

## Salisbury Township Zoning Hearing Board Minutes from February 27, 2024 Meeting

A regular meeting of the Salisbury Township Zoning Hearing Board was held on Tuesday, February 27, 2024 at 6:00 PM.

\*\*\*EXECUTIVE SESSION HELD PRIOR TO BEGINNING OF HEARING\*\*\*

Dennis Eby called the meeting to order at 6:14 PM.

Members present: Dennis Eby, Larry Martin and John Wanner. Absent: Peter Horvath Also present was Julie Miller, ZHB Council, Damian Clawser, Township Zoning Officer and Allen Blank, Stenographer.

Minutes of the December 27 & 28, 2023 ZHB Meeting were read and approved.

Damian S. Clawser, Zoning Officer for Salisbury Township, was sworn in.

Zoning Hearing Board exhibits were presented. 1. Copies of ZHB Applications, 2. Newspaper publication certification and 3. Property posting certification sheets.

Motion to accept: Dennis Eby Seconded: Larry Martin

### Old Business

#### 1. 01-24-03

Leon E. Stoltzfus of 690 Country Lane, Paradise, PA 17562 is requesting a Special Exception under §340-16.C(9) to be permitted to establish a Fast Food/Drive Through Restaurant, subject to §340-76. The Subject Properties are located at 841 Route 41, Gap, PA 17527 and 842 Chestnut Street, Gap, PA 17527, both being located within the GC – General Commercial district.

Decision: Approved with specific and standard conditions.

Motioned by: Larry Martin, Seconded by Dennis Eby

Conditions: Standard and Specific Conditions apply

\*\*\*BOARD ELECTED TO ALTER AGENDA TO ALLOW 02-24-05 TO PRESENT FIRST IN ORDER\*\*\*

### New Applications:

#### 1. 02-24-05

Stephen S. Riehl of 5019 Newport Road, Kinzer, PA 17535 is requesting a Special Exception under and subject to §340-126 to substitute a nonconforming use. It is requested to establish a food processing and a market business within a structure that housed a carriage manufacturing operation. Additionally, it is requested to expand the non-conformity under and subject to §340-125, including a Variance from §340-125.B to exceed the maximum permissible amount of expansion. Also requested is a Variance from §340-30 to establish two principal uses on the Subject Property without meeting individual lot requirements for each use and completing land development planning as well as any other Special Exceptions and/or Variances needed to establish the proposed uses and allow the expansion. The Subject Property is an unaddressed lot located on the east side of Newport Road, Kinzer, PA 17535 and is otherwise identified as PIN: 560-39483-0-0000 and is located within the A – Agricultural district.

Presenting: Seth Hiller (Blakinger Thomas), Stephen Riehl, Chris Stoltzfus (White Horse Construction)

Testimony: Mr. Hiller clarified application by submitting an exhibit . Motioned by Larry Martin and Seconded by Dennis Eby to enter exhibit into testimony. Building that burnt was built in 1972. Furniture business began approx. 1989 by building deer hunting blinds. The rebuilt structure would be used for storage of materials and

furniture for market stand on first floor and manufacturing popcorn on second floor. Approx. ten parttime employees with flexible hours for the popcorn business. There would be no outdoor storage of product, only parking of employee vehicles and delivery trucks and trailers. Businesses are wholesale only. Mr. Riehl and his son are the only employees of the furniture business. Burnt barn was 9024 SF, new barn to be 9174 SF. Applicant withdrew 340-125.B request due to not being necessary for size. There would be no increase in signage. Water is provided by Mr. Riehl's home property and sewage is onsite. Neighbor, Paul Burns, had no complaints and is hopeful that Mr. Riehl can rebuild ASAP.

Conditions: No retail sales. Sewage compliance verified. Water supply must be provided and adequate. Standard Conditions apply.

Decision: Approved with specific conditions.

Motioned by: Larry Martin, Seconded by John Wanner

2. 02-24-01

Leon E. Stoltzfus of 6036 Fisher Drive, Narvon, PA 17555 is requesting a Variance from §340-12.E (Attachment 1) to construct an addition to single-family dwelling within the required front yard. The Subject Property is located at 565 Buchland Road, Narvon, PA 17555, and is located within the A – Agricultural district.

Presenting: Leon Stoltzfus and Benuel, Current Property Owner

Testimony: Would like to construct 15'X26' addition to Northwest corner of existing dwelling. Addition would be 8' further into setback than existing dwelling.

Decision: Approved with specific conditions.

Motioned by: Larry Martin, Seconded by John Wanner

3. 02-24-02

Samuel L. Blank of 175 Churchtown Road, Narvon, PA 17555 is requesting a Variance from §340-12.E (Attachment 1) to build a single-family dwelling within required yards (front, side and rear) The Subject Property is located at 6058 Wertztown Road, Narvon, PA 17555 and is within the A – Agricultural district.

Presenting: Samuel Blank

Testimony: There is a manufactured home on the property currently. He would like to replace that with a new A-Frame dwelling. Septic Testing. Read over existing and proposed distances from property line.

Decision: Approved with standard conditions

Motioned by: Larry Martin, Seconded by John Wanner

4. 02-24-03

Amos L. and Mary A. Smucker of 5158 Old Philadelphia Pike, Kinzer, PA 17535 (Subject Property) are requesting modification of a prior decision and Special Exception/Variance from §340-137.B to allow additional time to record deeds for a proposed subdivision. The Subject Properties are as noted and also include properties at 5122, 5128 and 5140 Old Philadelphia Pike, Kinzer, PA 17353, all being located within the A – Agricultural district.

Presenting: Ron Hershey

Testimony: Riehl (Lot 4, 2024) Sam Smucker (Lot 3, 2025), Levi Smucker (Lot 2, 2026) Order of conveyance not an issue.

Conditions: No building permits shall be issued on any of the lots to which land is conveyed on the pieces to be conveyed until such time as lands are conveyed in title.

Decision: Approved with specific conditions

Motioned by: Larry Martin, Seconded by John Wanner

\*\*\*A RECESS WAS CALLED AT 8:30 PM\*\*\*

5. 02-24-04

George Stoltzfus of 5781 W. Lincoln Hwy, Parkesburg, PA 19365 is requesting a Variance from §340-96 to complete as subdivision/add-on that will result with an existing mobile home park not meeting minimum lot size requirements as set in §223-4.B(1)(a). The Subject Properties are located at 5848 Limeville Road, Gap, PA 17527, 744 and 748 County Line Road, Gap, PA 17527, all being within the R-2 - Residential district.

Presenting: Jason Shaner, Al Broderick and George Stoltzfus

Testimony: Hillcrest Community was purchased in 2021 and Stoneyhill Community was purchased in 2018. Color aerial maps and a revised site plan were entered into exhibit, motioned by Dennis Eby and Seconded by Larry Martin. Hillcrest currently consists of seven units. Does not want to combine land to make one Mobile Home park b/c Hillcrest is 55+. Hillcrest is 5.27 acres and would be 3.34 acres after subdivision. Stoneyhill would be 7.71 acres after subdivision. Al Broderick gave statement inferring need for affordable housing. Chuck Hall of 5844 Limeville Road requested Party Status which was approved. Motioned by Dennis Eby and seconded by Larry Martin. He has concerns about not coming across his property with anything. Tracy and Nancy Miller made a statement opposing application with concerns about traffic, stormwater and water supply noting that a spring went dry this past year and questioned where they would get additional water (potable).

Decision: Granted

Motioned by: Dennis Eby, Seconded by Larry Martin

The meeting was adjourned at 8:45 PM

Respectfully Submitted,

Damian Clawser  
Zoning Officer