

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – FEBRUARY 26, 2018

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on February 26, 2018. Mr. Tracey called the meeting to order at 7:30 p.m.

Those present:

Planning Commission: John Tracey, Chair
 Dawn DiDonato-Burke, Vice Chair
 Chad Wallace, Secretary

Others: Jim Majewski, Director Planning & Zoning
 Barbara Kirk, Township Solicitor
 Andrew Pockl, Township Engineer
 Daniel Grenier, Supervisor Liaison (joined meeting
 in progress)

Absent: Craig Bryson, Planning Commission Member
 Charles Halboth, Planning Commission Member

APPROVAL OF MINUTES

Mr. Wallace moved, Mr. Tracey seconded and it was unanimously carried to approve the Minutes of February 12, 2018 as written.

ACT 537 PLAN SPECIAL STUDY FOR THE NESHAMINY INTERCEPTOR

Ms. Tara Bernard, from the Township sewer engineer's office, stated she is present to introduce the Act 537 Plan they prepared for the Neshaminy Interceptor. She stated an Act 537 Plan takes into account long-term planning for twenty years. She stated they look at the development potential, current development, and whether the infrastructure will be able to accommodate all the wastewater generated for the projected twenty years. She stated they look to see if there are any areas that need to have the infrastructure upgraded.

Ms. Bernard stated this started with the Neshaminy Interceptor being hydraulically overloaded. She stated there are three areas of the Township that flow to the Neshaminy Interceptor; and she showed the areas involved shown in yellow, turquoise, and purple on the map. Ms. Bernard stated they have to evaluate the development potential in those areas along with the existing flows.

Mr. Grenier joined the meeting at this time.

Ms. Bernard stated for the Bucks County Water and Sewer Agreement, they had to determine the I & I Abatement Plan. She stated they came up with a Corrective Action Plan which outlined what they are going to do to monitor our system to see what areas need to be fixed. Ms. Bernard stated there is a Connection Management Plan that was established in 2015 which will continue. She stated the I & I Abatement Plan will reduce the flows to the Neshaminy Interceptor.

Ms. Bernard stated tonight is just an introduction, and the Planning Commission is not expected to take any action this evening.

Ms. Bernard stated she worked with Mr. Majewski to review all the Plans and the existing developments to determine if the infrastructure could support the wastewater in the future. She stated they came up with two problem areas – one at Chanticleer and one at Brookstone. She stated they are still doing evaluations, but the alternatives are to either replace the pumps or the impellers to improve the infrastructure to accommodate the additional flows.

Mr. Tracey asked if those flows are currently in excess of what the recommended flows are or they will be in excess in the future. Ms. Bernard stated the 537 is a twenty-year projection. She stated with some of the existing projects we have currently, these two pumps stations are hydraulically overloaded, and they will have to address them as part of the Chapter 94 Report and the I & I Abatement Plan. Ms. Bernard stated they have to make accommodations for increased flow rates in the infrastructure. She stated the flow going to the Neshaminy Interceptor has been exceeded a few times this year; but overall, they have been meeting it.

Ms. Kirk stated Ebert Engineering has projected under the CAP that there are going to be sections of the Township where the piping will be relined, and there is a scheduled maintenance plan to do that to reduce the overall infiltration which will effectively reduce the overall flows to the Neshaminy Interceptor.

Ms. Bernard stated it is a requirement of the 537 process that they come before the Planning Commission to introduce this. She stated at the Planning Commission's meeting in March, they will be asking for a recommendation. She stated they would like the Neshaminy Interceptor 537 Plan to be adopted in April.

Ms. Kirk stated the Sewer Authority has discussed this Plan for the last year at a minimum, and that is how they came up with the phased approach to reducing the infiltration and piping and how it will fit in the Budget. She stated they have been actively involved having input in this 537.

Mr. Tracey stated the 537 Plan is a recurring review over a period of time. Ms. Kirk stated it is reviewed every five years or it could require a review sooner if the flows exceed the limitations that are permitted and DEP indicates that they have to come up with another Corrective Action Plan and to then move that into an updated 537. Mr. Tracey asked if the 537 Plan applies to the entire Township, and Ms. Bernard stated this one is a special study. Ms. Kirk stated this is relevant because there are several new projects that have either come in for approval or have been previously approved, but they cannot be completed because there were no EDUs being released until the Township worked out the terms of a Supplemental Agreement with Bucks County Water and Sewer Authority. She stated that Agreement is done, those terms have been resolved, and everyone has signed off on it. She stated as part of that Agreement this 537 Plan is required for this portion of the flows from the Township so that those projects that were approved two to four years ago will not be adversely impacted.

