

From: Snee, Nancy
Sent: Tuesday, May 20, 2014 3:18 PM
To: Lawton, Robert
Cc: 'steve.menn@luzernecounty.org'; 'SDLMEN@yahoo.com'
Subject: Roche Property Zoning Conditions

Attachments: Zoning Roche SPCA Report.pdf; Zoning Roche ZHB Conditions.doc; Zoning Roche Property 009.jpg; Zoning Roche Property 001.jpg; Zoning Roche Property 008.jpg

Bob,

Attached is a list of the Zoning Hearing Board conditions placed on the dog kenne/rescue center owned and operated by Judi Roche.

Pat Dooley from my staff and I visited the property today, May 20, 2014.

Over the past 2 days, I've spoken to Ellen Howarth from the state dog license bureau and received a report from Cindy Starke from the local SPCA. Both of these organizations have given the stamp of approval to the operation.

There was no excessive barking when we visited the site today. We didn't hear the dogs until we entered the barn. The dogs barked when we entered the barn, but quieted down after we left. We drove to the area where Holly Dulsky lives. The Roche property cannot be seen from her home and is separated by a large grouping of trees which acts as a natural sound barrier. The area near Holly's house was peaceful and quiet except for 2 dogs on site that barked when my car approached.

Steve Menn and I have discussed this matter today and he and I feel that all of the zoning-related conditions have been met.

file:///P:/JIM/nancy_documents/Wilkes_Gateway/Zoning/Zoning%20E-Mail%20to%20R.... 6/12/2017

Roche Property Zoning Conditions as set by the Zoning Hearing Board:

- 1. Remove Animal Waster Once/Week** – A Manure Management Plan was developed for the property by Amy Salansky of the Luzerne Conservation District. There is a copy of the plan in the Roche file in our office.
- 2. All dogs, when outside, have to be placed in 10 ft. by 10 ft. pens with 6 feet high fence** – See attached photo of pen.
- 3. No rescue dogs in front yard** – During my visit to the property on May 20, all rescue dogs were in the barn.
- 4. Insulate barn with 4-inch foam on outside walls and ceiling and 2.5 inches on interior walls.** – This has been done, except for a few places in the ceiling where work on electric and ventilation ducts are being installed; the owner expects to complete this work this weekend (May 23, 24, 2014). (See attached photos)
- 5. No more than 26 dogs** – There are currently 9 rescue dogs on site.
- 6. Complete a plan in compliance with the PA Manure Management Manual and submit to zoning office** – See #1.
- 7. No more than 4 dogs at any one time in outdoor pen** – during our visit, there was one dog in the outdoor pen.
- 8. All rescue dogs must be in the barn by dusk** – According to the owner, this is being done.
- 9. Copy of state license to operate a kennel/rescue center** – the Roches received their state license on May 12, 2014, and we have a copy in the file.

CERTIFICATE OF OCCUPANCY

LUZERNE COUNTY
PENNSYLVANIA

ZONING HEARING BOARD CASE # A-2830 CERTIFICATE # O-2136

DATE OF DECISION 7-3-12 DATE 5-16-14

THIS CERTIFIES THAT THE USE/BUILDINGS/STRUCTURE AT THE ADDRESS/LOCATION LISTED BELOW COMPLIES WITH THE REQUIREMENTS OF ALL APPLICABLE CODES AND ORDINANCES.

LOCATION: MAP H1/S1 BLOCK 1 LOT 12 MUNICIPALITY FAIRMOUNT TWP.

ADDRESS OF PROPERTY 589 Old Tioga Tpk., Benton, PA 17814

ZONE A-1

PROPOSED USE OF BUILDING OR LAND Animal Kennel/Rescue Facility

NAME OF BUSINESS Trailways to Heaven

PROPRIETOR (OWNER OF BUSINESS) Judi Roche

HOME ADDRESS OF PROPRIETOR Same as Above

BUSINESS PHONE 570-864-084 HOME PHONE same

OWNER OF BUILDING/LAND Robert & Judi Roche

ADDRESS OF BUILDING/LAND OWNER Same as Above

PHONE OF BUILDING/LAND OWNER 570-587-4844

ZONING PERMIT # _____

COMMENT(S): _____

PREPARER NS FEE \$85

ISSUED BY: Marilyn Aree

ZONING OFFICER
LUZERNE COUNTY PLANNING
COMMISSION

Robert Lawton, County Manager

County Council:

Rick Morelli, Chair



Nancy Snee
Interim Executive Director

N. Brian Caverly
Chairman

Council Members

Edd Brominski, Vice-Chair
James Bobeck
Kathleen Dobash
Harry Haas
Linda McClosky Houck

Stephen Menn, *Solicitor*

Council Members

Tim McGinley
Eileen Soroskas
Stephen A. Urban
Stephen J. Urban
Richard Williams

LUZERNE COUNTY

Planning Commission

Penn Place Bldg., Suite 208

20 N. Pennsylvania Avenue

Wilkes-Barre, PA 18711

Telephone: 570-825-1560

FAX: 570-825-6362

TDD: 570-825-1860

E-Mail: nancy.snee@luzernecounty.org

January 14, 2014

Mr. & Mrs. Robert Roche
589 Old Tioga Turnpike
Benton, PA 17814

Dear Mr. & Mrs. Roche:

It has come to our attention through a newspaper article in the *Press Enterprise* and a telephone call from one of your neighbors that the number of dogs on your property has increased from 12 to 15 since the time the county officials visited your property in May of 2013.

