

A G E N D A
Board of Supervisors
Special Work Session Meeting
October 16, 2019
9:00am

1. Call Meeting to Order: Anne Lamberton, Chair
2. Pledge of Allegiance
3. Announcements:
4. **New Business:**
 - A. Discussion regarding Short Term Rentals in the Township
10. Board of Supervisors Report/Comment
11. Public Questions and Comment

ADJOURNMENT

VIDEO AND AUDIO RECORDING IN PROGRESS

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS
WORK SESSION
OCTOBER 16, 2019

A Work Session of the Tobyhanna Township Board of Supervisors (“Board”) was held on October 16, 2019, at the Tobyhanna Township Government Center Building, 105 Government Center Way, Pocono Pines, Pennsylvania, 18350.

Present are Supervisors Anne Lamberton, Heidi A. Pickard, Brendon Carroll, David Carbone (arrives at 9:01AM), Solicitor Jonathan J. Reiss, Esquire, and Interim Manager Autumn Canfield. John Holahan, III, is not present.

1. Chair Anne Lamberton calls the meeting to order at 9:00AM. A quorum is present.
2. The Pledge of Allegiance is recited.
3. New Business – Short-Term Rental (STR) Discussion.

Jonathan Reiss explains that based on the Slice of Life decision, the only transient STRs allowed in the township are hotels or bed and breakfasts. [David Carbone arrives at 9:01AM.] The Board is here to consider changing the ordinance to balance the property owner’s interest and to protect communities from rogue rentals. Monroe County provided a model ordinance, and the best fit for a starting draft is Jackson Township’s STR ordinance. Heidi Pickard states the Board said they were not going to enforce anything on STRs with the exception of safety issues until they updated the ordinance.

Barbara Nichols discusses the possibility of limiting STRs to provide an opportunity for long-term rentals. Jonathan Reiss replies the township cannot put a percentage cap on STRs, but private communities may have that ability. Katrina Daggett mentions that a township in Carbon County has a minimum one-year lease requirement.

Barbara Nichols discusses Jackson Township’s requirements for posting information about the property at the door, and that they have online registration. Cindy Knecht states Jackson Township has had to hire more staff, and they have a punch list on what must be present, with an inspector who ensures everything is okay. Jackson’s permit fee seems excessive; it is \$300 initially and \$100 to renew each year.

Julia Heilakka states township staff have estimated that Tobyhanna Township has approximately 700 STRs, which would take one person 175 business days to permit; the Township will require more staff. Kara Sincavage states there are a lot of homes that should not be rented because they are not inspected.

Judith Acosta, Zoning Officer for Middle Smithfield Township, explains that her township is complaint driven. Homeowners are not affected by what happens in their house; it is the neighbors that suffer. The cost is \$100 for the license annually, and the owners must change

the use from single family dwelling to STR dwelling use. This change allows her to enforce on a zoning basis. Their ordinance was adopted in 2017 and amended in 2018 because limiting the number of days a property could be rented proved impossible to enforce. The amendment also changed occupancy rules to two per bedroom plus 4, and an evaluation of the septic system is required. The permits end October 31st, and the inspection of the STR can be waived after the second year. The maximum occupancy for any STR is 14, and day guests are capped at 75% of maximum volume. This is to curb parties.

Erik Usbeck states that Arrowhead Lake Community Association (“Arrowhead”) is in two townships and it will be difficult if the STR ordinances are different. Arrowhead’s covenants only allow SFDs. Jonathan Reiss explains covenants can be changed by a super majority.

Judith Acosta states the change of use is under zoning, not building codes. Under building codes, STRs are still SFDs but can change to transient use or have an added use. There is a PRD in Middle Smithfield Township that is not allowing STRs at all. Brendon Carroll states many PRD houses have always been rented.

Judith Acosta discusses a septic management program, which requires pumping every three years. Wendi Freeman states Lake Naomi has a septic maintenance program: every 5 years off water, 3 years on water, and it is in resale certification. It’s a lot of work but very successful. Ed Tutrone asks if the number of occupants will be determined by the size of the tank or bedrooms; his sewer system is designed for 5 bedrooms, but he has a three-bedroom house. Judy Acosta replies that the tank would determine occupancy.

Walter O’Neill believes resulting STRs will lead to a decline in quality of life. Jeff Rickerts replies that the Pocono Mountain Visitors Bureau (PMVB) determined that PA hosts made \$68 million. Monroe County hosts earned \$7.6 million. Cindy Knecht states 3% of the tax goes to county, and the PMVB should give money to townships. Monroe County has 5,600 listings on AirBnB. Monroe County is the third highest rental area in the state, behind Pittsburgh in first and Philadelphia in second.

Robert Bossuyt discusses the importance of having a competent host. Judith Acosta states individual homeowners can regulate age limits on renters. The Board must discuss moving into full compliance immediately, or if they want to operate in a complaint-driven manner. The Board discusses a tiered fee structure for registering STRs through an online platform or management company. Katrina Daggett states hosts should use licensed relators.

Wendi Freeman states having a local contact is paramount, and that 95% of new owners in Lake Naomi come from past rentals. The problem is that homes are bought to be rented only. Amy Young stresses the importance of educating homeowners planning to rent properties.

Robert Baxter states problems are arising because the STR business has become point-and-click. Years ago, people only used management companies. Cindy Knecht states that Stroudsburg enforces a nuisance law where the cops are called with issues for noise. Their

problem is now that hosts are charging less and less money per night. The realtor task force is working with PMVB to create an education packet.

The Board considers a tiered fee structure for rental permits.

Bob Christiansen states Locust Lake Village has many problems with STRs. Wendi Freeman states Timber Trails is gated, so they can control unauthorized renting. Lake Naomi is more difficult in the winter, because skiers don't use the amenities. Legalizing cannabis will also create more problems.

Katrina Daggett states Pennsylvania hired a company to develop an algorithm to find illegal renters. The PMVB may have info for Tobyhanna Township. Jeff Rickerts cautions those algorithms may ping the same house more than once. Other cities have found the process prohibitively expensive. Tunkhannock Township just passed their ordinance, and their registration fee is a one-time fee of \$500 with an annual renewal fee.

Amy Young expresses concern over sites like AirBnB advertising what homes are vacant and when, which may lead to a problem with squatters. Mary Maruccie mentions that Locust Lake Village had a problem with fraud over AirBnB. Mr. Christiansen discusses the importance of having a 24-hr contact within 15 miles of the property. Judith Acosta and the Board discuss how over regulation may drive STRs into more secretive operations.

The Board must meet with the Planning Commission and managers of private communities to discuss STRs. The Board directs township staff to draft an ordinance. Wendi Freeman asks about enforcement of the ordinance, and the Board discusses consequences for noncompliant STRs. Judy Acosta states AirDNA provides a snapshot of AirBnB rentals in an area.

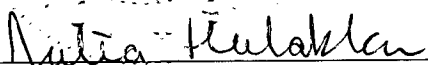
Kara Sincavage explains she manages 145 properties and has provisions within the lease agreement to evict people. The Board thanks everyone for attending the meeting.

4. Public Comment – none.

5. Meeting adjourned at 10:32AM.

Minutes recorded by Julia Heilakka

Respectfully submitted:



Julia Heilakka, Township Secretary