

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – JANUARY 16, 2018

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on January 16, 2018. Mr. Gruen called the meeting to order at 7:35 p.m.

Those present:

Zoning Hearing Board: Jerry Gruen, Chairman
 Anthony Zamparelli Vice Chairman (joined
 meeting in progress)
 Keith DosSantos, Secretary
 Pamela Lee, Member
 James McCartney, Member

Others: Jim Majewski, Director Planning & Zoning
 Adam Flager, Zoning Hearing Board Solicitor
 Barbara Kirk, Township Solicitor
 John B. Lewis, Supervisor Liaison

ANNOUNCEMENT BY MR. GRUEN

Mr. Gruen stated this is a “quasi-Courtroom” type of Hearing. He asked that when someone is speaking that no one interrupt as they need to make a Record. Mr. Gruen stated they will take Testimony and then those wishing to speak will be allowed to do so. He asked that those speaking refrain from repeating the same thing although they could indicate that they agree with what has been stated previously.

Mr. Gruen asked Mr. Flager to explain Party Status; and Mr. Flager stated after Testimony is over those present may voice their opinion whether they are in favor or opposition, and he will ask them if they wish Party Status. He stated Party Status gives certain rights most importantly is that they would be notified of any Decision or additional proceedings related to a case. He stated those wishing Party Status will have to give their address and they can present any evidence or Testimony they would like as well as whether they are in opposition, in support, or remaining neutral.

Mr. Gruen stated by requesting Party Status it does not obligate you to anything, and it just gives certain rights; and if there are any further proceedings, you will be notified. He stated if the Applicant is not satisfied with the Zoning Hearing Board's Decision, they can take it to Doylestown; and those with Party Status will be notified at which time, if they wish, they can retain an attorney to represent them as a group or as individuals.

APPEAL #17-1792 – ERIN DEVELOPMENT CO.

Mr. Flager stated there was an e-mail from the Applicant's attorney, Ed Murphy, requesting a Continuance from tonight's meeting until Tuesday, March 6, 2018 Hearing and waiving any Municipal Planning Code requirements regarding timeframe for the Zoning Hearing Board to act. The e-mail dated 1/9/18 between Mr. Murphy and Mr. Flager was marked as Exhibit A-1.

Mr. McCartney moved, Ms. Lee seconded and it was unanimously carried to Continue the matter to March 6, 2018.

APPEAL #17-1791 – WILLIAM HARRISON

Mr. Gruen announced that while they were waiting for Mr. Zamparelli to arrive, those interested in having Party Status were asked to sign in with their name and address. Mr. DosSantos advised that Party Status would allow them to get notice of future Hearings. Mr. Gruen stated it is not required to have Party Status if they wish to make a comment. He stated they could also withdraw their Party Status if they decide later that they do not want Party Status. Mr. Gruen stated if you have Party Status, you also have the right to Appeal the Zoning Hearing Board's Decision.

Mr. Zamparelli joined the meeting at this time.

A short recess was taken at this time to allow those wishing Party Status to sign up at this time.

The meeting was called back to Order, and Mr. Gruen stated the only thing they are ruling on tonight is whether the Cease and Desist Order given by the Township was proper. It stated it is not a Decision whether it is a Bed and Breakfast, an Airbnb, a hotel, or a nightclub. He stated the only Decision they are making tonight is whether the Cease and Desist given Mr. William Harrison was in order.

Mr. Edward Wild with Benner and Wild was present to enter his appearance on the Appeal of William Harrison who is also present this evening. Mr. Gruen asked if Mr. Harrison going to speak, and Mr. Wild stated under Section 616 of the MPC in the issuance of an Enforcement Notice, the Municipality has the burden of proceeding first, and they will “see what happens” when the Municipality is finished presenting its Case.

Mr. Flager marked the Exhibits as follows: Exhibit A-1 is the Application filed. Exhibit A-2 is the Site Plan attached. Exhibit A-3 is a Supplement to the Application providing some reasons for why it should be granted. Exhibit A-4 is the Cease and Desist Notice dated August 28, 2017 sent by the Township. Exhibit A-5 is the property Deed. Exhibit B-1 is the Proof of Publication. Exhibit B-2 is the Proof of Posting of the property. Exhibit B-3 is the Notice to the neighbors.

Mr. Flager stated since there was some uncertainty during the break, having Party Status allows you to get notified of any Decision, and gives the right to Appeal the Decision if you do not like the Decision; and that would then go to Doylestown for consideration. Mr. Flager stated you will be able to speak without being a Party, but you can do both. Mr. Flager stated the Township has the initial burden to present its case first, and he turned the meeting over to the Township solicitor, Ms. Kirk.

Mr. Wild stated before they proceed, the Zoning Hearing Board did invite all of the neighbors and participants in the room to become Party; and he recognizes that while this may be an unpopular objection, he feels compelled for the Record to note that in an Enforcement Proceeding particularly, Party Status requires that a person be aggrieved, and to be aggrieved you have to meet a certain standard. He suggested that an Enforcement Notice that has some trappings of a prosecutorial type proceeding, it is inappropriate in his opinion to have neighbors be a Party to that proceeding. He stated it is not a Variance or a Special Exception, and the impact on the neighbors cannot be what the MPC would require which is to say that you have to be impacted in a certain fashion a the Case Law has described which means direct, immediate, and substantial impacts. He stated the neighbors may speak, and they may say whatever it is they would like to say; but for them to be a Party, they effectively become either part of the Defendant’s side of the table that is defending the Enforcement Notice, or part of the Municipal side that is prosecuting it; and in their capacity as a neighbor, they can be neither.

Mr. Gruen stated he would still like the neighbors to know what is going on, and Mr. Wild can challenge their position if it should come to that. Mr. Wild stated he understands that. He stated he understands that they are making a Record, and there is some possibility that the case would move forward so he felt compelled to put his comments on the Record.

Ms. Kirk stated she is the attorney for the Township, and she called Mr. Jim Majewski as the first Witness. Mr. Majewski was sworn in and stated he is employed by Lower Makefield Township as the Director of Planning and Zoning, and is the Zoning Officer for the Township.

Ms. Kirk asked Mr. Majewski to explain his duties as the Director of Building & Planning. Mr. Majewski stated his duties include processing all Building Permit Applications, Zoning Applications, Planning Applications for Subdivision and Land Development as well as enforcing the Codes of the Township. Ms. Kirk asked Mr. Majewski what he does in his capacity as the Zoning Officer for the Township, and Mr. Majewski stated he reviews all Applications for Zoning and also review violations that are brought to the attention of the Township and send out Notices when they are in violation.

Ms. Kirk asked Mr. Majewski how long he has been employed by the Township, and he stated he has been the Township since the end of February, 2017. Ms. Kirk asked prior to February, 2017 who was his employer, and Mr. Majewski stated he worked for the State of Pennsylvania as a Design and Construction Manager for the Department of General Services. Ms. Kirk asked what that position required, and Mr. Majewski stated all State-funded projects on all State properties and State buildings were required to have design approval, review, and oversight by the State for independent consultants who did work on behalf of the Commonwealth. Ms. Kirk asked if that included things such as engineering, land development, etc.; and Mr. Majewski agreed. Ms. Kirk asked Mr. Majewski how long he was employed by the Commonwealth of Pennsylvania, and Mr. Majewski stated it was one year. Ms. Kirk asked prior to the employment by the State of Pennsylvania, who was his employer; and Mr. Majewski stated he worked for himself independently as an engineering consultant, and prior to that he worked for Remington, Vernick & Beach Engineers in Conshohocken, and he was a Project Engineer for them.

Ms. Kirk asked Mr. Majewski his educational background, and he indicated he has a Bachelor of Science in Civil Engineering. He stated he has thirty years experience in engineering, planning, and construction management. He stated he is also a Certified Floodplain Manager.

Ms. Kirk asked Mr. Majewski if he has had prior involvement in a professional capacity with Lower Makefield Township before being hired as the Zoning Officer, and Mr. Majewski stated he worked for Lower Makefield Township as a consultant as their Township engineer for ten years. Ms. Kirk asked Mr. Majewski if in that capacity does he feel comfortable in having an understanding of the Township's Zoning Ordinance, and Mr. Majewski stated he does.

Ms. Kirk asked Mr. Majewski at what point was his attention brought to the property located at 1711 Makefield Road; and Mr. Majewski stated sometime in mid-August the Township was notified that the property at 1711 Makefield Road was being rented out every weekend to different groups of people. Ms. Kirk asked Mr. Majewski based on that complaint, what action did he take; and Mr. Majewski stated he reviewed the property, and saw that it was advertised on the Internet for short-term rental. He stated he then sent out a Cease and Desist Order and a Zoning Violation Notice on August 28, 2017. Exhibit T-1 was marked, and Mr. Majewski stated this is a Web page printout of the advertisement that was renting the house out on Airbnb. Ms. Kirk asked the date at the bottom of the page as to when the document was printed, and Mr. Majewski stated it was printed on October 17, 2017. Ms. Kirk asked if this document accurately depicts the Internet site he visited in researching the complaint lodged against the owner of 1711 Makefield Road, and Mr. Majewski stated it does; however, he stated it is a little bit updated because it has more recent reviews from renters.

Ms. Kirk asked Mr. Majewski when he first looked at the Web page, and Mr. Majewski stated it was before he issued the Cease and Desist Order; and he stated it was sometime in August of 2017. Ms. Kirk asked at the time he inspected the Web page, what information did he glean; and Mr. Majewski stated that they were renting out the house, and it was available for fourteen guests with six bedrooms, eleven beds, five baths, and they were charging a “good amount of money for the property.” He stated at that time there were probably five to six reviews on the site from people who had rented the house.

