

**TOWNSHIP OF O'HARA
PLANNING COMMISSION REGULAR MEETING
NOVEMBER 21, 2022
7:00 P.M.
AGENDA**

The Planning Commission met on November 21, 2022 at 7:00 p.m. for its regular meeting. The meeting was brought to order and proceeded as outlined on the agenda.

Present: Joseph Zgurzynski, Vice Chair; Charles Bleil, Secretary; Giovanni Scolieri, At-Large; Jerry Nist*, At-Large; Richard Citrin, Assistant Secretary

Absent: Edward Crates, Chair; Joseph Kelly, At-Large

Staff: Charles W. Steinert, Jr., P.E., Township Engineer; Julie A. Jakubec, CPA, CGMA, Township Manager; Christopher Komora, Code Enforcement / Storm Water Coordinator; Cathy Bubas, Manager's Secretary

(*) arrived late.

SUMMARY OF AGENDA ITEMS:

I. CALL TO ORDER

II. APPROVAL OF EXCUSED ABSENCES

III. OLD BUSINESS

- A. Continued Review of Proposed Zoning Ordinance Amendment to Allow Domesticated Chickens in Certain Residential Zones

IV. APPROVAL OF MINUTES

- A. October 24, 2022

V. UPDATE ON PRIOR ACTIONS

- A. Proposed Amendment to the Township Zoning Ordinance – Regulating the Keeping of Chickens in Residential Zones

Planning Commission continued to review the proposed Zoning Ordinance.

VI. OTHER BUSINESS

VII. ADJOURNMENT

I. CALL TO ORDER

Vice Chair Zgurzynski called the meeting to order at 7:00 p.m.

II. APPROVAL OF EXCUSED ABSENCES

Manager Jakubec noted Chairman Crates was attending a business commitment and Mr. Kelly was addressing a personal matter.

The consensus of the Planning Commission was to accept the absences as excused.

III. OLD BUSINESS

A. Continued Review of Proposed Zoning Ordinance Amendment to Allow Domesticated Chickens in Certain Residential Zones

Mr. Steinert, Jr., P.E. stated all the updates requested by Planning Commission have been included in the proposed ordinance.

Manager Jakubec explained if someone wants to build a shed, they have to submit a survey with the building permit application; with a chicken coop, staff is agreeable to a plot plan as long as the coop measures 36 square feet or less, which provides for nine (9) chickens. Vice Chair Zgurzynski recalled Planning Commission did not want people to have to pay for a survey.

Mr. Dan Meinert, Crawford Lane, stated a plot plan and plan survey are totally different. He commented if the coop is in the middle of ten (10) acres, he did not see a need for a plot plan or survey. The ordinance also requires a building permit for a coop that is 200 square feet in the rear yard.

Vice Chair Zgurzynski stated it is rare for people to have more than nine (9) chickens. Mr. Meinert indicated people are trying to hide the chickens.

Mr. Meinert noted the ordinance says people have to have a plan to address manure. Vice Chair Zgurzynski indicated addressing the manure is basic common sense. Manager Jakubec noted a plan for the manure will be attached to the application along with other pertinent information. Mr. Meinert indicated the Plan is for 15,000 chickens. Vice Chair Zgurzynski stated the verbiage was advised by the Township Solicitor and is not going to change. He noted the ordinance makes it easier for people to have chickens.

Nadeza Ustinova, 605 Orchard Hill Drive, asked if a manure plan is required for dogs and if the Township receives noise complaints about barking dogs from neighbors. Manager Jakubec stated the Township has an ordinance. Ms. Ustinova noted dogs create pollution and some dogs bite. She also stated Fox Chapel Borough does not have any regulations for keeping chickens and they have received one (1) complaint. Manager Jakubec stated the Township is trying to make having chickens not as complicated as other municipalities. Vice Chair Zgurzynski stated the Township cannot have regulations that are too loose; they have to protect the rights of those who do not like chickens as well as those that do. He knew of people that had passed on purchasing a house in O'Hara because they could not have chickens.

Mr. Meinert noted the need for a permit to have chickens, build a coop, and for a fence. Manager Jakubec stated the chicken run does not require a permit and people can plant shrubs for screening. A fence is only required when the chicken coop is clearly visible by neighbors.

Ms. Ustinova asked if the neighbors do not mind chickens why can't people have chickens. Vice Chair Zgurzynski stated the neighbors could move and new neighbors might not like chickens.

Mr. Matt Kampner, 113 Yorkshire Drive, indicated he was planning to have three or four chickens. He questioned why a coop must be painted all the same color. Vice Chair Zgurzynski explained the Township does not want people using scrap materials for the coop. Mr. Steinert, Jr., P.E. stated natural wood is acceptable and does not have to be painted.