Mr. Grenier asked if this was submitted to DEP, and Ms. Kirk stated it has. She stated she understands from Mr. Ebert that it has been discussed with the Sewer Authority and Bucks County Water and Sewer; and when it was submitted to Bucks County Water and Sewer for their review, Mr. Ebert had also submitted it to DEP and had received comments back on the working document.

Mr. Majewski stated the draft that Ms. Bernard is discussing that will need to be acted on at the next meeting has been submitted to DEP and also Bucks County Water and Sewer Authority, Bucks County Planning Commission, and the Bucks County Health Department. Ms. Kirk stated different agencies have been actively involved in providing comments in drafting this version.

Mr. Pockl stated Ms. Bernard has indicated that this Act 537 Plan covers development for the next twenty years, and he asked if there is a sense as to what percentage that is of full build out of those areas. Ms. Bernard stated they took a very conservative approach and for whatever parcels were not developed, they coordinated with the Zoning and the Comprehensive Plan to determine what could be developed. Mr. Pockl stated it is almost 100% full build out; and Ms. Bernard stated while that is true, it will probably not be fully built out. She stated for planning and to make sure that the infrastructure would be in place twenty years from now, they took the most conservative approach. Mr. Tracey stated he feels the most severe impact would be in the next five to ten years.

Ms. Kirk stated a lot of this effects the Matrix area as some of the phases were stalled because this was not in place. Ms. Bernard stated they took all of that into account as well.

Ms. Kirk asked if this 537 Plan takes into consideration the projection of trying to get more public connections as there are certain areas in the Township which still have septic systems, and there have been discussions that residents would like to connect to public sewer. Ms. Bernard stated she would have to check on that, and this plan was to initiate the Connection Management Plan. Mr. Tracey stated there are a number of residents who would like to connect to public sewers. Ms. Bernard stated Dogwood Drive is one of those, and that has been accommodated into the flows.

Mr. Majewski stated this Plan is only for the portion in yellow, turquoise, and purple; and Dogwood Drive is in the red or pink ones which goes to Yardley Borough so that was addressed in the Yardley Plan. He stated some of the other unsewered areas that were contemplated to be sewerred which are adjacent to Dogwood Drive are also in the Yardley area.

Ms. Kirk stated she was thinking specifically about the Heacock area where there are approximately twenty-one residents along Stony Hill and Heacock who were looking for sewer connections.

Mr. Grenier stated he has discussed this with Mr. Ebert, and his comment was that generally speaking they did assume a build out of developable land, but this does not take into account potential Zoning changes for large farms, etc. that might change.

Mr. Majewski stated the area that Ms. Kirk was speaking about on Stony Hill Road is Stony Hill and Oxford Valley, and that is in a different area, and those flows do not go into this Plan being discussed this evening.

Mr. Pockl asked how they are going to track I & I abatement going forward, and he asked if the sewer system is in GIS. Ms. Bernard stated they do not have the sewer system in GIS, but have it in CAD format. She stated the I & I abatement program is broken down into sub basin areas, and this was all done through the DEP and the formula and schedule were all presented to them, and it was approved by the DEP. She stated they will do one area at a time. She stated they will put meters in one section, and they will meter the flows throughout the winter and the wet months. She stated they will then start televising and determining if there are areas that need to be fixed. She stated they will fix them, and next winter, that area will be monitored again to see if the work they have done has reduced the I & I. She stated they will then move onto the next section. She stated it is a seven year process.

Mr. Pockl asked if they know what the pipe material is for the sewer system; and Ms. Bernard stated they do and there is a range including terra cotta, PVC, and ductile iron. She stated the new developments typically have PVC, and some of the older areas have terra cotta. She stated when they televise it, they will be able to see if they can reline the pipes or if they will need to replace. She stated they only installed the meters in November so they only really have two months of solid data. Mr. Pockl asked if they would monitor PVC pipe, and Ms. Bernard stated they would since sometimes they shift or crack.