Ms. Kirk stated Mr. Majewski indicated Exhibit T-1 is a more updated version of the site to the best of his recollection and knowledge, and Mr. Majewski agreed. Ms. Kirk stated T-1 accurately represents what Mr. Majewski physically saw on the computer when he went to visit the Website, and Mr. Majewski agreed.

Ms. Kirk asked Mr. Majewski who owns 1711 Makefield Road, and Mr. Majewski stated it is William Harrison. Ms. Kirk asked Mr. Majewski if at any time during his review of the information and the complaint lodged against the property owner did he review the Township’s Building file for the property, and Mr. Majewski stated he did. Ms. Kirk asked Mr. Majewski if there was anything contained in the Township’s Building file that would lead him to believe that the use was a permitted use, and Mr. Majewski stated there was not.

Ms. Kirk stated Mr. Majewski indicated he reviewed another site on the Internet concerning this property and asked what site it was, and Mr. Majewski stated this was the only site he reviewed that he recalls.

Exhibit T-2 was marked, and Mr. Majewski stated these are pictures that were available on the Airbnb site that depicted the house and the property. Ms. Kirk asked Mr. Majewski if he had seen these pictures prior to tonight's proceedings; and Mr. Majewski stated he did when he originally went on the Website in August of 2017, and this is what was depicted on there. Ms. Kirk stated Exhibit T-2 accurately depicts what Mr. Majewski he personally saw on the Website, and Mr. Majewski agreed.

Ms. Kirk asked Mr. Majewski other than visiting the Website what other investigation did he undertake regarding the complaint lodged against the property owner. Mr. Majewski stated he checked the files to make sure that no Variance or Special Exception or any other kind of approval had been granted for this use, and he did not find any in the Township's files. Ms. Kirk asked Mr. Majewski if he personally went to the property and inspect it, and Mr. Majewski stated he did. Ms. Kirk asked what type of inspection he did, and Mr. Majewski stated he drove out to the house to verify that the location at 1711 Makefield Road was in fact the one that was depicted in the photograph on Exhibit T-2. Ms. Kirk asked if he conducted an in-house inspection of the property, and Mr. Majewski stated he did not. Ms. Kirk asked if the in-house inspection is a process that he would normally undertake when investigating a complaint of a Zoning violation, and Mr. Majewski stated not necessarily.

Ms. Kirk asked Mr. Majewski if the actions he took with respect to investigating this complaint were the actions that are undertaken in the normal course of business as a Zoning Officer, and Mr. Majewski agreed.

Ms. Kirk asked Mr. Majewski what step he took next to notify the property owner of the complaint after he completed his investigation. Mr. Majewski stated he verified with the tax rolls who the owner of the property was, and he prepared the letter dated August 28, 2017, and sent it out via First Class mail and also Certified Mail, Return Receipt requested.

Exhibit T-3 was marked, and Mr. Majewski stated it is the Cease and Desist Order, Zoning Violation Notice that was sent to the property owner, Mr. William Harrison. Ms. Kirk asked the mailing address of the Notice, and Mr. Majewski stated it was 1711 Makefield Road, Yardley, PA; and it was sent via First Class mail and Certified Mail Return Receipt requested. Ms. Kirk asked Mr. Majewski if he got a confirmation from the United States Postal Office in response to the Certified mailing; and Mr. Majewski stated he did although he does not recall exactly what he received, but it was either Delivered and Received or the Township got the Notice that they were unable to deliver it. Ms. Kirk asked with regard to the First Class mailing, did that letter ever get returned to the Township by the Post Office, and Mr. Majewski stated it did not. Ms. Kirk asked Mr. Majewski to the best of his

knowledge was that letter delivered to the property owner, and Mr. Majewski stated it was. Ms. Kirk asked what is the essence of the letter Mr. Majewski just mentioned to the property owner; and Mr. Majewski stated based on what he had uncovered, it appeared that they were using their property to rent to transient guests on a short-term basis which would fall under our Zoning as either a Bed and Breakfast or a boarding use, and that no Approval had been granted to occupy the dwelling for those uses.

Ms. Kirk asked the Zoning District the property is located in, and Mr. Majewski stated it is in the R-2 Medium Density, single-family Residential Zoning District. Ms. Kirk asked generally what uses are permitted in the R-2 Residential Zoning District, and Mr. Majewski stated generally it is Residential uses. Mr. Majewski stated agriculture is also permitted; and other permitted uses are nursery, horticulture, greenhouse, public recreational facility, forestry, timber harvesting, and open space cluster development. He stated those are uses that are permitted by right.

Ms. Kirk stated Mr. Majewski had stated that based on his investigation and the complaint, he believed that the property owner may have been using the property as a bed and breakfast; and Mr. Majewski agreed. Ms. Kirk asked under what Section of the Zoning Ordinance does a bed and breakfast get listed, and Mr. Majewski stated it is under the Accessory Use Section 200-69A.2.

Exhibit T-4 was marked, and Mr. Majewski stated T-4 is a print out of a portion of the Township's Zoning Ordinance; and he added he believes that this came from the on-line version. Ms. Kirk stated he recognizes it as representative of the Zoning Ordinance that is available through the Township's Website, and Mr. Majewski agreed. Ms. Kirk asked how many pages Exhibit T-4 consists of, and Mr. Majewski stated it is two pages. Ms. Kirk asked if this two-page document accurately depicts the relevant Section of the Zoning Ordinance that Mr. Majewski referenced in his Cease and Desist letter, and Mr. Majewski stated it does.

Ms. Kirk asked how a bed and breakfast is classified under the Township's Zoning Ordinance, and Mr. Majewski stated it is classified as an Accessory Use for the property. Mr. Majewski stated an Accessory Use is permitted when there is a legally-permitted principal use established on the property. He stated in the case of this property, the property is currently used for a Residential use which is permitted in the R-2 Zoning District.

Ms. Kirk asked if Section 200-69A.2 is the specific reference for a bed breakfast, and Mr. Majewski agreed. Ms. Kirk asked the primary structure that first must exist in order for a bed and breakfast Accessory Use, and Mr. Majewski stated there must be

an existing, single-family, detached dwelling. Ms. Kirk asked if the property at 1711 Makefield Road meets the qualifications of a single-family, detached dwelling; and Mr. Majewski stated it does.

Ms. Kirk asked the next phrase after “detached dwelling” set forth in the Ordinance; and Mr. Majewski stated the Ordinance states, “it shall be permitted by Special Exception only for accommodating transient guests for rent subject to the following additional Conditions and Restrictions all of which must be met.”

Ms. Kirk asked what is a Special Exception, and Mr. Majewski stated a Special Exception is a use that is contemplated under the Zoning Ordinance and is permitted subject to certain conditions. Ms. Kirk stated a Special Exception use is something that is allowed to be in that Zoning District, and Mr. Majewski agreed. Ms. Kirk stated it has certain Conditions that must be met, and Mr. Majewski agreed. Ms. Kirk stated the bed and breakfast use was something permitted at 1711 Makefield Road, and Mr. Majewski stated it would be subject to the granting of a Special Exception. Ms. Kirk asked how one would go about getting a Special Exception, and Mr. Majewski stated they would file an Application to the Zoning Hearing Board. Ms. Kirk asked Mr. Majewski if during his review of the property was a Special Exception ever granted to Mr. Harrison to use the property as a bed and breakfast, and Mr. Majewski stated it was not.

Ms. Kirk asked Mr. Majewski if Mr. Harrison contacted him directly after he sent the Cease and Direct letter to inquire about getting a Special Exception, and Mr. Majewski stated he did not. Ms. Kirk asked Mr. Majewski if he had any conversations with Mr. Harrison after the Cease and Desist letter was sent; and Mr. Majewski stated Mr. Harrison left him a phone message but he does not recall if they spoke or not. Mr. Majewski stated he believes he called Mr. Harrison back; however Mr. Majewski then stated he did not call Mr. Harrison back. Mr. Majewski stated Mr. Harrison followed up with a e-mail. Ms. Kirk asked the essence of the e-mail; however, Mr. Majewski stated he did not recall. Ms. Kirk stated at no point since the issuance of the Cease and Desist letter until the filing of this Application did Mr. Majewski in his capacity as the Township’s Director of Building and Planning ever review an Application for use of a bed and breakfast Special Exception filed by Mr. Harrison for the property, and Mr. Majewski stated he did not.

Ms. Kirk asked what are some of the Conditions that must be met for a bed and breakfast. Mr. Majewski stated the Ordinance outlines a number of Conditions that must be met. Ms. Kirk noted Condition 200-69A-2.f, and she asked the requirements of the property owner in order to operate a bed and breakfast.

Mr. Majewski stated the Ordinance states, “the owners of the property shall be full-time residents of the property.” Ms. Kirk asked Mr. Majewski if he knows if Mr. Harrison is a full-time resident of the property, and Mr. Majewski stated it is his understanding that Mr. Harrison does not reside at the property.

Ms. Kirk stated there was also an issue as to serving meals under a bed and breakfast Accessory Use, and she asked the limitation about serving meals under Sub-Section K. Mr. Majewski stated the Ordinance states “the serving of meals shall be restricted to the guests of the establishment and shall be limited to breakfast and afternoon tea.” Ms. Kirk asked the purpose of that Condition; however, Mr. Majewski stated he was not sure. Ms. Kirk stated there is a limitation that the only meals that could be served at the property are breakfast and afternoon tea, and Ms. Majewski agreed. Ms. Kirk stated there are other Conditions that are required based upon the Ordinance; and Mr. Majewski agreed, adding they include the length of stay and a number of other Conditions.

