

Public Hearing

Notice

Notice is hereby given that the Newberry Township Zoning Hearing Board will hold a public hearing on Monday, April 27, 2026, at 6:00 p.m. at the Newberry Township Emergency Services Building, 1895 Old Trail Road, Etters, PA 17319, to consider the following:

Docket: 2025-03. Concrete Developments Inc, 385 Sipe Road York Haven, PA 17370. Applicant has filed a request for a variance pursuant to Zoning Ordinance Sections 380-26 (4) to use Agricultural land for storage of overflow materials at Lot 7 Culhane Road York Haven PA 17370, being Tax Parcel No. 39-000-OG-0086.J0-00000.

INSTRUCTIONS:
APPLICATION FOR HEARING BEFORE

NEWBERRY TOWNSHIP
ZONING HEARING BOARD

1. Applicants should fill out all portions of the application which are applicable to the request being made answering all questions clearly and providing all necessary information. Be sure to identify the specific section(s) or portions of the ordinance, which pertain to your request. Applicants may use additional sheets as necessary to complete the application and provide the information requested.
2. Applicants should familiarize themselves with Article VI of the Zoning Ordinance in addition to any specific sections of the Zoning Ordinances pertaining to Applicants' request.
3. The Zoning Hearing Board would appreciate as much detail as possible concerning your property and request, i.e. plans, photographs, drawings, etc. are helpful as they pertain to your request.
4. The Applicant, in addition to any representative of Applicant authorized to make or present the application or other request for determination must appear at the hearing to represent the request for determination before the Zoning Hearing Board. Lack of attendance may result in denial or tabling of the application.
5. Applications must be received by the Zoning Office no later than thirty (30) days prior to the Zoning Hearing Board Meeting (which is usually the fourth Monday of the month), so as to accommodate notification to adjacent property owners and to advertise appropriately the notice of the request and hearing as required by the Municipalities Planning Code. You must submit eight (8) copies of the application packet upon submission along with the required fees.

**NEWBERRY TOWNSHIP
APPLICATION FOR HEARING**

APPLICANT

Name: Concrete Developments Inc.

Do Not Write In This Space

Case No. _____

Address: 385 Sipe Road

CHECKLIST

Dates

York Haven, PA 17370

Phone: (717) 932-6810

- Action Taken
- Application Filed
- Fee Paid: ()
- Receipt Issued
- Placed on calendar
- for meeting of Board on
- Notice (a) to applicant
- of hearing (b) to nearby
- Property owners
- Sign set for posting
- Posting Signed by Z.O.
- Hearing Held
- Decision made
- Notification of Decision Sent
- Appeal filed

3/27/26
850.00
Yes
Yes

PROPERTY OWNER (if other than applicant)

Name: _____

Address: _____

Phone: _____

Property Address: _____

EXACT LEGAL DESCRIPTION:

UPI 39-000-OG-0086-J0-0000 - Culhane Rd - Please see attached drawing.

(Attach site or plot plan of property drawn to scale)

PROPERTY INFORMATION:

Date Purchased: December 31, 2024 Present zone: Agriculture

Lot size: width, _____ depth, _____ Present use: None

Area, 11.89 acres

Date of previous Application if any _____ Proposed use: Storage

APPLICANT REQUESTS A HEARING BEFORE THE ZONING HEARING BOARD AND DETERMINATION ON THE FOLLOWING MATTER:

SPECIAL EXCEPTION

VARIANCE

APPEAL FROM DETERMINATION OF

(Complete Section 1 below)

(Complete Section 2 below)

ZONING OFFICER (Complete Section 3 below)

} **REQUEST FOR SPECIAL EXCEPTION** (See Section 380-75 for general criteria)

A. Section of Zoning Ordinance: _____

B. Describe proposed use and nature of request accurately and in detail:

C. Describe how proposed use or request conforms with provisions of Ordinance and specific criteria-section:

D. Describe how proposed use will not be detrimental to or change character of neighborhood: _____

2 REQUEST FOR VARIANCE (See Section 380-75 D for general criteria)

A. Sections(s) of Zoning Ordinance from variance requested: 380-26

B. This is a request for variance relating to:
Area: _____ Use: _____ Setback: _____ Height: _____ Other: _____

C. Describe requested change and reason:
For responses to 2.C-2.E, Please see the attached application narrative.

D. The applicant believes that the variance should be granted because:
He / She is unable to make reasonable use of the property for the following reasons:

