

Salisbury Township Zoning Hearing Board Minutes from September 28, 2021 Meeting

A regular meeting of the Salisbury Township Zoning Hearing Board was held on Monday, September 27 and Tuesday September 28, 2021, and Monday, October 4 at 6:00 PM.

Chairman Peter Horvath called the meeting to order at 6:00 pm on Monday, September 27 and Tuesday, September 28, and 5:58 pm on Monday October 4, 2021.

Members present: Larry Martin, John Wanner, Dennis Eby and Peter Horvath during the course of the three hearings unless noted as absent. Also present was Julie Miller, ZHB Council and Damian Clawser, Township Zoning Officer and Christy Dellarova, Stenographer (9/27/21 and 10/4/21), Allen Blank (9/28/21).

Members absent: Dennis Eby (9/27/21 and 9/28/21), Larry Martin (10/4/21).

Meeting minutes of August 24, 2021 ZHB meeting was 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.

Monday, September 27

Continued Application:

1. 08-21-01 Michael F. Stoltzfus of 6011 Wanner Road, Narvon, PA 17555 (Subject Property) is requesting a Special Exception under §340-12.C(10) to subdivide a residential lot from a parent tract, subject to Section §340-110 and Variances from §340-110 and §340-12.L to allowed to exceed maximum permissible subdivision rights and a Variance from §340-12.B to allow subdivision to occur for a lot containing no subdivision rights, and a Variance from §340-12.B to allow an existing building containing storage units to be located on a lot as a principal use, a Variance from §340-12.E (Attachment 1) to allow lot containing a non-agricultural non-residential (other principal use) use to exceed maximum permissible lot size as well as any other Special Exceptions and/or Variances required to complete the proposed subdivision and retain existing uses. The Subject Property is located within the A – Agricultural district.

Application Presented By: Nick Gard, Michael Stoltzfus, Jason Shaner

Testimony: Lot #2 expanded to eliminate space that was originally proposed.

Motioned by: Larry Martin

Seconded: Peter Horvath

Decision: Approved with specific conditions

New Applications:

1. 09-21-03 Amos E. & Lydia Ann Stoltzfus of 335 Millwood Road, Gap, PA 17527 (Subject Property) is requesting a Special Exception under §340-12.C (12) to complete a Farmhouse Expansion, subject to §340-80 and a Variance from §340-33 to not have to meet access drive requirements for the two dwelling units. The Subject Property is located within the A – Agricultural district.

Application Presented By: Amos Stoltzfus and Jason Shaner

Testimony: Property is 72 acres, Amos will be living in new part, his son will be living in original dwelling, currently operating as a dairy farm, the driveway width is 10' and approx. 1150' in length, there is a grass strip alongside the drive, well will be shared and new septic proposed for new dwelling, White Horse Fire Company practiced rescue on his property around 7 yrs ago, there are two areas in particular that vehicles could cross paths at bend in drive an at western most barn, these are approximately 550' apart.

Motioned by: Larry Martin

Seconded: Peter Horvath

Decision: Approved with specific conditions

2. 09-21-08 Ben S. Fisher, Jr. of 5667 Old Highway, Gap, PA 17527 is requesting modification of a prior decision as well as a Variance from §340-18.B to expand and establish parking for trucks as a principal use as well as any other Special Exceptions and/or Variances needed to expand and establish the use. The Subject Properties are unaddressed lots located accessed from Kinzer Road, otherwise identified with PIN 560-98210-0-0000 (Kinzer Road Lot”) and accessed from Hoover Road, otherwise identified with PIN 560-75275-0-0000 (Hoover Road Lot), both lots being located in Kinzer, PA 17535 and within the I – Industrial district.

Application Presented By: Ben Fisher and Jason Shaner

Testimony: Purchased properties in 2012, keeps trucks and trailers, has a mason that stores his equipment on the Hoover rd lot, no office strictly storage, fleet consists of 14 trailers and 10 trucks, no maintenance to be performed on the lots at this point, no plans to expand fleet, there are no plans to close the access drive to Kinzer Rd if access given to Hoover Rd, Goods are infrequently left in, food products shipped, skid loader, fork lifts, hours 6am-12pm, people from Amtrack gave him permission, he owns all the trucks that are stored there, no hazardous materials stored, 4 storage trailers there that don't move, truck parts stored onsite, change tires infrequently, no oil changes.

Motioned by: Larry Martin

Seconded: John Wanner

Decision: Approved with specific conditions

3. 09-21-09 Wyebrook Real Estate, LLC / David G. Stoltzfus of 185 Wyebrook Drive, Honey Brook, PA 19344 is requesting a Special Exception under §340-18.C (17) to establish a Convention Center, subject to §340-75, a Variance from §340-75.B to not meet minimum lot requirements for the proposed use, a Variance from §340-75.J to not have to complete a traffic study for the proposed use as well as a Variance from §340-30 to not meet individual lot requirements for the proposed use. The Subject Property is located at 836 Houston Run Drive, Gap, PA 17527 and is within the I – Industrial district.

Application Presented By: Nicolas Gard and Omar Esh

Testimony: Therapy center in the lower part, would essentially be a banquet hall, on average 2 days a week, average of 10-12 parking spaces used by Lancaster Showcase, 12-16 parking spaces used by CPRS, 4699 sf is size of banquet hall and is on lowest floor, max 268 seats in any of the seating schemes, not able to be used by the general public scheduled events only, hours 8am-9pm, all food must be catered.

