

**DALLAS TOWNSHIP  
ZONING HEARING BOARD  
ORGANIZATION & MONTHLY MEETING  
JANUARY 16, 2023  
\*\*MINUTES\*\***

The Dallas Township Zoning Hearing Board held their monthly meeting on Monday, January 16, 2023 at 6:30 pm at the Administration Building, located at 105 Lt. Michael Cleary Drive, Dallas, Luzerne County, Pennsylvania.

**PRESENT:** **Chairman** Robert Bayer, **Board Members** Mary Barbara Gilligan, Mary Rodriguez, **Alternate**, Olin Smith, **Solicitor** Donald G. Karpowich, **Zoning Officer** Russell Coolbaugh **Secretary/Treasurer** Tammy Miller, **Twp. Manager** Martin Barry, **Sargent's Court Reporting Service, Inc.**, Kellie LoGrande **Applicants and residents;** There was no attendance via Go To Meeting /phone.

**Approval of Minutes and Treasurer's Report**

Chairman Robert Bayer, opened the January meeting followed by the pledge of allegiance. M.B. Gilligan made a Motion to approve the Treasurer's Reports from November, 2022 and December 2022. M. Rodriguez second the motion. Motion carried.

**ORGANIZATION:**

- Motion by M.B. Gilligan to nominate Robert Bayer as Chairman. With no other nominations, seconded by M. Rodriguez and unanimously passed.
- Motion by M.B. Gilligan to nominate M. Rodriguez as Vice-Chairman. With no other nominations, seconded by R. Bayer and unanimously passed.

**NADINE VAUGHAN** is seeking a special exception to facilitate a doggy daycare. Property is located at 3700 (SR-118) Dallas, Pa., and is zoned Highway Business (B-2). It does not meet the permitted use requirements under Section 509 of the Zoning Ordinance.

Solicitor Karpowich asked anyone that would be testifying to be sworn in.

Nadine Vaughan stated she is presently the owner of pet care specialists for dashing deeds & pet care. It provides dog walking, pet sitting and K-9 enrichment play, which is at the house. The special exception will enable her to meet the demands that is arising in the Back Mt. and will also help her to keep clients that she presently has that are looking to leave because she doesn't offer Doggy Daycare. Solicitor Karpowich asked her to explain to the Board her use and hours of operation, and the capacity of number of dogs you're going to have. How much of it is going to be indoors vs. outdoors. If it is outdoors, where at, outdoors?

N. Vaughan stated it's mainly indoors and is looking to operate regular business hours Monday thru Friday, probably from 7:30am to 5:00pm. There is no overnight, no boarding, no kenneling. Right now, it's just daycare. The majority is in small groups, the max of dogs on the property at any time of the day is only twenty (20). She doesn't expect or want to go passed that. The play groups are small, so not all twenty (20) dogs will be together. It goes by there play style, their temperament, their age, basically a lot of different things that are considered for doing this.

Solicitor Karpowich asked how much of it is going to be indoors vs. outdoors? Vaughan stated the majority is indoors. The only time we'll be going outside is for leg stretching and potty breaks. Solicitor Karpowich asked any employees? Vaughan replied as of now, it's just her and two (2) part timers, which will be there at the same time she is. The pet industry standard is up to twelve dogs per employee. All

twenty dogs are never together; there are different play sites for them to be broken up. Solicitor Karpowich stated you said the pet Industry. Is it licensed by the Commonwealth or do you need a state license? Vaughan replied for this, no. Solicitor Karpowich asked are you currently operating at this location? Vaughan replied no, she is not currently in operation anywhere. This is a new business. Solicitor Karpowich asked if she had a plot plan for the business? Vaughan stated she didn't have one with her and didn't know she needed one. Solicitor Karpowich wanted to know if she will be the only use on the property. Vaughan replied, no. She is renting from the people that own The Lakeway Beverage Building and there are other businesses there. Solicitor Karpowich asked her how many parking spaces are designated for her use? Vaughan stated she didn't know, but the parking spaces will mainly be for the employees and clients for dropping off and picking up. There is ample parking, even for the other businesses that surrounds the building, (i.e., CBD, DentaCraft, a Fitness place, not sure what else is there. Karpowich stated in terms of the area in the rear, or where you're going to have the dogs outside for exercise. Is that going to be shared with other uses? Vaughan replied no. Karpowich asked does it have access from the rear of the building? Vaughan replied yes. There are double doors that access the front and back that leads to the fencing area. Karpowich asked is the size of the fencing area? Vaughan said she believes it is roughly 18'x 40'. And again, not all twenty (20) dogs would be out there at the same time. The maximum would be about four (4) dogs, because our groups are two (2) to four (4). Solicitor Karpowich asked if she saw if there would be any impacts on the other uses. Vaughan said no. Solicitor Karpowich asked her about barking. Vaughan said with well management and being small groups, the barking would be minimal, depending on certain situations. Solicitor Karpowich asked if she came up with this idea or worked somewhere this was being done at another place or first time in this business. Vaughan said she's been in the pet business for fifteen plus years, but doggy daycare was first.

