

WARRINGTON TOWNSHIP  
Minutes of a Regular Meeting of the Township Planning Commission  
Held, pursuant to due notice, in the Municipal Building  
3345 Rosstown Road, Wellsville, PA 17365  
Wednesday, May 24, 2017, 7:00 PM

Presiding: Mr. Richard Bensel, Chairman  
Members Present: Mr. Dwight Foster - absent  
Mrs. Marilyn Grafton  
Mr. Len Kotz  
Mrs. Carla Repman

Staff Present: Attorney Peter Haldeman, Solicitor  
Mr. Terry Myers, Township Engineer  
Mr. Michael Gasswint, Zoning and Permit Officer  
Rebecca Bradshaw, Township Secretary

The meeting was opened with the Pledge to the Flag.

Minutes. Motion was made by Mr. Kotz and seconded by Mrs. Repman to approve the minutes of the April 26, 2017 meeting. Motion carried.

SUBDIVISIONS/LAND DEVELOPMENT PLANS

None

ZONING HEARINGS

2017-001 - Martin Petratos, Kunkles Mill Road. Mr. Petratos presented an application requesting that four parcels he owns along Kunkles Mill Road can be reconfigured into two lots that will contain a lesser nonformity to the Township Zoning Ordinance.

- #1 – 910 Kunkles Mill – MF-120 1.2 acres
- #2 – 920 Kunkles Mill – MF121 1.4 acres
- #3 – 908 Kunkles Mill – MF-119 0.3 acres
- #4 – 908R Kunkles Mill – MF120A 0.15 acres

Lot #1 has a small amount of public road frontage and Lot #2 has a large amount of road frontage. Mr. Petratos would like to combine Lots #3 and #4 both of which are vacant land with Lot #1 and provide frontage to a private road access for the remaining Lots #1 and #2. The driveway for Lot #2 currently accesses the private road. Both Lots 1 and 2 each contain a single family dwelling. The lots are nonconforming to numerous zoning regulations and a Zoning Hearing is required.

Motion was made by Mr. Kotz and seconded by Mr. Bensel to report to the Zoning Board that they recommend approval of the application that is requesting a variance to Section 303.e) and f) regarding lot size and lot width, Section 416 regarding division of built on lots and to Section 421.a) regarding the requirement to test for and secure a replacement area for sewage disposal. Motion carried unanimously.

2017-002 - Greg Ryder, Charlene Shank 7100 Bull Road, for property owned by Joan Barrett and Christopher Mahoney, 200 Boring Bridge Road, Lewisberry. The applicants are requesting an interpretation of definitions in Section 203 of the Township Zoning Ordinance to include: Domestic Pets; Dwelling; Agriculture; Kennel; Keeping of livestock, small animals, and/or poultry and an interpretation of the requirements of Section 727 discussing kennel requirements an interpretation of the requirements of Section 802(a) regarding administration of Ordinance in accordance with its literal terms, etc. The applicants were represented by Attorney Amanda Dubbs.

The Planning Commission discussed the six requests for interpretation as follows:

Interpretation #1- Does the Ordinance provide that domestic pets are permitted to reside on the property prior to the existence of a dwelling unit? The Planning Commission response is that domestic pets are permitted by right in every zone as an accessory use to a dwelling unit. The Ordinance defines accessory use as a use customarily incidental and subordinate to the principal use, building or structure and located on the same lot with this principal use, building or structure. Therefore, domestic pets are not permitted to reside on the property prior to the existence of a dwelling unit on the property.

Interpretation #2 – Does the Ordinance provide that agricultural buildings are to be used as kennels when in fact a kennel is specifically excluded from the definition of agriculture? The Planning Commission said a kennel is not considered agriculture and the permits do say agricultural use.

Interpretation #3 – How does the definition of a kennel establish whether or not a kennel is for profit or non-profit? The Planning Commission was told by the property owner that the kennel is non-commercial and non-income producing in any way.

Interpretation #4 – Is a kennel permitted within the Conservation Zone without an application for use by special exception? The Planning Commission said a kennel is a use by special exception in the Conservation Zone.

Interpretation #5 – Do the requirements of Section 727 for a kennel need to be followed and enforced by the Zoning Officer for this property? The Planning Commission said that the definition of kennel does not appropriate for this property so there is no enforcement necessary by the Zoning Officer.

Interpretation #6 – (a) In accordance with Section 802, is the Zoning Officer required to administer the Warrington Township Zoning Ordinance in accordance with its literal terms? The Planning Commission said yes. (b) Does the Zoning Officer have the power to permit any construction or any use or change of use which does not conform to the Warrington Township Zoning Ordinance? The Planning Commission said the Zoning Officer does have the power to issue a change of use if it conforms to the Township Zoning Ordinance.

Mr. Bensel said the kennel is non-profit and is used to store pets. The kennel building was constructed prior to the principal use of a dwelling unit but that has since been corrected. Motion was made by Mr. Bensel and seconded by Mrs. Repman to submit a report with the Planning Commission's answers to the six interpretation requests. Motion carried with Mr. Kotz opposing.

Mr. Kotz said his reason to oppose is that once it was determined that the building was not a kennel the remaining requests became irrelevant.

ADJOURNMENT

Motion was made by Mr. Bensel to adjourn the meeting. Mrs. Repman seconded.  
Motion carried.

The meeting was adjourned at 8:55 PM.

Rebecca Bradshaw  
Township Secretary