Mr. Kampner asked if he could draw a plot plan. Manager Jakubec suggested going to the Allegheny County Real Estate website and printing his plot from that website.

Mr. Nist arrived at 7:20 p.m.

Ms. Ustinova asked why mobile coops are not permitted. Vice Chair Zgurzynski explained coops have to be so far from the property line. Mobile coops could be moved too close to a property line. Ms. Ustinova stated it is common sense if you put something on a neighbor's property they are going to complain. She questioned why the Township is making this so complicated. Vice Chair Zgurzynski indicated mobile coops are harder to clean, which Ms. Ustinova disagreed.

Mr. Klaus Sailer, 605 Orchard Hill Drive, stated as long as a mobile coop is not closer than ten feet (10') between properties he could put it wherever he wants. Vice Chair Zgurzynski explained the Code Enforcement Officer would have to go out and check to make sure it is not within the setback. He recalled seeing so many bad coops that he was comfortable not allowing mobile coops. He commented that it is hard enough to build a predator-proof coop, let alone a portable coop.

Mr. Meinert questioned who is going to enforce the regulations. Vice Chair Zgurzynski stated Chris Komora, the Code Enforcement Officer will be enforcing the ordinance.

Manager Jakubec noted neighborhoods in the Township with houses in close proximity that a mobile coop could not be moved.

Mr. Kampner questioned if the Township should try to address all potential problems, or if it would be better to wait and see. Manager Jakubec explained she went online to review other ordinances and best practices recommended by Penn State Extension. Mr. Kampner asked if it would be possible for Council to adopt the ordinance in a reasonable time. The Manager explained the ordinance approval process. She also noted the ordinance could be amended based on complaints.

Mr. Meinert noted there are to be no agricultural or commercial operations. Vice Chair Zgurzynski stated that has to be included in the ordinance. Manager Jakubec was not inclined to go against verbiage recommended by the Township Solicitor. Mr. Meinert noted his family has been raising animals since 1852. The Manager stated they were not raising animals in a place such as Parkview. Vice Chair Zgurzynski stated the Township has changed a lot since then.

Mr. Citrin explained the Planning Commission is an advisory board to make recommendations to Council based on their review. When Planning Commission moves the ordinance to Council, residents will have to bring up their concerns to Council. The Planning Commission has done its review, taking into consideration the needs of the community. If residents want Planning Commission to take further consideration, it will take another month.

Vice Chair Zgurzynski noted the only change was to the uniform finish.

Mr. Scolieri suggested an allowance for a 36-square foot portable coop. Manager Jakubec explained from an enforcement perspective, people keep moving the coop and a neighbor calls to report it, whereas if it is stationary, people know it is supposed to be there. Code Enforcement would have to check the location each day.

Ms. Ustinova asked how many complains the Township gets about chickens. She acknowledged staff is worried about complaints but people have chickens illegally.

Mr. Nist stated he has a 13,000 square foot lot. People can have chickens but he does not want to smell or see them.

Vice Chair Zgurzynski stated every adjacent municipality has an ordinance addressing chickens.

Mr. Citrin stated staff could see an increase in the number of complaints once the ordinance is adopted. The purpose of the ordinance is to mitigate, and though it may be an inconvenience to people that want chickens, it's the same with the dog ordinance; dogs have to be on a leash and cannot run freely.

Vice Chair Zgurzynski referenced an informational packet included with the permit application and noted staff can help people fill out the permit application. Manager Jakubec noted information required for a permit. Vice Chair Zgurzynski stated larger coops will be treated as a shed.

Motion by Mr. Scolieri to recommend approval of the ordinance was seconded by Mr. Citrin and carried unanimously.

Motion by Mr. Bleil to move the ordinance to Council for review and consideration was seconded by Mr. Scolieri and carried unanimously.

IV. APPROVAL OF MINUTES

A. October 24, 2022

Motion by Mr. Nist to approve the minutes as presented was seconded by Mr. Scolieri and carried unanimously.

V. UPDATE ON PRIOR ACTIONS

The following prior actions were noted.

- A. Proposed Amendment to the Township Zoning Ordinance – Regulating the Keeping of Chickens in Residential Zones

Planning Commission continued to review the proposed Zoning Ordinance.

VI. OTHER BUSINESS

None.

VII. ADJOURNMENT

Motion by Mr. Bleil to adjourn the meeting was seconded by Mr. Citrin and carried unanimously. The meeting adjourned at 8:02 p.m.

Charles Bleil, Secretary

Attachment: Attendance Sheet