, trespassing, etc.

How about an old farmhouse with old wiring and old plumbing and an old septic system? Put increased use on those systems and trouble could result because the property isn't built to accommodate that increased stress. One would think that the owner would realize that improvements need to be made and make the changes or decide not to provide that use. If only a few parking spaces are permitted and the guests exceed the permitted number of vehicles, the neighbors can call the Zoning Officer and he can enforce as need be. The point is that there would be parameters for him to enforce.

From the proposed ordinance: add to definitions 1, "short-term rental – any dwelling that is not owner-occupied..." 2, use by right in all zones. Under Short Term Rental in the Zoning Ordinance should be a, "an owner of property..." as presented; b, "Compliance with the requirements ..." as presented; c, "A Short Term Rental shall comply at all times with applicable Township sewage permit..." as presented; d, "Approval for a short-term rental shall be issued only to the owner of the subject property"; e, "Applicant shall comply with all applicable tax requirements..." as presented (but Chairman Hoffman doesn't approve of this one); f, remove; g, remove; h, keep for now, but think about limiting the number of bedrooms, also get the input of the Fire Marshall; i, add "No parking on the grass" remove "no parking in any public street right-of-way"; j, remove, as it's already regulated; k, remove, already regulated; l, remove, already regulated; m, remove; n, change 1-square foot sign to *2-square feet*; o, keep; p, add "require 2A:10BC fire extinguishers"; q, keep; r, keep 1, 2, 3, change 4 to say "No parking on the grass"; 5, keep, and 6, conform to "no illegal activity" gather language from other ordinance to keep it uniform.

Tiny Homes – still *tabled*.

Livestock in Residential Zones -- still *tabled*.

VI. Correspondence

YCPC project of Regional Significance – Manchester Township, warehouse over 100,000K square feet of building floor area; Equity Development Partners Land Development Plan

The next meeting will be held on June 1, 7 p.m. This meeting will review possibly four plans.

A Special Meeting will be held on June 8 at 6 p.m. to discuss the PRD Ordinance.

Motion by Harlacher, second by Love, to adjourn. All members voted aye; motion carried. The meeting adjourned at 10:23 p.m.

Respectfully submitted,
Julie B. Maher, Recording Secretary