

January 13, 2016
7:00 PM

The regular meeting of the Monroe Township Planning Commission was called to order by Sheldon Brymesser. The Pledge of Allegiance was said by all. The meeting was turned over to Mr. Pykosh.

On the motion of Mr. Kuhl, and seconded by Mr. Page, and by unanimous vote of the members it was duly RESOLVED to select Sharon Nelson as Chairperson of the Planning Commission for 2016. Mr. DeNicholas abstained from voting. The meeting was turned over to Ms. Nelson.

On the motion of Ms. Nelson, and seconded by Mr. DeNicholas, and by unanimous vote of the members it was duly RESOLVED to select Sheldon Brymesser as Vice Chairman of the Planning Commission for 2016.

On the motion of Mr. DeNicholas, and seconded by Mr. Kuhl, and by unanimous vote of the members it was duly RESOLVED to select Gary Page as Secretary of the Planning Commission for 2016.

ATTENDANCE

Sharon Nelson, Chairperson	Mike Pykosh, Solicitor
Sheldon Brymesser, Vice-Chairman	Mark Bruening, Engineer
Gary Page, Secretary	Karen Lowery, Secretary
Dave DeNicholas	Greg Rogalski, Zoning Officer
Carl Kuhl	

MINUTES

Ms. Nelson asked that item number 4 in the minutes be verified to confirm if it was to be section 620 or 602. And there was one grammatical correction.

On the motion of Mr. DeNicholas, and seconded by Mr. Kuhl, and by unanimous vote of the members it was duly RESOLVED to approve the minutes of the December 2, 2015 regular meeting.

CORRESPONDENCE

On the motion of Mr. Kuhl, and seconded by Mr. DeNicholas, and by unanimous vote of the members it was duly RESOLVED to table the Subdivision and Land Development Ordinance Changes.

AUDIENCE PARTICIPATION

Ms. Nelson welcomed the audience and turned the meeting over to Mr. Pykosh.

UNFINISHED BUSINESS None

NEW BUSINESS

Ed Guido/Speranza Animal Rescue Conditional Use Application

Mr. Pykosh thanked the audience for the turnout and their input will be helpful in considering this Conditional Use application. Mr. Kuhl will recuse himself from the meeting since this matter will go before the Board of Supervisors in February.

Mr. Pykosh explained that a Conditional Use application was submitted. The Planning Commission reviews the matter and makes a recommendation to the Board of Supervisors after the applicant presents their case and audience comments are heard. The matter will then go before the Board of Supervisors.

Mr. Rogalski stated about two months ago he received a complaint regarding construction taking place at Mr. Guido's property. A letter was sent to Mr. Guido, who then invited Mr. Rogalski to the site. Mr. Rogalski performed an evaluation and determined that there was a kennel operation. Kennels are allowed in the agriculture zone if permitted by a Conditional Use hearing.

Ms. Nelson questioned why the use commenced before approval was obtained. Mr. Rogalski stated that if an approval is granted that would solve the issue. If approval is not granted, then enforcement steps could be taken. It would be in the best interest to try to resolve this matter.

Mr. Guido stated that he has lived at this location for 10 years and had obtained a special exception to have a horse farm where lessons were provided. One of Mr. Guido's daughters started to take in stray dogs. Mr. Guido contacted Mr. Rogalski at that time and was told a conditional use would be needed. Mr. Guido pointed out the definition of a kennel in the statute as being 2 or more animals being boarded, trained or treated and that there was a fee charged for this service. There are no fees being charged at Speranza. Speranza is staffed by volunteers, and there is a suggested adoption fee. Some of the neighbors saw the construction and had legitimate concerns, and he has had several meetings with these neighbors. Mr. Guido will submit to the Board of Supervisors petitions that have been circulating with approximately 5,500 signatures. He also filed a Zoning Hearing Board application, which has been put on hold since the Conditional Use application was submitted and is in the process.

Mr. Guido stated that the kennel has been in operation for 3 years and has saved 100's of dogs. In 2015 there were 78 dogs brought in to the kennel and 74 of those were adopted out. There are currently about 50 dogs on site.

Mr. Guido showed a property site plan that shows his property is 17.072 acres, Brandt Road is the only public road, and there is a 36 x 96 barn along with a floor plan of the barn. The dogs are in the southern end of the barn and there is an outdoor fenced play yard. The neighbors have complained about the barking noise when windows are open or the dogs are outside. Speranza has raised money to close in the barn, insulate the barn, install residential windows, and install a heat pump. The dogs can't be heard barking when inside the barn now. Mr. Guido has met with the neighbors and agreed to have only 10 dogs in the play yard at a time and they will insulate the play yard fence to absorb some of the noise. There were also concerns that most of the dogs are pit bulls and safety concerns about volunteers walking the dogs toward the bottom of the pasture near the homes along Brandt Road and a dog becoming loose. Mr. Guido explained that the leashes are a slip knot and the volunteers are trained on how to hold the leash. None of the dogs have gone off the property. They have agreed to walk the dogs no further south than where the property line steps in. These conditions that were agreed to with the neighbors were submitted to Mr. Rogalski.