Ms. Kirk stated the Corrective Action Plan was specifically phased to satisfy DEP's requirements starting with Section 1 being monitored and repaired, and they then move down to Section 2.

Ms. Burke asked what they would do if something happens in area 3 while they are monitoring area 1, and Ms. Kirk stated they would do an immediate repair if necessary.

Mr. Majewski stated Mr. Watson, the Township Sewer Administrator, is taking a map of the entire Township sewer system and putting in when he believes the lines were installed to give a better sense of the what type of pipes they were when they were installed.

Ms. Bernard stated as she noted earlier, tonight was just to introduce this and have the opportunity to review the 537 Plan. She stated at the next meeting they would like to hear any comments from the Planning Commission and would ask for a recommendation. She stated their goal is to have the 537 Plan in front of the Board of Supervisors by April.

Ms. Kirk stated the Sewer Authority has reviewed this and there have been ongoing discussion; and the Sewer Authority was made fully aware that this was coming before the Planning Commission for review and consideration, and the Sewer Authority is satisfied with the Plan as drafted at this time. Ms. Kirk stated the Sewer Authority instructed Ebert Engineering to bring it to the Planning Commission for review and then to go to the Board of Supervisors for approval.

Mr. Majewski stated the Sewer Authority does not make a recommendation on the Plan, and that is the responsibility of the Planning Commission. Mr. Majewski stated the Plan will also be advertised for public inspection, and the advertisement will go to the newspaper in the next few days. He stated there will also be a copy of the Plan available for review at the Township Building so the general public can come in and look at it, and it will also be posted on the Township Website. He stated there is an opportunity for the public to submit their comments in writing so that the Township can consider them prior to acting on the Act 537.

ORDINANCE AMENDMENTS DISCUSSION

Mr. Majewski stated one of the items that he wanted to start looking at were uses they felt could become problematic in the future. He stated a case came before the Zoning Hearing Board and became problematic before the Township had a chance to look at it. He stated he identified this issue in another Township he had worked at where they had issues with the Airbnb type of transient housing rentals, and there were constant rentals with complaints by neighbors about people parking all over, making noise, leaving trash outside, etc.

Mr. Majewski stated while this was somewhat regulated by the Lower Makefield Township Ordinances under Bed and Breakfast/boarding/hotel, and inn when he cited the homeowner who had been running an Airbnb every weekend in a large house that sleeps fourteen people and it went to the Zoning Hearing Board, there was case law presented indicating that the Ordinances that Townships tried to enforce against people running this type of operation, were not specific enough and the Courts felt the Ordinances were too vague to properly enforce.

Ms. Kirk stated the way the Ordinances were defined they had things such as tourist home, lodging, bed and breakfast; and one of the Commonwealth Court cases last year came out and stated that the people could not have been operating a bed and breakfast because they did not serve breakfast. Mr. Tracey stated they want the language to be very specific.

Mr. Majewski stated the homeowner Appealed the Violation Notice; and at last Tuesday's Zoning Hearing Board meeting, the Zoning Hearing Board sustained the Appeal, and dismissed the Violation Notice. Ms. Kirk stated they determined that they were not operating either a boarding home or a bed and breakfast.

Mr. Majewski provided sample Ordinances from other Townships; and while he has had some of them for several months, he did not want to bring it before the Planning Commission while the Zoning Hearing Board case was pending. He stated he had indicated to the Planning Commission previously that this was something that they were going to look into in the future. He stated he has looked at several Ordinances, and he stated Tincum Township just passed an Ordinance, and there is a Municipality in Lehigh County that adopted an Ordinance last summer that would regulate transient lodging/short term housing for rentals. He stated he has provided the Ordinances from Solebury and Tincum Township that both address the short-term nature of renting out your home and putting regulations on that as to how that can be done and what you are allowed and not allowed to do. A copy of an article provided by Mr. Truelove today with regard to this issue was provided to the Planning Commission as well.

Ms. Kirk stated one of the four Cases that were decided last year, the Township involved has filed an Appeal to the Pennsylvania Supreme Court on the basis that the Commonwealth Court is entering Decisions that violate the long-standing principles set forth in an earlier Supreme Court Case from 2004. She stated the Pennsylvania Supreme Court has agreed to review that last Commonwealth Court Case so there may be more definitive direction coming from the Supreme Court.