Because you never fulfilled the conditions imposed on your animal rescue center by the Luzerne County Zoning Hearing Board, you should not be operating as an animal rescue shelter, and, therefore, should not be accepting any additional dogs.

Please contact this office within 15 days of the date of this letter to explain the number of additional dogs you have acquired and/or the status of satisfying the conditions imposed by the Zoning Hearing Board.

Sincerely,

Nancy Snee, *Interim Executive Director*
Luzerne County Planning Commission

Dear Mr. Roche,

Thank you for your response to my letter of November 27, 2012. I have reviewed your information and compared it to the conditions that were attached to your approval by the Luzerne County Zoning Hearing Board. Due to the continuing complaints from neighbors, our office will need additional information and some documentation to fulfill our legal zoning responsibility. I have the following comments and requests for additional information based upon your responses:

- Item No. 1 – Is the dog waste removed weekly? Please provide us with a copy of a bill from the sanitation company.
- Item No. 2 – How many personal dogs do you have? Please note that your property is in two (2) zoning districts, S-1 and A-1. In the S-1 zoning district you are limited to four (4) household pets. In the A-1 zoning district there is no limit.
- Item No. 6 – Please submit a copy of your Pa. Manure Management Plan and any state letter of compliance.
- Item No. 8 – Your statement is confusing. If the rescue dogs are in the barn all day, why do only “some” come in at night?
- Item No. 9 – Please submit a copy of your state license “paperwork”.

Please provide the above requested information and documentation by December 14, 2012. You may e-mail it to me, or fax to 825-6362.

We appreciate your cooperation and consider your effort to respond in compliance with the December 7, 2012 deadline set by my recent letter.

I will review and discuss your submitted information when you have responded to the above additional requested information with our solicitor and decide on your requested date of March 15, 2013 for full compliance with the Zoning Hearing Board's conditions.

Thank you, Adrian Merolli, Executive Director
Luzerne County Planning Commission

From: Bob Roche [mailto:bobrocheelectric@hotmail.com]

Sent: Tuesday, December 04, 2012 11:05 AM

To: Merolli, Adrian

Subject: Letter of 11/27/2012

Dear Mr Merolli: I am sending you this e-mail with an attachment letter in answer to your letter of November 27th 2012. As you can see all requirements except licensing and building completion have been met. I am currently acting to resolve those two. The economy has not been helping. I hope this is acceptable. I will forward a signed copy by certified mail. Thank You. Bob Roche

PETITION FOR HEARING ON SPECIAL EXCEPTION

BY
THE ZONING HEARING BOARD
LUZERNE COUNTY, PENNSYLVANIA

WHEREAS,

your petitioner is the owner/lessee of the property in the County of Luzerne and fully described as follows:

FAIRMOUNT TOWNSHIP
H151 B-1 L-12
589 Old Tioga Turnpike
Benton, PA. 17814

AND WHEREAS,

the present zoning of the above property is S-1/A-1

AND WHEREAS,

your petitioner wishes to use this property OPERATE

AN ANIMAL RESCUE KENNEL (MAXIMUM
26 Dogs) IN AN EXISTING BARN
IN THE A-1 ZONED PORTION OF THE
PROPERTY.

AND WHEREAS,

the Zoning Ordinance of Luzerne County sets forth Special Exceptions which may be granted by the Zoning Hearing Board provided certain minimum regulations and conditions are met;

NOW, THEREFORE,

he/she petitions the Zoning Hearing Board of Luzerne County to grant a Special Exception and to authorize the use above described for the following reasons:

SPECIAL EXCEPTION FOR AN ANIMAL
RESCUE KENNEL
VARIANCE: REQUIRED REQUESTED
SIZE OF SIGN 1 sq. ft. 6 sq. ft.

RESPECTFULLY SUBMITTED,

Robert Roche
Applicant (PRINT)
[Signature]
Applicant (SIGN)
589 Old Tioga Turnpike
Address

Benton, PA. 17814
P.O. STATE ZIP
864-0844
Telephone

Robert Roche
Legal Owner of Property (PRINT)
[Signature]
Legal Owner of Property (SIGN)

Same
Address
Same
P.O. STATE ZIP
Same
Telephone

Petition submitted on this 7th day of JUNE 2012.

A-2837