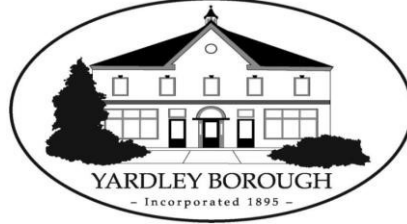


YARDLEY BOROUGH PLANNING COMMISSION
Thursday, March 14, 2024, 7:30 PM Borough Hall
MEETING MINUTES



I. **CALL TO ORDER at 7:30 PM** – Richard Hodge, Chair

II. **PLEDGE OF ALLEGIANCE**

III. **ROLL CALL**

Present: Richard Hodge (RH), Susan Taylor (ST), Robert Bushar (RB),
Melissa Dawson (MD), Matt Sinberg (MS) Chuck Dolan (CD)

Not Present: Zach Bark (ZB)

IV. **COMMUNITY ANNOUNCEMENTS**

A. Video recordings of all Council Meetings available on Yardley Borough Website & FB page.

V. **PUBLIC COMMENTS**

At this time – public comment is welcome.

VI. **APPLICANTS FOR THIS MONTH**

A. No applicant

VII. **MINUTES APPROVAL**

Approval of Minutes dated 8 Feb 2024

- Chuck Dolan made a motion to approve the minutes, that was seconded by Matt Sinberg.
- The minutes were approved by 4 PC members, Richard Hodge & Melissa Dawson were not present at the 8 Feb 2024 meeting and abstained.

VIII. **COUNCIL UPDATES**

IX. **ITEMS FOR REVIEW THIS MONTH**

A. Creation of a short-term rental ordinance for Yardley

Don Carlson (YB Council Member) attended and gave a presentation for the PC to summarize the current Borough ordinance and policy for short-term rental properties. He explained that the topic of short-term rentals is of current interest at Council, and that the PC will be asked for recommendations about revisions or additions to the Ordinance.

Don conveyed the interpretation of the current ordinance by the solicitor and the zoning hearing officer –

Currently the ordinance does not explicitly reference short-term rentals

Residential zones do not permit rentals less than 30 days in length

‘Bed-and-breakfast/ guesthouse’ is defined as owner-occupied (post meeting note-

‘Boardinghouse’ is also defined)

‘Dwelling’ refers to family, and ‘family’ is defined along traditional lines

Thus Council has expressed interest in revising or adopting language that more explicitly addresses short-term rental activity in the Borough.

Don listed the known, active, short-term rental properties in the Borough:

- Canal Street Cottage
- 10 N Edgewater
- 30 Cadwallader Ct
- 55 E Afton

DC referred to the presentation he gave at the **Nov 21, 2023** Council Meeting on this topic. He recommended that the PC review the recording of that Council meeting and Council’s input on the topic. Council input on Don’s presentation occurs at approximately 1hr 18min into the recording.

Don noted that an ordinance was created in 2015 to regulate, indeed promote, Bed-and-Breakfast/Guesthouses in owner-occupied properties. It was established as a conditional use requiring applicants to come before the PC, and Council to gain approval. They may be permitted in historical district if property fronts Main or Afton, may be permitted in the R-1 zone on North Main Street , West Afton Ave. or South Delaware Ave. May also be permitted in the R-2 zone of South Main Street, and Reading Ave. The ordinance stipulate that no private parties are allowed, and one off-street parking space is required for each bedroom.

DC summarized examples of short-term rental ordinances that are in place for other local municipalities: LMT, New Hope, Newtown.

LMT has two types - Owner-occupied with a maximum two bedrooms rented, and the entire unit rented for a minimum of seven days. There are provisions in the LMT ordinance for licensing and inspection fees, two occupants /bedroom, limits on cars, noise, etc., two inspections /year, details for suspension, revocation, and renewal, and no location limits.

New Hope and Newtown ordinance are similar - maximum 10 people, non-overnight guests max 75% of occupancy, 15 rental periods or 180 days per year max, person in charge must be within 15 miles, must be owner-occupied when not rented as a STR, enforcement and appeals process, app fee \$250, renewal \$150, \$500K minimal liability policy required, must show proof of paying County Lodging room rental tax of 5%.

Moving Forward – DC summarized ‘Next Steps’ that need to be decided:

- Modify bed-and-breakfast/ guesthouse ordinance to include guidance on non-owner occupied rental properties
- Create new ordinance (with consideration of location limits)
- Other Ideas - limit % of STR allowed, require escrow money, annual review of ordinance to make sure it’s working at least for the first few years.

DC shared research on ordinances for short-term rental properties. Typically, home owner's associations already impose limits that disallow STRs. Yardley Walk and Yardley Commons, for example, have restrictions within the HOA.

Kim Rock, LMT resident, and Yardley borough homeowner (10 N Edgewater Ave.) attended the meeting and was invited to speak about her experience with short-term rentals. In addition to the 10 N. Edgewater residence, she owns a property that she manages as a short-term rental in LMT (1445 North River Road). She relayed stories of her clients suggesting that STs are a valuable resource for the community – from temporary housing for residence having construction work done on their homes, Borough residents needing temporary accommodations in between permanent housing moves, family members visiting Yardley residents, weekend tourist patronizing Yardley businesses, etc.

She also came prepared with a list of regulations that she recommended for consideration by the PC for a new ordinance:

- Limit the maximum occupancy based on the number of bedrooms
- Establish a minimum number of nights (Kim sets a 4-night minimum restriction on her property)
- Proof of Insurance
- Minimum age requirements (Kim sets a 25-year-old restriction)
- Noise, Party, and Car restrictions
- Inspection requirements
- Permit applicant process
- Limits on the number of STRs allowed

This last point would address concerns that the commercial activity would displace full time residence, changing the character of some neighborhoods. Commissioners also discussed other potential parameters of a new ordinance. On the question of the geographic distribution of STR, it was generally agreed that residences and businesses in the commercial districts can better support this activity, while it may be more disruptive in the R2 and R1 zones. MS suggested setting different limits (number or percentage) within residential zones and commercial zones.

