

**BEFORE THE FAIRVIEW TOWNSHIP  
ZONING HEARING BOARD**

**DECISION**

**IN RE:           APPLICATION OF SHEETZ, INC.  
                  APPLICATION NO. 2025-01**

APPLICANT(S):           Sheetz, Inc.  
HEARING DATE:           March 20, 2025  
DECISION DATE:         March 20, 2025  
APPEARANCES:           Atty. Ambrose W. Heinz, Stevens & Lee (for Applicant)  
                              Joshua Weilder, BL Companies (Civil Engineer)  
                              Jessica Strittmatter (Sheetz Rep. – Entitlements Manager)  
                              Stephen Waller, Township Zoning Officer  
EXHIBITS:                Exhibit A-1 – Application (including all attachments)  
                              Exhibit A-2 – Redacted Lease Provisions  
                              Exhibit A-3 – Existing conditions site plan  
                              Exhibit A-4 – Proposed site plan  
                              Exhibit A-5 – CV/Resume of Joshua Weilder  
                              Exhibit A-6 – Front Yard/Truck Turning plan  
SUBJECT PROPERTY:     New View Way, Lewisberry, PA 17339, having UPI No. 27-000-  
                              QG-0003.E0-00000

**BACKGROUND**

This decision of the Fairview Township Zoning Hearing Board (the “**Board**”) is from an application (the “**Application**”) filed with Fairview Township (the “**Township**”) on or about February 18, 2025 seeking zoning relief under the Township’s Zoning Ordinance (the “**Ordinance**”), for: (i) a variance from Section 300-57.B(7)(b) related to landscape islands in the parking lots for nonresidential uses providing more than 10 new parking spaces (to allow for a lesser number of landscape islands); (ii) a variance from Section 300-62.I relating to off-street loading standards (to permit the off-street loading facilities be located within the front yard); and (iii) a variance from Section 300-62.K relating to off-street loading standards (to again permit the off-street loading facilities be located within the front yard (where subsection (K) states no loading spaces shall be permitted within any required building setback, yard, or buffer yard)). The subject property is located at New View Way (having Tax Parcel No. 27-000-QG-0120.X0-00000), Lewisberry, PA 17339, located in the Township’s Commercial Business (CB) Zoning District.

A hearing was held on the Application on Thursday, March 20, 2025, with the meeting starting at 6:00 p.m. The Zoning Hearing Board was represented by Mark Perry (Vice Chairman), Keith Bashore, and Daniel Alderman (alternate member). All published and posted notices were duly given, with no objection thereto being made in writing or orally at the time of the hearing. No residents or individuals in opposition attended and no testimony in opposition was provided, either at the hearing or by written submittal. After hearing the testimony and viewing the evidence in this matter, the Board makes the following determinations:

## FINDINGS OF FACT

1. Sheetz, Inc. (“*Applicant*”), is the current tenant of property located at New View Way (having Tax Parcel No. 27-000-QG-0120.X0-00000), Lewisberry, PA 17339 (the “*Property*”) pursuant to a conditional lease dated August 27, 2024 with the current legal owner, the New View Corporation (through its subsidiary NVC 1, LLC).

2. The Property is located in the Township’s Commercial Business (CB) Zoning District (the “*CB Zone*”) and is currently vacant with an area of roughly 5.75 acres and an irregular shape.

3. Applicant seeks to improve the Property with a “Sheetz” branded gas station/convenience store (the “*Use*”), providing for a 6,139 SF building, a 6 island fueling station (providing for 12 fueling spaces), a drive-through lane, and 44 parking spaces (in addition to the fueling spaces), all as depicted on Exhibits A-4 and A-6.

4. Joshua Weilder, P.E. is qualified as an expert witness related to civil engineering for land use and development.

5. The Property is a three-frontage parcel due to having road frontage on Wyndamere Road (a state road), Industrial Drive (a state road) and New View Way (a Township road).

6. The Property has steep slopes, with the central portion of the Property having the flattest area and ideal for constructing the site, with the slope going from the rear of the Property towards the corner of the Property at New View Way and Industrial Drive intersection.

7. The Use provides for its main access points on New View Way, with one being a right-in only and the second being a full entry and exit access, and an additional egress with a right-out only exit onto Wyndamere Road, all as depicted on Exhibit A-3.

8. Applicant seeks to locate the fuel loading platform in one of the two front yards, being the front yard abutting on Industrial Drive (meeting all setback requirements).

9. Fuel deliveries will be limited to 1 per day at the most, but depending on demand and time of the year could be 1 delivery every other day or every third day.

10. Standard deliveries for items sold and used in the store location are limited to 2 per week, but will be delivered to the side of the store in a non-front yard.

11. Applicant controls its trucking and delivery, and therefore can dictate delivery schedules, confirming that all deliveries would be during non-peak hours of operation.

12. Applicant desires to locate 17 parking spaces (of the 44 parking spaces – not including the 12 fueling spaces) along the front and side of the store as depicted on Exhibit A-4, and seeks not to install landscaping islands for such 17 spaces.

