

**Westfall Township
Planning Commission
Organization Meeting
January 25, 2022**

The Organization Meeting of the Westfall Township Planning Commission was called to order at 7:00 pm on Tuesday, January 25, 2022 and opened with the Pledge of Allegiance. The Regular Planning Meeting immediately followed. The meeting was held at the Westfall Township Municipal Building on Delaware Drive and LaBarr Lane, Westfall Township.

Members present were; Jolie DeFeis, Gregg Noll, Twila Decker, Pat Cordova and Kim Ropke. Also present were Secretary, Jodi Manheim; Solicitor, Robert Bernathy; Zoning Officer, Jeff Cammerino; David Twiss. There were no other members of the general public present.

A motion was made by Gregg Noll to elect Jolie DeFeis as Chairwoman of the Planning Commission for 2022. The motion was seconded by Kim Ropke and carries with all in favor.

A motion was made by Twila Decker to elect Kim Ropke as Vice Chairwoman of the Planning Commission for 2022. The motion was seconded by Jolie DeFeis and carries with all in favor.

Regular Meeting:

Old Business:

Draft Ordinance-Short Term Rentals:

Jolie DeFeis addressed her notes from the December 22, 2021 Regular Planning Meeting. Solicitor Bernathy stated he made the agreed upon changes to the Draft Ordinance from said meeting. The changes were as follows:

- a. Section 5-A: Last line "4" to "2"
- b. Section 5-B: 75% to 50%
- c. Added Carbon Monoxide Detector
- d. Added knox box

Discussion followed regarding Section 6-J regarding insurance requirements. Solicitor Bernathy stated he would change the wording to "insurance" not "renters insurance" to prevent any issues with the type of insurance.

Ms. Ropke asked about the reference to the 2004 building code requirement and that if the business has been in operation, do the owner need to comply. Solicitor Bernathy stated that would be up to the Supervisors. He noted that he is not in favor of holding someone to a newly enacted ordinance who has been using the property for the same use before the ordinance enactment.

Jolie DeFeis questioned an indemnification for Westfall Township. Solicitor Bernathy stated this was applicable by law anyway. It was also noted that tents and campgrounds are not permitted as a short term rental since a tent is not considered a dwelling unless there is a kitchen, sleeping area, bath and toilet.

Mr. Cammerino asked if emergency personnel access is a condition of the draft ordinance. Solicitor Bernathy stated that is provided for in the Zoning Ordinance.

Mr. Cammerino read Section 5-I-f of the proposed ordinance. He does not feel that he should be required to Comply with this section.

Mr. Twiss addressed the Planning Members and stated the following:

- a. Three placed in the draft ordinance concern him
- b. He currently has 4 short term rentals in Westfall Township
- c. Two items in the draft ordinance are contradictory
- d. He feels that the Zoning Officer should be required to speak to the owner directly, not the tenant
- e. If guests file a complaint with the short-term rental platform, the owner can be shut down which creates a loss of revenue
- f. He is trying to stop liability to the taxpayers of Westfall Township
- g. He wants to be contacted first so he can resolve any issues

Solicitor Bernathy stated that as long as the Zoning Officer is fulfilling his responsibilities, the Township will not carve out an exception for short term rentals.

Brief discussion followed. Mr. Twiss stated he would agree to disagree on the subject. He also noted there are 14 short term rentals in Westfall Township. Solicitor Bernathy stated the Planning Commission will not rely on his information. Mr. Twiss stated there are 36 “homeshares” in Westfall Township where people rent a bedroom with no bathroom. Solicitor Bernathy stated that is not applicable since it is not a dwelling unit. Ms. Ropke asked if “homeshares” are permitted. Solicitor Bernathy stated they may be a use not provided for in the Zoning Ordinance and that this has not come before the township at this time.

Mr. Twiss stated that liability insurance should be a requirement if there is a problem. The liability falls on the owner first then the township. Solicitor Bernathy stated that the Township has immunity. Ms. DeFeis stated that comprehensive insurance should be added to the draft ordinance.

Mr. Twiss stated that his comments have not been addressed and that he will bring them up at the Supervisor Meeting. Mr. Twiss then made a comment about revenue stream. Solicitor Bernathy stated that revenue stream is not the object of this ordinance, nor can it be.

Additional discussion followed regarding insurance requirements. Mr. Twiss stated that short term rental insurance covers the owner and liability covers everyone on the property. Brief discussion held regarding amounts of insurance coverage. Solicitor Bernathy stated that the amounts of coverage will be different for each property.

Solicitor Bernathy agreed to make the following change to the draft ordinance:

- a. Section 6-J will be changed to “Homeowner must have proof of Short-Term Rental Insurance to include Liability”
- b. Section 5-A last line will be changed from 4 to 2
- c. Section 5-B will be changed from 75% to 50%

No further comment.

A motion was made by Twila Decker to recommend approval to the Supervisors of the Draft Short Term Rental Ordinance with the revisions of Section 6-J to “Homeowner must have proof of Short-Term Rental Insurance to include Liability”, Section 5-A last line will be changed from 4 to 2, and Section 5-B will be changed from 75% to 50%. The motion was seconded by Jolie DeFeis and carries with four in favor and one absention. Kim Ropke abstained since she was recently appointed to the Planning Board and has pecuniary interest in the subject due to her ownership of a short-term rental in Westfall Township.

New Business: None

Minutes:

August 24, 2021-Regular Meeting Minutes: A motion was made by Twila Decker to approve the August 24, 2021 Regular Meeting Minutes. The motion was seconded by Jolie DeFeis and carries with two in favor and three abstentions. Pat Cordova, Gregg Noll and Kim Ropke abstained due to their absence at the meeting.

December 9, 2021-Planning Workshop Minutes: A motion was made by Twila Decker to approve the December 9, 2021 Planning Workshop Minutes. The motion was seconded by Jolie DeFeis and carries with two in favor and three abstentions. Pat Cordova, Gregg Noll and Kim Ropke abstained due to their absence at the meeting.

December 22, 2021-Regular Meeting Minutes: A motion was made by Gregg Noll to approve the December 22, 2021 Regular Meeting Minutes. The motion was seconded by Twila Decker and carries with three in favor and two abstentions. Pat Cordova and Kim Ropke abstained due to their absence at the meeting.

Public Comment: None

Adjournment:

Meeting adjourned at 7:33 pm on a motion by Twila Decker. Motion seconded by Gregg Noll and carries with all in favor.

Respectfully submitted,



Jodi Manheim, Secretary
Westfall Township Planning Commission