

# APPROVED

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## FRANKLIN TOWNSHIP PLANNING COMMISSION MEETING MINUTES November 5, 2015

**Call to Order:** Chairman Ralph Olivier called the meeting to order at 7:05 p.m. Present were Planning Commission members Chuck Phillips, John Gontarz and Dave Hoffman. Planning Commission member Mark Harris was absent. Also present were Township Mgr. Joan McVaugh, Township Engineer Pete Eisenbrown and Municipal Secretary Sharon Norris. There were 5 members of the public in attendance, including Supervisors Penny Schenk and Steffen Torres.

**Public Comment:** Mr. Dennis Soliday, a Township resident, inquired about Township regulations regarding kennels. Mr. Olivier advised him that kennels is on tonight's agenda.

### **Approval of Minutes:**

- a. October 1, 2015 Minutes: Dr. Hoffman moved, seconded by Mr. Gontarz, that the minutes of the October 1, 2015 meeting be approved as submitted to the Planning Commission. Motion passed 4-0.

### **Planning & Zoning**

#### a. Ordinance Revisions:

1. Chickens: Referencing the Prioritized Zoning Outline dated November 2015 on "Chickens", Township Engineer Eisenbrown reviewed the revisions that were made based on last month's discussion. There were no other comments or questions. The revised ordinance will be submitted to the Solicitor who will incorporate these changes into the proper Ordinance format for the Board's consideration at their November meeting.
2. Horses: Referencing the Prioritized Zoning Outline dated November 2015 on "Horses", Township Engineer Eisenbrown reviewed the final revisions. In reviewing #5 under Detailed Requirements, Mr. Phillips questioned why the ordinance specifically permits the option of conditional use approval for the keeping of more than 2 horses on a 3-acre lot but is not an option for all property owners who want to keep more horses than is permitted by their lot acreage. It was decided to revise #5 to say that property owners who desire to keep more horses than are permitted by their lot acreage may request conditional use approval from the Board. Mr. Olivier also asked that the ordinance clearly state that property owners with less than 3 acres who wish to have horses may request conditional use approval from the Board. Mr. Phillips also asked for clarification of #6 regarding "Horses shall be kept on subject property...under direct control...". It was decided to revise #6 as follows: "*Horses shall be confined, fenced, or under the direct control of an individual at all times.*" Mr. Eisenbrown and Mrs. McVaugh will refine the language for these revisions for review at next month's meeting.
3. Animal Related Definitions: Referencing the 9/24/15 version of animal related definitions, Mr. Olivier reviewed each of the suggested definitions and called for comments/questions on each, as follows:
  - *Livestock:* No revisions.
  - *Pets, household indoor:* No revisions.
  - *Pets, household outdoor:* Mr. Olivier suggested that the definition be revised as follows: - *domestic animals that may normally be considered as livestock and mainly reside outside, except that they are not being raised for resale, and are generally kept for pleasure. (excluding dogs).* It was later agreed that dogs have to be included as outdoor pets if they

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are to be allowed as pets in the Township. After a long discussion, Mr. Olivier asked Mr. Eisenbrown to write one definition of Pets covering both indoor and outdoor and taking into consideration all of the concerns mentioned in tonight's discussion. He asked Mrs. McVaugh to check with the solicitor regarding whether there is a legal reason requiring separate definitions.

- *Agriculture*: The Solicitor has approved this definition.
  - *Equestrian use*: No additional revisions.
  - *Stable and Commercial Stable*: Eliminated.
  - *Shelter for outdoor pets*: Delete "outdoor", change "*stick built*" to "*site built*" and delete "*chicken tractors, etc.*" from the parenthetical phrase.
  - *Manure storage area*: No revisions
  - *Manure storage structure*: No revisions
  - *Exotic pet*: Mr. Eisenbrown will research the state regulations in relation to keeping exotic pets.
  - *Kennel*: There were no revisions to the definition of *Kennel*. The definition of *Commercial Kennel* was deleted. There was significant discussion among the Planning Commission members, with input from two residents, Dennis Soliday and Sheryl Mariani, as well as Supervisor Penny Schenk, regarding the definition of a Kennel. Mr. Soliday expressed concern regarding his personal situation involving a neighbor who has 10 dogs that create a disturbance because of their barking and crowding the fence, every time someone comes into his driveway. He inquired whether the definition of Kennel would include his neighbor's dogs and if so, what could be done about the disturbance they cause. After the discussion, Supervisor Schenk expressed that nothing that was discussed covered Mr. Soliday's situation. The decision was to have Mr. Eisenbrown revise the definition of "Kennel" based on the PA State Kennel Provisions, for review at next month's meeting. Due to the momentum from this discussion, Mr. Olivier suggested postponing the discussion on the "Keeping of Pets" (the next agenda item) and moving on to the discussion of Mr. Eisenbrown's draft of the guidelines for the Zoning Ordinance regarding Kennels.
4. Zoning Ordinance – Kennels - Mr. Eisenbrown's draft dated 9/24/15:
- Suggested text
    1. No revisions.
    2. Deleted.
    3. Deleted.
    4. Any portion of the kennel structure that houses dogs shall be at least (tbd) ft. from any property line. The number of feet will be a calculation based on how quickly sound deteriorates over distance.
    5. Deleted.
    6. Revise the 2<sup>nd</sup> sentence as follows: The indoor area shall allow controlled passage to an attached outdoor run/exercise area.
    7. Each dog shall be provided with an outdoor run/exercise area that meets the following minimum criteria:
      - Delete "roofed".
      - Fenced with a 6' fence.
      - Located (tbd) ft. from any property line, screened with evergreen screening on all sides,...at the time of the installation.

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At this point, Supervisor Schenk reverted back to the definition of “Kennel” and expressed concern that the language in this ordinance seems to apply more to a commercial situation such as at a veterinary office or shelter, and not the type situation that might be found in the Township. Her opinion is that Mr. Soliday’s neighbor’s dogs are pets and do not meet any of the criteria for a kennel and therefore this ordinance would not apply to his situation. Mr. Olivier stated that he believes the neighbor’s dogs meet the definition of a breeding kennel, which is part of the definition of a kennel. Mrs. McVaugh read from the state definitions of a “commercial kennel” as the selling or transfer of more than 60 dogs/calendar year, and their definition of a “kennel” as an establishment where at least 26 dogs are kept or transferred in a calendar year. They define a “private kennel” as a non-commercial kennel for dogs bred by the owner for the purpose of hunting, trapping and exhibiting at dog shows.

8. No revisions.
9. Deleted.
10. Leave in for the time being.
11. Deleted since the Conditional Use will determine the maximum number of dogs.

Mr. Eisenbrown will make revisions to the draft ordinance based on tonight’s discussion for review at the next Planning Commission meeting.

**Public Comment:** There was no public comment

**Adjourn:** The meeting was adjourned at 10:00 p.m.

Respectfully submitted,

*John Gontarz*

John Gontarz  
Planning Commission Secretary

PC Mtg. 11.05.15.v.2.er