

OCTOBER 29, 2019
TUESDAY, 10:00A.M.

MINUTES

Chairman Robert H. Rohner, Jr. called the meeting to order at 10:00 a.m. Also present were Richard C. Vollmer, Vice Chairman, Theresa Laino, Supervisor, Donald Karpowich, Township Solicitor and Edwina Wolfe.

PUBLIC COMMENTS:

No comments were received.

SHORT TERM RENTALS' ORDINANCE AMENDMENT:

Attorney Karpowich stated that the Commonwealth Court has consistently ruled that short-term rentals (STR) are considered single family under zoning ordinances; wherever you allow single family dwellings you must allow short term rentals. In a case that recently went before the Supreme Court called the "Slice of Life" the Supreme Court reversed the Commonwealth Court's decision saying that a STR is not a single-family residential use and cannot be classified as single family residential. Many municipalities were operating under the assumption that it was single family because of the Commonwealth Court decisions. However, the Supreme Court changed that decision, as a result the current township ordinance needs to be amended because it does not address the allowable zones for short term rental, it only addresses a single-family dwelling unit.

An amendment to the STR Ordinance was drafted with the assistance and recommended approval of the township's Planning Commission. The supervisors need to distinguish between a STR where the owner lives in the home for at least half of the year, and a STR where the owner never lives in the home which will now be considered a commercial enterprise rather than a residential enterprise. There will be two (2) definitions of STR; a STR where the owner lives in the home at least half of the year and a STR transient rental where the owner has never lived in the home, and owns the home for the sole purpose of renting it short term.

The proposed ordinance amendment is attached and a part of these minutes.

PUBLIC COMMENTS ON THE AMENDMENT TO THE SHORT-TERM RENTALS AS PROPOSED:

Dave Martin, General Manager of Saw Creek Estates, asked if existing STR permits will need to go before the supervisors for approval. Attorney Karpowich responded that the approximately 160 currently registered properties will be legal, pre-existing non-conforming use which are registered under the old law.

Tom Krauss, from PMLE, asked how the transient rentals properties will affect the census and taxes. Attorney Karpowich responded that property owners still have to pay taxes on properties whether they live in them or not. It won't increase the census because no one is residing full time at the residence.

Attorney Karpowich said that although the township has regulations, the private communities can via their own covenants regulate or eliminate short term rentals.

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Suzanne Mark, from Saw Creek Estates, asked who will regulate whether owners are living in the house part time or renting full time. Mr. Rohner stated this will become part of the permitting process.

Barbara DeNooyer questioned multiple cars parked on the roadway prohibiting people driving from seeing oncoming vehicles. She would like to know if these cars are from short term rentals or family gatherings. She was informed the STR ordinance prohibits parking of cars on the street.

Out of the approximately 160 permit applications submitted very few passed the inspection the first time. Owners were told what needed to be brought into compliance, and most passed the 2nd inspection. Inspections must be conducted every 2 years.

Tom Krauss, PMLE, voiced concerns about people advertising their homes for STR saying that the home can accommodate 12 people, and questioned whether septic systems can handle this many people. Stanley Whittaker responded that the square footage of the bedrooms regulates the number of people that can live in the house.

Isabell Pelitsch, PMLE, discussed people who already have permits and are renting their homes as a business. She asked if they will be required to obtain an updated permit under the amended ordinance. She was told that they will not have to get an updated permit, that they will be "grandfathered in". If there are problems with these properties, complaints should be submitted to the township zoning officer. Mr. Rohner also reminded everyone that complaints can be submitted online on the Lehman Township website.

Suzanne Mark, from Saw Creek Estates, asked if new owners of a STR property who choose to continue renting the property will have to submit a new application for a permit. Attorney Karpowich responded saying that the permit "stays with the land". However, if they change the status of residency they will have to apply again.

There being no further comments motion by Mr. Rohner and second by Mr. Vollmer to adjourn the meeting at 10:32 a.m. and to conduct an Executive Session regarding litigations – Mazzone & Northeast Site contractors. Unanimous.

Respectfully submitted by,

Robert H. Rohner, Jr.
Chairman

