

**2017-14**  
**STRASBURG BOROUGH COUNCIL**  
**MAY 9, 2017**  
**MINUTES**

Members Present:     Mike Chiodo                             Ray Garraffa  
                                   Jim Rice     David Dunn  
                                   Will Hutchinson                             Bob Bennethum

Others Present:

Henry Miller, Mayor	Brenda Aument
Lisa M. Boyd, Borough Manager	Dr. A. Sellers
F. Steven Echternach, Chief of Police	Warren Aument
Lynn Commero, Lancaster Newspapers	Darlene Aument
Ben Culbert	Merv Smucker
Claudia Shank, McNees Law	Kathy Smucker
Jim Kepiro	Adrienne Miller, Ephrata National Bank
James G. Brown, Ephrata National Bank	Rob O'Donnell
Matt Sterchak	Dwight Miller
Matt Rimert	Stephen Smoker
Mark Stanley, McNees Law	

**CALL TO ORDER AND PLEDGE TO THE FLAG:** Council President Mike Chiodo called the meeting to order at 7:30 p.m., followed by the salute to the flag. President Chiodo announced that the meeting is being audiotaped and maintained until the minutes are approved. The Borough Manager took the roll call.

**REQUESTS TO BE HEARD:**

**215 NORTH DECATUR STREET – TOURIST HOME ISSUE:** Claudia Shank and Mark Stanley, from McNees Law, were in attendance and stated that they are representing Merv and Kathy Smucker, to begin a conversation regarding Airbnb regulations. Ms. Shank stated that Airbnb is a growing online home rental website for either short-term vacation rentals or the renting out of rooms in people's homes. She added that the Smucker's purchased the property at 215 North Decatur Street, renovated it, and listed it on the Airbnb website. They received a letter from our Zoning Officer indicating that this use was in violation of our Zoning Ordinance and he granted them permission to continue for a period of time to fulfill only their existing reservations. She stated that this use, which is not a Bed & Breakfast and is not owner-occupied, is not currently provided for in our ordinance, and is a growing business with approximately 300 Lancaster County listings. Ms. Shank did provide a copy of East Lampeter Township's Zoning Ordinance which addresses and regulates this type of use, defines the use and includes some restrictions such as number of people permitted. Mr. Smucker stated that they live just outside of the Borough and are asking for Council's thoughts on Airbnbs and added that they would like to bring their property into compliance and have Airbnbs regulated. He stated that they regulate their guests and likes the ability to have people stay in their home to experience Strasburg as a tourist destination. Dave Dunn stated that he believes property owners should be able to use their property to the best advantage, Council needs to look at how to accommodate such uses, this type of use is not going away, and needs to be addressed. Jim Rice stated that additional information regarding how neighboring municipalities address this issue was just received and

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the members need an opportunity to review the information. It was the consensus of Council to allow McNees Law to provide some proposals to the Solicitor for review and that 215 North Decatur Street needs to continue to comply with the Zoning Officer's Enforcement Notice.

**2516 BOOK FLOWER LANE – STORMWATER EASEMENT REQUEST:** Dwight Miller, owner of 2516 Book Flower Lane, was in attendance and stated that due to a permitting error, it was discovered that his fence for his in-ground swimming pool was within the stormwater easement. Mr. Miller is requesting the fence be permitted to be installed over the stormwater easement to his property line because the yards are small and to allow full use of that side of the pool. If Council does not permit the fence to be within the stormwater easement, the fence would be only two feet away from the water edge on that side of the pool. There are three options: 1) Allow the fence to extend to the property line, 2) Allow the fence to only encroach five feet into the stormwater easement, and 3) Only allow the fence to the edge of the stormwater easement.

The Borough Engineer reviewed the request and stated that if the fence were installed encroaching only five feet into the stormwater easement that it will not interfere with the stormwater flows and that is the option they are recommending. If this option is chosen, Mr. Miller is agreeable to sign a legal agreement prepared by our Solicitor.

Dr. Andy Sellers, representing the neighboring property owner Brenda Aument who recently had back surgery, and her parents were in attendance and expressed his concern regarding the higher elevation of Book Flower Lane and reviewed the land layout in the area. He stated that he believed the stipulated 20 foot stormwater easement should be maintained because Brenda Aument's basement was flooded in the past and her insurance will not cover this type of water damage. He stated that she did install a berm and plantings since the flooding. Mr. Sellers added that if there is snow, slush or ice in the swale prior to a rain, the swale does fill up due to the blockage and they believe a fence blocking the easement puts her property at risk.

Mr. Miller stated that he measured his pool height today and the pool is lower than the swale and the water would go into his pool and his basement before it would go over the neighbor's berm. He also stated that if the Council granted them to encroach five feet into the easement that they would most likely install a rod iron fence instead of a privacy fence to be able to keep an eye on the kids playing in that area.

A motion was made by Jim Rice, seconded by Dave Dunn and passed unanimously to allow the fence to be installed encroaching five feet into the stormwater easement to the rear of 2516 Book Flower Lane with the condition that the property owners sign a legal agreement that will be prepared by the Borough Solicitor.

**MINUTES OF APRIL 11, 2017:** A motion was made by Ray Garraffa, seconded by Jim Rice and passed unanimously to approve the minutes of the April 11, 2017 meeting as printed.

