

COLERAIN TOWNSHIP ZONING HEARING BOARD MINUTES  
Luke & Kelsey Hershey Case 2022-09  
September 7, 2022 at 7:00 P.M.

Members present were: Bob Stanley, Chairman, Doug Eaby, Vice-Chairman, Tammy Rineer, Member, and Sara Hodgkiss, Alternate. Josele Cleary, Zoning Hearing Board Solicitor was present as well as Rhonda Adams, Court Reporter. Rhonda can be reached at 717-468-6250. A listing of others in attendance will be kept on file.

Ms. Cleary announced the hearing by reading the notice and asked the applicant to step forward. Recognizing the Hershey's had council present Ms. Cleary asked Attorney Douglas Lehman to announce his name and spell it.

Ms. Cleary asked if anyone wished to be recognized as a party for this application. No one stepped forward.

Mr. Lehman introduced his three witness which were Luke and Kelsey Hershey as well as their veterinarian Dr. Douglas Wagner. All three were sworn in.

Mr. Lehman examined Kelsey Hershey by asking many questions regarding her address, what her request was from the Board, acreage of the property, current use of the property, zoning district, confirmation she has received Ag Preserve Board approval for the proposed dog kennel, the name of the current kennel which is Rocky Haven Dog Kennel and how it is licensed, all aspects of their breeding, selling, and marketing practices, all aspects of the state requirements license they are seeking from the state which is a CK4, Veterinarian care under the current K2 license and the desired CK4 license, impervious coverage, many details concerning the proposed kennel area which is proposed to be built inside an existing building, building code compliance as well as many details concerning maintenance of the kennel area.

For the Variance part of the request Mrs. Hershey answered many questions related to the acreage of the property, setbacks from nearest neighbors, length of property in miles, and the setback of proposed building from the roadway. Ms. Hershey also read the Intents and Purposes of the Kennel section of the Zoning Ordinance which reflects the purpose of the 500' setback and her belief that the request would honor the intents and purposes. Ms. Hershey also explained that because the road cuts the property in half; a unique hardship is created that others in the same Zoning District may not have. Mrs. Hershey also explained that there is no other place on the property to locate the kennel.

For the Special Exception part of the request Mrs. Hershey answered questions regarding number of dogs in current kennel, types of breeds, licensing of proposed new kennel, types of breeds, for new kennel, how many puppies under the new license, how they came up with the amount of requested adult dogs which is for the health and safety of the dogs, why they chose this ag-related business over others after two years of research and planning, available parking for customers, her opinion that the proposed kennel would not adversely affect the neighborhood due to the size of the property, traffic nuisance if any, preserving the character of the neighborhood.

At this time, Ms. Cleary opened up questions from the Board.

Bob Stanley asked about Exhibit A which is the farm lease and if it was the current lease. Mrs., Hershey confirmed it was.

Ms. Cleary asked if there was a Manure Management plan for the farm and Mrs. Hershey confirmed there was.

At this time Ms. Cleary opened up questions from the audience. Lynn Swisher stepped forward and asked about the emergency plan if any in case of an outage. Mrs. Hershey explained they would be required to have a generator and an emergency backup plan in place before getting approved for the CK4 license.

Sara Hodgkiss asked Mrs. Hershey to explain further about the process for the emergency plan. Ms. Hodgkiss also Mrs. Hershey to explain the difference in number of dogs from the K2 and CK4 licenses and she did.

Mr. Lehman called Dr. Wagner as his witness. Dr. Wagner answered many questions related to his occupation and licensing, how long he has been caring for the Hershey's puppies, the Best Maintenance Practices, laws, and differences under the PA Law for the K2 as well as the desired CK4 license.

Tammy Rineer questioned the practice of spreading dog feces on the fields; Dr. Wagner explained that dog feces is as safe as cow or pig manure for the purposes of spreading.

No one from the audience wished to question Dr. Wagner.

Sara Hodgkiss asked Dr. Wagner about his specialty is and he stated his company is Canine Reproductive Specialty Services. She also asked what the expected death rate for the dogs. Mr. Wagner reported that the adult rate would be less than 1% and the puppies less than 3%. He went on to explain the PA Dog Laws and how they address a more than 3% death rate in puppies as well as what may happen to a licensee if they fail to meet the Pa Dog Law standards. Ms. Hodgkiss also expressed her concern over the lack of inspectors for dog kennels. Dr. Wagner explained that the unlicensed kennels are the issue not licensed kennels and lastly upon questioning from Ms. Hodgkiss he explained that he would not be able to confirm how Colerain Township would be notified if a kennel owner was in violation or lost their license.

Ms. Cleary asked the audience if they had any questions for Dr. Wagner since there was further testimony. There were none.

Mr. Lehman announced he had no further witnesses.

Ms. Cleary asked if anyone in the audience wished to give testimony; seeing none she recommended the Board close the record.

A motion was made by Doug Eaby and seconded by Tammy Rineer to close testimony. The vote was unanimous.

Doug Eaby expressed his opinion that the applicant did an excellent job covered all bases and that the applicants have no control over the road dividing the property and that he would be willing to approve it.

A motion was made by Doug Eaby and seconded by Tammy Rineer to grant the application subject to the conditions read by Ms. Cleary and are written below. The vote was unanimous

Applicant shall at all times maintain a kennel license from the PA. Dept. of Agriculture

Applicant at all times shall have a Manure Management Plan and shall implement the Manure Management Plan

Applicant shall not construct any new buildings for the use in the kennel operation

Applicant shall show puppies only by appointment

Applicant shall not have any retail sales hours

Applicant shall obtain all permits and approvals required for the building.

Applicant shall adhere to the testimony that any violation of these conditions shall be considered a violation of the Zoning Ordinance and will be subject to all penalties, remedies of the PA Municipalities Code.

These conditions are binding on the applicant, landowners and, and successor owners of the property.

This hearing was immediately followed by the Case 2022-10 Edward McDonald at 8:16.

Respectfully Submitted,

Carmen B. Wiker, Asst. Zoning Hearing Board Secretary