

NEWBERRY TOWNSHIP BOARD OF SUPERVISORS
Workshop Meeting
April 16, 2024, 6:00 p.m.

Call to Order by Chairman Harkins at 6:00 p.m.

Executive session was held at 5:00 pm to discuss the Teamster and Police Association contract negotiations.

Attendance

Chairman Rob Harkins
Chairman, Diane Shellenhamer
Supervisor, Dave Kirkpatrick
Supervisor, Aaron Schwartz
Engineer, Bill Rudy
Solicitor, James Sanders

Old Business

Discuss Solar Ordinance

Solicitor Sanders addressed outstanding questions that were asked in the previous workshop meeting. He stated that the township is not permitted to exclude solar. The township would be at risk of having what is called exclusionary zoning claim. Solicitor Sanders then addressed potential revenue sources for the township related to solar facilities. The tax consequences had already been discussed previously. The accessories in and of themselves are not things that would improve the appraised value like a building would. Structures like solar farms would potentially increase the value from a building perspective. Land that is developed and/or leased in these types of structures is clean and green. When the facilities come out of clean and green, there is a seven year look back on the taxes which is a revenue source to recoup taxes which would have been paid. Leases are normally 25 years or less with five-year extensions which will then be a revenue generating property which is no longer in clean and green.

Solicitor Sanders reviewed the solar ordinance that has been drafted as a first pass. He stated that he has set it up as an overlay use. The reason it is set up as an overlay use is that the township has multiple zoning districts. Being set up as an overlay gives the township the ability to carve out what areas the solar farm would best fit in the township. He reviewed the three options for approving solar applications.

Sue Ostrander – Resident, 35 Rolling Hills Court – Asked if there would be any wording in place that would prevent a solar farm from being beside a heavily populated area. Chairman Harkins asked Solicitor Sanders if that could be included in the ordinance. Solicitor Sanders suggested it be put into the overlay ordinance instead of the regulatory ordinance.

Jane Harman – Resident, 205 Hemlock Lane – Asked what the process will be for applying for solar farms. Solicitor Sanders stated that if it is permitted use and is part of a land development plan they would meet with the codes and zoning officer, the engineer and possibly the township manager to review the plan. It could potentially go in front of planning commission if it is part of a land development plan. The Board of Supervisors would then have to approve the plan. Chairman Harkins stated that the Board of Supervisors make attempts to have as much control as possible for where the solar farms can be permitted.

Supervisor Schwartz asked what a reasonable amount of area is to be considered to do an overlay. Solicitor Sanders stated he will look at the case law. He stated it should be a reasonable amount of land.

Discuss Tiny Home Ordinance

Tabled.

Discuss Short Term Rental Ordinance

Solicitor Sanders stated he did consider the commentary that took place at the last workshop meeting. Updates were made to be more consistent with other local ordinances. Solicitor Sanders addressed each change with the Board.

An unrecognized resident stated that when a customer rents from an Air BNB she receives a statement of what her fee, cleaning fee and occupancy tax for what is deducted from what she is paid. Supervisor Kirkpatrick stated that if there is a receipt and it shows that the tax was paid that it is adequate proof or a certificate.

Jane Deamer, Treasurer – stated she has done some research on what revenue stream the township would receive whether it is from hotels, bed and breakfast or air BNBs. York County Visitors Bureau Association was very helpful. Ms. Deamer stated when you sign up for a hotel or bed and breakfast there is a specific license that is required for operating them. An Air BNB does not have a license. The York County Visitors Bureau stated there is no policing or auditing of how Air BNBs taxes are being paid. There is no revenue stream that gets passed onto the township.

Kathleen Gadalla – stated she sent in her green line edits of the ordinance. She noted that the township must contact the listing service to obtain the proper taxes on behalf of the township. Solicitor Sanders stated he drafted the ordinance so that it would not be up to the township resources spinning their wheels when the owners chose to use the service of Air BNB. Chairman Harkins stated when the resident gets their license every year the most current receipt should be provided if that listing is with Air BNB and the taxes are paid.