Mr. Majewski stated the Township's Ordinance is outdated as they did the Bed and Breakfast Ordinance in the early 1990s, and it was so that they could allow bed and breakfasts in historic homes. He stated the Township has a list from 1990 of all of the homes that were built prior to 1900, and those homes that are on the list that was prepared by the Historic Commission were allowed to have bed and breakfasts subject to a number of conditions. Mr. Majewski stated a point was made at the Zoning Hearing Board meeting that the individual was not serving breakfast, and was just renting out the whole house.

Mr. Majewski stated the Solebury Ordinance seems to be geared toward bed and breakfasts/short-term lodging with events being run in conjunction with the renting of the bed and breakfast. Mr. Majewski stated he believes the Tincum Ordinance is more in keeping with what they are looking at which defines more clearly what "transient" use is, the need for Permits, and outlining the permitted uses. Mr. Majewski stated it also discussed septic systems; and while most of Lower Makefield is on public sewer, they would not want to have numerous people staying at a house that has a septic system.

Ms. Burke asked if there have been other issues in the Township besides the one, and Mr. Majewski stated there have. Mr. Majewski stated he has been made aware of two others. He stated there is one on Ash Lane; and he was made aware of it as a neighbor complained that people were knocking on his door asking where they were to go to "move in." Mr. Majewski stated he understands that it is disconcerting for other residents in the neighborhood where this is taking place having strangers going through the neighborhoods. Mr. Majewski stated they do need to update this because it is twenty-five years old and some of the definitions are too restrictive and some are overly permissive.

Ms. Burke asked if the Planning Commission was provided a copy of the Township's current Ordinance, and Mr. Majewski stated it is on on-line. He stated the Section is 200-69A2, and he read portions of the Ordinance. Mr. Majewski stated there is a reference to the bed and breakfast use being restricted to dwellings listed on the National Register of Historic Places or which are designated as historic structures by the Board of Supervisors upon recommendation by the Township Historic Commission. Mr. Majewski stated the Historic Commission did make up a list in 1990; however, he could not find any evidence that the Township Board of Supervisors ever adopted that list so that is a flaw in the Ordinance.

Mr. Grenier stated according to Section 106/the National Historic Preservation Act, any building over fifty years old generally has to be reviewed as “historic.” He stated National Register listed properties would make more sense. Mr. Grenier also stated the Board of Supervisors heard about the Airbnb issue during Public Comment at their last meeting, and it is a large home which he understands was purchased and fixed up a great deal, and then they could not sell it. Mr. Grenier stated he has looked it up, and they generally charge \$650 a night and up. He stated he also looked at other Township properties listed on Airbnb, and there were twelve to fifteen homes listed; and most of them were much smaller than the home that went before the Zoning Hearing Board. He stated generally they are owner occupied, but there are some that are homes that people rent out more like a hotel operation.

Mr. Grenier stated he did discuss with Chief Coluzzi if there have been many complaints, and Chief Coluzzi advised that he had not received any calls over the time that this house has been rented out. Mr. Grenier stated while there are obviously issues, the neighbors have not called the Police to report anything; although they have been encouraged to do so since the Zoning Hearing Board Appeal. Mr. Majewski stated when he first became aware of this property, and the neighbors were telling him what was going on, he encouraged them back in September of last year that if there is an issue they would normally call the Police about, they should call the Police.

Mr. Wallace asked how long this property has been rented out, and Ms. Kirk stated it has been about a year. Mr. Majewski stated he first heard about it the end of July last year, and the neighbors had indicated it had been going on for about a month or two prior to that. He stated the neighbors were hesitant to call the Police since even though the renters were not their neighbors, the “neighborly thing” to do is not call the Police all the time which is why they had not done it.

Ms. Burke stated she feels they are getting into “over regulation,” although she feels it should be regulated to some degree. She stated she feels people should be able to do what they want with their homes; and if they are renting to people who are interfering with the community, maybe there could be rules that could be put in place such that you cannot park on your neighbor’s grass. She stated she does not feel we should be restricting people since there are people who financially cannot afford their mortgage and are going to lose their home, and this may be their only alternative. Mr. Majewski stated they are not looking to overregulate, but currently there is no regulation. Mr. Majewski stated the individual who was at the Zoning Hearing Board is running this as a Commercial business, and he is not even the person you speak to on Airbnb; and he has someone else acting as the concierge for this “hotel.” Mr. Majewski stated it does not fit in with the Residential neighborhood, and they went “over the line.”

