

**WEST DEER TOWNSHIP PLANNING COMMISSION  
FEBRUARY 25, 2016**

Mark Schmidt called the Meeting to order with the following members in attendance: John Butala, Kathy Rojik, Robert Bechtold, and Tim Phelps

Absent Member(s): Adam Woods and Ted Gall

Other Attendees: Scott Shoup, Shoup Engineering  
William Payne, Code Enforcement Officer

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Minutes from January 28, 2016 were submitted and stand approved.

**WORKSHOP:** Workshop Meeting was not conducted as there were no sign-ups or presenters.

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**AGENDA MEETING**

**Paw Luvers (6 McIntyre Road) Conditional Use**

*(Represented by Emily Murphy, Nicole Papale, and Dave Turner)*

Property zoned SU – Special Use. Conditional Use for boarding/kennel/dog day care facility.

Mr. Shoup distributed the conditional use standards from Zoning Ordinance #394 outlining the requirements for a kennel. All requirements have been met by the applicant and the board was assured by Ms. Papale that an opaque fence will be installed in back of building.

A discussion was held with Mr. Turner (owner of building) regarding the property line. Property is split between West Deer Township and Richland Township. Mr. Turner supplied a survey of the property which shows the entire building being located in West Deer Township. The driveway off of McIntyre Road and a section of grass are located in Richland Township.

Mr. William Thornton, engineer in acoustics vibrations & noise control, submitted a letter dated Feb. 19, 2016 stating that he has reviewed the facility and finds that the sounds of dogs will not be an issue for the facility. Per letter, the outside fenced area will be sheltered by the large block building located next door. If sounds are emitted by the dogs, the combination of distance and the acoustical barrier effects of the building should reduce sounds to acceptable levels on the adjoining housing plan located on Dawn Road. Mr. Butala did question if any measurements of noise was taken. Mr. Thornton responded that he did not obtain any measurements.

Mr. Schmidt listed the requirements of the standards as:

- Applicants to install opaque fencing,
- Kennel to be licensed by the State,
- No dogs to run loose on property,
- Periodic inspections with 48 hour notice by the Zoning Officer,
- If the Township receives any complaints throughout the year, the applicant could come back to the board to address issues.

Mr. Payne commented that he spoke with the state dog warden regarding the applicant's present place on Route 8 and reported that there are no complaints for this establishment and they are in good standing with their kennel license.

Mr. Bechtold also wanted the applicant to address any issues outlined in the Fire Chief letter dated Feb. 9, 2016. Fire Chief Josh Wiegand met with the kennel owner and building owner to discuss fire code and safety requirements. Applicant to meet all seven issues of letter and have a final inspection from the Fire Chief.

First motion to **RECOMMEND APPROVAL for the Conditional Use** by Mr. Phelps and second motion by Mr. Bechtold subject to:

- Complying with the recommendations from Fire Chief Josh Wiegand's letter dated Feb. 9, 2016,
- Meet the conditions set forth in Zoning Ordinance #394, Section 23.4.21.C in regards to the opaque fencing,
- Dogs to be limited outside between the hours of 7:00 am to 7:00 pm, and
- If any complaints arise with the kennel operation, it is up to Mr. Payne's discretion to take the matter before the Board.

Voting was unanimous.

*The following portion of the meeting was conducted by Mr. John Butala.*

**Albert Eiler Site Plan (4551 Gibsonia Road)**

*(Represented by Chris Schmidt, Hampton Technical Associates)*

Property zoned SU-Special Use. Mr. Schmidt explained that Mr. Eiler's original building to house a training/recreational facility has been approved and this site plan is to include three (3) additional commercial buildings on property. First proposed building (3,000 sq.ft.) will be designated for a restaurant and the other two buildings are for future proposals.

Mr. Shoup submitted his review letter dated Feb. 25, 2016 and Mr. Schmidt supplied his comment letter also dated Feb. 25, 2016. Mr. Shoup did clarify that the lot consolidation plan submitted with this site plan only needs to be approved and signed by the Township Manager. Therefore the signature line on the drawing needs to be corrected.

Mr. Shoup stressed that the future buildings should meet the following conditions. If not, the proposed use would require review by the Planning Commission and approval of the Board of Supervisors. Condition to meet are: use must be permitted within the SU zone, parking and loading to be compliant with the ordinances, and the use must be complimentary to the fitness center and restaurant as determined by the Zoning Officer.

Parking and driveways that are proposed where questioned as to when they will be built. Mr. Schmidt explained parking facilities for building 1 (training facility) will be constructed at this time. This needed to be delineated on plan. Mr. Shoup did question the approved 20 foot side yard variance granted in 2015 when property was to house only the training facility. Was uncertain if variance would still stand as property was increased (lot consolidation plan). Mr. Payne stated that the variance stays with the property, therefore variance is good.

First motion by Mr. Phelps and second motion by Mr. Bechtold to **RECOMMEND APPROVAL** of the Albert Eiler Site Plan subject to addressing all points of the engineering review letter dated Feb. 25, 2016.

Voting was unanimous with Mr. Mark Schmidt abstaining.