Ms. Kirk stated under the Ordinance for an Accessory Use for a bed and breakfast, it states, “a single-family, detached dwelling;” and she asked how that term is defined under the Ordinance. Mr. Majewski stated it is, “a dwelling on a lot designed and occupied exclusively as a residence for one family having independent outside access and having yards and all sides including a manufactured home or mobile home.” Ms. Kirk asked if the property at 1711 Makefield Road was designed to be used by one family, and Mr. Majewski agreed. Ms. Kirk asked if it is occupied by one family, and Mr. Majewski stated it had been prior. Ms. Kirk asked if it is owned by one person for one family to the best of his knowledge, and Mr. Majewski agreed.

Ms. Kirk stated Mr. Majewski had also cited “boarding” as another violation under the Ordinance, and Mr. Majewski agreed. Ms. Kirk asked the basis for citing “boarding” for the violation, and Mr. Majewski stated since they were renting out the house to people he felt it could possibly fit under that since they have boarders or lodgers who are living in the house. Ms. Kirk asked Mr. Majewski if under further consideration he had changed his mind as to which Section of the Ordinance has been violated, and Mr. Majewski stated he feels it fits more neatly under bed and breakfast. Ms. Kirk stated Mr. Harrison has never obtained the requisite Special Exception in order to operate a bed and breakfast, and Mr. Majewski agreed.

Ms. Kirk asked Mr. Majewski, since the Violation Notice was issued on August 28, what steps did Mr. Harrison need to take in order to avoid any further type of enforcement. Mr. Majewski stated he needed to either file a Special Exception to allow the use to be permitted or he needed to Appeal in a timely manner the determination that he was in violation. Ms. Kirk asked if “timely manner” is defined under the Ordinance, and Mr. Majewski stated it is thirty days that they have to

Appeal from the date of the issuance of the Cease and Desist Notice. Ms. Kirk asked if Mr. Harrison filed a timely Appeal with the Township within thirty days after the Cease and Desist Order, and Mr. Majewski stated he did not. Ms. Kirk asked when Mr. Harrison filed any Appeal; and Mr. Majewski stated the Cease and Desist Zoning Violation Notice was sent on August 28, 2017, and the Zoning Hearing Board Application was received on November 27, 2017 which is approximately ninety days.

Ms. Kirk asked Mr. Majewski between the time of the issuance of the Cease and Desist letter in August, 2017 and the actual filing of this Application what contact, if any, did the Township have with Mr. Harrison either directly or through another representative. Mr. Majewski stated Mr. Harrison did call him on September 22 and also e-mailed him the same day. Mr. Majewski stated he forwarded the e-mail on to Ms. Kirk as the Township solicitor, and then he responded back to Mr. Harrison a few days later giving him additional time in which to file the Appeal. Ms. Kirk asked Mr. Majewski when he gave him additional time did he explain a set number of days, weeks, etc. to clarify the additional time that the Township was affording him; and Mr. Majewski stated since the 30 days had actually lapsed, although Mr. Harrison had reached out to the Township and Mr. Majewski had spoken to Ms. Kirk about this, he granted him an Extension until October 6 to file an Appeal if he wished to do so. Ms. Kirk asked if an Appeal was filed by October 6, and Mr. Majewski stated it was not.

Ms. Kirk stated at some point Mr. Harrison had retained counsel other than Mr. Wild to represent him in this matter, and Mr. Majewski agreed. Ms. Kirk asked if that attorney, Russell Sacco, reached out to Mr. Majewski or the Township about this matter; and Mr. Majewski stated Mr. Sacco sent an e-mail to himself and to David Truelove, who works in Ms. Kirk's office, and sent a letter indicating he would like the Township to reconsider the Enforcement Notice. Ms. Kirk stated after further review the Township has opted not to withdraw the Cease and Desist letter, and Mr. Majewski agreed.

Ms. Kirk asked what other action has the Township taken with respect to the property at 1711 Makefield Road. Mr. Majewski stated the Township did file a Violation Notice in District Court for the property on October 25, 2017. Ms. Kirk stated that was outside the thirty-day Appeal period, and Mr. Majewski agreed. Ms. Kirk asked Mr. Majewski if it was also filed in a fashion that he believes encompassed any additional time that he was affording Mr. Harrison to file an Appeal to the Zoning Hearing Board, and Mr. Majewski agreed. Ms. Kirk asked the status of that Complaint at this time, and Mr. Majewski stated there is a Hearing scheduled for January 25, 2018. He stated there were several postponements on the Hearing, the latest one being a postponement a few weeks ago in order to allow tonight's Hearing to occur prior to that Court Hearing.

Ms. Kirk asked Mr. Majewski if there is anything else that he believes should be addressed to the Zoning Hearing Board in support of the Township's Cease and Desist letter, and Mr. Majewski stated there is not.

Mr. DosSantos stated with regard to the District Justice proceeding that was filed, Mr. Majewski had mentioned that it was Continued to allow tonight's Hearing to take place; and he asked if that was at the request of the District Justice, the Township, or the Applicant. Mr. Majewski stated it was requested by the Applicant's attorney. Ms. Kirk stated she has had conversations with the Applicant's attorney, and she feels Mr. Wild will raise some issues as to recent Commonwealth Court Decisions that they will be addressing once it is brought up. Ms. Kirk stated the Township agreed to Continue the last Hearing, and the Hearing is now scheduled for January 25; however, she received a notice from Mr. Wild on Friday when she was not in the office, and he is now asking for another Continuance on the basis that his client will be out of the Country and returning on that date. Ms. Kirk stated she was back in her office today and has crafted a response that they are not taking any position although if Mr. Harrison is "in the air, and will not be here" so that matter is just pending at the moment.

Mr. DosSantos stated Mr. Majewski referred to several e-mails back and forth between Mr. Harrison and counsel, and he asked if there are copies of those e-mails and/or the correspondence from prior counsel that the Board could look at to see if there is any indication of Appeal language or anything else that may help the Zoning Hearing Board. Mr. DosSantos stated he assumes that the Township is indicating that the Appeal that is presently before the Zoning Hearing Board was not timely filed; and if that is the gist of the argument, he would like to see the back up to see whether or not any of the language that the Applicant used may shed some light on this.

Ms. Kirk provided a copy of the e-mail that Mr. Majewski forwarded to her with a copy of Mr. Sacco's letter that he had sent to the Township. She stated there was a subsequent phone conversation between herself and Mr. Sacco on October 17, 2017 where she verified that there was going to be an Extension of time. She stated she can represent to the Board as an Officer of the Court that the day she spoke to him on October 17 fell on a Tuesday; and it was her understanding that he was going to take until the end of the that week to file that Application, and even if he took until the end of October, this Application was not filed until sometime after November 14, 2017. Ms. Kirk stated it is the Township's position that this was filed outside the scope of a reasonable period of time.

Mr. Gruen asked Mr. Majewski if, to the best of his knowledge, is Mr. Harrison still using the residence as a B and B and still renting it currently; and Mr. Majewski stated that is his understanding.

Mr. Gruen stated in Section 200-60 of the Zoning Code, Section A, Part 2A as part of the requirement for a building to be a bed and breakfast it says that the building has to be designated as a historical building by the Historical Society; and Mr. Majewski stated that is still a requirement. Mr. Gruen asked Mr. Majewski if this building is listed as a historical building to the best of his knowledge, and Mr. Majewski stated to the best of his knowledge it is not. Mr. Gruen asked if it was a Historical Society building all of the renovations that were done in the building would have to have been done under their supervisors, and he asked Mr. Majewski if that is correct; however, Mr. Majewski stated he is not sure.

Ms. Kirk asked Mr. Flager if he would like the e-mails she provided him marked specifically, and Mr. Flager stated he was going to do that to make it clear what they are referring to.

A short recess was taken at this time for copies of the e-mails discussed to be made and distributed.

When the meeting was reconvened, Mr. Flager marked as Exhibit T-5 the e-mail from Russ Sacco to Jim Majewski and Dave Truelove attaching a letter also dated October 5 addressed to Mr. Majewski regarding the Cease and Desist Order. The e-mail is dated October 6. Mr. Flager stated marked as Exhibit T-6 at the top says "January 2" but below the original e-mail message is an e-mail dated October 17 from Barbara Kirk to Russ Sacco, Jim Majewski, and Dave Truelove; and this was marked as Exhibit T-6. Ms. Kirk moved for the admission of Exhibit T-1 through T-6 to the Board, and Mr. Wild had no objection.

Mr. McCartney asked Mr. Majewski to the best of his knowledge has the owner ever been a resident of the property, and Mr. Majewski stated he did not know. Mr. McCartney asked with regard to the Cease and Desist if Mr. Majewski considered including also an "Inn" as part of the Cease and Desist as defined by the Code – a business that may include a restaurant with a minimum of four hotel rooms for overnight guests; and Mr. Majewski stated he did look at other Sections, but he felt they were less appropriate to this property such as an Inn or a Hotel, and he felt they were not really as applicable.

Mr. McCartney asked if there are Use and Occupancy requirements in Lower Makefield; and Mr. Majewski stated while there are not, Lower Makefield does have a requirement that all rental properties be registered with the Township. Mr. McCartney asked if this property was registered, and Mr. Majewski stated it was not.

Mr. McCartney asked if any Permits were pulled on the property since ownership in 2015 such as construction, renovation, electrical, plumbing, drywall, installation; and Mr. Majewski stated it is his understanding that the property had significant renovations on the interior and exterior of the property, and that Permits were obtained for that work. Mr. Gruen asked if a Certificate of Occupancy was issued, and Mr. Majewski stated all Permit were inspected and passed their inspections.