Motioned by: Larry Martin

Seconded: John Wanner

Decision: Approved with specific conditions

Tuesday, September 28

New Applications:

4. 09-21-05 Michael J. Esh of 631 Springville Road, New Holland, PA 17557 is requesting a Variance from §340-21.B to allow an existing single-family dwelling to be rented for short periods of time, not meeting residential occupancy requirements. The subject property is located at 5205 Honeysuckle Lane, New Holland, PA 17557 and is within the OS – Open Space district.

Application Presented By: Michael Esh

Testimony: Plan is to do half a year in India and half a year here, would live in house approximately 7 months out of the year the rest of the year would be rented, professional cleaners clean it between renters, 4-10 night stays on average is the duration of the stays, limit is 8 people, AirBnB collects money and handles taxes, has camera so he can view the property, no signage.

Motioned by: Larry Martin

Seconded: John Wanner

Decision: Approved with standard conditions

5. 09-21-06 Isaac Huyard of 6309 Plank Road, Narvon, PA 17555 (Subject Property) is requesting modification of a prior decision and Special Exception under §340-12.C (16) to be permitted additional residential accessory structure space, subject to Sections 340-118 & §340-24.I as well as a Variance from §340-24.I to exceed maximum permissible height. The Subject Property is located within the A – Agricultural district.

Application Presented By: Isaac Huyard

Testimony: Wants to build an additional 80sf, building would be 33' to the peak, would be 23'x24', building plans with right elevation will be facing the road, no business, no dwelling.

Motioned by: Larry Martin

Seconded: John Wanner

Decision: Approved with specific conditions

6. 09-21-07 Urban Outfitters of 5000 S. Broad Street, Philadelphia, PA 19112 is requesting a Special Exception under §340-18.C (3) to be permitted to install a billboard, subject to §340-117 and a Special Exception under §340-37.D to allow billboard to include dynamic displays, a Variance from §340-37.D (1) to allow the proposed dynamic displays within five-hundred feet of an intersection and residential use, a Variance from §340-37.A (8) to allow a sign that and may be illuminated with restricted colors within minimum required separation distance from a traffic light, a Variance from §340-37.D (3) to allow more than one sign containing dynamic displays on a property, a Variance from §340-117.C to allow the proposed billboard to be located within minimum required separation distance from another billboard as well as any other Special Exceptions and/or Variances needed to install a billboard with dynamic display. The Subject Property is located at 750 Brackbill Road, Gap, PA 17527 and is within the I – Industrial district.

Application Presented By: Al Fuscaldo and Michael Gladnick

Testimony: Distance to intersection 200', distance to other dynamic sign is 200', property has 800' frontage, sign is to be 10'x29'x10', want to display hiring events employer of the month and holiday messages, no advertisements, no red, yellow or green to be used, continuance requested.

Motioned by: Peter Horvath

Seconded: Larry Martin

Decision: Continuance granted

Monday, October 4

New Applications:

7. 09-21-01 Jonas E. King of 5245 Old Philadelphia Pike, Kinzer, PA 17535 (Subject Property) is requesting a Special Exception under §340-12.C (10) to subdivide a residential lot from the Subject Property, subject to §340-12.L and §340-110 and a Variance from §340-12.E (Attachment 1) to exceed maximum permissible residential lot size. The Subject Property is located within the A – Agricultural district.

Application Presented By: Jonas and Levi King, and Roger Fry

Testimony: Requesting permission to subdivide around house and accessory buildings, applicant could amend plan to keep back of dwelling, barn 28'x40' and 22'x24' barn and 8'x10' garden shed, septic system for newer dwelling is a gray water/black water system.

Motioned by: Dennis Eby

Seconded: John Wanner

Decision: Approved with specific conditions

8. 09-21-02 John Stoltzfus of 546 White Horse Road, Gap, PA 17527 (Subject Property) is requesting modification of a prior decision and a Special Exception under §340-12.C(16) to be permitted additional residential accessory structure space, subject to §340-24.I and §340-118 . The Subject Property is located within the A – Agricultural district.

Application Presented By: Jonathan Stoltzfus and John Coldiron

Testimony: Wants a carriage barn of 1200 sf, wants second driveway but state requires 600', continuance requested.

Motioned by: Peter Horvath

Seconded: Dennis Eby

Decision: Continuance granted

9. 09-21-04 DAS Properties, LLC of 1370 Reading Road, Denver, PA 17517 is requesting modification of a prior decision and a Variance from §340-18.M(2) to eliminate landscape strip requirements, and Variances from §340-

18.F(2) to allow impervious area and outdoor storage as well as the proposed building within minimum required setback. The Subject Property is located at 1005 Brackbill Road, Gap, PA 17527 and is within the I – Industrial district.

Application Presented By: Peter Wertz, Dan Smucker, and Dave Christian

Testimony: Log processing will be duplicated in new building, would possibly have assembly line in new building, 60,704 gross sf of building, requires 61 spaces, existing building is 45,000 sf would contain 3 assembly lines, additional loading space would be provided on east or west end of building, proposing outdoor storage would be used to place finished cabins, variance for landscape strip is related to western property line, variance for building setback related to north west corner of building, trucks will maneuver between western end of existing building and eastern end of proposed building, traffic impact study anticipated the growth proposed with this applicant, water and sewer capacity adequate for expansion, corner of building to be 5.66 ft into setback, outdoor storage would allow for 10 or so units to be stored.

Motioned by: Dennis Eby

Seconded: John Wanner

Decision: Approved with specific conditions

The meeting was adjourned at 8:22 PM (9/27/21), 7:25 PM (9/28/21), 7:40 PM (10/4/21).

Respectfully Submitted,

Kara Wanner

Assistant Zoning Officer