

Salisbury Township Zoning Hearing Board Minutes from August 23, 2022 Meeting

A regular meeting of the Salisbury Township Zoning Hearing Board was held on Tuesday, August 23, 2022 at 6:00 PM.

Chairman Peter Horvath called the meeting to order at 6:02 pm.

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

Members absent: John Wanner

Meeting minutes of July 25 & 26, 2022 ZHB meetings were reviewed. A motion was made by Larry Martin to approve the minutes as written. Motion was seconded by Dennis Eby.

Three exhibits were presented 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/Other items:

1. 07-22-05 Benue K. King submitted a letter requesting withdrawal of his application.

Continued Applications:

1. 07-22-07 Samuel M. and Marilyn F. Glick of 950 Simmontown Road, Gap, PA 17527 are requesting a Variance from §340-16.B to be permitted to establish the manufacture of storage sheds as well as a Variance from §340-16.P to allow outdoor storage of products greater than 6' in height within min. required setbacks. The Subject Property is a vacant parcel located between Martin Drive and Lincoln Hwy, identified as "Proposed Lot 3A" on a subdivision plan titled, "Final Subdivision Plan for Houston Run Lot 3," recorded at the Lancaster County Recorder of Deeds as instrument no. 2019-0354-J, otherwise identified as PIN 560-00988-0-0000, which is located within the GC – General Commercial district.

Application Presented By: Bryan Beiler and Jason Shaner

Testimony: They recognize that 29 parking spaces are needed and have now provided 30, expecting 3-5/day retail customers, would want to have 10-12 display models along Rt 30, would comply with sign requirements, height of building would be 32', applicant would be ok with a condition that a covering of some sort on material.

Motioned by: Dennis Eby

Seconded: Larry Martin

Decision: Approved with specific conditions

New Applications:

1. 08-22-01 Ira and Anna Mary Stoltzfus of 339 Spring Garden Road, Kinzer, PA 17535 are requesting a Special Exception for substitution of a non-conforming use under and subject to §340-126 and including any additional Special Exceptions and/or Variances needed to establish the uses. Applicant proposes to substitute a use involving warehousing for food products as well as storage of tractor trailers on the Subject Property in place of a use that includes full service truck repair. The Subject Properties are located at 5077, 5081 and 5085 Old Philadelphia Pike, Kinzer, PA, 17535 and are all within the A – Agricultural district.

Application Presented By: Sheila O'Rourke, and Ira Stoltzfus

Testimony: Existing building is 3095 sf, on average 15-20 tractor trailers are parked on property, has other various vehicles parked on property, hours of operation are not limited, applicant would use existing building for food and product storage 2-3 employees periodically working on property, no retail sales, 2-3 deliveries daily expected, no refrigeration proposed, no rental of parking spaces to other truckers, equipment will be stored inside, may have pallets stacked outside of building, would not be utilizing trailers.

Motioned by: Dennis Eby

Seconded: Larry Martin

Decision: Approved with specific conditions

2. 08-22-02 David & Fannie Stoltzfus of 621 Amish Road, Gap, PA, 17527 (Subject Property) are requesting a Variance from 340-12.E (Attachment 1) to allow a proposed property line for a residential lot to be subdivided, granted by a prior decision, that would place existing buildings within a setback/required side yard. The Subject Property is within the A – Agricultural district.

Application Presented by: Letter was received requesting a continuance.

Testimony:

Motioned by: Peter Horvath

Seconded: Dennis Eby

Decision: Continuance granted

3. 08-22-03 Leon Groff of 5046 Newport Road, Kinzer, PA 17535 is requesting modification of a prior decision and Special Exception to allow expansion of a business that includes the parking of trucks as a non-conforming use under and subject to §340-125 as well as a Variance from §340-125.B to allow proposed expansion to exceed maximum permissible size, a Variance from 340-12.B to allow the business of storing trucks on an adjoining property, a Variance from §340-30 to allow two principal uses without meeting minimum lot requirements for structures, a Variance from §340-25 to allow vehicles in excess of 26,000 lb to be stored on a property containing a principal residential use, a Variance from §340-12.E to exceed maximum permissible lot coverage as well as any other Special Exceptions and/or Variances needed to establish and expand the use. The Subject Properties are located at 5045 Amish Road, Kinzer, PA 17535 and 5028 Newport Road, Kinzer, PA 17535 and are located within the A – Agricultural district.

Application Presented By: Chris Mundy, Chris Falencki, Leon Groff, and Ezra Martin

Testimony: Trucking company hauls sheds and freight, office and fuel station for trucks and dispatch, two employees onsite at all times of business operation, Groff is ok keeping 2 trucks as granted in prior decision, currently services trucks on Newport Rd property, Groff rents a lot in Intercourse to store the remainder of his tractor trailers, hours are 9-9 M-F, have an office and move his repair portion to 5045 Amish, mobile home is currently operating as a dwelling and will be vacated in September, daily truck traffic 6-12 per day, owns 29 trucks and drivers are his employees, sheds will be removed from property, all structures will be removed, proposed 3360 of building to be put on rear of property, increase in impervious of 236 sf, neighbors on Newport rd use Groff lot to get to Amish Rd, burns oil from truck repair and scraps parts, he will have a dumpster, Mary Prokay testified and requested party status, ok with the condition that no work or repair of trucks after 6 pm.

Motioned by: Dennis Eby

Seconded: Larry Martin

Decision: Approved with specific conditions

4. 08-22-04 Urban Outfitters of 5000 S. Broad Street, Philadelphia, PA 19112 are requesting a Special Exception under 340-18.C(3) to be permitted to construct a billboard, subject to 340-117, a Variance from 340-117.A for the billboard to not meet size requirements, Special Exception under and subject to 340-37.D to permit the billboard to be a dynamic display as well as any modifications, Special Exceptions and/or Variances needed to be permitted to construct a billboard containing a 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, Michael Gladnick, and Dean Stoltzufs

Testimony: Proposed lot is Proposing to replace existing sign and increasing size, it still would not meet billboard size requirements, 6.7' x 9.1' is size of proposed sign face, double sided and freestanding, use will be limited to Gap Storage and Urban, edge of existing sign would be held.

Motioned by: Dennis Eby

Seconded: Larry Martin

Decision: Approved with standard conditions

5. 08-22-05 Henry Petersheim of 5340 Paes Road, New Holland, PA 17557 is requesting a Special Exception under 340—21.C(3) to be permitted to establish a church and related use, subject to 340-61 or in the alternative, a Variance from 340-21.B to establish a school on the Subject Property. The Subject Property is a vacant lot identified as "Lot 1" on a subdivision plan titled, "Final Subdivision Plan for Sandmine Road Property," recorded at the

Lancaster County Recorder of Deeds as Instrument Number 2017-0328-J, otherwise identified by PIN 560-19393-0-0000, which is located within the OS – Open Space district.

Application Presented By: Ashley Glick and Benue King

Testimony: Closest school is Welsh Mountain on Hammond Rd, current school has 47 students, capacity is 30, has two teachers, school would encompass one acre, play area will be to south of school building, 4 parking spaces required and will be provided, proposing church in dwelling.

Motioned by: Dennis Eby

Seconded: Larry Martin

Decision: Approved with specific conditions

The meeting was adjourned at 9:30 pm.

Respectfully Submitted,

Kara Wanner

Assistant Zoning Officer