

Public Comments to Date 2/12/2024

Potential Eagles Mere Zoning Ordinance Change

1. This is a major change and eventually could have a major impact on the Borough.

In looking at ADU's for other townships (in New Jersey) the thought is that ADU's basically change single family zoning into two family zoning. Even if the ADU is for an extended family member, when the property sells it could be rented out to anyone by the new owner. The alternative is to put a deed restriction in place, but then it would have to be enforced on a regular basis. Please pass my comments on.

2. Thank you for the opportunity to comment on the proposed changes to the ordinance governing accessory buildings in the Borough. I assume any such dwellings would be subject to all of the existing rules of the Borough, including set backs, etc.

Two significant issues of concern related to the proposed changes are:

- Impact on our sewer system/water table. It is my understanding that lot size and dwelling restrictions were developed in the Borough to ensure wells could properly recharge and sewer could be properly processed. It's important to consider how these additional dwellings, which could function like an additional residence, would impact those processes. I understand we already struggle to balance our sewer system for the peaks and lulls in usage and wonder how additional dwellings with kitchens and bathrooms - outside of what is currently permitted - might impact that negatively. We don't necessarily want to have to pay to expand our sewer system so that residents can build guest houses on their properties.
- Rental issues. I am concerned about folks possibly building guest houses on their properties for the purpose of short and long term rental income. Are there already ordinances controlling short and long term rentals? If not, this is an important consideration when allowing this new type of dwelling. Without thoughtful consideration, this could change the character of the community.

I am not inherently opposed to the suggested modifications to the ordinance so long as all of the possible negative impacts are addressed. Thanks for your consideration.

3. In changing the Ordinance for ADU's how would this affect Sewer Hookups? Would there be an additional yearly sewer fee to the homeowner should they wish to have a garage apartment?

4. Thanks for your posting on the borough website. Here are a couple of comments.

Allowing full baths makes sense to me. This would be the same thing as adding a bedroom or two to an existing cottage, to accommodate more family/guests. There might have to be some restriction based on the size of the lot.

Allowing kitchens is totally different. This creates a separate, free-standing residential unit. No one who buys or inherits an EM cottage should ever assume that they can simply create multiple residences except by actual subdivision. Cottagers already have the option of renting out their property, and lately they can even do so (via VRBO etc.) for short periods. Enough is enough.

I wish you success—and you have my sympathy—as you deal with the issues this proposal raises!

5. I am really trying to understand how this proposed Ordinance will operate. I don't see it as a revision, it seems more like a complete redo and the old ordinance should simply be repealed and replaced with a new one.

Old Ordinance = No ADU's permitted

Revised Ordinance = ADU's permitted

6. Thank you for the opportunity to provide some feed back on the proposed ordinance change below. I have been an Eagles Mere summer or full time resident since 1980. Over this time, thankfully, I have seen very little changes in the Borough. As such I believe the ordinance should NOT be amended. Allowing multiple dwellings on a property to be inhabited as fully functional living spaces would not only decrease property values in the Borough; but also invites property owners to erect pod like structures or bring in trailers to be used as living quarters. I believe the founding fathers of Eagles Mere specifically crafted the original ordinance to restrict these types of dwellings.

What to do with the half dozen or so properties owners who violated the ordinance by constructing ADU dwellings; by adding full baths, kitchens and sleeping quarters. That's an easy solution – I know in some cases these property owners lied to the Borough Ordinance and or Zoning Officers by saying they only wanted a sink and toilet; and after approval was given, they modified their construction blueprints to add full baths, kitchens and sleeping quarters. I would propose that

these ordinance violators have their sewer hookups terminated. Or their occupancy permits should be revoked until they remove the sleeping quarters/ kitchens and or full baths. If they do not comply; then fines will commence, \$100 dollars a day, doubling every 30 days. They lied to the Borough Officers. In the absence to that, these property owners must pay a FULL 2nd sewer bill (and the EMA should be notified of a separate living space and a 2nd EMA membership should be required if the people in this separate dwelling want to use EMA property).

Moving forward stricter adherence to the original ordinance codes must be monitored by the Borough Council and EM Community at large. We all know who the violators are, it's not a secret because we live in a small community. We can't allow for property owners to make their own rules, for their benefit only.

Again, thank you for reviewing my concerns.

7. I am wondering if the meetings you reference in your announcement are open to the public. I am also wondering if they can be attended remotely via zoom, etc. I always think it is amazing when a potentially contentious topic comes up in the middle of the offseason when many people are not actively residing in the borough. I think this is VERY poor timing for most of the borough's tax base, and I wish you would consider postponing any action until, say, after the Fourth of July.