Mr. Zamparelli asked Mr. Majewski when he first realized that the property was not registered as a rental property. Mr. Majewski stated he just became aware of that today. Mr. Zamparelli asked how he became aware of that; and Mr. Majewski stated he was talking with the Tax Collector, Rebecca Cecchine, and they were talking about this issue, and she had just sent out notices to property owners advising that they were require to register with the Township. Mr. Zamparelli asked how she would know that the property is a rental; and Mr. Majewski stated he believes that there were a number of properties that have been rented in the past, and she sends out the notices on behalf of the Township to those properties. Mr. Zamparelli stated this one was never registered so she would not have sent something out, and Mr. Majewski agreed. Mr. Zamparelli asked how she would figure that out – would she go through ads or cross-reference, and is there some kind of method that is used to determine if people are renting properties that have not registered; however, Mr. Majewski stated he does not know.

Mr. DosSantos stated in the packet, T-6 is an e-mail from Mr. Kirk to prior counsel, Russell Sacco; and he asked if that was the last correspondence that Ms. Kirk had with either the Applicant or the Applicant's attorney concerning any request for a Continuance, a stay, etc.; and Ms. Kirk stated as it related only to the filing of an Application to this Board. She stated she has had other communication either with Mr. Sacco confirming dates of the DJ Hearing as well as Mr. Wild, but that is the last e-mail communication specifically to the Appeal of the Cease and Desist letter.

Mr. Zamparelli asked Mr. Majewski if the Applicant does register and does conform to a use and occupancy which he assumes would have to happen before he rents there must be some standards that apply to a rental. Mr. Majewski stated they currently do not have that. Mr. Zamparelli asked if they would not have to go in and check to make sure if everything is okay if someone registers as a rental, and Mr. Majewski stated we currently do not have that in our Ordinances. Mr. Zamparelli stated all we have is that you have to register; and Mr. Majewski agreed adding that is so the Township can collect the Per Capita Tax. Mr. Zamparelli asked if Mr. Harrison has since registered, and Mr. Majewski stated he has not to his knowledge. Mr. Zamparelli stated without registering he cannot rent, and Mr. Majewski agreed. Mr. Zamparelli stated the other issue is whether he

is using it as a bed and breakfast. Mr. Zamparelli stated he could use it as a rental for three months, two months, five months, a year since people do rent.

Mr. Majewski stated the bed and breakfast section that is applicable is the fact that it is rented to transient guests and it is not like a longer-term rental such as three months or six months. Mr. Zamparelli stated there is a solid record of that, and Mr. Majewski agreed.

Mr. DosSantos asked Mr. Majewski if he finds any significance to Sub-Section K of 200-69A2K where it talks about the serving of meals restricted to guests shall be limited to breakfast and afternoon tea; and Mr. Majewski stated he does not because they are not violating that, and they are actually not serving breakfast so that portion they are compliant with. He stated if they had served breakfast, lunch, and dinner, then they would be in violation of that Sub-Section. He stated since they are not serving those meals, he believes that they are “okay” for that Section. Mr. Gruen stated if the people who rent the property are allowed to cook for themselves, and Mr. Majewski stated he believes so. Ms. Kirk stated this is as far as they know adding it has been reported to the Township that the property in its entirety is being rented, and it is not room-by-room rental; and it the whole property that is being rented.

Mr. Zamparelli asked if this is any different than if he owned a shore house and he rented it for two weeks at a time. Ms. Lee stated there are different laws; and if you are renting a Shore house, that is New Jersey, and it is under that Township. She stated we are only looking at our Township. Mr. Zamparelli stated if you have a house and “someone is coming to town” can they rent that if they are registered for two weeks. Mr. Majewski stated it would depend. He stated it is the nature of how they are doing the rental. Mr. Zamparelli stated Mr. Majewski is claiming it is a bed and breakfast, and there are obviously several restrictions on that. Mr. Zamparelli stated if it is just strictly a rental, can he rent it to friends legally for a few weeks; and Mr. Majewski stated he was not sure.

Mr. McCartney stated the property at 1711 Makefield Road is located in close proximity to Makefield School, and Mr. Majewski stated it is a block away. Mr. McCartney asked if there any Sex Offender Laws that would need to be considered as far as vetting a renter to make sure they are not on the Sex Offender Register. Ms. Kirk stated she does not know if there is a viable Ordinance because the last she remembered was Municipalities that were trying to do restrictions greater than what the State imposed, were not valid; and she does not know if any of those Ordinances remain on the books or not. Mr. McCartney asked Ms. Kirk if she knows what the State requirement is; and Ms. Kirk stated it is a Registration process, but she does not know any more than that.

Mr. McCartney asked if they are going to have an opportunity to question the Applicant on whether or not his particular company does vetting as far as to who will rent the property; and Ms. Kirk stated that would be only if he were testifying. Ms. Kirk stated as far as she is concerned the Township has put on its case in support of the validity of the Cease and Desist Notice, and they have not taken it any further than that other than the Filings. She stated there have not been any complaints about those other issues, and it has not been researched by the Township.

Mr. Wild asked Mr. Majewski to refer to Exhibit T-3 – the Enforcement Notice. Mr. Wild stated Mr. Majewski authored this and sent it out; and Mr. Majewski agreed adding he worked with the Township's Code Enforcement Officer in preparing it, and Mr. Majewski stated he reviewed it, signed, it and sent it out. Mr. Wild stated in the "Re" portion of the Enforcement Notice, there is a Section that is captioned as "Violation" which says: "operating an existing single-family dwelling as a bed and breakfast or boarding use in violation of the Zoning Ordinance Sections 200-69.A sub 2 – Bed and Breakfast and 200-69.A3 – Boarding." Mr. Wild asked Mr. Majewski if it is correct that Mr. Majewski has charged that Mr. Harrison is in violation of the Ordinance for operating one or both of those uses; and Mr. Majewski stated it should have probably said "and/or."

Mr. Wild asked Mr. Majewski if he heard Mr. Majewski stated that he was not pursuing the violation for the boarding use, and Mr. Majewski stated he would still like to keep that in there. Mr. Wild asked Mr. Majewski, "which is it" and which violation he is charging, and he asked if he is charging them both. Mr. Majewski stated he thinks the bed and breakfast probably fits a little better into the use that is actually out there. Mr. Majewski stated at the time back in August he was not quite as sure.

Mr. Wild stated Mr. Majewski had stated the property is Zoned R-2, and Mr. Majewski agreed. Mr. Wild stated in the R-2 Use Provisions a single-family dwelling is a permitted use; and Mr. Majewski agreed. Mr. Wild stated the single-family dwelling permitted use is a principal use, and Mr. Majewski agreed. Mr. Wild stated the boarding use and the bed and breakfast use are accessory uses; and Mr. Majewski stated they are allowed by Special Exception, and they are classified as accessory uses. Mr. Wild stated in order to have an accessory use, Mr. Majewski would agree with him that there has to be a principal use; and Mr. Majewski agreed. Mr. Wild stated the principal use is the single-family dwelling, and Mr. Majewski has alleged that there is an improper or unlawful violation for operating the accessory use of a bed and breakfast and for operating potentially the accessory use of boarders, and Mr. Majewski agreed.

Mr. Wild noted Exhibit T-4 which was a Section of the Zoning Ordinance captioned Section 200-69 with a heading of “Accessory Uses and Accessory Structures.” Mr. Will stated there are a series of what the accessory uses are, but the two which are before the Board are Sub 2 Bed and Breakfast and Sub 3 Boarding; and Mr. Majewski agreed. Mr. Wild stated Mr. Majewski was asked some questions about the fact that in order to operate a bed and breakfast you have to have the elements that are defined under Sub 2 which are listed as 200-69A2 A through P, and Mr. Majewski agreed. Mr. Wild stated in order to have a bed and breakfast, you have to meet those criteria A through P; and Mr. Majewski stated in order to lawfully use that as a Special Exception, you need to meet those Conditions. Mr. Wild stated the property at 1711 Makefield Road does not meet those criteria A through P; and Mr. Majewski stated it may meet some of them, but not all of them. Mr. Wild stated Mr. Majewski testified when there were questions from the Board that they could only have a bed and breakfast if the single-family dwelling is on the National Register of Historic Places, and Mr. Majewski stated that is what is in the Ordinance.

Mr. Wild stated you have to live there as Sub F says, “The owners of the property shall be full-time residents of the property,” and Mr. Majewski agreed. Mr. Wild stated it also states, “The use shall be operated by members of the immediate family which must reside on the premises,” and Mr. Majewski agreed. Mr. Wild stated that is not what is going on at 1711 Makefield Road, and Mr. Majewski agreed. Mr. Wild stated Mr. Majewski had stated that to his knowledge Mr. Harrison does not live there, and Mr. Majewski stated that is what he has heard. Mr. Wild stated if he told Mr. Majewski that Mr. Harrison lives in New Hope at a separate residence, Mr. Majewski would not have any information that would contradict that; and Mr. Majewski agreed. Mr. Wild asked if they cannot agree that he is not operating a bed and breakfast since he does not meet the elements. Mr. Majewski stated he does not meet the elements. Mr. Wild stated his question is since he does not meet the elements that Mr. Majewski has charged him with an unlawful violation of operating a bed and breakfast, we can agree that what is going on there is not a bed and breakfast; and Mr. Majewski stated he does not meet the Conditions that are required to lawfully permit that as a Special Exception, but he is using his house to accommodate transient guests for rent. Mr. Wild advised Mr. Majewski that he did not charge Mr. Harrison with that. Mr. Wild stated going to back to T-3, Mr. Majewski can only prove what he charged Mr. Harrison with, and he cannot now prove other violations of the Ordinance that are not part of the violation that he charged. Mr. Majewski stated he feels that is a legal question, and he is not a lawyer.

