

Salisbury Township Zoning Hearing Board Minutes from December 21 & 22, 2020 Meeting

A regular meeting of the Salisbury Township Zoning Hearing Board was held on Monday and Tuesday, December 21 & 22, 2020, at 1:00 pm and 6:00 PM.

Chairman Peter Horvath called the meeting to order at 1:03 PM on Monday and 6:01 PM on Tuesday.

Members present: Larry Martin, Dennis Eby, and Peter Horvath. Also present was Julie Miller, ZHB Council and Damian Clawser, Township Zoning Officer.

Members absent: John Wanner

Meeting minutes of November 24, 2020 ZHB meeting was reviewed. A motion was made by Larry Martin to approve the minutes as written. Motion was seconded by Dennis Eby.

Damian Clawser was sworn in and presented three exhibits and requested that they be marked as Township Exhibits 1. Copies of ZHB Applications, 2. Newspaper publication certification and 3. Property posting certification sheets.

APPLICATIONS REVIEWED:

Old Business

New Business

Group 1 – Monday, December 21, 2020, beginning at 1:00 PM

1. 12-20-01 John S. Fisher of 5547 Meadville Road, Gap, PA 17527 (Subject Property) is requesting a Variance from §340-13.B(1) to establish an agricultural use on the Subject Property not meeting agricultural lot requirements and a Variance from §340-13.D to locate the proposed structure within the front yard or in lieu of this, a Special Exception under §340-13.C(6) to establish a Rural Occupation for the growing of produce and flowers, subject to §340-106 and a Variance from §340-106.B to allow the proposed Rural Occupation structure to be located within the front yard as well as any other Special Exceptions and/or Variances needed to establish the use. The Subject Property is located within the RR – Rural Residential district.
Application Presented By: John Fisher
Testimony: 30'x48' greenhouse, agreement of sale submitted, proposed greenhouse would be approx. 125' from southern road and approx. 420' from eastern road, would be 9-10' h, hood style greenhouse, would be used for produce and flowers, transporting products to market, rest of property is pasture.
Motioned by: Larry Martin
Seconded: Dennis Eby
Decision: Denied setback, Approved rural occupation

2. 12-20-02 David L. Stoltzfus of 889 Glorry Lane, Narvon, PA 17555 (Subject Property) is requesting a Variance from §340-21.B(5) to be permitted to construct an addition to a single-family dwelling whereby the addition will exceed maximum permissible setback distance to a street. The Subject Property is located within the OS – Open Space district.
Application Presented By: David Stoltzfus
Testimony: Addition may be 24x32', include a bathroom, will not be for establishing a second dwelling unit.
Motioned by: Larry Martin
Seconded: Dennis Eby
Decision: Approved with standard conditions

3. 12-20-05 M&G Realty, Inc., of 2295 Susquehanna Trail, Suite C, York, PA 17404 is requesting a Variances from Article III, §340-37.B (Attachment 8) to be permitted to exceed the quantity of individual business signs allowed, to exceed maximum permissible sign area, as well as to exceed maximum permissible height for freestanding signs, a Special Exception under §340-37.D to be permitted to install a dynamic display, a Variance from §340-37.D(3) to be permitted installation of more than one dynamic display, a Variance from §340-37.D(1) to locate dynamic display(s) within minimum separation distance to an intersection, a Variance from §340-37.A(8) to allow a sign that is illuminated with red, green or yellow nearer to a traffic light than required as well as any other Special Exceptions and/or Variances required to obtain relief to install proposed signage. The Subject Property is located at 5267 Lincoln Hwy, Gap, PA 17527 and is within the GC – General Commercial district.

Presented by: Tyler Eshelman, Damon Hall

Testimony: One pylon sign proposed on NE corner of lot, dynamic display 6x12' in size, total pylon sign area 13x14' which includes prices, digital pricers will be on pylon sign and on both canopies, fuel pricers for regular fuel will be on SE corner of fuel island canopy, pylon is proposed to be single faced and 25', images on dynamic sign will be static images, there will be seven signs total, dynamic sign controlled by a third party with Rutters, manager will report to Rutters corporate or any malfunction, distance of pylon sign to intersection of 772 and 30 WB is approx. 590', fuel pricers are approx. 130' from intersection, 340-37.D.3 variance not needed as there is only one dynamic display as fuel prices are excluded from being considered dynamic display.

Motioned by: Larry Martin

Seconded: Dennis Eby

Decision: Approved with specific conditions

4. 12-20-07 Lloyd J. Stoltzfus of 401 Cains Road, Gap, PA 17527 is requesting a Variance from §340-12.E to be permitted to construct an addition to the dwelling that will be within front yard setback and a Special Exception under §340-12.C (5) to be permitted to establish a kennel subject to §340-93 and a variance from 340-93.B to allow a kennel building nearer to a property line than required as well as a Variance from §340-93.E to allow a kennel to exist on a property not meeting minimum size requirements as well as any other Special Exceptions and/or Variances required to complete improvements and establish the use. The Subject Property is located within the A – Agricultural district.