13. Applicant testified the purpose for limiting the landscape islands along the store was for safety concerns regarding the required single tree in each island that would block sight of line between the store employees and the pump station.

14. In addition, Applicant testified about convenience concerns related to preferences to not have raised surfaces and area for customers to access the store entry points.

15. Applicant generally testified none of the zoning requests would have any adverse impact on surrounding property owners, or adversely impact any surrounding use, and all are necessitated due to the unique physical characteristics of the Property, which make developing and using the Property in strict conformity with the ZO to be highly difficult.

16. Stephen Waller, as the Township Zoning Officer, testified that all public notices of the application and hearing were legally conducted, with the hearing being advertised in the newspaper on March 6<sup>th</sup> and 13<sup>th</sup>, the Property being posted in three locations on March 12<sup>th</sup>, and the adjoining property owners having letters mailed to them on March 4<sup>th</sup>.

17. Mr. Waller further provided testimony about the intent of the landscape islands to limit overflow parking during peak hours (to keep patrons of parking in prohibited areas) and to provide additional green space.

### **CONCLUSIONS OF LAW**

1. The Applicant has not established the elements required by Section 300-99(E)(4) of the Ordinance regarding the general criteria for a variance in order to grant a variance from Section 300-57.B(7)(b) related to landscape islands in the parking lots for nonresidential uses providing more than 10 new parking spaces (to allow for a lesser number of landscape islands).

2. The Applicant has established the elements required by Section 300-99(E)(4) of the Ordinance regarding the general criteria for a variance in order to grant variances from Sections 300-62.I and 300-62.K relating to off-street loading standards (to permit the off-street fuel loading facilities be located within the front yard).

### **DECISION**

Mr. Bashore moved to deny the Applicant's request for a variance from Section 300-57.B(7)(b) related to landscape islands in the parking lots for nonresidential uses providing more than 10 new parking spaces (to allow for a lesser number of landscape islands). Mr. Alderman seconded the motion. Upon a vote, the Fairview Township Zoning Hearing Board unanimously approved the motion.

Mr. Bashore moved to grant the zoning relief requested by the Applicants in the Application, being variances from Sections 300-62.I and 300-62.K relating to off-street loading standards (to permit the off-street fuel loading facilities be located within the front yard). Mr. Alderman seconded the motion. Upon a vote, the Fairview Township Zoning Hearing Board unanimously approved the motion.

**APPLICANT SHALL ABIDE BY ALL FEDERAL, STATE AND LOCAL LAWS, REGULATIONS AND ORDINANCES PERTAINING TO PERMISSIONS GRANTED BY THIS DECISION.**

**APPLICANT SHALL PROCEED PURSUANT TO THIS DECISION IN ACCORDANCE WITH THE TESTIMONY AND EXHIBITS PRESENTED AT THE HEARING.**

Date: March 21, 2025

  
\_\_\_\_\_  
Mark Perry, Vice Chairmen

**ANY PERSON AGGRIEVED BY THIS DECISION OF THE FAIRVIEW TOWNSHIP ZONING HEARING BOARD MAY APPEAL TO THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA. THE APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS FROM THE MAILING OF THESE FINDINGS OF FACT, CONCLUSIONS OF LAW AND THE ABOVE DECISION.**

**MAIL DATE:** March 24, 2025

# Stevens & Lee

17 N. Second Street, 16<sup>th</sup> Floor  
Harrisburg, PA 17101  
(717) 234-1090  
www.stevenslee.com

T: (717) 255-7377  
F: (610) 371-7394  
ambrose.heinz@stevenslee.com

February 18, 2025

Stephen Waller  
Zoning Officer  
599 Lewisberry Road  
New Cumberland, PA 17070

*Via Hand Delivery*

Re: Sheetz, Inc.- Zoning Hearing Board Application (NW Corner Industrial Drive & New View Way)

Dear Mr. Waller:

Enclosed please find the following as an Application to the Fairview Township Zoning Hearing Board, submitted on behalf of Sheetz, Inc.:

1. Application form and Narrative attachment (6 copies).
2. Current Site Plan (6 copies).
3. Redacted Lease Agreement showing equitable ownership (6 copies).
4. Check in the amount of \$850.00 payable to Fairview Township as the filing fee.

I request that this Application be scheduled for the next available date of the Fairview Township Zoning Hearing Board. Please contact me if you require any additional information.

Sincerely yours,

STEVENS & LEE



Ambrose W. Heinz

Enclosures



ZONING HEARING BOARD
APPLICATION
YORK COUNTY, PENNSYLVANIA

Please see instructions for further information on completing the application.



PART 1 - APPLICANT/OWNER AND PROPERTY INFORMATION

APPLICANT(S):

Name: Sheetz, Inc.
Address: 5700 Sixth Avenue City Altoona State PA Zip: 16602
Email: jlstrell@sheetz.com Phone: 814-946-3611

PROPERTY OWNER(S) (if other than applicant):

Name: New View Corporation
Address: 5351 Jaycee Avenue City Harrisburg State PA Zip: 17112
Email: Phone:

PROPERTY INFORMATION:

Address: New View Way City Lewisberry State PA Zip: 17339
Lot Size: 5.75 acres Date Purchased: December 3, 2020 Tax Parcel ID: 27-000-QG-0120.X0-00000
Current Use of Property: Industrial - Vacant Land Zoning Map District Designation: CB

PART 2 - ZONING REQUEST TYPE:

Please identify one or more of the following applicable type(s) of relief being requested.