CD suggested there should be limits/expectations set on actionable review of nuisance properties that violate the terms of the ordinance (ie. Noise violations). These actions should be able to be taken immediately, not just in the next review of their license. CD also recommended that notification to neighboring property owners should be part of the permitting process to give them the opportunity to object or support the establishment of a short-term rental in their neighborhood. Establishing restrictions for parking was also discussed. It was agreed that the Borough will need to perform inspections and approve properties for this use - building code, life safety violations, and the like. Special requirements for properties in the floodplain may be necessary. The Borough will need to be diligent about who performs these inspections.

ST noted that she found guidance on the Airbnb site about how local entities can update their ordinances to deal with short-term rental properties. ST noted they also have a list of municipalities who have created these types of ordinances. In Pennsylvania, Easton is listed as an example. One thing that Susan noted is that Airbnb has recommendations on making sure properties meet certain standards/inspection requirements. Susan also mentioned that this ordinance update is something that's going to take a significant effort to enforce.

Fees were discussed. Kim Rock confirmed that the licensing fee in LMT is \$125. ST noted the fee for Easton is \$200. The fee schedule will need to be set appropriately to cover the enforcement costs.

RH advised that the PC should acquaint ourselves with the current ordinance. He will distribute Don Carlson's research on the topic for reference. We should be prepared to put forward recommendations to Council for the parameters of a short-term rental ordinance, as soon as possible.

Land Development Definition

ST has been looking further into the definition of a land development and what projects / improvements need to be reviewed by PC. This question came up recently when the improvements at the Abrams Hebrew Academy moved forward without requiring review by the Planning Commission. Apparently, a narrow reading of the language of the Land Development ordinance prevails among decision makers in Yardley Borough.

Susan reached out to the BCPC for an interpretation of the language. She received a response that interprets the ordinance language, which matches word-for-word the underlying Pennsylvania enabling code, that identifies the creation of 'leaseholds' as a land development activity, and as such, reviewable by a planning commission. She also noted that the Abrams Hebrew Academy was a special case. The BCPC recommends consultation with the Borough solicitor to determine if the Borough should adopt a similar interpretation.

RH proposed a meeting with the solicitor to further discuss this topic. There was uniform agreement from the group. Attendees that may be needed include the Borough Manager (Paula Johnson), the Zoning officer and members of council (Uri Feiner was specifically mentioned). RH will pursue setting up a meeting with the solicitor prior to the PC next meeting. The response from the BCPC can be forwarded to the solicitor prior to that meeting.

MD questioned whether our current ordinance provides guidance on the sequence of how a development needs to go through the review process and at what stage. RH/RB responded that administrative matter like that are addressed unevenly in the Ordinance. RB commented also that the PC should really be reviewing Sketch plans before projects get to the Preliminary and Final stages of review. This doesn't happen any more.

2024 Yardley Borough Comprehensive Plan Update – Update on Consultant Request for Proposal

RH provided an update on the status of the Comprehensive Plan RFP. The RFP has been distributed to the short list of consultants provided to Council. Paula received feedback from the BCPC that they can't respond to the RFP unless the project moves to the Fall. The PC as a group all acknowledged that moving this work to the Fall shouldn't be an issue. Responses are still pending from the two other short listed consultants. The RFP deadline was set for 3/22/24. MD noted that we may want to ask BCPC to still submit as cost and we are considering moving the work to the Fall to accommodate their availability. RH will reach out to Paula to communicate this request and also ask Paula if we've received any questions or acknowledgement from the other two consultants.

ST brought up revisiting the Parking Ordinance. This topic can be added to the agenda for one of the PC's upcoming meetings and for incorporation into the Comprehensive Plan. An applicant is anticipated for the April meeting, so the Parking Ordinance topic may move to the May PC agenda.

X. **ADJOURNMENT 9:10 PM**

Appendix A: Don Carlson Links Related to Short-Term Rentals

Toolkit to help craft ordinances:

<https://news.airbnb.com/policy-toolkit-short-term-rental-regulations/>

Powerpoint presentation about trends in STR:

[Short-Term Rentals \(STR\) and Local Government in 2024: What You Need to Know \(wistia.com\)](#)

Canal Street Listing:

https://www.airbnb.com/rooms/44231872?check_in=2024-02-02&check_out=2024-02-04&guests=1&adults=1&s=67&unique_share_id=37d824bc-a7cd-498d-b51b-0d95c4bfd9a0

North Edgewater Listing in R1:

https://www.zillow.com/homedetails/10-N-Edgewater-Ave-Yardley-PA-19067/9131987_zpid/

Bucks County Lodging Tax:

[https://www.buckscounty.gov/371/Hotel-Lodging-Tax?fbclid=IwAR0fP54dcSDtjNgWugFK90s69UnPXghPPypkY2iF0hBCGBLibrCA429ETIE#:~:text=About%20the%20Tax,than%20thirty%20\(30\)%20days](https://www.buckscounty.gov/371/Hotel-Lodging-Tax?fbclid=IwAR0fP54dcSDtjNgWugFK90s69UnPXghPPypkY2iF0hBCGBLibrCA429ETIE#:~:text=About%20the%20Tax,than%20thirty%20(30)%20days)

LMT STR ordinances:

<https://ecode360.com/33894618?highlight=410&searchId=19413663526872083#33894618>