8. Comments & Questions – Eagles Mere Borough Ordinance #113 January 22, 2024

- What prompted Borough council to propose changes to this ordinance (ADV)?
 - Was it a resident request?
 - Was it a zoning permitting mistake?
 - Other?
- How does changing ADV affect the overall tax assessment for the entire property?
 - Will the proposed ADV change require changes to EM tax code?
 - What impact will a change have on the number of sewer unit(s) for an ADV property?
- Does the language "An accessory building" indicate only *one* ADV per property?
 - Could you have additional ADV's for a multifamily dwelling(s) compound?
- How would an ADV impact any zoning if rented short or long term?
- How would this change affect existing dock and or properties with lake rights?
- Does this ordinance change have any retroactivity?

It would be helpful to publish the entire current ordinance with the 2008 modification language.

"Added 6-5-1995 by Ord. No. 113; amended 8-4-2008 by Ord. No. 2008-01"

- What is the impact to a ADV for height, width, total square feet and setbacks if ordinance is changed?

9. The Committee and Council may benefit from considering the ordinance and associated rules adopted by Fairfax County, Virginia when it considered whether to allow "Accessory Living Units" within the County.

While Fairfax County has a much larger population than our town, the mix of large and small lots plus commercial/residential areas required similar considerations. A summary of the entire approach can be found at this website:

<https://www.fairfaxcounty.gov/planning-development/zoning/accessory-living-unit> whose highlights include:

- The ALU/ADU requires a permit. The application for a "general permit" must demonstrate that (a) the unit is contained within the primary existing structure (or its permissible building limits); (b) is limited to 800 square feet; and (c) contains no more than 2 bedrooms. Any proposal that varies from those rules requires a special permit.
- ALU/ADUs in related structures, like a garage, require that there be direct access between the principal dwelling and ALU through an interior space that is finished, temperature controlled, and fully enclosed.
- Either the ALU or the primary residence must be owner-occupied.
- A "detached" ALU/ADU requires a special permit and will only be allowed on lots that are larger than 2 acres. They are limited in size to 1200 square feet.

Unlike Eagles Mere, Fairfax County has a water treatment system and its water supply is rarely strained. Similarly, its sewer structures have mostly been built after 1940. Due to its sizable tax base and top bond rating, the County has been able to finance a program of replacing sewer lines laid at or after that period. I suspect that by this point, lines older than 1960 have been relaid.

Because Eagles Mere has different infrastructure and funding constraints, I can easily envision any change to this ordinance having concomitant changes to requirements for sewer permits and/or a demonstration of water pressure flow from wells before subsidiary structures are permitted. That said, the social value in permitting these "adaptive uses" is commendable and if an avenue can be found for a rule-change, the community would benefit from it.

10. Will there be any change to the allowable sf coverage of an accessory building?

11. Jason Dickinson
911 Coordinator
Deputy EMA Director
Sullivan County

Thank you for sending this email to my office for comments & concerns for the consideration of the ordinance change. My concern would be with addressing livable structures. With the addition of more livable structures on a parcel there would have to be consideration of being able to properly address each structure to the current NENA (national Emergency Number Assoc) guidelines.

I'm not sure what is considered "C-2 Commercial Districts" or where they are located so I'm not sure the area this would be affecting. But looking at the layout of addresses on most of the streets within the Borough we would run into a couple of potential addressing issues.

1. Depending on the access to an existing structure and a new livable structure we may have to consider naming the driveway to properly address the existing structure and the new structure.
2. If there are 3 or more addressable structures using the same access (driveway) then the access would need to be named to include additional roadway signage and the readdressing of the structures being affected.

With any change of address, a concern that 911 always has is the transition to using the new address and not "changing" to their new address. This is not an Eagles Mere issue, we have faced this all over the county.

If you would like to have a discussion in person about the concerns I see regarding addressing/911 I would gladly make myself available at any time.

Note: Jason will attend the 2/16 meeting ...

12. In changing the Ordinance for ADU's how would this affect Sewer Hookups? Would there be an additional yearly sewer fee to the homeowner should they wish to have a garage apartment?

13. I just read the posting regarding community input on the matter of separate accessory dwelling units on existing properties and would like to share a couple of thoughts.

I understand that there are a few borough property owners who have already built accessory dwelling units that violate existing ordinances. Wouldn't granting property owners the right to create full dwelling units apart from their homes simply bless those who are already in violation? Why hasn't the borough cracked down on those in clear violation?.

