

## Salisbury Township Zoning Hearing Board Minutes from January 23, 2024 Meeting

A regular meeting of the Salisbury Township Zoning Hearing Board was held on Tuesday, January 23, 2024 at 6:00 PM.

Peter Horvath called the meeting to order at 6:03 PM.

Reorganization: Appointment of Chairman, Peter Horvath; Vice Chairman, Dennis Eby; Alternate Secretary, Larry Martin and Council, RKG.

Members present: Peter Horvath, Dennis Eby, Larry Martin. Absent: John Wanner 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: Peter Horvath Seconded: Dennis Eby

### Old Business

#### 1. 12-23-07

Melvin E. King of 105 Churchtown Road, Narvon, PA 17555 is requesting a Variance from §340-12.E and §340-12.L(1)(b) to allow a subdivided lot to be under minimum agricultural lot size as well as Variances to allow existing structures to be within minimum required setbacks. The Subject Property is located at 6191 Plank Road, Narvon, PA 17555 and is within the A – Agricultural district.

Decision: Approved with specific standard conditions.

Motioned by: Dennis Eby, Seconded by Larry Martin

Conditions: Standard Conditions. Final Plan Note regarding use of final subdivision. Right is used. No further subdivisions possible.

### Continued Applications:

#### 1. 11-23-01

John K. Blank of 5921 Plank Rd, Narvon, PA 17555 (Subject Property) is requesting modification of a prior decision and Special Exception under §340-12.C (12) to amend the business type as well as expand the Rural Occupation, subject to §340-106 and including a Variance from §340-106.A to exceed maximum allowed business space. The Subject Property is located within the A – Agricultural district.

Presenting: Emanuel. John Blank

Testimony: A-1 Building Plan Entered. Emanuel testified that usable business space is 3381 SF. 612 SF of additional business space is proposed. And 1152 SF of personal space is proposed. Building is and will remain one story. Outdoor storage area is approx.. 20'X20'. Finished product is stored outside. Powder coating of parts is done offsite. Purpose of addition is to keep raw materials inside. The number of non-residential fulltime employees is two. There are no retail sales. Dumpster is stored at side of building. Metal is recycled every two months. Stall partitions built. Business hours are Mon-Fri 6:30 AM – 4:30 PM. Building area attributed to the business is under 4000 SF so variance no longer needed.

Decision: Deny variance from 340-106A, recognized as not needed. Approval of Special Exception for Rural Occupation.

Motioned by: Dennis Eby, Seconded by Larry Martin

Conditions: Applicant shall comply with sewage requirements.

### New Applications:

1. 12-23-01

Samuel K. Stoltzfus of 935 Churchtown Road, Narvon, PA 17555 (Subject Property) is requesting Variances from §340-12.B and §340-12.L(4) to complete a subdivision/add-on and to expand a lot used for residential purposes, a Variance from §340-12.E to allow the lot containing a residential use to exceed maximum permissible lot area as well as to allow buildings on both Subject Properties within required setbacks and a Variance from §340-12.L(1) to not utilize a subdivision right. Also requested is a modification of prior decision to permit operation of a business granted as a Farm Occupation under and subject to conditions of a prior decision and §340-81, a Variance from §340-81.E to allow business building within minimum required setbacks, a Special Exception under §340-12.C(16) to exceed permissible residential accessory structure space, subject to §340-118 and §340-24.I as well as any other Special Exceptions and/or Variances needed to allow completion of the subdivision/add-on, relocation and operation of the business use and increase in residential accessory space. The Subject Properties are as noted and also include 925 Churchtown Road, Narvon, PA 17555, both being located within the A – Agricultural district.

Presenting: Impact Engineering, Jason Shaner. Samuel K Stoltzfus. Steven Stoltzfus

Testimony: Existing property is 72 acre farm. Samuel owns 2acre property. Intent of the proposed plan is to put the business to the residential lot from the farm. No construction or expansion is proposed. Exhibits entered. Setback exhibit shows 15.7 nearest building on residential lot. 17.4 on farm. Jason Shaner explained each relief request. Business sales are wholesale, no showroom. The remainder of the farm to be 68. Pole is 14' wide and created in 60's. Okay with condition that frame sheds noted on A-2 be removed. Joel Moore, (neighbor) testified in favor of the application stating that the business is not evident from the street. He did not wish to obtain party status.