### **REPORTS:**

**MAYOR** – Mayor Miller stated that he received compliments about how nice the town looks after the street sweeping. He also stated that he does receive questions about why the fall street sweeping is done before the leaves are down and the Borough Manager stated that the street sweeping equipment is not made to pick up that volume of leaves.

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**PRESIDENT** – President Chiodo stated that if an organization provides a written report to Council that the organization does not need to review the report at the meeting but rather respond to questions from Council. He also thanked Gail Anderson for the detailed information she provided regarding how other municipalities address Airbnb's.

**MANAGER** – The Borough Manager provided her written report dated May 5, 2017 and she added that she is following up with the Property Maintenance Inspector and Building Inspector to review the progress at 8-10 East Main Street. She also thanked Borough Council for allowing her to attend the PSAB Conference and announced that the Borough received an honorable mention award for the website and second place award for the newsletter. Mike Chiodo thanked all of the employees for their work on these projects that received awards.

**POLICE** – The Police Department's report for April 2017 received and accepted.

**PUBLIC WORKS** – The Public Works report for April 2017 was received and accepted.

**ZONING OFFICER** – The Zoning Officer's report for April 2017 was received and accepted.

**CONSENT AGENDA:** A motion was made by Will Hutchinson, seconded by Ray Garraffa and passed unanimously to approve the following items on the Consent Agenda:

PAYMENT OF BILLS IN THE AMOUNT OF \$619,450.62

HISTORICAL ARCHITECTURAL REVIEW BOARD CERTIFICATE OF  
APPROPRIATENESS – 115 WEST MAIN STREET

RESOLUTION 2017-3 OPPOSING ELIMINATION OF THE COMMUNITY  
DEVELOPMENT BLOCK GRANT PROGRAM

**UNFINISHED BUSINESS:** None.

### **NEW BUSINESS:**

#### **EPHRATA NATIONAL BANK FINAL PLAN – CONSIDERATION AND POSSIBLE APPROVAL OF WAIVERS & PLAN:**

Matt Sterchak and Robert O'Donnell, from Robert E. Lamb, Jim Brown and Adrienne Miller from Ephrata National Bank, and former property owner Stephen Smoker were in attendance and reviewed their plan and asked for conditional approval. He noted that they received recommendation for approval from the Lancaster County Conservation District, the Strasburg Borough Planning Commission, and is currently working on comments from the Borough Engineer and Borough Authority.

A motion was made by Ray Garraffa, seconded by Will Hutchinson and passed unanimously to grant the following waivers with regard to the Ephrata National Bank Strasburg Branch Preliminary/Final Land Development, Subdivision and Lot Add-On Plan, subject to the following: (i) Applicant shall accept and comply fully with the conditions of Preliminary/Final Land Development, Subdivision and Lot Add-On Plan approval in the form and content presented at this meeting and which are incorporated by reference in this Motion and as recommended by the Borough Planning Commission: Waiver of Section 301 of the Strasburg

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Borough Subdivision and Land Development Ordinance of 1995 and Waiver of Section 302 of the Strasburg Borough Stormwater Management Ordinance.

A motion was made by Ray Garraffa, seconded by Will Hutchinson and passed unanimously to grant conditional final approval of the Ephrata National Bank Strasburg Branch Preliminary/Final Land Development, Subdivision and Lot Add-On Plan, subject to the following: Applicant shall accept and comply fully with the conditions of Preliminary/Final Land Development, Subdivision and Lot Add-On Plan approval in the form and content presented at this meeting and which are incorporated by reference in this Motion and as recommended by the Borough Planning Commission.

A motion was made by Ray Garraffa, seconded by Will Hutchinson and passed unanimously that the President or Vice President of Borough Council be authorized to execute and acknowledge, if necessary, and that the Borough Secretary be authorized to attest all necessary and appropriate documents pertaining to the Ephrata National Bank Strasburg Branch Preliminary/Final Land Development, Subdivision and Lot Add-on Plan (the "Plan"), upon compliance with the conditions of Plan approval and upon such documents being in a form and content acceptable to the Borough Staff, the Borough Engineer, the Borough Solicitor and the Strasburg, Lancaster County, Borough Authority ("Authority") Solicitor, as applicable. I further move that the President or Vice President of Borough Council be authorized to execute and acknowledge and that the Borough Secretary be authorized to attest the Plan after the conditions of Plan approval have been satisfied and all documents are in an acceptable form and content. In the event any dispute or disagreement arises prior to the recording of the Plan between the Applicant, on the one hand, and the Borough Staff, the Borough Engineer, the Borough Solicitor and/or the Authority Solicitor, on the other hand, as to the requirements and documents pertaining to the Plan, any issue in dispute or disagreement must be submitted to Borough Council at least fourteen (14) business days before a regularly scheduled meeting of Borough Council for resolution by Borough Council.

**OTHER BUSINESS:** None.

**CITIZENS' COMMENTS:** Jim Kepiro asked if Airbnb's could be considered to be permitted in the R-2 Zoning District, as well as in other Zoning Districts.

**ADJOURNMENT:** A motion was made by Jim Rice, seconded by Bob Bennethum and passed unanimously to adjourn the meeting at 8:39 p.m.

Respectfully submitted,

Lisa M. Boyd  
Borough Manager