

**HALFMOON TOWNSHIP**  
**Planning Commission Meeting**  
**May 7, 2013 7:00 pm**

Present: Danelle Del Corso, Bob Eberhart, Jordan Finkelstein, Lorin Nauman, John Stevens  
Absent: Sam Evans, Allen Wilson  
Others present: D. J. Liggett, CRPA; Susan Steele, Township Manager; Kathleen Yurchak, Township Solicitor; Melissa Gartner, recording secretary

**1. Call To Order**

Chair Ms. Del Corso called the meeting to order at 7:02 p.m.

**2. Citizen Comments**

None.

**3. Approval of April 16, 2013 Minutes**

Mr. Eberhart asked to have the word “will” changed to “may” in his OSB Update. Motion. Mr. Nauman moved to approve the minutes of April 16, 2013 with that change. Mr. Stevens seconded. Vote: 5-0.

**4. Reports**

a. BOS Update

Ms. Steele reported that the BOS met on April 25. They have discussed the shared driveways ordinance and are finalizing the draft, with a public hearing set for May 23. The yield plan has been tabled until the PC works on the Agriculture Zoning District regulations. The fire regulations will be reviewed at a work session with the Port Matilda Fire Company during the first BOS meeting in June.

b. Zoning Officer’s Report

Ms. Steele reported that Mr. Piper has received many building applications. The entire Orchard Manor development has been sold and construction is beginning on at least one home. Also, two or three lots have been sold in Trotter Farm.

c. CRPC Update

Ms. Del Corso said the CRPC had a joint meeting with the TLU Committee on May 6. They are still finalizing and reviewing the Comprehensive Plan elements, and preparing for the upcoming public hearing.

d. Open Space Board Update

Mr. Eberhart reported the OSB met on May 1 and began to look at the four items they were tasked with by the BOS. The first item is to ensure that, in any future agreements written by the OSB with land owners, the terms of the contract or

lease are superior to any existing mortgage. The OSB made a few suggestions and Ms. Steele drafted a white paper, which she submitted to Mr. Joe Tylka on May 5. He will review it and hopefully the OSB will approve it at their next meeting. There was also a discussion of developing a spreadsheet showing where the Township expects to be in 30 years. Ms. Steele explained the current model uses the present value; the proposed model would use or estimate a future value. Mr. Eberhart said the OSB will also revise the property rating system and make it more rigorous.

## **5. Draft Official Map Amendment**

Ms. Steele summarized that the BOS decided the un-opened Township right-of-way between Shanelly Drive and Lutz Lane should be taken off the Official Map as part of the walking trail system. She said the PC's recommendation for removal is a formality, since it will be done anyway. Mr. Stevens said he did not approve the removal, because this link is a convenient shortcut for all of the residents who walk or jog along the Shanelly Loop. Ms. Del Corso said if the PC felt strongly about this, members should vote nay even if the BOS takes a different action. She added that the PC spent time on this trail concept and decided as a group that this segment made sense; if the PC did not recommend removal, then a vote reflecting that would put the PC's disapproval on record.

Motion. Mr. Stevens moved to recommend the BOS retain the right-of-way connecting Shanelly Drive and Lutz Lane as part of the public use trail system on the Official Map. Mr. Finkelstein seconded. Vote: 5-0.

## **6. Kennels as a Permitted Use**

Ms. Kathleen Yurchak, Township Solicitor, summarized that one of the issues that arose as a result of the Houtz zoning situation was because the Nittany Greyhound Rescue is located in the A-1 zoning district. However, kennels are not listed as a permitted use in A-1, and are not specifically permitted anywhere in the Township.

Ms. Liggett reported that other municipalities (Ferguson, Harris, and Patton Townships) classify kennels as a permitted agricultural use. Ms. Yurchak suggested listing kennels as a limited commercial use within the A-1 district. Ms. Liggett wondered whether if kennels are listed as a limited commercial use, does it mean it must be a commercial kennel, and if so, are there any other kinds of kennels that should be anticipated?

Ms. Steele said that currently the Township has two definitions for kennel, which also adds to the confusion. In the General Zoning Regulations, kennel is defined as keeping 4 or more dogs of ages 6 months or more. There is also a definition in the Village Zoning District regulations, which breaks the definition down into commercial and non-commercial kennels. Ms. Steele said that keeping the level at 4 dogs is probably not prudent, since some residents own 6-8 dogs and should not be classified as having a kennel.

Ms. Yurchak said it was simple to differentiate between commercial and non-commercial: If you charge a fee, it's commercial. If you don't charge a fee, it is non-commercial. Mr. Eberhart asked why it must be differentiated.

Ms. Yurchak said that Nittany Greyhound is a good example. They board rescued greyhounds until someone comes to adopt them, but charge no fee. However, they also run a greyhound operation as a commercial enterprise and charge fees. They do have a state license for the commercial part of their business. Ms. Yurchak explained that this is an issue across the state, since non-profit rescue shelters and commercial kennels both exist in Pennsylvania.