Mr. Guido stated that the addition is to create a nicer area for the dogs that are now crowded. On the eastern side of the property there is an open field that is in agriculture preservation. And the closest neighbor is supportive.

Mr. Bruening provided a letter dated January 7, 2016 with his comments after reviewing the application. A few of these comments that were discussed included demonstrating there is adequate water available, demonstrating adequate sewerage is available and adequate off street parking. Mr. Guido responded by stating the well supplies the house and barn. There has never been an issue in the past 10 years with 20 horses or with 10 horses and 47 dogs. Mr. Guido stated that there is a porta potty. Mr. Bruening said portable facilities are not acceptable. Mr. Guido will need to contact the Sewage Enforcement Officer. As for the parking, Mr. Guido stated there are 20 spaces behind the barn. They do have special events throughout the year, but have agreed to limit it to 6 special events and the pasture is then used for parking.

Mr. Bruening also mentioned that a Land Development and/or Stormwater permit may be needed. Mr. Rogalski stated that his thoughts are a minor stormwater permit may be needed along with the building permits.

Mr. Guido stated that he is very proud of the work his daughter is doing. She takes the worst of the worst dogs that were thought to be non-adoptable, but they are rehabilitated. He added that the neighbors had legitimate concerns.

Mr. Rogalski provided a memo dated January 13, 2016 listing comments to the Conditional Use application and aerial views of the property. He feels number 6 is very important, which includes outdoor areas to be screened, outdoor areas to be enclosed, limit the number of animals, provide current licensing for operation of a kennel and limit the hours dogs can be outside. Mr. Rogalski added that there is a Barking Dog Ordinance 2011-04, which is independent of the Zoning Ordinance. If the conditional use is approved, and there is a barking issue in the future, the kennel would still need to comply or it could be enforced through the District Justice.

Mr. Brymesser what type of special events take place. Mr. Guido said there is an Easter egg hunt and a pumpkin fest. They are fundraisers.

Mr. Brymesser asked if there are horses and dogs currently on the property. Mr. Guido said yes.

Mr. Brymesser asked what the size of the addition will be. Mr. Guido said 20 x 38.

Mr. Brymesser asked if there was a minimum or maximum number of dogs on site. Mr. Guido said it was agreed with the neighbors to have a maximum of 50 dogs at one time.

Mr. Brymesser asked if any of these are dangerous dogs. Mr. Guido said that insurance prohibits them from having any dog that has been declared dangerous. If declared dangerous the dog would have to be gotten rid of.

Mr. DeNicholas asked what type of insulation is being installed. Mr. Guido said the insulation is being installed Friday using 31 rating on the ceiling and blown on the walls, which are 2 x 8's. The windows have been upgraded to residential windows.

Mr. DeNicholas asked about the fence height. Mr. Guido said they have learned through the process. They started with a 4 foot chain link fence and have upgraded to a 6 foot fence with no dogs getting out. The sound barrier fence will be 8 foot. And the gates are double latched.

Ms. Nelson stated that from Mr. Bruening and Mr. Rogalski's statements, her impression is that these issues need to be sorted out.

Mr. Rogalski added that there is not a noise ordinance, so it may be best to work out morning play yard hours. Mr. Guido and the neighbors seemed okay with play yard hours to be 7 AM to 9 PM.

Mr. Brymesser asked what breeds there are. Mr. Guido that they take all breeds of dogs, but most are pit bulls.

AUDIENCE PARTICIPATION

Kathy Stump, 1215 Peffer Road, lives behind the kennel and had no idea it was there until she got the letter. On two occasions prior to the rescue being there were pit bulls off of Guido's property. She was charged by a pit bull and her daughter was chased down the driveway by a pit bull. She has pictures of the dogs in her yard. She also added that 20 minutes of barking is a bit much. In the summer that is all you hear. She commends Speranza for what they are doing. Mr. DeNicholas ask how long ago this was. Mrs. Stump said 5 years. Mr. DeNicholas added that the barking issue should be mitigated by the HVAC upgrades.

Scott Schminky, 102 Fairway Drive, is a dog lover and volunteers at other animal services, and would like to offer his support. Speranza is a valuable asset to the local animal

community. He understands the concerns of the neighbors. He would hope that any restrictions placed would be minimal and not burden the rescue.

Janel Augsberger, 1288 Boiling Springs Road, believes pit bulls are dangerous dogs. She was brutally attacked 2 years ago on her property and in her home. She has nerve damage in her arm and leg. There is no question that they are vicious dogs whether rescued or not and there doesn't need to be a reason for them to attack. Her concern is for small children and fundraiser events. These dogs can jump fences and get away while on a leash. Mr. DeNicholas asked if the dog was found. She said yes, it was a rescued pit bull and was put down. Pit bulls have locking jaws with 1,200 pounds of pressure. Mr. Brymesser stated that he understands her concern, but dangerous dogs can be any breed.