Mr. Majewski stated some of the requirements in the Township's current Bed and Breakfast Ordinance are out of date and onerous so that no one would open up a bed and breakfast. He stated the current Ordinance does not fit in with the reality of short-term rentals through the Internet or what the Township might like to see in a bed and breakfast. Mr. Majewski asked that the Planning Commission review the sample Ordinances he provided adding he does not feel they are overly restrictive or unreasonable. Mr. Majewski stated he does not feel they should refer to specific Web enterprises since some of these may be out of business.

Mr. Pockl stated typically a bed and breakfast has an on-site manager and typically Airbnbs do not which is a concern since if there are neighbors who have an issue they cannot get in touch with the owner. He stated requiring an on-site manager could alleviate that problem. Mr. Majewski stated this may then be considered overregulation. Mr. Majewski stated when the Pope visited the area a number of years ago, a number of people were able to rent out their homes; however, the problem is the repetitive nature which is an issue when it is being done every weekend. Ms. Burke stated she agrees there is an issue in the instance they are discussing, and that should be regulated; however, there is a "fine line," and they need to be careful how they word this.

Mr. Grenier asked if any of the Ordinances discuss the maximum number of days/weekends per year. Mr. Pockl stated there was a limit of 120 days per year, but the minimum rental period was fourteen consecutive days. Ms. Burke stated she feels that is overregulation. Mr. Grenier stated he feels if they are renting out to a different person every day for a year, it is a hotel even though they are not providing hotel services; and he feels they are putting the onus on the Township to take over if there is a health and safety issue. Mr. Grenier stated they should consider if they go over a certain number of days and/or a certain number of different renters per a specific time period, they would then be considered a "hotel," and there are specific regulations as to hotels as to where they can be located and operated.

Mr. Grenier stated he has been researching Airbnbs, and they have a very difficult time collecting taxes or any other fees that are due; and they say that it is the responsibility of the owner. Mr. Grenier stated they should look into what taxes the Township would be due. Mr. Majewski stated there is a Per Capita Tax although he does not know if that would apply. He stated there is also a Rental Registry requirement; and the individual involved in this instance did not register that he was renting out his home, so he is in violation of that, and they will be notifying him of that. Mr. Majewski stated typically the Tax Collector sends out letters to people who rent out their homes so that they can be properly assessed the tax on that.

Mr. Majewski stated some Townships require periodic inspections if you rent out your house, and some require an inspection for every change in occupancy.

Ms. Burke stated she does not feel they want to require a Mercantile License and treat it like a rental complex. Ms. Kirk stated if there are going to be people renting out Residential real estate, she feels having a Rental License Registration requirement with inspection before the new tenants go in is not unreasonable. Ms. Burke stated she disagrees for Airbnb purposes. Ms. Kirk stated she feels it is a way of discouraging this or insuring that there is protection to the Township if there is a tragedy. Ms. Burke asked why they would want to discourage this as people purchase their homes, and they should have the right to do with their house what they want to do with it. She stated she feels it is a different story if “somebody is making a business of it.” She stated somebody doing it “now and then” should not have these requirements. Ms. Kirk stated she disagrees.

Mr. Majewski stated he feels they need to look into this and get people’s opinions.

Mr. Paul Valerio stated he is a neighbor of the property that was sent the Violation Notice which was then retracted. Ms. Kirk stated it was dismissed. Mr. Valerio stated he understands the reasons why it was dismissed, and that it is a difficult issue because while people have rights, this is causing a problem. He stated Lower Makefield Township is “in the business of being a neighborhood;” and while there are some businesses, we are basically a Residential community. He stated his neighborhood, Makefield Manor, is like the other neighborhoods in the Township; and most people are long-term or long-term renters who are neighbors who you see every day. He stated by being there constantly it also makes you more accountable, and a good neighborhood is self-policing.