The following unique physical circumstances and conditions are applicable to this property:

E. The proposed variance will not alter the essential character of the neighborhood for the following reasons:

3 APPEAL FROM ACTION OR DETERMINATION OF ZONING OFFICER/OTHER (See Section 380-75 E for general criteria:

A. Date of action or determination: _____

B. Nature and description of action or determination: _____

C. State section(s) of Zoning Ordinance applicable: _____

D. Brief description of request: _____

CERTIFICATION BY APPLICANT

I hereby certify that all of the above statements contained in any papers or plans submitted herein are true and correct to the best of my knowledge, information, and belief.

03/27/2026

Date

Ed Wagman

Signature of Applicant

Variance Narrative – Lot 7 Culhane Rd, Newberry Township, PA

I. The Applicant and Property

The applicant is Concrete Developments Inc. (“Applicant”) with a business address located 385 Sipe Road, York Haven, PA 17370 and owner of the Property located at Lot 7 Culhane Road, Newberry Township, Pennsylvania (UPI: 39-000-OG-0086.J0-00000) (“Property”). The 11.89 acre Property is zoned Agriculture. The Property is mostly densely wooded and steeply sloped.

II. The Proposed Use

The Applicant requests the Board grant a variance to use a portion of the Property that abuts the current Monarch Products Co. Inc. plant boundary as a storage area for completed concrete structures produced at the plant materials used at the plant. Applicant proposes clearing some existing vegetation and regrading a limited area of the Property. Additionally, Applicant will install a stormwater basin as needed to comply with the Township’s Stormwater Management Ordinance.

III. Application for Variance

Applicant requests a variance from § 380-26 to use a portion of the Property for the storage of overflow materials from the neighboring Monarch Products Plant. The variance request is a result of the limited potential uses permitted by the Township’s zoning ordinance, the adjacency of the property to land currently zoned for industrial uses, and the topographic condition of the property that precludes most development and prevents most agricultural uses from being conducted.

The Board may grant a variance where the following findings are made where relevant in a given case:

(1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or zoning district in which the property is located.

An unnecessary hardship exists due the exceptional topographical condition of the property. On this property there exists a steep slope, as defined by §344-9 of the Newberry Township Ordinances, which is an inherent natural condition of land. This slope physically constrains the Applicant’s ability to develop the land in ways flat or gently sloped properties would not have. However, the Applicant will only use a portion of the property and the remainder will be untouched such that the neighborhood and district will not be substantially changed.

That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that

the authorization of a variance is therefore necessary to enable reasonable use of the property.

The only viable use permitted by the Township's Zoning Ordinance is timber agriculture which is neither desirable nor feasible given the steep slopes. With the variance granted, only 3.24 acres of the 11.89 acres will be utilized for the storage area (including the stormwater basin) and usable for the Applicant in conjunction with the plant on the neighboring parcel which constitutes a reasonable use.

The Applicant will install a stormwater pond to mitigate any future stormwater runoff that may occur from the regraded storage area.

That such unnecessary hardship has not been created by the applicant.

The Applicant has not had any role in creating this hardship as it is an inherent natural condition of the land.

That the variance, if authorized, will not alter the essential character of the zoning district or neighborhood in which the property is located nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

The variance, when authorized, will not alter the essential character of the zoning district because the use will only occur on a limited portion of the property. The current character of the neighborhood is industrial with the Monarch plant abutting this Property to the east and dense woods around nearly all other boundaries. These boundaries will be maintained as dense woods except for the portion of the eastern boundary that abuts the Monarch plant. Dense trees will remain on all other sides of the developed Property such that adjoining property owners will be effectively screened from the desired storage use.

Storage of concrete products from the Monarch plant will not negatively impact the public.

That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulations in issue.

Because the Property is zoned as Agriculture, the Applicant cannot currently use any of the property in conjunction with the Monarch plant. As seen in the sketch provided as Exhibit A, this use is limited to allow reasonable portion of the property to be used as a storage area for concrete products. As such, this variance represents the minimum variance that will afford relief.