Mr. Wild noted T-3 which says in the first paragraph, “Dear Mr. Harrison: It has been determined that you are using the above-referenced property as a bed and breakfast.” Mr. Wild asked Mr. Majewski what part of what is going on there is a bed and breakfast. Mr. Majewski stated the first part of paragraph 200-69A2 states, “The use and occupancy of an existing, single-family detached dwelling shall be permitted by Special Exception only for accommodating transient guests for rent subject to a number of Conditions.” Mr. Majewski stated they are accommodating transient guests; however, they do not meet all the Conditions.

Mr. Wild asked if it is not the essence of a bed and breakfast that the owner lives there, the members of the immediate family who reside there work there, and you rent out portions of the property to others that you live in. Mr. Kirk Objected adding this is argumentative and calls for a legal conclusion. Mr. Wild stated Mr. Majewski is the Zoning Officer, and he feels he can answer this question. He stated he this is cross examination of the Zoning Officer on an enforcement Notice.

Mr. Gruen stated just because Mr. Harrison is breaking every rule and is not eligible to run a bed and breakfast, Mr. Wild is claiming that he can run a bed and breakfast. Mr. Gruen stated Mr. Wild is turning the argument around. Mr. Gruen stated there are certain requirements to run a bed and breakfast, and Mr. Harrison does not meet any of them; and Mr. Wild is saying therefore, he does not operate a bed and breakfast.

Mr. Wild stated maybe they should just “excuse themselves and call it a day” as it sounds like Mr. Gruen has already made up his mind. Mr. Gruen stated he has not made up his mind, but he advised Mr. Wild he is turning the law around. Mr. Gruen stated there are certain requirements, and Mr. Harrison does not meet most of them; and Mr. Wild is saying therefore he is not doing it.

Mr. Wild stated the essence of an enforcement notice is that the Township alleges a violation of the Ordinance. He stated the Township then proves the violation of the Ordinance. Mr. Wild stated the two violations that are asserted here are that the owner of the property is unlawfully operating a bed and breakfast, and secondly that the owner of the property is unlawfully operating a boarding use. Mr. Wild stated he was just told that the owner of the property does not meet most if not all of the elements of a bed and breakfast. Mr. Gruen stated to be legally permitted to do that. He stated in order to get a Special Exception, he has to meet those criteria, and he does not meet them. Mr. Wild stated this would be if he were operating a bed and breakfast, but he is not.

Ms. Lee stated she feels they should move on. She stated she feels the issue is that there are several sub parts in order to accept the use. She stated bed and breakfast is defined in the first paragraph, and then there are exceptions in the second paragraph. She asked if that is what Mr. Wild is asking Mr. Majewski if that is the case or is Mr. Wild including A through P exceptions. Mr. Wild stated he did not understand Ms. Lee's question adding he is cross examining Mr. Majewski, and he feels his answers speak for themselves.

Mr. Wild stated Mr. Majewski was asked questions about if someone had a house at the Shore could they rent it for two weeks at a time. Mr. Wild asked what if it was not a house at the Shore, and it was just a house in Lower Makefield Township; and he asked if there is anything that would prohibit the rental of a single-family dwelling operating as a single-family dwelling that was rented. Mr. Wild stated the Ordinance does not preclude someone from renting for two weeks at a time. Mr. Majewski stated it does not for a one-time rental. Mr. Wild stated you can also rent for a year, and Mr. Majewski agreed. Mr. Wild asked if they could rent for six months, and Mr. Majewski agreed. Mr. Wild stated you could have a yearly rental that turns into a month-to-month rental at the end of the year, and Mr. Majewski agreed. Mr. Wild stated if it were on Airbnb and being rented as a single-family dwelling, the renting of it on Airbnb does not transform the single-family dwelling into a bed and breakfast, and Mr. Majewski agreed. Mr. Majewski stated what he believes makes it a bed and breakfast under the definition in the Ordinance is that they are accommodating transient guests who are not long term. He stated it is a constant, week after week turnover.

Mr. Wild asked if there is any evidence that any meals are served by Mr. Harrison or the owners of the property to any of the people who stay there, and Mr. Majewski stated there is not.

Mr. Wild stated Mr. Majewski had written, "It has been determined that you are using the above-referenced property;" and Mr. Wild asked Mr. Majewski who determined this. Mr. Majewski stated it was based on what was reported to the Township by residents; and when you look at Airbnb, you see that it is rented out for multiple weekends, different times of the year, and it looked like it was continuous from sometime in July up until just recently.

Mr. Wild asked Mr. Majewski if he went on Airbnb to see whether anybody else in Lower Makefield rents their house under Airbnb, and Mr. Majewski stated he did. Mr. Wild asked how many he saw, and Mr. Majewski stated he saw two others.

Mr. Wild stated with regard to boarders under Section 200-69, they could agree that the boarding use requires again that the owners of the property shall be full-time residents of the property; and Mr. Majewski agreed. Mr. Wild stated in order to have a boarding use, the owners have to live there as the residents and they have to rent out portions of the property to the boarders; and Mr. Majewski agreed. Mr. Wild stated that is not what is going on here; and Mr. Majewski stated at the time he issued the Violation Notice, he was not sure whether or not Mr. Harrison actually resided at the property. Mr. Wild stated if you assume now as Mr. Majewski testified that Mr. Harrison does not live there, they could agree that the house is not being used as the Township Ordinance defines the boarding use; and Mr. Majewski agreed.

Mr. Wild asked Mr. Majewski if Mr. Harrison ever invited him to come to the house to look at it, and Mr. Majewski stated he did not. Mr. Wild asked Mr. Majewski if he ever asked to do that, and Mr. Majewski stated he did not.

Exhibit A-6 was marked, and Mr. Wild asked Mr. Majewski to identify it; and Mr. Majewski stated it is an e-mail Mr. Harrison sent to him on September 22, 2017. Mr. Wild stated it says: "I received your Cease and Desist Order dated April 28, 2017 for my property at 1711 Makefield Road. I am happy to come in and have a conversation or a Hearing on the issue. I don't believe I have violated any of the Ordinances in question. A Cease and Desist Order without consideration of all the facts from both sides of the issue seems to be a less than fair and Democratic process. A decision this significant deserves more consideration that what has been done. It effects all Lower Makefield Township homeowners." Mr. Wild stated it goes on from there. Mr. Wild asked Mr. Majewski if he contacted Mr. Harrison when he got his e-mail; and Mr. Majewski stated he forwarded it to the Township solicitor, and he did e-mail Mr. Harrison several days or about a week later.

Mr. Wild asked Mr. Majewski if he went and looked at the property with Mr. Harrison or asked him what he was doing, and Mr. Majewski stated he did not. Mr. Wild asked why not. Mr. Majewski stated he felt it was pretty clear what he was doing, and he was renting out the property; and that is something that is not permitted to rent it out in the nature that he was doing it.

Mr. Wild stated Mr. Majewski had stated that the alternatives available to the property owner were to file an Appeal to the Zoning Hearing Board or to seek a Special Exception. Mr. Majewski stated his letter of August 28 just said that he had the right to Appeal the Determination.

Mr. Wild stated he hopes that Mr. Majewski would agree with him that one of the options for a property owner is to be in compliance with the Ordinance, and Mr. Majewski agreed. Mr. Wild stated if someone would get an Enforcement Notice that says it is unlawful under the Ordinance to have an unlicensed car in your driveway, they could get the car licensed, and they would not have to Appeal or get fined, and they could actually come into compliance; and Mr. Majewski agreed.

Mr. Wild asked Mr. Majewski if Mr. Harrison was living in the property at the time Mr. Majewski issued the Enforcement Notice, would Mr. Majewski agree with him that if Mr. Harrison moved out and started renting his single-family dwelling as a single-family dwelling and did not meet any of the elements of a bed and breakfast use, he would have come into compliance with the Ordinance. Mr. Majewski asked that the question be repeated. Mr. Wild asked if Mr. Harrison was living at the property at the time that Mr. Majewski issued the Enforcement Notice, even assuming he was operating a bed and breakfast which he is not conceding, Mr. Harrison would have the right when he got the Enforcement Notice to come into compliance; and Mr. Majewski agreed.

Mr. Wild stated if he moved out of the property and began renting his single-family dwelling as a single-family dwelling, by itself Mr. Majewski has just testified and advised that the rental of a single-family dwelling does not violate the Ordinance.

Ms. Kirk Objected adding that the question is ambiguous and open ended depending upon the set of circumstances. She stated there were specific questions asked as to the rental of the property; and assuming it is those same facts, she has no problem, but if there were a different set of facts, she has a problem. Mr. Wild agreed to withdraw the question.

Mr. Wild stated Mr. Majewski testified about a reasonable Extension of time to file an Appeal. Mr. Wild noted Exhibit T-6 and stated setting aside the top of T-6 which was Mr. Harrison's earlier lawyer, Russell Sacco who sent it to Mr. Wild, the body of it is an e-mail from Ms. Kirk to Mr. Harrison's earlier lawyer, Russell Sacco, with Mr. Majewski shown as carbon copied. Mr. Majewski agreed he did get a copy of the e-mail at the time it was issued. Mr. Wild stated the second to last paragraph says: "As I was not able to review your letter and provide a response within the allotted time of thirty days, I and the Township would agree to provide you a reasonable amount of additional time to file with the Zoning Hearing Board." Mr. Wild asked Mr. Majewski if he or the Township issued any other Notice to Mr. Harrison that revoked the additional Extension of time, and Mr. Majewski stated there was nothing that came from him. Mr. Majewski stated his initial Extension of time was until October 5th or 6th. Mr. Wild asked Mr. Majewski if he has anything in writing that has a date on it, and Mr. Majewski stated he believes he does.

