

## NEWBERRY TOWNSHIP BOARD OF SUPERVISORS

Workshop Meeting

May 21, 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 personnel matters and litigation issues.

### Attendance

Vice-Chairman, Diane Shellenhamer  
Supervisor, Dave Kirkpatrick  
Supervisor, Clair Wintermyer  
Supervisor, Aaron Schwartz  
Township Manager, Tony Miller  
Solicitor, James Sanders

## Old Business

### Review of Updated Solar Ordinance

Vice-Chairman Shellenhamer stated the issues that were discussed at the last meeting have been redlined and updated to the new ordinance. Solicitor Sanders stated that a decision must be made as to how and where the ordinance is to apply. Once the Board makes those decisions then it can be voted upon to be advertised. Solicitor Sanders stated that due to the regulatory and zoning component there will need to be a hearing on the ordinance as well.

Supervisor Schwartz stated there was a discussion to allow solar in an agricultural district. Solicitor Sanders discussed that an overlay district may be a better decision. Different regions within the township are chosen for the solar farms. Solicitor Sanders stated when a solar farm goes in, they typically go into properties that are in clean and green which is a lower property tax amount. When a solar farm is approved it comes out of clean and green which then falls into a higher tax revenue that would benefit the township.

Supervisor Schwartz informed the public that an application was brought in for a solar farm in Lewisberry on a 60-acre parcel of land, 15 acres of which would be solar. Supervisor Schwartz stated that since there is no solar ordinance in place, they could apply anywhere in the township.

Solicitor Sanders stated he needs to know the overlay and what the approval process is to move forward with the ordinance. If it is an overlay district it needs to be determined if it is permitted use, conditional use, or a special exception.

Jane Harman – Resident, 205 Hemlock Lane - Questioned the difference between the uses. Solicitor Sanders explained each one. Ms. Harman asked about the bond. Solicitor Sanders stated that the township is on the bond to be protected. Solicitor Sanders reviewed maps and explained what an overlay is.

### Review of Short-Term Rental Ordinance

Vice-Chairman Shellenhamer stated that everything that has been discussed in the last two workshop meetings and the residents' comments and revisions have been included in this version.

Missy Thomas – Resident, 545 Paddletown Road - Stated that after reviewing the redlined ordinance everything is not the same as was discussed previously. Ms. Thomas listed the items she had an issue with. Solicitor Sanders reviewed the redlined items.

Maxine Kauffman – Resident, 540 Paddletown Road - Stated she does not feel that this ordinance is helping the residents. Ms. Kauffman was concerned about how much it would cost for the ordinance to be drawn up and advertised. She demanded to see an invoice for the cost of the short-term rental ordinance and the tiny home ordinance at the next meeting. Supervisor Schwartz stated that the tiny homes ordinance has been tabled.

Vice-Chairman Shellenhamer stated that the reason the ordinances are drawn up is to protect the residents of the township. The ordinance is being drawn up to protect the neighbors of what may be a party house.

Missy Thomas – Resident, 545 Paddletown Road - Stated in the ordinance it is written that not only can the property being occupied by tenants be inspected but all buildings on the property. Ms. Thomas stated there is a difference between short-term rentals and long-term rentals. She stated that the property owner of a short-term rental puts in more work to keep the property clean for guests.

Kathleen Gadalla addressed the trespass waiver on the ordinance. She suggested that either the trespass waiver be taken out or the Enforcement Officer make notice to the property owner to enter property. Ms. Gadalla suggested using the trespass waiver only during emergencies. Solicitor Sanders stated that the trespass waiver can be written to address what the property owner's concerns are.

Sue Ostrander – Resident, 35 Rolling Hills Court - Stated she feels there is a difference between short-term and long-term rentals. The property owner living in their home and renting a room and bathroom out should be responsible since they are living in their home at the time of the rental. A long-term rental the property owner is not present when the renters are on the property. Solicitor Sanders stated he can do some research to address the concern. Included in the ordinance is to prevent boarding house situations. He explained the property owner must live there if they are renting out individual rooms to multiple parties.

Jane Harman – Resident, 205 Hemlock Lane - Questioned how many Air BNBs are in the township. Supervisor Schwartz responded that there are approximately 10 within the township. Ms. Harman stated that she does know a few of the property owners and they have chosen not to show up to the meetings and are hoping to be undetected. She wondered how the township would locate the property owners running the Air BNB's and what consequences would be taken. Ms. Harman asked if it would be a grandfather clause since the Air BNBs were in operation before the ordinance. Solicitor Sanders stated depending on if the ordinance is passed and what zoning districts are included any Air BNBs that are outside of the zoning districts where they sit, they would be grandfathered in. If the township passes the ordinance requiring a license the property owners would be required to get the license. If it is reported that there is an Air BNB and upon investigation is confirmed a violation would be put forth and proceeding would take place from there.

Vice-Chairman Shellenhamer requested that Solicitor Sanders review the separation between renting out a room in a property owners' residence and property owner that rents their entire house.

Missy Thomas – Resident, 545 Paddletown Road - Has an issue with the verbiage of the trespass waiver. Ms. Thomas stated she has an issue with someone coming into her house unless she invites them. She does not feel that a Codes and Zoning Officer should be allowed to enter her property or house.

Mike Crone – Resident, 170 Bobby Jones Drive – Stated the residents have been living in the township and conducting their business with no issues. Mr. Crone went on to say the Board is supposed to be working for the residents.

### Zoning Hearing Board Vacancies

Vice-Chairman Shellenhamer announced that Zoning Hearing Board Vacancies is tabled until the Board of Supervisors Meeting on May 28<sup>th</sup>.

### Proposed Addition of Staked Inspection to Building Permits

Manager Miller stated that Chairman Harkins proposed to have this on the agenda. There is no action being taken at this time. Currently when a building permit is issued a zoning permit must be issued as well based on where the building will be situated. The Board is suggesting an additional inspection when the property is staked out showing where the building will be located.

Missy Thomas – Resident, 545 Paddletown Road – Questioned what is involved for additional inspection. Supervisor Kirkpatrick explained the process.

## New Business

None.

## Adjournment

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

Respectfully Submitted,

  
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Tony Miller, Secretary