Presented by: Lloyd Stoltzfus

Testimony: Wanting to build an addition to SF dwelling that will be 59' to center of Cains Rd, additions would be to increase living space, each addition to dwelling would be 6x12' with a porch in between, property is 1.2 acres, Kennel- have 10 dogs in kennel, welsh corgi and cocker spaniels, NC kennel, K1 that allows up to 60 puppies per year, has a license, puppies are sold from the property, no stud service, kennel is currently on the rear property line would be willing to move it to be 8' off of the property line.

Motioned by: Larry Martin

Seconded by: Dennis Eby

Decision: Building addition approved, Kennel is denied

5. 12-20-08 John Z. Zook of 5925 Meadville Road is requesting a Variance from §340-21.B(5) to be able to construct a single-family dwelling on the Subject Property, subject to a proposed subdivision that would exceed maximum permissible distance from a township or state road. The Subject Properties are located at 726 and 734 Narvon Road, Narvon, PA 17555, both of which are located within the OS – Open Space district.

Presented by: Mark and John Zook and Jason Shaner

Testimony: Want to keep 50 strip to public and to rear of property, building >450' from Narvon Rd to get home to a flatter area on lot, each lot is noted on one deed now, ok with the condition that no permits will be issued, area near road that is not wooded is proposed to be pasture and they want to keep it for that use, between that area and location of proposed dwelling contains slopes of 25%.

Motioned by: Larry Martin

Seconded by: Dennis Eby

Decision: Approved with specific conditions

Group 2– Tuesday, December 22, 2020, beginning at 6:00 PM

6. 12-20-03 Mervin Beiler of 907 Peters Road, New Holland, PA 17557 is requesting modification of a prior decision as well as Variances from §340-12.B to establish business storage and office space for two businesses (additional principal uses) within an existing building and from §340-30 to not be required to comply with individual lot requirements for each additional principal use as well as any other Special Exceptions and/or Variances required to establish the uses. The Subject Property is located at 5113 Peters Road, Kinzer, PA 17535 and is located within the A – Agricultural district.

Presented by: Ephraim Riehl and Mervin Beiler

Testimony: Property is 86 acres, Mervin has spouting business that he wants to use, partnering with Beiler Bros., does not know exact size for spouting materials, there are some pickups and deliveries of materials each week, store 3 box trucks for his business, land is farmed now, there is a restroom in barn, has 3 employees and a driver, some customers come to property for retail sales 6-8 customers twice a week.

Motioned by: Larry Martin

Seconded by: Dennis Eby

Decision: Approved with specific conditions

7. 12-20-04 John A. Lapp of 126 Meetinghouse Road, Gap, PA 17527 (Subject Property) is requesting a Variance from §340-19.B to be permitted to establish a Kennel. The subject property is located within the RE – Rural Enterprise district.

Presented by: Applicant Letter Entered

Testimony:

Motioned by: Peter Horvath

Seconded by: Larry Martin

Decision: Continuance Granted

8. 12-20-06 David Lapp of 5222 Old Strasburg Road, Kinzer, PA 17535 (Subject Property) is requesting a Variance from §340-13.B to establish a second dwelling unit (principal use) within an existing building and a Variance from §340-30 to not comply with individual lot requirements for each principal use. The Subject Property is located within the R-1 – Residential district.

Presented by: David Lapp

Testimony: Property is 1.6 acres, wants to put living quarters in 2nd floor of barn, occupants would be David, his wife and disabled son, existing house is not on public sewer, would prefer to connect to public sewer, there is ground floor access to second floor, so HC access is possible, lower level is HC space, 32x42' would be the size of structure, two bedrooms, use would be temporary, house is a single dwelling unit.

Motioned by: Larry Martin

Seconded by: Dennis Eby

Decision: Approved with specific conditions

9. 12-20-09 Dutchie Properties, LLC of 861 Strasburg Road, Paradise, PA 17562 is requesting a Special Exception under §340-126 to substitute one non-conforming use for another, the proposed use being a masonry contracting business as well as a Variance from §340-37 to exceed maximum permissible quantity and sign area of related signage. The Subject Property is located at 5512 Lincoln Highway, Gap, PA 17527 and is within the R-2 – Residential district.

Presented by: Brian Byler, David and Jake Fisher

Testimony: Stone masonry business, has 4 man crews, hours 5-5 M-F and occasional Saturday, existing dwelling to remain, detached garage is to be used partly for business and rental of tenant of main home, will receive 2-3 deliveries per month to deliver sand and other materials, truck would be able to access the property without maneuvering on road, all commercial vehicles, there are 4 offices in the building that will be used, foresees an eventual retail showroom space, dumpster is to be located to west of main business

building, provides enough parking space for 20 including ones inside building, sign would be approx. 48 sf, new sign would be at same location as existing sign and double sided, building stone is typically taken to job sites, sand and cement to be stored inside, trucks are loaded with 90% of tools.

Motioned by: Larry Martin

Seconded by: Dennis Eby

Decision: Approved with standard conditions.

The meeting was adjourned at 3:05 PM on Monday and 8:00 PM on Tuesday.

Respectfully Submitted,

Kara Wanner

Assistant Zoning Officer