

Salisbury Township Zoning Hearing Board Minutes from September 25, 2018 Meeting

A regular meeting of the Salisbury Township Zoning Hearing Board was held on Tuesday, September 25, 2018, at 7:00 PM in the Salisbury Township Municipal Building, White Horse.

Chairman Peter Horvath called the meeting to order at 6:59 PM

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

Members absent:

Meeting minutes of August 28, 2018 ZHB meeting were reviewed. A motion was made by Larry Martin to approve the minutes as written. Motion was seconded by John Wanner.

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 to accept the Exhibits by Peter Horvath and seconded by John Wanner. Motion carried unanimously.

APPLICATIONS REVIEWED:

Old Business: None

New Business:

1. 09-18-01 David A. Blank of 5846 Old Philadelphia Pike, Gap, PA, 17527 is requesting a Special Exception under Chapter 27 of the Salisbury Township Code of Ordinances, Part 2, Section 201.3.J, subject to Sections 201.12 and 461 to be permitted to subdivide a Parent Tract in order to create an agricultural lot and a Variance from Section 201.2 to complete a lot add-on to an existing residentially-sized lot from the Parent Tract, a Variance from Section 201.5 to allow the residential lot to exceed maximum permissible lot size and to allow the agricultural lot to be under minimum lot size requirements, a Variance from Section 201.12.A(2) to allow the subdivided agricultural lot to be under 25-acres, a Variance from Section 201.12.B to not include the subdivision for the purpose of the residential lot add-on as a subdividable right, a Variance from Section 461.2 to allow subdivided residential lot to not meet the requirements of Section 201.5 and allow the number of lots allowed to be subdivided to differ from the requirements of Section 201.12 as well as any other Special Exceptions and/or Variances needed to complete the subdivision and construct a dwelling. The subject properties are located at 5832, 5844/5846 Old Philadelphia Pike, Gap, PA 17527 and a vacant tract of land identified as PIN 560-93534-0-0000 all considered part of the Parent Tract and a residential lot with the address of 5861 Old Philadelphia Pike, Gap, PA 17527, which are all located within the A – Agricultural district.

Application Presented By: Craig Williams and David Blank

Testimony: 65.7 acres all told between all lots/tracts, which would allow him 2 subdividable rights, lot 1 would be a total of 1.99 acre after adding from lot 2, lot 2 would be 23.4 acres after subdivision, area that they would like to add to lot 1 is steep and while tillable it is not ideal for farming.

Motioned by: Larry Martin

Seconded: John Wanner

Decision: Approved with conditions

Motion carried unanimously

2. 09-18-02 Paul Burkholder of 6380 Division Hwy, Narvon, PA 17555 is requesting modification of a prior decision and subsequent Variance from Chapter 27 of the Salisbury Township Code of Ordinances, Part 2, Section 211.2.E to allow construction of a dwelling greater than 250-feet from a township street in existence on or before July 15, 1975, a Variance from Section 310.6 to allow construction of a driveway less than minimum requirement and a

Special Exception under Section 604.2 to extend the time required for obtainment of permits for construction. The subject property is located at 6057 Wertztown Road, Narvon, PA 17555 and is within the OS – Open Space district.

Application Presented By: Steve Gergely and Paul Burkholder

Testimony: Requesting to be 520' back from cartway edge, withdrew modification request due to time, would like to build a 10' wide driveway, would be 12' wide 20' back from cartway, requesting 18 months to be able to pull permits, existing pavilion would remain, applicant requesting variance of section 211.4 to allow existing pavilion to exist within front yard.

Motioned by: Larry Martin

Seconded: John Wanner

Decision: Approved with conditions

Motion carried unanimously

3. 09-18-03 Eli B. Beiler of 388 School Lane Road, Gap, PA 17527 is requesting a Variance from Chapter 27 of the Salisbury Township Code of Ordinance, Part 2, Section 201.2 to be able to subdivide an existing non-compliant seized agricultural lot for the purpose of completing a lot add-on to an existing residential lot, a Variance from Section 201.12.B to allow subdivision of a lot containing no subdividable rights, a Variance from Section 201.5 to allow both lots to not comply with minimum agricultural and maximum residential lot requirements. The subject properties are located at 388 and 404 School Lane Road, Gap, PA 17527 and are within the A – Agricultural district.

Application Presented By: Kevin Whitmer and Eli Beiler

Testimony: Wants to convey 3 acres from larger lot to residential lots, larger lot would be 11.3 acres after subdivision, smaller lot is to be 4.1 acres after subdivision, area of larger lot to be added is not pasture and would continue to be used as such.

Motioned by: Larry Martin

Seconded: John Wanner

Decision: Denied

Motion carried unanimously

4. 09-18-04 Mervin Zook of 5549 Lincoln Hwy, Gap, PA 17527 is requesting a Variance from Chapter 27 of the Salisbury Township Code of Ordinances, Part 2, Section 206.2 to be permitted to operate business that entails the manufacturing and assembly of farm wagons. The subject property, identified as Lot 2 as shown on a recent subdivision plan, recorded at the Lancaster County Recorder of Deeds as Document No. 2018-0327-J. The subject property is located on the northeast corner of the intersection of west-bound Lincoln Highway (S.R. 30) Newport Road (S.R. 772) and is within the GC – General Commercial district.

Application Presented By: David Mersky, Mervin Zook, Craig Strausser

Testimony: Welds frames and carriages, currently operates out of 5592 Lincoln Hwy at 92 acre farm intent is to abandon use at this location, hours 6:30-5 M-F sat by appt no Sundays, 4 employees including Mervin, lumber storage would be north of proposed building, finished product would be stored outside to north of building, applicant did 4 mth traffic count and 5 vehicles per day was average, 60% retail 40% wholesale, band saw punch press paint equipment and woodworking equipment, dumpster would be able to be located onsite in compliance with ordinance, parking requirement only met for current buildings proposed.

Motioned by: Larry Martin

Seconded: John Wanner

Decision: Approved with conditions

Motion carried unanimously

5. 09-18-05 John E. Kauffman, jr. /Foggy Ridge Interiors, LLC. of 8 Township Drive, Paradise, PA 17562 is requesting modification of a prior decision and Special Exception under Chapter 27, Part 5, Section 504 to be able to substitute one non-conforming use for another. Applicant desires to substitute an interior trim/finish work business in a space last granted for occupancy of a dance and ballet studio, but has occupied by an auto body shop, as well as any other Special Exceptions and/or Variances needed to establish the use. The subject property is located at 5512 Lincoln Highway, Gap, PA 17527 and is within the R-1 and R-2 districts.

Application Presented By: Rick Miller, John Kauffman

Testimony: Interior millwork, finish millwork and cabinets, auto body shop ceased to exist within last year, want to

use structure for storage of trucks and equipment and some woodworking, has 13 employees, 20 parking spaces currently exist, 2000 sf for office space, 5000 sf for manufacturing of millwork and storage of vehicles, hours of operation 6-5 pm, no building any cabinets, only millwork shaping machine, all trailers would be stored in parking area that currently exists to the west of the building. 9:58 testimony concluded and executive session called, 10:30 reconvened.

Motioned by: Larry Martin

Seconded: John Wanner

Decision: Approved with conditions

Motion carried unanimously

The next Salisbury Township Zoning Hearing Board will be held Tuesday, October 23, 2018 at 7:00 PM in the Township Building, White Horse.

The meeting was adjourned at 10:40 pm.

Respectfully Submitted,

Kara Shoemaker

Assistant Zoning Officer