Mr. DosSantos asked if this is really an issue; and Mr. Wild stated it is not, and he withdrew the question.

Mr. Wild stated he will focus on the e-mail he just discussed which was Exhibit T-6. He stated he believes that Mr. Majewski indicated that he was not aware of anything after the October 17, 2017 e-mail that granted a reasonable Extension of time that revoked that, and Mr. Majewski agreed. Mr. Wild asked when Mr. Majewski indicated that the Township filed a proceeding in front of the District Justice, and Mr. Majewski stated it was October 25. Mr. Wild stated Mr. Harrison through his lawyer did indeed file an Appeal and challenged that it was his contention that he had come into compliance. Mr. Majewski asked Mr. Wild if he is referring to the Zoning Hearing Board Appeal filed on November 28, and Mr. Wild agreed; and Mr. Majewski stated that is when he filed the Appeal, and he does not believe that Mr. Harrison said that he came into compliance in that.

Mr. Wild asked Mr. Majewski if he would agree that the Appeal says that it is Mr. Harrison's position that there is not a violation of the Ordinance. Ms. Kirk Objected and stated that is a legal argument for the determination of the Zoning Hearing Board. Mr. Wild asked about the Exhibits, and Mr. Flager stated Exhibit A-1 is the Application. Ms. Kirk added that a statement of additional relief was attached as an additional Exhibit. Mr. Wild stated if that is already in the Record, he will leave it adding the Exhibit speaks for what it says.

Mr. Wild asked Mr. Majewski to refer to Exhibit T-5. Mr. Wild stated it is two documents, and he noted specifically the portion of it that is the October 5, 2017 letter of Russell Sacco. Mr. Wild asked Mr. Majewski if this letter was addressed to him and does he recognize it, and Mr. Majewski agreed. Mr. Wild asked Mr. Majewski what if anything did he do when he received the letter, and Mr. Majewski stated he read the letter and forwarded it to the Township solicitor. Mr. Wild stated the last paragraph on Page 1 of the letter says: "Mr. Harrison is renting his property out on a short term basis to interested families. He requires that only one family/group rent the house and that the short term rental includes the entire house." Mr. Wild asked Mr. Majewski if he has any information that is inconsistent with that statement, and Mr. Majewski stated he does not.

Mr. Wild asked Mr. Majewski if the Ordinance has a minimum rental time that defines how long you can rent a single-family dwelling as the minimum time period, and Mr. Majewski stated it does not spell that out.

Mr. Wild asked Mr. Majewski if the Township has taken action against the other two people who are on Airbnb renting their houses, and Mr. Majewski stated they have not at this point. Mr. Wild asked why, and Mr. Majewski stated one of the reasons is he is not sure of the exact addresses of the properties. He stated he is also not sure to what extent they are renting it out on Airbnb and if they are doing it every weekend to transient guests or is it just the occasional rental.

Ms. Kirk asked Mr. Majewski in his expertise is it unusual to cite different Sections of the Zoning Ordinance when issuing a Cease and Desist letter, and Mr. Majewski stated it is not. Ms. Kirk asked if that is the standard course of conduct or behavior when a Township receives a complaint about a property, and Mr. Majewski stated it is.

Ms. Kirk stated Mr. Majewski was asked questions that the use of this property does not meet all of the Conditions set forth in the Ordinance, and Mr. Majewski agreed. Ms. Kirk asked when other properties seek Special Exceptions, do those other properties always meet all Conditions as listed; and Mr. Majewski stated they do not.

Ms. Kirk asked what is the option available to a property owner if they do not meet all of the specific Conditions, and Mr. Majewski stated they can request a Variance. Ms. Kirk asked if that was done in this case, and Mr. Majewski stated it was not.

Ms. Kirk noted Exhibit A-6 which was the e-mail from Mr. Harrison to Mr. Majewski when he requested to come and have a conversation with Mr. Majewski; and Mr. Majewski stated it also indicated or to have a Hearing on the issue. Ms. Kirk asked between the date of that e-mail and whenever Mr. Harrison filed the Application in November, did Mr. Harrison ever seek to file anything to get a Hearing; and Mr. Majewski stated he did not.

Mr. Wild stated Mr. Majewski was asked if it is unusual to list more than one violation in an Enforcement Notice, and Mr. Wild asked if it would be common that he would list as many violations as he felt he could prove; and Mr. Majewski agreed. Mr. Wild stated in this case by charging both a boarding use and a bed and breakfast use would it not be fair to say that Mr. Majewski did not think it fit into either one and so he charged both. Mr. Majewski stated he felt it could have fit into both.

Mr. DosSantos asked if the Ordinance defines the term “transient guest,” and Mr. Majewski stated it does not.

Mr. DosSantos asked if Airbnb factored into his issuance of the Cease and Desist letter adding by this he means the fact that this property was advertised on Airbnb, and was that what led Mr. Majewski to the determination that it is a

bed and breakfast and led him toward the Cease and Desist letter; and Mr. Majewski stated it did not. Mr. DosSantos asked if it had been on any of the other many sites out there was that something that would have drawn his attention to that property as well, and Mr. Majewski stated it did not matter how it was brought to the attention he felt it fit into that category.

Mr. DosSantos asked if there is anything in the Ordinance that defines the length of a short-term rental, and there is nothing in the Ordinance that says you cannot rent a property for a day; and Mr. Majewski agreed.

Mr. McCartney noted Exhibit T-6 the last paragraph discusses Mr. Harrison renting out the property on a short-term basis but Mr. Wild stopped reading at the end of the first sentence; and Mr. McCartney stated the rest of the paragraph reads: “The rental of his house occurs infrequently,” and Mr. McCartney asked what is considered “infrequently.” Mr. Wild stated he does not have the document in front of him and he is not going to testify as it would be inappropriate for him to testify. Mr. McCartney asked if the Applicant would be willing to testify about that, and Mr. Wild stated he is not intending to call the Applicant. Mr. McCartney asked if they should strike this from the Record since they are using only part of the letter and not the rest of the letter. Mr. Gruen stated the letter states “infrequently,” and they would like an explanation of what it means. Ms. Lee stated it is not testimony under Oath, and they can give it whatever weight it is.

Mr. McCartney stated Mr. Harrison submitted a letter to Mr. Majewski stating that he had attached a recent Pennsylvania Court Decision that overturned a ruling by the local Zoning Board, and that “I think you will find the case to be very similar to our situation.” Mr. McCartney asked exactly what the local Zoning Board ruled on or what the violation was. Mr. Wild stated he does; and at the end of this evening when we are done, he will be distribute to the Board the cases that are cited. Mr. Wild stated Pennsylvania Commonwealth Court in his opinion has addressed this issue three times, and he will provide all three of those cases. He stated one is a lodging use, one is a vacation rental, and there is a third. He stated they were three separate uses that were rented through Airbnb, and the Commonwealth Court has addressed the Airbnb issue three times; and in all three of those cases, the Municipality has tried to “put a round peg into a square hole,” and say they are violating the Ordinance through renting an Airbnb because you are operating a vacation house, a rental or a lodge, or the third one which was the most recent one was a bed and breakfast. Mr. Wild stated in those circumstances, the Commonwealth Court has been unified and stated that you can change your Ordinance, but you cannot charge a homeowner a violation of the Ordinance if you cannot prove the violation of the Ordinance. Mr. Wild stated it is “not good enough to say it is a lodge, a vacation

house, or a bed and breakfast if it is not that.” Mr. Wild stated it is the Township’s burden to prove there is a violation of the Ordinance for the operation of a bed and breakfast, and he feels the evidence is clear that what is going on there is not a bed and breakfast.

Mr. McCartney stated he feels that they can agree that the definition is “a little ambiguous” when it comes to the definition.

Mr. Wild stated the Township can change its Ordinance, but they cannot find someone guilty of a violation if you cannot prove that they meet the definition of the “thing that your are charging them with.”

Mr. McCartney stated this is why he asked Mr. Majewski if he had considered an “Inn,” as the violation rather than a bed and breakfast or a boarding house since the Inn by definition is very specific and not as ambiguous as either of the other two, and it says: “a business that may include a restaurant with a minimum of four rooms/hotel rooms for overnight guests providing the rooms cannot be used for extended stay that are greater than a three-month duration.”

Mr. Wild stated with regard to this Hearing, that is not what was in the Enforcement Notice; and Mr. McCartney agreed, adding Mr. Majewski could issue a new one tomorrow morning. Mr. Wild stated while he could, you can only require of the Applicant that they defend the thing that they have been charged with, and Mr. McCartney agreed.

Ms. Lee stated she heard Mr. Wild state that he was not going to ask the property owner to testify; and Mr. Wild stated he does not feel there is any reason for that, and they have defended the matter all that they are going to defend it this evening. Ms. Lee stated she does not have any evidence other than Mr. Majewski’s testimony whether or not the property owner is renting out to different families. She stated she has what is written in the Application, but she does not have any evidence. She stated the property owner purportedly does not rent out to different families, and it indicated in the Application that he only rents out to one family at a time; but there has been no evidence of that on the property owners’ side.

Mr. Wild stated while he is not being disrespectful, the Applicant does not have a burden of proof. Ms. Lee stated while she understands that, she was wondering if he would say anything that is contradictory to what Mr. Majewski has testified to or what the neighbors may or may not testify to. Mr. Wild stated he will wait to see what the neighbors say, and he may then revisit that.

Mr. Wild stated he has marked as Exhibit A-7 a Deed Recorded in Bucks County; and Ms. Kirk stated that has already been entered as an Exhibit; however, Mr. Wild stated that was a different Deed. He stated this is for the property at 1 Hibbs Lane, located in New Hope; and the Deed shows that this is a property owned by Mr. Harrison which his consistent with Mr. Majewski's conclusion that Mr. Harrison does not live at the subject property.

