

Salisbury Township Zoning Hearing Board Minutes from May 26, 2020 Meeting

A regular meeting of the Salisbury Township Zoning Hearing Board was held on Tuesday, May 26, 2020, at 7:00 PM via teleconference.

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

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

Members absent: John Wanner

Meeting minutes of May 19, 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:

New Business

1. 7:00pm 05-20-01 Samuel B. Esh of 4998 Strasburg Road, Kinzer, PA 17535 is requesting a Variance from Chapter 27 of the Salisbury Township Code of Ordinances, Part 2, Section 202.4 to be permitted to construct an addition to the dwelling within minimum front-yard setbacks. The Subject Property is located within the R – Rural Residential district.
Application Presented By: Samuel Esh
Testimony: wants to build a deck, 5 acres of woodland on property, deck proposed to be 14' x 28', would put him 27' from property line, no roof over deck, house is now 41' from property line, septic system to north of home, would have approximately 4-5' between deck and septic tank and drain field.
Motioned by: Larry Martin
Seconded: Dennis Eby
Decision: Approved with specific condition

2. 7:30 pm 05-20-02 Village at Gap Associates of 55 Country Club Drive, Suite 200, Downingtown, PA 19335 is requesting a Special Exception under Chapter 27 of the Salisbury Township Code of Ordinances, Part 2, Section 207.4.B to establish a Drive-Thru Restaurant, subject to Section 427 and Variances from Section 207.7.B to allow parking within minimum required setbacks and from Section 207.17 to allow a proposed dumpster within minimum required setbacks. The Subject Property is located at 5360 Lincoln Highway, Gap, PA 17527 and is within the RC – Regional Commercial district.
Application Presented By: Bill Swiernick, Mark Stanley, Kevin Lapp, Peter Wertz.
Testimony: Original plan was for 50' x 50' building approved as a conditional use, minimum for parking is 25' but 18' is what they are proposing, claiming that dumpster requirement is inconsistent as waste receptacles are required but then requires 100' to property lines, the only thing that makes this needed is that Pennington Partner lot was conveyed as fee simple, provided Pennington with plan but have not had any negative feedback, western most parking space would be 18', outside seating area would be enclosed with fence, info boards would be such that they would not cause any objectionable noise or light, vegetation would be on west side of dumpster enclosure, parking proposed as combined number for shipping center, they are providing over 538 spaces collectively, approximately 40 seats expected in restaurant, drive thru can handle a large pickup truck and 10 cars stacking, distance between building and dumpster is approximately 22', dumpster enclosure will be wood or pvc slats and have securable gate.
Motioned by: Larry Martin
Seconded: Dennis Eby

Decision: Approved with specific conditions

3. 8:00 pm 05-20-03 Jacob and Martha King of 5660 Old Philadelphia Pike, Gap, PA 17527 are requesting a Special Exception under Chapter 27 of the Salisbury Township Code of Ordinances, Part 2, Section 201.3.J to subdivide a lot from a Parent Tract, subject to Sections 201.12.A and 461 as well as a Variance to allow the newly created lot to retain remaining subdivision rights. The subject property is located within the A – Agricultural district.

Application Presented By: Jason Shaner, Jake King, Keith Good

Testimony: Sarah Fisher, and Coleen Bowden were granted party status, there would be one remaining subdivision that they would want to have associated with the newly created lot, lot 2 has dairy barn calf barn and single family dwelling, it is an active dairy, tenant who lives in the home operates the dairy, driveway is about 3400' long, corn alfalfa and tobacco is grown, may want to be able to eventually subdivide smaller lot yet, is time consuming to get to back of property with farming, trying to not use farm land behind Reed property, nitrate easement for lot taken off in 2013 will be shown on subdivision, proposed distance between the homes will be 2000'.

Motioned by: Larry Martin

Seconded: Dennis Eby

Decision: Approved subdivision, denied variance, not unanimous, one dissented from denial of variance request

The meeting was adjourned at 9:40 pm.

Respectfully Submitted,

Kara Wanner

Assistant Zoning Officer