

PENN FOREST TOWNSHIP
BOARD OF SUPERVISORS
2010 STATE ROUTE 903
JIM THORPE, PA 18229

SPECIAL MEETING MINUTES

WEDNESDAY, SEPTEMBER 30, 2020

The Public Hearing of the Penn Forest Township Board of Supervisors is being held at Penn Forest Township Municipal Building, 2010 State Route 903, Jim Thorpe, PA.

PLEDGE OF ALLEGIANCE:

Chairman Thomas Cross asked that all in attendance stand and recite the "Pledge of Allegiance".

CALL TO ORDER:

Supervisor Thomas Cross called the meeting to order at 6:00 p.m.; Roll Call by Township Secretary.

Members: Thomas Cross, Chairman
Christian Bartulovich, Vice-Chairman
Judith Knappenberger, Supervisor
Scott Lignore, Supervisor
Roger Meckes, Supervisor (Arrived at 6:10 p.m.)

Solicitor: Thomas S. Nanovic---Solicitor
Office Staff: Dana Vitale---Twp. Secretary

A. DISCUSSION: REGULATION OF SHORT TERM RENTAL PROPERTIES

Christian stated we need to discuss how we are going to approach this? Tom Nanovic stated we need to know the thoughts of all the HOA's present.

Christian Bartulovich, Supervisor -stated in his opinion we need to allow it in Residential Zoned areas because we have such few Commercial Zoned areas which can create an issue. Solicitor Nanovic stated that is why we're here today.

Bill Fontaine- Marty Axman- stated he totally disagrees. There have been issues related to people using these rental properties for profit. With respect to private developments it's like an extra layer of protection. You can't allow transients to trespass and diminish our property. When you have people urinating on your lawn and shooting fireworks it's very disrespectful. We don't have a police force or security so we need to have some protection. It has to have some monetary fines in the ordinance that are substantial. You have to hit their wallet. I want to know who is in my development. My rights trump their ability to do that. Our bylaws state the homeowner cannot utilize their property for rentals. Tom Nanovic asked, in your development they do not allow these types of rentals? What difference does it make for you what we do? Mr. Fontaine stated enforcement. Scott Lignore stated who do you want us to send out there to

police this? Bill stated you would have to call the State Police. Christian stated if the renters have permission they are not breaking any laws.

Ron Kerwood- BCL- Director when it comes to investment vs over occupied there is no ratio unless it's a condominium. State police matter, my understanding they do not in-force Ordinances. I don't agree it should be banned. They have the right to rent it out and the concern is the Short term rentals the ones that can be problematic. We have had some problems but not any significant. You have to have rules within the association. To outlaw completely you would have major lawsuits. Attorney Nanovic stated let me clear this up we are not looking to outlaw them. We are looking to establish whether they should be allowed in Commercial or Residential. Mr. Kerwood stated yes it should be permitted with regulations to protect homeowners rights.

Joan Elliott- Towamensing Trails, President- We have a registration for anyone who rents in our development we have a fee so we can control who is renting. We have rules and regulations. Our biggest problem is homes made for 7 people they are putting 20. We want to work with the township to find out how many people are allowed and we can put this in our rules. Kathryn stated there is no rule that would be something you would have to decide on. The septic determines how many bedrooms. Scott Brown, PFT SEO stated it's per bedroom. Kathryn stated that if you go over 10 people that falls into a whole new section of the building code. Scott Lignore stated that if you put two sets of bunk beds you could 4 people. Attorney Nanovic stated so you are in the same position as Mr. Kerwood, you're ok with the rentals in your development with some type of regulation with the township.

Jessie Pfeifer - Rhodo Mountain Estates- IBC defines boarding houses for compensation with or without meals which are put into a commercial category. If the house is being advertised for 18-20 people wouldn't they be out of their zoning. Would the township hold them to IBC rather than IRC? Kathryn stated it falls under the IBC. Kathryn stated they are supposed to get permits.

Dave Hudoch - stated we do have STR in our development and we don't know who is using their homes for STR. Attorney Nanovic stated you are ok with STR with regulation from the township.

Dave Morales - IML, code compliance officer- How a homeowner would know what size type of septic system they have. Kathryn Forry the township would have most of those records. We have a security force and ways of checking in on rentals. Attorney Nanovic questioned, does IML have regulations on this and has it been working? Mr. Morales stated it has its share of problems. We do charge a fee per short term rental under 30 days. The fee is for the year. They are supposed to get a permit.

John Keely -Valley View Estates- Director, we did a Resolution for the Regulation for STR. We do not allow anything less than 6 months. We fine \$250.00 - \$1,000. In the gated communities it is easier for them to track. It is more difficult for us who does not have staff to track so that is why we did a Resolution. We do not allow anything less than 6 months. As a township we need some oversight.

Christian Bartulovich, Supervisor - So I understand, generally the position is that we need to Zone it Residential but regulate it. Kathryn Forry stated just so I can point out, this is not a Bed & Breakfast. B &B is already regulated. Scott Lignore asked that if the owner does live there and he has guest stay over and they pay him that is considered B&B. We would have to look at the definition of B&B. Christian asked is the Coolbaugh Ordinance the direction we are looking. Tom Nanovic stated it is one of the better ones. Judy Knappenberger suggested that you give them a permit and let the township inspect and give them an occupancy certificate and should be fined if we receive many complaints. She stated that she does not like them in a residential it should be commercial it is a business. Christian stated it would be very difficult to Zone it Commercial being that we don't have much Commercially Zoned properties. Christian stated we have several different options as to how we can enforce this. My biggest concern is physical enforcement.

Samantha White -Granicus provided a proposal for Penn Forest Township which is a solution for Short-term rentals. They have an on-line system and submit their applications for permits. They pull the data from website rental sites like Airbnb, VRBO etc. They provide mobile-enabled on-line permitting registration, address identification, compliance monitoring, rental activity monitoring, tax collection, tax audit automation, 24/7 hotline. The permit fee could be \$250.00 which would cover the cost of the program. The cost reflects the dollar amount received per night for a rental. A contact person would have to be established for each rental property. Attorney Nanovic stated we would have to amend the Zoning Ordinance to address short term rentals. Draft Ordinance can be reviewed with Granicus and the planner will review with the township. Will the HOAs have access to the program? Samantha stated we would need to have a data share. If a Landlord is no longer renting and stops posting on websites, Granicus will not see it online as a Short Term Rental. Next steps, modify the Coolbaugh Ordinance as the Township wishes. The Zoning Ordinance amendments would go to the Township and Carbon County Planning Commission for review. Then we have a public hearing to adopt. The Ordinance gives a 90 day window to comply.

Attorney Nanovic suggested the BOS review the Coolbaugh Ordinance for the next meeting.

BEING NO FURTHER BUSINESS, MEETING WAS ADJOURNED AT 7:25 P.M.

MOTION made by Supervisor Meckes, Second by Supervisor Bartulovich to adjourn the meeting.

ROLL CALL: JK-Yes; SL- Yes; CB- Yes; TC-Yes; RM-Yes **MOTION PASSED**

DANA VITALE
SECRETARY
PENN FOREST TOWNSHIP

THOMAS CROSS
CHAIRMAN, BOARD OF SUPERVISORS
PENN FOREST TOWNSHIP