

**WARWICK TOWNSHIP ZONING HEARING BOARD MINUTES**  
**Warwick Township Municipal Office**  
**August 12, 2020**

Chairman Tom Matteson convened the August 12, 2020 meeting of the Warwick Township Zoning Hearing Board at 6:30 p.m. Present were Board Members Dane St. Clair, Mark Will, Dana Clark, Tom Matteson, and Brent Schrock. Absent was Board Member Jeremy Strathmeyer. Also present were Tom Zorbaugh, Code and Zoning Officer; Neil Albert, Solicitor; Alan Blank, Court Reporter; Robert Shimp, III and Amanda Filomeno, 124 Race Street, Lititz; Katie Summers from Kegel Kelin Litts & Lord; Stacy Wiernicki, 122 Race Street, Lititz; Heather Wade, 676 Sue Drive, Lititz; David Reiste, 119 Race Street, Lititz; and Mahlon King, 118 Race Street, Lititz.

**MINUTES APPROVAL:** On a motion by T. Matteson, seconded by B. Schrock, the Board unanimously approved the July 8, 2020 minutes as submitted.

**MEETING PROCEDURE:** For the benefit of those present, the Solicitor explained the procedure to be followed for this evening's hearing.

**POSTINGS, PROOFS OF PUBLICATION AND NOTICES:** Tom Zorbaugh, Code and Zoning Officer, confirmed that tonight's case was properly posted.

**CASE #901-STACY WIERNICKI-VARIANCE:** David Reiste of 119 Race Street, requested party status. On a motion by T. Matteson, seconded by D. St. Clair, the Board unanimously approved D. Reiste to have party status.

Katie Summers, Attorney from Kegel Kelin Litts & Lord, was present to represent the Applicant, Stacy Wiernicki. K. Summers stated S. Wiernicki lives at 122 Race Street which is in the R-1 Residential Zone. The property is just over one acre in size. She has resided here since 2017. K. Summers read a portion from the Township's Zoning Ordinance of what is permissible in the R-1 Residential Zone as well as the Zoning Ordinance for Domestic Pets and the definition of domestic pets. K. Summers feels the peacock is a domestic pet as it does not fall under any of the categories listed in the definition of domestic pets.

K. Summers stated her goal is to get her Client to be able to keep her rooster and there are two ways to achieve this; one is by a variance from Section J(2) the other by a special exception for the non-commercial keeping of livestock. K. Summers will first discuss the variance from Section J(2) focusing on the hardship, whether the variance will alter the character of the zone or neighborhood in which the property is located and finally will it be detrimental to the public welfare. K. Summers stated she does not feel the rooster is detrimental to the welfare as there are chickens on neighboring properties and chickens are permitted in the Ordinance. As far as whether the rooster would alter the character or zone of the neighborhood, K. Summers provided pictures for the Board showing the nature of the neighborhood, her Client's property, and the chicken coop and its location on the property. K. Summers stated she also spoke with nine homeowners who live near her Client and none of them had any complaints about the rooster. She also indicated that seven of these homeowners indicated that there are other nearby properties that have roosters. K. Summers stated there is a type of collar that exists similar to a no bark collar for a dog that doesn't shock but is supposed to significantly reduce the sound of a rooster crowing. K. Summers shared this as this is a possible condition that could be imposed if the variance is granted.

K. Summers stated she will now discuss the special exception for the non-commercial keeping of livestock. The factors for a special exception as outlined in the ordinance are similar to those factors for a variance. K. Summers read the definition of non-commercial keeping of livestock as written from the Township's Ordinance as well as the definition of livestock. K. Summers again reiterated that she does not feel a peacock fits in the definition of livestock and does not feel it is considered a farm animal. K. Summers stated her client would need a variance from this section for the minimum lot area as her Client has just over one acre and the requirement is three acres.

Stacy Wiernicki was then sworn in. She read a prepared statement explaining when she moved to 122 Race Street she was unaware that a rooster and peacock were not permitted and would like the Board to allow her to keep her pets as she loves them very much.

Heather Wade, 676 Sue Drive and Robert Shimp, 124 Race Street both spoke on Stacy's behalf.

David Reiste read a prepared statement regarding complaints he had about the noises the rooster and peacock make during the night and waking him up. He stated this has caused sleep deprivation and this is detrimental to his health.

K. Summers and D. Reiste both gave closing statements.

M. Will inquired of S. Wiernicki the time frame of when she removed the two other roosters she previously had. She stated approximately one week after she received the letter from the Township. M. Will inquired of D. Reiste if the noise has abated any since this time. D. Reiste does admit the noise has decreased since S. Wiernicki has gotten rid of the other roosters, however it is still bothersome to him.

The Board went into an executive session to discuss the case.

Upon return from the executive session, the Board has offered a continuance contingent upon S. Wiernicki obtaining a collar for the rooster and seeing if the situation improves. The continuance would also give both sides a chance to speak with the neighbors who were not present tonight and encourage them to attend the next meeting to give their input. D. Reiste stated he would be unable to attend the next meeting in September as he will be out of town.

Maholon King, 118 Race Street, was present on behalf of his wife. He did not speak earlier but now would like to express some concerns he has. He stated that the rooster has been bothering his wife since last September. They have an infant and after getting up to feed the baby she has difficulty getting back to sleep due to the rooster crowing. M. King stated he wakes up on occasion and hears the rooster as well. He mentioned that S. Wiernicki has a dusk to dawn light and stated perhaps that could be turned off so the rooster wouldn't see the light and want to crow. M. Will inquired how the noise has been since two of the roosters have been removed from the property. M. King stated the noise has been better.

K. Summers and her Client stepped out to speak privately about whether they wanted a continuance or whether they wanted the Board to make a decision tonight. Upon return, K. Summers stated her Client would like to take the continuance until October to give her time to find ways to make the situation better. K. Summers stated her presentation tonight was based basically on the rooster and not the peacock so she is requesting to know whether or not she needs to prepare a variance or special exception for the peacock for the October meeting. N. Albert stated on the Application the peacock is referenced so it is his advice to the Board the peacock is a matter for the Board's decision.

On a motion by T. Matteson, seconded by D. St. Clair, the Board unanimously voted to continue this case until the October 14, 2020 meeting. The Board encourages the Applicant to try to minimize the noise from both the rooster

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and the peacock to the greatest extent as possible to see if there can be an improvement that everyone can live with. It is encouraged that both sides advocate all interested parties to attend this meeting.

**ADJOURNMENT:** With no further business to come before the Board, the meeting was adjourned at 9:15 p.m..

Respectfully submitted,

Thomas Zorbaugh  
Code and Zoning Officer