Tim Augsberger, 1288 Boiling Springs Road, stated that statistics show pit bulls are the most attacking dog. They are the only dog with a locking jaw. He is aware of many instances where people were attacked by pit bulls.

Maria Hockenberry, 803 Genevieve Drive, volunteers at Speranza and has adopted 2 dogs from there and she has 2 young children. She has been bit by a beagle. The problem is the owner, not the dog, any dog can be trained. These dogs are rehabilitated to be placed in homes. The volunteers are trained how to hold the leash so the dog doesn't get away. And the volunteers teach the dogs to walk on leashes. The holiday fundraiser brought in \$27,000 for the rescue. It would look poor on the township to place all of these conditions and she feels the community would not respect what these conditions are doing. Please give Speranza a chance, it is a great organization.

Sharon Pearl, 1000A Otto Drive, has followed Speranza since they started. She has a pit bull mix and it is a wonderful dog. There are several breeds of dogs that are listed as highly likely for incidents to occur. Speranza is an asset to the community.

Carol Mowery, 1198 Park Place, she is not sure if they are good dogs or bad dogs, but she loves dogs and has followed Speranza on Facebook. There are many sad cases that are rehabilitated. They do miracle work and she supports the rescue.

Emily Bear, 929 Herman Drive, has been the volunteer coordinator for the past 3½ years, and she has also adopted and fosters pit bulls. Anyone interested in volunteering is sent a detailed email with an application. Volunteers need to be physically fit, are made aware of safety rules and responsibility level. There is an orientation where the rules and regulations are gone over in great detail. Mr. DeNicholas asked if she would be willing to submit this information. Mr. Rogalski said it could be submitted as evidence.

Christina Snyder, 347 Sanderson Drive, stated her family is the closest neighbor and they are outside all of the time and have never been bothered by the noise.

Mr. Rogalski explained the Planning Commission is a recommending body. There will be another public hearing. As part of the situation there will be a plan with documents.

Ms. Nelson asked if a recommendation for approval can be made with contingencies made on certain comments being satisfied. Mr. Rogalski said it would not be uncommon for the Planning Commission to make a recommendation with conditions and comments being addressed.

On the motion of Mr. DeNicholas, and seconded by Mr. Page, and by unanimous vote of the members it was duly RESOLVED to recommend approval of the Conditional Use application contingent upon meeting the conditions agreed upon with some of the neighbors, satisfying Mr. Rogalski's comments dated January 13, 2016 and Mr. Bruening's comments dated January 7, 2016, complying with Township ordinances and addressing all concerns.

Mr. DeNicholas stated this was a good discussion and appreciates everyone coming to the meeting.

STAFF COMMENTS

Mr. Brymesser mentioned that Steve Paulus was not reappointed to the Planning Commission. The Planning Commission appreciated having Steve on the Board and enjoyed working with him. Steve asked Mr. Brymesser to let the rest of the Board members and staff know that he appreciates each one of them working with him.

Mr. DeNicholas feels the same way, Steve will be missed.

Ms. Nelson agreed 100%. She enjoyed working with Steve and he did a very good job of keeping the meetings in order and was a valued voice of our team. She hopes to see him back at our meetings on the other side of the table.

Mr. Pykosh said that the Planning Commission will have another meeting before the Board of Supervisors hearing, so it will be a good idea for the Planning Commission to make sure the motion was made accurately.

ADJOURN

On the motion of Mr. Brymesser, and seconded by Mr. DeNicholas, and by unanimous vote of the members it was duly RESOLVED to adjourn the meeting at 8:50 PM.

Respectfully submitted,

Karen M. Lowery
Administrative Assistant

Conditions Agreed to between Speranza, Catalanos and Weilers;

1. No dogs will be walked farther south than the property line along the first two pastures in front of the south end of the barn. The dog walkers will use the opening between the cow pasture and the middle pasture to walk the dogs, making a left or right hand turn when they get to the bottom of the opening between those pasture.
2. Speranza will install an 8' high wooden privacy fence along that section of the play yard encompassed by the southern end of the barn. The fence will be placed on the south side of the play yard and extend from a point in line with the eastern end of the barn to a point in line with the western end on the barn. It will also extend up the western side of the play yard an additional 10 feet. Speranza will use its best efforts to design and construct the fence to maximize its efficiency as a sound barrier.
3. Speranza will not have more than 50 rescue dogs living on the premises at any one time.
4. Speranza will not have more than 10 volunteers on the property at any one time, except during special events, which will not exceed 6 per calendar year.
5. During the special events Speranza will advertise that parking is available on the municipal lot to the west of the property. However they can still park on our property if they wish.
6. No more than 10 dogs shall be out in the south play yard at any one time.
7. No more than 12 dogs may be out in all the play yards (east and south) at any one time.
8. No dogs will be out in the play yards after 9:00 p.m.
9. Violations of the terms and conditions shall be reported to the township zoning officer.
10. No dog will be allowed outside unless it is in a fenced in area or on a leash.
11. Neither the Weilers nor the Catalanos will object to the township granting the conditional use to Speranza by the township so long as the above conditions are imposed.