Also, there's no mention of lot size as a factor in these discussions. Nor is there discussion of a minimum or maximum accessory dwelling unit size. Giving property owners carte blanche to make their own decisions in these matters is taking us into dangerous territory.

Would there be any plans to tax these accessory dwelling units at a higher rate?

Finally, there's nothing broken about Eagles Mere. It is an idyllic community at all times of the year. The fact that a handful of self-interested homeowners have expressed a desire, outlined in the rationales already listed, to add such a unit to their property should not supersede the wishes of the majority of the community.

I think that leaving well enough alone should prevail with borough council. I hereby deputize you to convey the above thoughts to your fellow members when council next convenes for this discussion.

Many thanks. We appreciate your hard work on this to ensure that voices on all sides of the issue will be heard.

14. I support the above position in full and I thank you for your service to the community.

15. Kathryn,

Not sure why I received the accessory building email, since I have a summer home Laporte and a year-round home in Pitman, NJ.

However, since you asked, our Planning Board dealt with this issue in 2022 and we recommended that boro council tighten the regulations concerning accessory buildings, which we feared would become more than garages or sheds and morph into ADUs. Pitman is adjacent to Glassboro, home of the ever-expanding Rowan University, and Glassboro is becoming a town of rental houses. We did not want the problem to spread to Pitman, where people could turn their garages into living space for college students. We were concerned about potential parking problems, noise, overcrowding, etc. A potential problem in Eagles Mere is a property owner renting out an ADU potentially giving that family lake privileges.

Incidentally, rentals are becoming an increasing problem for Lake Mokoma Assn, as houses are being sold not as vacation homes but as money making rentals whose tenants have lake privileges, thereby changing the character of the lake. I would think Eagles Mere residents would be more interested in preserving the character of Eagles Mere than giving a few residents the ability to make a few extra bucks.

Pitman Council amended our zoning ordinance as follows: (We inserted the word "permanent" so as not to exclude the use of a garage for a weekend camp-out.)

35-1.5 DEFINITIONS

ACCESSORY BUILDING - An accessory building shall mean any free-standing permanent building subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building.

BUILDING – Shall- refer to any structure having a roof supported by walls or columns.

35-24.3 Accessory Buildings

An accessory building may be located in the required rear or side yard, provided that an accessory building in the side yard abutting a street must meet the front yard setback of dwellings facing the abutting street. An accessory building may not be less than five feet from any property line. No accessory building shall exceed 16 feet height, and the total floor area of all accessory buildings on a lot shall not exceed 750 square feet. An accessory building shall not be used to operate a business or as a permanent residence.

16. My sense is that there are several common themes beginning to surface in previous comments and I think they are worthy of consideration. First, the impact on the water supply. Thus far we seem to be in good shape. However, I know that when my family is here in the summer our water usage really goes up. We need to consider carefully the impact of the implications of the proposed change. Second, the sewage system. How will sewage bills be determined? Will enhanced use stress the system? Third, taxes. How will separate buildings be taxed? Fourth, 911 calls. How will separate buildings be clearly identified so first responders can get to the proper house? Fifth, how will people access any new structures? Will driveways become new roads? Will people need to seek easements?

These are questions that are not easily answered but I think they should be considered and resolved as best as possible, with the acknowledgement that there will be remaining ambiguities. And the answers are also somewhat dependent on how many structures are being talked about and the use to which they will be put. Again, an issue that will be hard to pin down.

My sense would be to reject the proposed amendment primarily based on the degree of uncertainty with respect to the difficult in gauging the impact of its acceptance. I also know that the economic well being of Eagles Mere depends on an increase in tourism as well as people who want to rent. Additionally problems are compounded by what I think is a rather clearly established fact that the summer season is now around six weeks as opposed to the previous eight weeks. This is already having an impact on staffing needs during the last two weeks of August and until Labor Day. Demographics and academic and sports schedules are having their impact and we also need to think of that as plans are made for the future well being of Eagles Mere.

17. After reviewing the public comments posted on the EM Borough web site, no one addressed the one aspect of this discussion that is most distressing in the following quote from the Borough.

"However, over the recent years, council has become aware of several accessory structures that have been built or converted to use in violation of the ordinance. And recently, several permits to do so have been approved in error."

It appears this is not a "new" topic. How did violations occur without penalty and how were permits approved in error? Can we define several?

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19. If I were the Ordinance Committee I would get working on a "lake watershed overlay" for the present zoning that would put environmental safeguards in place for every property that possibly drains into the lake.