Mr. Wild stated the property owner rests, and they would move the Admission of the Exhibits.

Mr. Gruen asked that those in the audience interested in testifying come forward and be sworn in and give their name and address.

Mr. John Galloway, 1714 Makefield Road was sworn in. He stated he has lived there with his family for more than twenty-six years. He stated Mr. Wild pointed out a number of issues that apparently had not been thoroughly delineated by our group here so that they would be very definitive and without question. He stated if they have to deal with things on a legal basis, they really need to define this issue so they can reach a conclusion. Mr. Galloway stated he has been witness to a situation that concerns the infrastructure – mainly water flow and wastewater in the Township. He stated he has had a situation some years ago where the wastewater backed up into his basement which was a terrible cleanup job, but they corrected that. He stated his neighbor, who no longer lives there, was responsible for a pipe that burst. Mr. Galloway stated with the inspections and the investigations of the work that was done to make this very old house built in the late 40's "really wonderful looking" and he is sure that there was a lot of money to do that, he is concerned with what is happening underground. He stated if there are so many people using this "vacation paradise" on a continuum of changing families which is a broad name for many people since we know a family can be an extension of a number of people and in-laws and so forth which he has visually seen occupy this home at 1711 Makefield Road. Mr. Galloway stated there is also the other concern he has because there are may new neighbors with small children, and he knows that a lot of the children play in the front yards. He stated since he retired the end of last year, he has also witnessed a number of people racing down Makefield Road; and when you have that many more strangers and their visitors and their guests come into the neighborhood, you run the risk of having a greater traffic issue. He stated one of their young men was killed on Makefield Road by the traffic.

Mr. Gruen reminded the audience that the question before the Zoning Hearing Board is not whether he should operate a Airbnb or a boarding house, rather it is whether the Cease and Desist Order was issued legally. He stated all the other information does not really enter into their decision.

Ms. Lee stated if they are a fact witness to the identities as to who is renting this out, they could share that with the Board; but the only decision they have is whether or not the Cease and Desist Order was validly sent. She stated everything else is for the Board of Supervisors to make their decision.

Mr. Flager asked Mr. Galloway if he was requesting Party Status, and Mr. Galloway stated he is not.

Ms. Laura Donovan, 1705 Wrightfield Road, was sworn in and stated she is four houses away. Ms. Donovan stated she will confine her comments to the Cease and Desist Order. She stated it seemed like a shock that it was issued in August because as of today on Airbnb the following people have put comments: November, 2017

Mr. Wild Objected and stated this is hearsay upon hearsay, and he stated he cannot possibly cross examine someone who is going to testify about something they say they saw on some site without the person being here. He stated it is fundamentally unfair to the proper owner.

Ms. Donovan stated it is the same site that has already been entered.

Mr. Wild stated if this witness wants to testify about personal knowledge, he has no Objection. He stated this is hearsay on top of hearsay, and he does not even know if the comments that are posted are true or appropriate. He stated what they do know is that Mr. Harrison has said in his Appeal that it is a single-family dwelling.

Ms. Lee stated she they do not know what Ms. Donovan is going to testify about yet, and Mr. DosSantos stated he feels she will read the reviews. Ms. Donovan stated she was not going to read the reviews – she was going to read the name of the people and the dates that they entered them.

Mr. Gruen stated he will entertain Ms. Donovan's Testimony on the basis that Ms. Kirk introduced copies from the Internet already into Evidence, and Mr. Wild did not object; and therefore, he feels they can listen to Ms. Donovan's Testimony.

Ms. Donovan stated it is from Airbnb's Website as of this morning, and the listing for 1711 Makefield Road is called "Grand Estate." She stated she is going from oldest to newest, and the following people entered their comments about having stayed in the house. She stated she is not going to read the reviews – just the names of the people and the dates to answer Ms. Lee's question about families.

Ms. Lee stated the Board does have that in the Record, and they see the different names. Ms. Donovan stated it is all the way up thorough January 18, and Ms. Lee agreed. Ms. Donovan stated they are all different names.

Ms. Donovan stated she has stayed in B and Bs, guest houses, and summer homes in thirteen different Countries and twelve different States over the past thirty years before there was an Internet and before there was an Airbnb. She stated she knows what it should look like, and while they all have different names, they have the same basics. She stated she finds it insulting to the people of Lower Makefield Township of the Counselor's circular logic that because it does not meet the criteria of a legal B and B, therefore, they did not break the law. She stated they know that every weekend there is a different group there. She stated when it was first sold, as she usually does, she tried to bake cookies to welcome the new residents, but she could never figure out who were the owners. She stated at first she thought they were having a housewarming party, and it seemed that whenever there was someone there, she could not figure out who was the owner since it was a different group every time.

Ms. Lee asked who were the groups that she saw, and she asked if she had any conversations with these groups of people. Ms. Donovan stated she would greet them and ask if they were the new owners, and they would state that they were not and they were just staying here. Ms. Donovan stated after a while it got to feel uncomfortable, and she no longer greeted the people. Ms. Lee asked if it was one family during one time or was it multiple families at one time. Ms. Donovan stated she did not know because there were so many cars and so many people that it appeared at first that it was a family that moved in and there were having a housewarming party and invited all their friends from their old neighborhood. Ms. Lee asked how many people, and Ms. Donovan stated there were six different cars, people playing basketball, and all the lights on in the house.

Mr. Zamparelli asked if she ever thought this place was a rental the whole time she lived there, and Ms. Donovan stated that did not occur to her. Mr. Zamparelli stated there is a property across the street from his house, and he knows that it is a rental. Mr. Zamparelli stated there is no law against having a rental.

Ms. Donovan stated even if they were renting, she was assuming it would be the same family there for a year or two or three years; and she could never figure out who were the ones who lived there and who were just visiting. Mr. Zamparelli stated there could be a tenant for two months; and if they lose their job, they would move out or you could get one for three or five months or you could get one for five years. Ms. Donovan stated that was not her experience, and Mr. Zamparelli stated it has been his.

Mr. Gruen stated the house was renovated approximately two years ago, and it seemed like someone was living there full-time for awhile. He asked Ms. Donovan if she knows anything about since the owner does not want to testify and the Board would like to know if someone was living in the house full time or if it was immediately turned into a rental property. Ms. Donovan stated she feels there are other people present who could answer that better than she can since if she goes by and sees that it is empty, she would think they were home from work yet and maybe her schedule does not match with theirs. She stated she is four houses away and the people who are a little closer may know better.

Ms. Donovan stated she is assuming that there will be a different time to discuss whether or not they get a Permit for a B and B, and Mr. Gruen stated that would depend on the ruling. Ms. Donovan stated in terms of enforcement, she is insulted that they came into our community and did not seek Permits and set up a business in this house; and then when they were told to cease and desist, they were “scofflaws” and did not cease and desist. Ms. Donovan stated while she is not a lawyer she felt a Cease and Desist means you stop right then and then take things to the Court. She stated if it goes through the Court normally and you have your Permits, you can start again. She stated she does not feel you say you do not have to quit because you do not think you are doing anything wrong. She stated she is very insulted that they are not bothering to listen.

Mr. Gruen asked Ms. Donovan if she is seeking Party Status, and Ms. Donovan stated she is on the list. Mr. Flager asked Ms. Donovan if she is opposing the Applicant’s Appeal, and Ms. Donovan stated she is.

Mr. Gruen stated the Zoning Hearing Board generally ends by 10:00 p.m., and they will probably have to ask for a Continuance since they will probably not have time to render a Decision this evening so that everyone has a chance to speak.

Ms. Kathleen Webber, 1801 Makefield Road, was sworn in and stated she lives across the street from the property. She stated Central Drive separates her home from this home. She stated she has lived here since 1995, and they picked this area because it is safe, a great neighborhood, and she loved living there. She stated the homeowners had the house on the market in the spring. She stated they did a beautiful job renovating it, and they lived there for two years. She stated they moved out in July, and she immediately saw traffic every Friday descending on Central Drive and on their driveway – six to ten cars depending on the weekend. She stated there have probably three weekends when it has not been rented. Ms. Webber stated it has been rented over Thanksgiving for a week and Christmas for about a week. She stated there is a lot of trash and noise. She stated the large

groups are sometimes respectful and sometimes they are not. She stated in the summertime there were tourists there that have basketball there at 6:00 in the morning. She stated at Thanksgiving she had a “drunken crew” across the street there, and at 12:30 at night she was awakened by basketball playing, and the guests had their headlights pointing to her neighbor, Amy Sheaffer’s property, to illuminate the basketball court so that they could play basketball. Ms. Webber stated she went out to her side porch and advised them that this was a Residential neighborhood and they needed to stop or she was going to call the Police, and they did adhere to that. She stated she has also had people park on her lawn. She stated a few weeks ago people were on her property taking photos of her shed. She stated she does not feel safe anymore. She stated she has become the “traffic cop,” and she came to this area for a safe place to live and raise her children; and this is a “hotel” now.

Ms. Webber stated the property had been listed for \$750 a night which is \$1,500 for the weekend so that is \$6,000 a month, and they have been renting it since July. She stated she went on the Airbnb today, and there are forty-eight listings already for 2018. She stated she feels helpless because the neighbors around this property are being “held hostage” by this house is very disruptive and makes a lot of people feel very unsafe. She stated there are elderly neighbors and school-age children, and she feels what they are doing is very unfair.