Mr. Valerio stated at this house, there were different cars and different people who were coming over weekends; and the direct neighbors were effected by strangers coming onto their property, people getting drunk at night and making a lot of noise, cars being parked and shining their lights on the driveway so they could play basketball, and the beams were going into the next-door neighbor’s house. Mr. Valerio stated this situation would not have been feasible before Airbnb. He stated while Lower Makefield is not typically a destination, they fixed up the house very well and we are near big events such as the soccer and softball tournaments. He stated they are getting quite frequent rentals at this property. He stated it has been full every weekend for some period of time. He stated this use is not Residential or neighborly. He stated this area is not a vacation spot such as a shore town where people expect those around them are “transients” who behave a certain way.

Mr. Valerio stated because of this new technology and the Ordinances being old, they now have transients here with transient behavior such as trash and noise. He stated the neighbors have been advised, and they will start calling the Police which will bring on more records of Police in their neighborhood which could impact the potential sale of properties in the neighborhood; and it will also cost more for Police to keep coming out.

Mr. Valerio stated the property owner “lawyered up” for the Township meeting and the owner did not speak once. He stated the neighbors had “zero exchange” with the owners who are gone, but are running a business in this home. He stated if this is “deemed okay” and nothing is done, this use could grow into something that would be “ugly” for the Township. He stated this is why rules are needed. He stated he feels while some indicated they felt the fourteen day policy is “over the top,” for those who living in the neighborhood with this, it does not seem “over the top.” He stated he questions if you can really do anything you want with your property.

Ms. Burke stated she agrees with Mr. Valerio to an extent; and if they are doing it “time and time and time again,” that should absolutely be regulated; however, if they are doing it twice a year, she does not feel that should be regulated.

Mr. Valerio stated most people who have an Airbnb are doing it as a business, and not just renting it out twice a year. Mr. Valerio asked that they consider this seriously.

Mr. Pockl stated one of the other items that was brought up at the Board of Supervisors meeting was that there is no way to properly vet the people who are renting and the proximity to the School. He stated there was concern as to whether or not they were renting to registered sex offenders, and there is no way to track that. Ms. Burke stated they cannot control if they sell to a registered sex offender either. Mr. Grenier stated hotels do not do that either.

Mr. Majewski stated other Township have a requirement that when you sell your home or business, you must get an Occupancy Certificate. Mr. Majewski stated as part of that process there is an inspection to make sure there are functioning smoke detectors, no obvious Code violations; and there is a requirement to bring those up to Life Safety Code issues. He stated Warminster does that for non-Residential properties; however, if they are renting a property out on a regular basis, they could classify that as non-Residential, and they could do the inspections. He stated if there is a house that could sleep fourteen people, they could do a periodic inspection, although not after every renter coming through, to make sure they have functioning smoke detectors and whatever is needed for life safety especially if they are renting it out to large groups of people.

Mr. Grenier stated he would be in favor of those ideas, and he asked how they would put this in the Code and enforce it to know who is doing the right thing. He asked if they would have to track Airbnb. Ms. Kirk stated she feels there would be an Application process, and they would have to list on the Application who the proposed renter is. Mr. Grenier asked if they could not circumvent that fairly easily. Ms. Burke stated the only way they would know if there is an issue is if the neighbors advise the Township. Ms. Kirk agreed that is the only way the Township knew there was an Airbnb being operated at this location.

Mr. Majewski stated the Township does have a Rental Registry Ordinance, and this is tracked by the Tax Assessor; and there are penalties associated with that, and this is something they need to re-visit.

Mr. Majewski asked the Planning Commission to consider this further particularly the Tincum Ordinance and provide opinion on how that could be modified. Mr. Tracey asked when they would like to get this finalized, and Ms. Kirk stated she feels they want it fairly quickly. Mr. Grenier stated the Board of Supervisors is very interested in getting something so that they can show they are being responsive, and they also want to be fair. Mr. Majewski stated he feels he could have a draft by the next meeting that they could consider in more detail.

Mr. Grenier asked how homeowners insurance would be impacted, and he asked if this would impact your policy if you have frequent short-term renters and are not owner-occupied; however, Ms. Kirk did not know.

Mr. Pockl stated two other Municipalities he knows of which have these Ordinances are Collingswood, New Jersey and Toms River, New Jersey; and he agreed to provide these to Mr. Majewski. He stated the more comparables they have the better it would be so that they can pick language that is suitable for Lower Makefield.