Solicitor Karpowich said this is your lease agreement and it's good for one (1) year at this property. Vaughan said yes. Karpowich asked her how did it come to her attention that she needed zoning approval for her use. Vaughan stated the zoning officer called her and said she needed to fill out a zoning application for the use in a B-2 zoning district.

Karpowich asked if anyone had questions for the applicant. M. Rodriguez stated she has one. The fenced in area in the back. When you clean that off and rinse it, are there any homes nearby? Vaughan replied there is not. Karpowich asked and you will clean that daily? Vaughan replied yes. Karpowich asked if anyone else had questions or would like to testify on Vaughan's behalf. Kathy Finsterbusch, she is one of the owners of the building; along with Joshua Kaschenbach, who is also an owner of The Lakeway Beverage and closest resident of the building. Solicitor Karpowich said you're the one that signed the lease. John Kaschenbach is the other half owner of the building. Solicitor Karpowich said maybe you can answer some of the questions she couldn't. Finsterbusch stated they put in a fenced in run for her specifically on the side of the building near the exit for Lakeway and her lease property. It's up against the building so that it's private. They had already checked with the other businesses to make sure there was no conflict with anyone. Everyone is excited about it. Solicitor Karpowich said how about the nearest resident? Josh Kaschenbaugh said he lives about 200 yards from the building and he has no issue with dogs barking. He has one that barks and takes him to work with him. J. Kaschenbach said he contacted Yalick Farms and they were okay with it and would help out with any questions or concerns.

Solicitor Karpowich asked if anyone else was in favor or against the applicant. Kara Mann said she was in favor of it. Nadine takes care of her dog now and she is here to support Nadine. Solicitor Karpowich said he's assuming the zoning officer gave you that advise because it's a special exception is correct. It's neither an animal hospital nor an animal kennel. So it's use that's not addressed by the ordinance. He read aloud Section 323 Uses Not Addressed Within Ordinance. The board has the authority to permit or deny the use, if only the permitted use is determined to be similar to and compatible with the permitted

uses in the district and in no way is in conflict with the general purposes and intent of this ordinance. The burden of proof shall be upon the applicant to demonstrate that the proposed use would meet the standards and criteria for a special exception as contained in Section 1510.2 of this Ordinance.

Chairman opened up for a motion. M. Rodriguez made a motion to accept. Seconded by M.B. Gilligan. Motion carried.

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**JASON GRABOWSKI** is seeking a six (6) foot rear yard setback, to construct a single-family home located at 241 Shupp Road, Dallas, Pa., where fifty (50) feet is required pursuant to Section 512 of the Zoning Ordinance. It does not meet the permitted use requirements in the A-1 zoning district as required by the Dallas Township Zoning Ordinance.

J. Grabowski explains to the board that he and his wife would like to construct a single family home on the said property at 241 Shupp Road, Dallas, Pa. They need an additional 6 ft to the rear of the property to be able to build with the plan that they have. Solicitor Karpowich said your application is attached to the drawing by Fine Line Home Builders. Jason said yes. Karpowich said come up and explain to the board from the drawing. He said there are two neighbors one on the right, the other to the left. In the rear they share a block wall property line. His neighbor is 750 ft. away from the property. R. Bayer asked what is the reason why you can't make the required setback. Jason said it's the depth of the house, it's a single level house. It is deeper than your traditional two-story house. With a 50' front and a 50' rear setback it leaves us with 52' to build. The property is long it has a 500' frontage. However, it's only a hundred and fifty-two foot deep. R. Bayer said okay, thank you. Did you say the next property behind you is 750'? The closest structure is yes, everything else is vacant land.

Chairman Bayer asked if anyone had any questions from the applicant. Dave Vernon is a neighbor and said he does not oppose this. Solicitor Karpowich said the board can only grant you the minimum relieve. In order to do that he is making sure that you are asking for the right amount. In your application it says a 50' setback required, 44' proposed, asking for 10' setback and in the adding is 6'. Jason said there is some bowing in the property. Karpowich said there is not one deed there that shows the 150'. Karpowich said you have 149'. Jason said he is getting these numbers from Fine Line and he is okay with that.

Chairman Bayer asked for a motion. M. B. Gilligan made a motion to approve the single-family home. Seconded by M. Rodrigues. Motion carried.

#### **ADJOURNMENT**

M. B. Gilligan made a Motion to adjourn the meeting, seconded by Mary Rodriguez. Motion Carried.  
The Meeting adjourned at 7:08pm.

Respectfully submitted,

*Tammy L. Miller*

Tammy L. Miller,  
ZHB Secretary/Treasurer