Kathleen Gadalla – addressed removing the trespass waiver on the ordinance. She stated she wants it to read as any inspection must be prescheduled with the owner. Solicitor Sanders explained to Ms. Gadalla that if there was to be a complaint called in to the township it is the codes and zoning officers' job to inspect the property. He stated that if there is a sewage issue the sewage enforcement officer would be called immediately. Supervisor Kirkpatrick stated that the wording of the ordinance does not need to be changed. Adding additional wording stating that In order to do an inspection the home owner would be contacted and given 24 – 48 hour notice.

An unrecognized resident asked if any of the short-term rentals are required to register with the township. Vice Chairman Shellenhamer stated that a tenant notification is to be submitted to the township with a list of the occupants. Solicitor Sanders read from the ordinance and stated they are required to register with the township.

Norm Sites – Resident, York Road – Stated he owns three properties in the township. One is an Air BNB. He feels that the regulations that are being set are too strict. He stated he does not feel that they should have to be licensed to be a landlord.

Kathleen Gadalla – stated she would like the nominal fee amount added to the ordinance. Supervisor Schwartz stated that a nominal fee should not be placed on the ordinance. A fee schedule will be drawn up to include that.

Solicitor Sanders stated he added four additional persons per dwelling unit. The parking is limited to what the property is set up for. No yard parking will be permitted. Solicitor Sanders stated for rental properties that by Pennsylvania State law you are required to provide certain notifications.

An unrecognized resident stated she does not feel comfortable handing a packet of the township requirements to her renters and a visible and legible notice posted within the dwelling.

Solicitor Sanders went over the ordinance stating that all occupied rooms must have one working smoke detector and one working carbon monoxide detector per floor. He stated the location of the fire extinguishers should be shown on the evacuation route. Discussions went out regarding violations and the time given to remedy the situation.

Solicitor Sanders stated that this is regulatory ordinance it also needs to be placed into zones. Discussion needs to take place prior to the next meeting. Location of the air BNBs that are presently in operation should be located.

New Business

Bill Rudy to Explain Advertising the Cly Road Extension Project

- MOTION** By Supervisor Kirkpatrick to authorize Engineer, Bill Rudy, to start the advertising process, seconded by Supervisor Schwartz, carried unanimously.
- DISCUSSION** Bill stated he needed authorization to advertise the planning module for the Cly Road sewer extension. This is in the village of Cly in the area of Cly Road, River Drive, Railroad Avenue, Pleasant Grove Road and Reeser Hill Road. It is a requirement of DEP prior to the submission to have the advertisement. After 30 days a Resolution will need to be passed, then the planning module will be presented to DEP. After the planning module is approved the other permits needed through DEP can take place.

Discuss Having a Township Food Truck Event

Supervisor Schwartz stated other municipalities have a set place and schedule for food trucks. He would like to have food trucks possibly at Newberry Commons once a month for residents. Supervisor Kirkpatrick stated that the township will need to provide liability insurance for the property owner. Supervisor Schwartz stated he wants to make sure that there is enough advertising done so that it is worthwhile for the food trucks.

Sue Ostrander – Resident, 35 Rolling Hills Court – Asked what location would be chosen. Supervisor Schwartz stated that Newberry Commons would be the location. Supervisor Kirkpatrick has a contact person that Supervisor Schwartz can speak to regarding what is required. Supervisor Kirkpatrick stated that the township would only be promoting it.

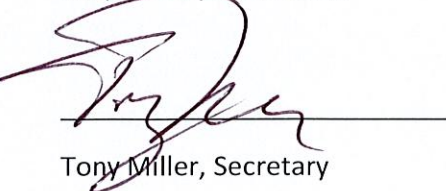
Discuss Christmas Holiday Celebration Event

Vice Chairman Shellenhamer stated he would like to have a community event. Vice Chairman Shellenhamer started at committee. They will be planting a large evergreen tree. The tree will be donated to the township from the VFW. There will be a plaque given to be placed in front of the tree to celebrate the VFWs. It will be planted at the MESB Building. A celebration will be held when the tree is planted. The food trucks will be asked to attend. For a Christmas holiday event the tree will have lights placed on it. Music and/or bands will be asked to attend. There will be food tents present. This is to bring the community together and share some holiday spirit. There has been no date set.

Adjournment

By Supervisor Kirkpatrick to adjourn, seconded by Supervisor Schwartz, carried unanimously.

Respectfully Submitted,



Tony Miller, Secretary