Ms. Liggett asked the PC to consider whether they wanted kennels to be permitted in the A-1 district or to limit them to the limited commercial uses within the A-1 district. She explained that the intent of the limited commercial district is to utilize existing agricultural structures. If a resident wanted to build a new structure for a kennel, the use would not be allowed as a limited commercial enterprise. Ms. Steele explained that Ms. Yurchak recommended changing that part of the regulation.

Ms. Del Corso summarized that the PC needed to:

- refine the definition of kennel,
- decide if kennels should be permitted under A-1 or limited commercial in A-1, and if the PC chose limited commercial,
- decide if it wanted to keep the requirement of reusing existing structures or strike that language from the regulation.

Ms. Del Corso read the definitions from the other Centre Region municipalities. College Township defines animal kennel as a place where domestic animals, such as cats and dogs, are trained and/or boarded. Ferguson Township defines kennel as any facility in which 6 or more animals are kept or boarded for the purpose of breeding and/or selling. Training and grooming of such animals may also take place.

Ms. Yurchak explained that in the case of the greyhound situation, they could not meet the definition of kennel for the rescue portion of their business. Instead, that would have been classified as a home occupation. Ms. Yurchak explained that they would not be a kennel unless they were charging a fee. However, the Zoning Hearing Board asked the Township to re-examine its zoning regulations because it felt this kennel was a commercial operation.

Members then discussed the current Township definition and the option of adding a minimum or maximum number of animals. Mr. Nauman said that the state classifies rescue networks and non-profit kennels, and requires a license for both. Also, a Class 1 kennel license limits a facility to a maximum of 50 dogs per year. The fees increase annually according to the number of dogs.

Ms. Steele asked about the Halfmoon Valley Animal Hospital's boarding program. Members discussed that they do not board animals, except as part of the veterinary service; not as vacation care. Ms. Liggett noted that the veterinary clinic was permitted in the A-1 zoning district as a conditional use. Ms. Yurchak suggested specifying dogs and cats, instead of animals. Members did not want larger animals, like horses, to be eligible for kennel boarding.

Members agreed upon the following revised definition:

**Kennel:** A facility for the boarding, breeding, grooming, sale, or training of dogs and/or cats, for which a fee is charged.

The next discussion concerned whether kennels should fall under A-1 or limited commercial in the A-1. In A-1, limited commercial uses are specified and can only be located in farm structures for which the original agricultural intent may no longer be viable.

Ms. Liggett and Ms. Yurchak read the agricultural definition for A-1: "Agricultural uses related to the tilling of the land, the raising of farm products, the raising and keeping of livestock and poultry, including the sale of farm products produced on the premises." Then the new definition of kennel would be inserted under General Agriculture. This means someone could put a kennel anywhere in the Ag District in any new or existing physical structure.

Ms. Liggett asked if the PC wanted to specify a lot size for kennels. Mr. Nauman asked if someone had a licensed kennel, would a separate septic system be required. Ms. Steele said that if the Township does not limit the number of cattle or chickens, why would you limit the number of dogs?

Ms. Del Corso summarized that the PC decided on a definition for kennel, and "the operation of kennels" language will be added under the General Agriculture Uses in the regulations.

Then, Ms. Steele read Ms. Yurchak's suggested change to the regulation for limited commercial uses in A-1: "There shall be permitted in the Ag district some limited commercial uses of farm structures for which the original ag intent may no longer be a viable option." Ms. Steele said that as time passes, it will become more difficult to remember what a structure's original purpose was. Also, if a new business wanted to grow but was classified as limited commercial in the Ag District, it could not expand beyond the original buildings.

Ms. Liggett said there are uses on the list of limited use that may not be appropriate for an ag district. Limited agricultural use was not intended to expand commercial activities, but rather to encourage residents to use the existing structures rather than tearing them down. Ms. Steele said that the future agriculture residents are not moving to the Township for true farming, but for horse farms, vineyards, etc.

Ms. Liggett offered to provide a copy of the limited commercial section of the A-1 zoning district. Ms. Del Corso also offered a suggestion that perhaps the Township might need its own commercial zoning district and then these uses that are in the limited commercial regulations could be placed there. Ms. Del Corso asked to table the limited commercial discussion for a future meeting so members can research what is currently in the regulations. Ms. Steele agreed to check with the BOS regarding holding the discussion on limited commercial uses in the A-1 district until the PC discussed the Ag district more broadly.

Motion. Mr. Finkelstein recommended a general definition of kennel and adding "the operation of kennels" wording to the General Agriculture section of the A-1 zoning regulation. Mr. Nauman seconded. Vote: 5-0.

## 7. Matters of Record

- The next PC meeting will be held on May 14, not May 21. Agenda items may include a discussion of limited commercial uses in Agricultural Zoning District, or a return to the discussion on the residential zoning districts.

- At its April 16, 2013 meeting, the PC requested a map of the Residential Zoning District in the Township, showing a breakdown of lots by size. A copy of that map has been posted to the PC web page.

**8. Adjournment**

Motion. Mr. Stevens moved to adjourn. Mr. Nauman seconded. Vote: 5-0.

The meeting was adjourned at 8:13 p.m.

Respectfully submitted,  
Melissa Gartner  
Recording Secretary