

## **Salisbury Township Zoning Hearing Board Minutes from February 26, 2019 Meeting**

A regular meeting of the Salisbury Township Zoning Hearing Board was held on Tuesday, February 26, 2019, at 7:00 PM in the Salisbury Township Municipal Building, White Horse.

Chairman Peter Horvath called the meeting to order at 7:00 PM

Members present: Larry Martin, Dennis Eby, and Peter Horvath, and John Wanner. Also present was Julie Miller, Solicitor and Damian Clawser, Township Zoning Officer and Rhonda Mellinger, Court Reporter.

Members absent:

Meeting minutes of January 22, 2019 ZHB meeting were reviewed. A motion was made by Larry Martin to approve the minutes as written. Motion was seconded by Peter Horvath.

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. A motion was made by Peter Horvath and seconded by John Wanner to accept the Exhibits. Motion carried unanimously.

### **APPLICATIONS REVIEWED:**

#### **Old Business:**

#### **New Business:**

1. 02-19-01 Puddin Town Enterprise, LLC of 4940 Lincoln Highway, Kinzer, PA 17535 is requesting a Special Exception under Chapter 27 of the Salisbury Township Code of Ordinances, Part 5, substitution of a nonconforming use, subject to Section 504 or in lieu of that, a Special Exception under Section 503 to allow expansion of a non-conforming use, and a variance from Section 503.2 to exceed 25%, a Special Exception under Section 208.3.F to allow vehicle and machinery repair, subject to Section 437, a Variance from Section 208.6.A to allow parking within minimum required front yard setbacks, a Variance from Section 208.6.B to allow construction of a new warehouse structure, loading area, parking and a dumpster within side yard setbacks, a modification of a prior decision and Variance to exceed maximum permissible lot coverage, a Variance from Section 208.13 to eliminate the need for a twenty (20) foot landscape strip, a Variance from Section 308 for relief from meeting lot and other requirements for each use, a Variance from Section 311 to not be required to meet Access Drive requirements, a Variance from Variance from Section 313 with regards to design requirements for loading as well as any other Special Exceptions and/or Variances needed to establish the uses and construct improvements. The subject properties are located at 4940, 4952 and 4954 Lincoln Highway, Kinzer, PA 17535 and are within the I – Industrial district.

Application was withdrawn and noted without prejudice.

2. 02-19-02 Henry S. King of 155 Spring Garden Road, Kinzer, PA 17535 is requesting a Special Exception under Chapter 27 of the Salisbury Township Code of Ordinances, Part 2, Section 201.3.L to be permitted to construct a Farm House Expansion, subject to Section 431. The subject property is located within the A – Agricultural district.

Application Presented By: Jason Shaner and Ivan King

Testimony: 30.5 acres, echo house has been removed several months ago, farmed by relative currently, addition is to be +/- 1944 sf for new dwelling, supposedly 4 bedrooms, there is one dwelling on property now, Henry the owner will live in the new portion, ok with condition regarding SEO issuing a letter approving sewage system.

Applicant requests modification of request to include variance of section 431.3

Decision: Amendment to request approved.

Motioned by: Peter Horvath

Seconded: Larry Martin

Motioned by: John Wanner

Seconded by: Larry Martin

Decision: Application approved with specific conditions regarding Sewage Compliance

3. 02-19-03 Ivan F. Smucker of 122 Cambridge Road, Gap, PA 17527 is requesting a Special Exception under Chapter 27 of the Salisbury Township Code of Ordinances, Part 2, Section 201.3.P to be permitted additional residential accessory structure space, subject to Sections 302.9 and 469. The subject property is located within the A – Agricultural district.

Application Presented By: Ivan Smucker

Testimony: 1.96 acres, 16' x 30' addition to existing detached, 480 sf, existing accessory is 30' x 40' garage with 8' x 26' lean-to 15' x 24' shed 6' x 10' shed 6' x 8' shed, will not be greater than 29' in height will be one story, distance to nearest property line is greater than needs to be, proposed will total 2,356 sf accessory structure space.

Motioned by: John Wanner

Seconded: Larry Martin

Decision: Approved with standard conditions.

4. 02-19-04 B. Allen Stoltzfus of 790 Mt. Vernon Road, Gap, PA 17527 is requesting modification of a prior decision and a Special Exception under Chapter 27 of the Salisbury Township Code of Ordinances, Part 2, Section 203.3.H to be permitted additional residential accessory structure space, subject to Sections 302.9 and 469 or in lieu of this, a Variance from Sections 203.2.F and 469.5 and a Variance from Section 203.2 to allow a construction business to operate from the property as well as any other Special Exceptions and/or Variances required. The subject property is located within the R-1 – Residential district.

Application Presented By: B. Allen Stoltzfus

Testimony: 2,740 sf of residential accessory space, operates remodeling 6am-5pm, park skid loader track hoe 3 trailer and a Pettibone, says he's been operating there for 16 years, parks 2 pickup trucks, 10' x 16' shed to store vinyl railings for business, business is on second floor of existing barn which is 2048 sf with 400 sf of personal space, 2 full time and 3 part time non resident employees plus 2 resident employees, outside parking/storage is 3300 sf, pavilion is 17' high, has dumpster on gravel parking, skids and plastic disposed of onsite, would be willing to meet building code requirements for business to continue operating.

Motioned by: Larry Martin

Seconded: John Wanner

Decision: Tabled decision. Will make decision at next public meeting to be held March 26<sup>th</sup>, 2019.

Other noted actions:

8:00 PM – Zoning Hearing Board adjourned to executive session during case 02-19-04 to discuss legal matters.

8:10 PM – Meeting called to order/reconvenes.

8:27 PM – Testimony concluded on all cases.

The meeting was adjourned at 8:45 pm.

Respectfully Submitted,

Kara Wanner

Assistant Zoning Officer