Ms. Kirk stated they may want to consider eliminating the whole concept of boarders, lodgers, Airbnb, bed and breakfast and just do something along the line of short-term rentals that encompasses everything. Mr. Majewski stated the bed and breakfast is a different type of use, and you are actually running a Commercial operation; and the Township does permit that type of Commercial operation where it is anticipated that it will be every weekend new people coming in but it will be an owner-occupied unit which is preapproved and in character of the area. Mr. Pockl stated there are also requirements for parking.

Ms. Burke stated if the owner is there it takes away a lot of the issues because if the owner is there, the owner can protect the neighbors and make sure that their guests are doing what they should do.

Mr. Grenier stated whatever the Township does, they have to make sure that it will pass legal muster and a potential challenge in Court in the future.

Mr. Majewski stated nothing is foolproof, and there is nothing “one size fits all,” which is why they have the Zoning Hearing Board and the Waiver process for Subdivision and Land Development. He stated there is the right to Appeal if your situation does not fit within the Ordinance.

Mr. Majewski stated another issue they should discuss is Contractor Licensing since currently we just License plumbers. He stated a number of Townships require Licenses for all contractors, and they have to pay a Fee once a year and their status is checked to make sure there are no complaints.

Mr. Majewski stated they should also discuss ATVs since some have indicated there should be an ATV/dirt bike Ordinance because of these vehicles being used in the yards, and they are noisy.

Mr. Majewski stated another item is solar energy, and there have been people who want to put large banks of solar panels on their lawn and not just on their roofs. Mr. Majewski stated Upper Makefield has an Ordinance on this as it can ruin the aesthetics of the Township.

Mr. Majewski stated they also need to consider a Blight Ordinance, as there are properties that are falling apart; and the owners are not doing anything. He stated there are Property Maintenance Codes, but there are more stringent requirements that could be enacted.

Mr. Majewski asked that the Planning Commission e-mail him with any comments regarding the Transient Residential Ordinance, and they will consider this again probably the second meeting in March. Mr. Majewski stated he feels the Tinicum Ordinance is the best base to start from.

OTHER BUSINESS

Mr. Valerio asked about the chicanes that are in place on Edgewood Road. Mr. Majewski stated that would not be an issue for the Planning Commission. Mr. Valerio stated he feels they are unsightly, and they present a problem for him as he is a cyclist and it is very narrow and unsafe. He stated he feels

they should close Sandy Run Road, and open Edgewood back up; however, it was noted that there are many people in the Township who would disagree with that solution. Ms. Kirk stated the chicanes were part of a traffic-calming strategy because of the speeds. Mr. Pockl stated it is a temporary measure at this point so that they can measure the speeds of vehicles traveling down Edgewood Road to insure that when they do open Sandy Run Road, the traffic on Edgewood Road is going slow enough that there is adequate sight distance at Sandy Run to see a car coming over the hill. Mr. Grenier stated the chicanes were put in because of the sight distance issue, and they have done post-chicane studies that have shown that traffic has slowed down.

Mr. Valerio stated the chicanes would then have to stay. Mr. Grenier stated those are not permanent. He stated he will be discussing this tomorrow with the traffic engineer, and the Chief of Police, and others. He stated they directed the solicitor for the Board of Supervisors to begin to look at having an action against a responsible party, and this will allow the Township to look into remedies, how they are going to pay for it, and who is responsible for it.

Mr. Grenier stated TPD did a study and looked at over thirty alternatives, and the temporary chicanes were eventually installed. He stated while they have had some positive benefit, they do not want those temporary chicanes there forever; and they are looking at a number of options including moving Sandy Run further down and regrading so there is proper sight distance, speed limits, and the potential that chicanes would be permanent although those there currently would be replaced with permanent chicanes that would not be as unsightly. He stated they want to open Edgewood Road back up to a normal width road although in doing so, they may have to move Sandy Run further down and fix the “hump” and grading. He stated this would be costly, and the current Board of Supervisors is serious about this and wants to move on it fairly quickly.

There being no further business, Mr. Wallace moved, Ms. Burke seconded and it was unanimously carried to adjourn the meeting at 8:55 p.m.

Respectfully Submitted,

Chad Wallace, Secretary