Perhaps you consider tying this watershed overlay into the present issue - it is likely very few residents would like to see the lake front and watershed properties overbuilt with these accessory buildings. The proposed ordinance as written appears to have no geographic limitations whatsoever so lake front lots could build these as long as they maintain the minimal setbacks.

Here is some background on overlay districts from CO that you may find helpful:

<https://www.planningforhazards.com/overlay-zoning>

20. I am against the ordinance change. Part of Eagles Mere's beauty is grounded in the fact that not every inch of ground is covered in housing and we already have long standing, thoughtful zoning policy. Changes of this nature just invite further attack on well settled zoning policy. I see no compelling reason to start to build out garages and out buildings as potential living quarters. Do we really want hordes of renters looking for off price accommodation?

Another impact of this change is ramping up more Airbnb traffic, traffic that has created beach visitors' management and access issues. This traffic already is not uniformly paying beach fees and to some degree seems to lack the community attachment that prides all of us. There is plenty of accommodation in Eagles Mere currently with the Crestmont being put back in service and the Inn under utilized. I make my voice heard in opposition.

21. Thank you for your service to Eagles Mere. We are fortunate to have great community stewards and the issues you address, particularly around zoning must be very complex. Understandably, people might push the boundaries on occasion or a permit might be approved in error. These things happen and I appreciate you working to remedy this.

I have concerns about the proposed change for several reasons:

1. It seems that some people do push or ignore the zoning laws quite liberally when it is beneficial to them. Understandably, people will act in their self-interest, but I am very concerned about this as I rely on the Borough to enforce the zoning ordinances and am concerned about how “special arrangements” might affect my property.
2. Adding living quarters to an accessory building would not only be nice to have and increase property values, but it would also provide significant cash flow and tax benefits at relatively low incremental construction expense. Plenty of modern-day carriage houses are likely to be built in Eagles Mere if you pass this ordinance.
3. The result of multiple units like this may add to overcrowding at the lake and bring up complicated issues for the EMA. These units, if they found their way to the rental market, may hurt the Eagles Mere Inn and The Crestmont Guesthouse. Here’s an example: Rosemary Beach, FL is a space-constrained community. Many of the homes there have carriage houses that are available for rent separately or as part of the main home. Effectively, Eagles Mere would be moving toward a community whose rental market looks like [this](#).

Thoughts on potential questions for discussion:

Q: Should we continue to require the units to be attached to or within a current residence?

A: Probably so. People should have the ability to modify their homes as they see fit, provided they comply with zoning ordinances. Understandably, people may want to expand their homes on occasion, including the addition of a bedroom, gathering space, etc. The people who received these waivers or violated the ordinance have increased the value of their property and the assessment value should reflect that for tax purposes.

Q: If not, do we require they be attached to or above an accessory structure with a currently permitted use and one that must be retained?

A: That feels unfair to me. If I built a garage in a couple of years, I would not be able to do what those who acted in violation of the zoning ordinances or inappropriately received waivers have done.

Q: Are there size limits that should be put into place, similar to those in other historic or small resort communities, related to square footage and height, etc.?

A: Probably, but they should not be more restrictive than what has already been allowed to happen.

Q: Will this be defined as a conditional use?

A: This initially sounds like a reasonable approach, but it is arbitrary and likely to result in frustration. Many folks will have similar requests and it will be difficult to sift through them.

Q: Will use be limited to family or guests, with a required non-conversion clause?

A: I do not know how this would be enforceable by the Borough. It would likely be violated quite frequently and Eagles Mere does not seem to have the resources necessary to police this.

Q: Will use as a short or long-term rental be permitted and under what conditions?

A: I think you’d have to allow rentals. We make our home available in the rental market when we are not on the mountain. The accessory building would be, by definition, part of our home and should be available for rent separately or in combination with our primary dwelling.

22. I am not opposed to the proposed change provided there are conditions such as size or use restrictions, design restrictions that respect the character of the neighborhood or areas of historic meaning, and requirements that lessen the environmental or community services impact.

23. I am writing in response to the upcoming meeting on February 16th at the Borough Office re the proposed Accessory Building Ordinance. I do not see any benefit of this to anyone in Eagles Mere. The beach will be over crowded with people that forget to pay and who is going to supervise this. It will hurt the homeowners who rent out their homes presently. It will not help the Eagles Mere Inn which is not always full. There are enough rooms and houses available to rent and we do not want to overload the town with more so that our laurel path and Edgemere dock are too busy to be enjoyed. B