Conditions: Access easement to be recorded. Sewage requirements as described by SEO must be adhered to. Frame sheds must be removed prior to recording of plan with appropriate permit. Applicant shall record deeds within sixty days of recording of plan. Plan note remaining subdivision right to farm.

Decision: Deny variance of §340-12.L(1) to not utilize subdivision right. Approve all other relief with Std

Motioned by: Dennis Eby, Seconded by Larry Martin

2. 01-24-01

Daniel K. Stoltzfus of 6079 Wertztown Rd, Narvon, PA 17555 (Subject Property) is requesting a Special Exception under §340-21.C(17) to construct additional residential accessory space, subject to §340-118 and §340-24.I and a Variance from §340-24.I(2) to exceed maximum height. The Subject Property is located within the OS – Open Space district.

Presenting: Daniel Stoltzfus

Testimony: Requests to build barn. No business use. Hose bib for horse. 18X36 Horse Shed(648) 10X24 Pool House (240) 8X12 Shed (96). 4224 SF total residential accessory space after construction. Nearest property line to barn is 40'. 8' overhang on top of 45' width. Robert Haldeman and Paul Burkholder testified in support of application.

Decision: Approved with standard conditions.

Motioned by: Dennis Eby, Seconded by Larry Martin

3. 01-24-02

Steven U. Stoltzfus of 5160 Peters Rd, Kinzer, PA 17535 (Subject Property) is requesting a Special Exception under §340-12.C(16) to construct additional residential accessory space, subject to §340-118 and §340-24.I. The Subject Property is located within the A – Agricultural district.

Presenting: Steven Stoltzfus. Aaron Stoltzfus

Testimony: Requests additional space of 1768 SF. Existing lot is 1.2 acres. Removing existing 18X20 shed. Proposed garage to be 16X18 and 65' to property line.

Decision: Approved with standard conditions

Motioned by: Dennis Eby, Seconded by Peter Horvath

4. 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.

Presenting: John Esh, Property Owner. Levi Lapp, Partner

Testimony: There are three drive thru lanes that were used by the bank. Only one will be used by the coffee shop. Remaining space will be used to construct storage/kitchen area and outside patio. Levi went through requirements of 340-76. Trash removal plan was presented. Onsite dumpster. Hours proposed are M-W 6AM-6PM, Fri-Sat 6AM-8PM Closed Sunday. Will utilize existing 4X8 sign. Food sold will include soups, salads, sandwiches, lite fare and coffee. Retaining wall is 4'4" and approx. the property line. Okay with conditions regarding property signage and screening. Deliveries are expected by box truck, not tractor trailers. Barbara Bireley of 834 Chestnut Street and Jeff Heagy of 841 Chestnut Street requested party status. Concerns were raised about already existing heavy traffic flow, vehicles ignoring stop signs, tractor trailer parking along Route 41, tractor trailers navigating the parking lot, lighting, trash, smells.

Conditions: Directional markings in parking lot. Exterior trash maintenance. Grease trap as required. Sewage as designated. Vegetative screening installed. Only one drive thru will be permitted. Parking to be as depicted on site plan.

Decision: Deferred

Motioned by: Larry Martin, Seconded by Dennis Eby

5. 01-24-04

Elam P. and Priscilla King of 5340 Peters Road, Kinzer, PA 17535 are requesting a Special Exception under §340-12.C(16) to be permitted residential accessory structure space exceeding by right allowance on a residential lot to be subdivided and including a Variance from §340-12.E to allow an existing dwelling within required front yard setback of the proposed lot. The Subject Property is located at 5333/5340 Peters Road, Kinzer, PA 17535 and is within the A – Agricultural district.

Presenting: Roger Fry. Elam King

Testimony: Request to subdivide two acres. Accessory structure space 2200 on lot to be subdivided. 70 acres would be remaining. AG buildings remaining on farm will be on south side. No business exists on farm. No construction proposed.

Decision: Approved with standard conditions

Motioned by: Dennis Eby, Seconded by Larry Martin

The meeting was adjourned at 9:39 PM

Respectfully Submitted,

Damian Clawser  
Zoning Officer