Mr. Zamparelli stated this certainly sounds serious particularly about going on her lawn and invading her privacy as well as the noise, and he asked if Ms. Webber called the Police or the Township; and Ms. Webber stated she has not called the Police and has actually gone over to the property herself. She stated she has reported everything to the Township though after the fact. She stated if there is an incident over the weekend, on Monday morning she sends an e-mail. She stated she is concerned when at 12:30 at night and people are drinking and she tells them to “knock it off,” she is concerned that they may retaliate. She stated she should have called the Police, and she did not; and Mr. Zamparelli stated that would be better. Ms. Webber asked going forward should she call the Police every single weekend when someone shows up on a Friday afternoon. Mr. Zamparelli stated if she calls the Police it will provide a Record since without a Record it is hearsay. Mr. Gruen stated it is not hearsay because she saw it. Ms. Webber stated she has reported everything to the Township.

Mr. Flager asked Ms. Webber if she is requesting Party Status, and Ms. Webber stated she is. Mr. Flager asked if she is opposed to the Appeal, and Ms. Webber stated she is.

Ms. Amy Sheaffer, 3 Central Drive, was sworn in and stated her property is behind the property they are discussing. She stated she agrees with everything Ms. Webber stated. Ms. Sheaffer stated with regard to the questions made by the Board with regard to multi-family rentals of the property, she did speak to some of the people who rented there. She stated she spoke to a group of Chinese people, and a man came over and introduced himself to her and he was an instructor at a University in China and was there with a large group of Chinese school children. She stated while they were a nice, respectable group, this goes to the idea that this is not always being rented to a single family. She stated she has also seen it rented to a lot of teenagers wearing School team uniforms, and that would be a group of at least one dozen. Ms. Lee asked when that took place, and Ms. Sheaffer stated she would have to look at her e-mails to see but she believes that it was in the fall. Ms. Sheaffer stated if you look at the reviews on Airbnb, there is at least one that says, "we were multiple families." Ms. Lee asked when she saw the teenagers, how many were there; and Ms. Sheaffer stated she feels it was at least ten to twelve. She stated there have also been occasions when there are large groups of men in their twenties/thirties; and they are outside playing drinking games and as Ms. Webber mentioned there have been multiple occasions when there were issues with noise, and with partying.

Ms. Sheaffer stated she has tried to be tolerant, but she recognizes that they should probably have called the Police more; and going forward she will. She stated there have been issues with trash; and typically these large groups stay there and make more trash than fits into the trash can which is overflowing. She stated it is left that way, and there are issues animals breaking into it so it is then on her lawn. She stated she and her ninety-two year old Mother have gone out and cleaned that up, and she recognizes that they probably should have called the Police. She stated she can also attest to the fact as mentioned by Ms. Webber that people wander off the property onto our properties. Ms. Sheaffer stated she saw a man go onto Ms. Webber's property two weekends ago and take pictures of her shed. Ms. Sheaffer stated this has happened to her as well, and she was working in her garden, and when she looked up someone was standing there staring at her.

Ms. Lee asked Ms. Sheaffer's back yard backs up to the subject property's back yard, and Ms. Sheaffer agreed. Ms. Lee asked if there is a fence in between, and Ms. Sheaffer stated there is not. Mr. Zamparelli asked why someone would take pictures of a shed, and Ms. Sheaffer stated she did not know adding she questions why they are vacationing in Lower Makefield. Ms. Sheaffer stated it is a very intolerable situation.

Mr. Flager asked Ms. Sheaffer if she is requesting Party Status; and Ms. Sheaffer stated she is, and she is opposing the Appeal.

Ms. Renee Trimble, 5 Central Drive, was sworn in and stated she lives two houses behind. She stated there are multiple cars with license plates from all over – Maryland, New York, and everywhere all during one weekend. She stated Thanksgiving weekend there were thirteen cars in the driveway. Mr. Zamparelli asked how long they usually stay, and Ms. Trimble stated Thanksgiving they were there Thursday through the weekend. Mr. Zamparelli asked Mr. Majewski if that is illegal, and Mr. Majewski stated he feels his Enforcement Notice and his Testimony speaks for itself. Ms. Trimble stated it is multiple people and multiple families. She stated when her family comes for Thanksgiving, they are in one car. Mr. Zamparelli stated he feels that this is equivalent to going down the Shore when multiple families go down, and he does not know what the rule is. Ms. Trimble stated in her neighborhood on their streets, it is uncomfortable. She stated she can also attest to the young men playing football in the street and drinking beer on a Friday afternoon; and since this is her only access to Makefield Road, she has to stop and wait for them to get out of the way when they are holding open containers. Mr. Zamparelli stated she should call the Police adding he understands that it is frustrating. Ms. Trimble stated it is extremely frustrating because the neighbors are good people, and they expect people to be neighborly; and when you do not have neighbors living in your neighborhood, it is multiple families every weekend, and it has been every weekend since the Cease and Desist. She stated while she heard there were Permits being pulled during renovations, it was her understanding that the Permits were pulled after; however, it was noted that is not an issue in this Appeal.

Mr. Wild stated he has been very tolerant, but they have sworn in everyone of these Witnesses, and they now appear to be taking Testimony. Mr. Gruen stated Mr. Wild is welcome to cross examine then. Mr. Wild stated there was Testimony about Thanksgiving where cars are from different States, and he asked if there is anything they have heard from any of the Witnesses where they might have a Thanksgiving different when your family members may come who are from other States. He stated none of these Witnesses have any actual evidence about whether that is a family or an extended family getting together at Thanksgiving.

Mr. Gruen stated while he respects Mr. Wild's opinion, since the Applicant does not want to testify, the Board has to find some information from someone. Mr. Wild stated he does not know that the Applicant does not want to testify, and he is not required to testify. Mr. Gruen stated he did not say that he was required to testify; but since he has not testified, the Board needs to find evidence somewhere as to what is going on. Mr. Wild disagreed and stated the Zoning Hearing Board is not an investigative body, and they are to consider the Appeal that was brought before them. He stated the Zoning Hearing Board is not an investigative arm of the Township. He stated the Township has issued an Enforcement Notice; and they put their case on, and he has defended it. Mr. Wild stated he may be holding

Mr. Harrison at bay and doing everything he can say to tell him not to testify as he will “wind up with 9,000 issues about trash, noise, and things that might be the same if it was a single family occupying it or a family at Thanksgiving.” Mr. Wild stated they are allowed to play basketball in the driveway, allowed to park, allowed to drink beer, and allowed to do the things that families do.

Mr. Wild stated he does not feel it is appropriate or fair to the Applicant to say “he does not want to testify,” as the Board does not know that. Mr. Gruen stated Mr. Wild did not put him on. Mr. Gruen stated the Ordinance states you cannot rent to multiple families, and the Board does not have any other Testimony so they have to find out whether it is rented to multiple families or not and whether the Cease and Desist Order was properly executed. He stated if it is multiple families it is one thing, and if it is a single family it is something else. Mr. Wild stated he does not believe that is the issue which is before the Board. He stated the issue before the Board is the Township charged two Violations of the Ordinance and whether the Township proved those two violations that they charged. Mr. DosSantos agreed. Mr. Wild stated the issue is whether the Applicant is unlawfully operating a bed and breakfast or a boarding use.

Ms. Trimble stated she is here to state there are multiple families every single weekend.

Mr. Flager asked if she is seeking Party Status; and she stated she is and she is opposed.

Mr. Paul Valerio, 1803 Wrightfield, was sworn in. He stated he feels the key thing to consider is the transient aspect. Mr. Valerio stated Mr. Wild tried to turn that around and say that because some of the other stuff listed was not true it was not a bed and breakfast; however, if the nature of a bed and breakfast is the transient aspect, he will testify personally that is what is happening. Mr. Valerio stated almost every weekend there are different cars from different States.

Mr. Valerio stated they are all hearing that they should call the Police, and that is what they will do. He stated if this case is not clear enough and the matter has to go further, they will stand strong as a community. He asked that they get together and fix it if not tonight then very soon.

Mr. Flager asked Mr. Valerio if he is requesting Party Status; and Mr. Valerio stated he is, and he is strongly opposed.

Ms. Lee asked if there is anyone else to testify since if no one else does, they could finish the testimony. One individual stated from the audience that she would like to agree to what has been stated, and is strongly opposed.

Ms. Jean Buzgo, 1806 Makefield Road, was sworn in.

Mr. Gruen stated Ms. Buzgo will be the last resident they will hear from tonight.

Ms. Buzgo stated the Applicant blatantly disregarded getting permission to do this in the first place. She stated she just had a driveway put in, and she had to deal with Mr. Majewski and went through all due diligence to get the driveway put through including the impervious surface; and it was all done according to the laws. She stated meanwhile the Applicant did not care one bit about a much larger law of letting people from anywhere come in and inhabit this home that obviously the owners were there just to “flip and make a buck; and when they could not sell it, they probably ran out of money, and they had to figure out a way to redeem what they had done because they went in too deep.” She stated there was no approval for them to do what they did.

Mr. Gruen stated that is not the question before the Zoning Hearing Board. Ms. Buzgo stated the Board needs to take that into consideration because they violated the law already, and Mr. Gruen stated that is what they are going to look at.

Mr. Flager asked Ms. Buzgo if she is requesting Party Status, and Ms. Buzgo stated she is and she opposes the Appeal.

Mr. Gruen asked Mr. Wild if he is submitting the Case Law this evening, and Mr. Wild stated if they are not going to close the meeting, he feels it would be more appropriate for him to submit it later.

Mr. McCartney moved, Mr. DosSantos seconded and it was unanimously carried to Continue the matter to February 6, 2018.

Mr. Gruen asked Mr. Wild if he was available February 6, and Mr. Wild stated he is.

There being no further business, Mr. Zamparelli moved, Mr. DosSantos seconded and it was unanimously carried to adjourn the meeting at 10:05 p.m.

Respectfully Submitted,

Keith DosSantos, Secretary