[ ] SPECIAL EXCEPTION As required in Section(s) of the Zoning Ordinance.

The proposed use for the location is claimed by the applicant:

a. To be considered with such other standards as required by the Zoning Ordinance in Section(s):

\_\_\_\_\_

b. Will not detract from the use and enjoyment of adjacent or nearby properties for the following reasons:

\_\_\_\_\_

c. Will not substantially change the character of the neighborhood for the following reasons:

\_\_\_\_\_

d. To comply with various elements and objectives of the Comprehensive Plan, and/or any other applicable plans adopted by the Township of Fairview:

\_\_\_\_\_

[x] VARIANCE of Section: 300-57-B(7)(b) Subsection:
Section: 300-62-I Subsection:
Section: 300-62-K Subsection:
Section: Subsection:

of the Fairview Township Zoning Ordinance.

Nature of Variance(s) requested: See Narrative Attachment

The applicant believes the Variance should be granted due to:

- Applicant is unable to make reasonable use of his property for the following reasons:  
See Narrative Attachment
- The unnecessary hardship on this property is:
  - The result of the application of the Zoning Ordinance;
  - Due to unique physical circumstances of the property in question not shared by other properties in the vicinity;
  - Not financial in nature;
  - Not self-created;
- The proposed Variance will not alter the essential character of the neighborhood nor impair the use of the adjacent property for the following reasons: See Narrative Attachment.
- The Variance requested represents the minimum that will afford relief for the following reasons:  
See Narrative Attachment.

**APPEAL OF THE ZONING OFFICERS DECISION**

The decision of the Zoning Officer dated: \_\_\_\_\_, 20 \_\_\_\_\_ based upon an interpretation of Section(s) \_\_\_\_\_ of the Zoning Ordinance. The nature of the appeal by applicant is as follows: \_\_\_\_\_

**PART 3 – PREVIOUS ZONING HEARING BOARD ACTIONS**

To the best of your knowledge, has there been any previous Zoning Appeals, Variances or Special Exceptions associated with this property? YES  NO .  
If yes, please provide dates or Case #'s 2024-04 Date: September 19, 2024



**PART 5 – APPLICANT/OWNER AUTHORIZATION AND AFFIDAVIT**

Commonwealth of Pennsylvania :

County of Dauphin :

The undersigned, being duly sworn according to law, deposes and says that he/she is the above-mentioned applicant/owner/representative, that they are the owner OR authorized to take this Affidavit on behalf of the owner and that the forgoing information and facts contained in the application are true and correct to the best of their knowledge.

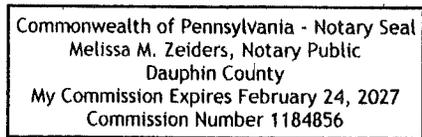
Applicant/Owner/Representative

AUBRESE W HEINZ Esq. Attorney for Applicant  
Name/Title

[Signature]  
Signature

Sworn to and subscribed before me  
this 18 day of February, 2025.

Melissa M. Zeiders  
Notary Public



*For office use only:*  
**ZONING HEARING BOARD CHECKLIST**

Application received: \_\_\_\_\_

Property Zoning District: \_\_\_\_\_

Request Type: Special Exception, Variance or Appeal: \_\_\_\_\_

Case No.: \_\_\_\_\_ Fee paid: \$ \_\_\_\_\_ Payment type: \_\_\_\_\_

Hearing date: \_\_\_\_\_

Draft Public Notice sent to Attorney for review: \_\_\_\_\_

Notice sent to newspaper: \_\_\_\_\_

Notice published in newspaper: \_\_\_\_\_

Notice mailed to property owners (225 ft. buffer): \_\_\_\_\_

Public Notice posted on property: \_\_\_\_\_

ZHB packets mailed and emailed: \_\_\_\_\_

Action taken: \_\_\_\_\_

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# INFORMATION AND INSTRUCTIONS ON THE FAIRVIEW TOWNSHIP ZONING HEARING BOARD APPLICATION

## **PART 1: APPLICANT/OWNER AND PROPERTY INFORMATION:**

**APPLICANT:** Enter the applicant's name, address, and contact information. Under the Pennsylvania Municipalities Planning Code, the applicant must be the landowner which is defined as "the legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land." If the applicant is not the landowner as defined above, a purchase/lease agreement providing the tenant with the right to apply for zoning relief, or written consent from the owner is required to be submitted along with application or the application will be rejected by the Zoning Officer.

**PROPERTY OWNER:** Enter the name, address, phone number and email of the current property owner(s).

**PROPERTY INFORMATION:** Enter the property address; the size of the lot in square feet or acres; the date the property was purchased; the Parcel ID OR Tax Map and Parcel number (can be found on tax bill or at York County Tax Assessment website); the current use of the property (such as a single family dwelling, multi-family dwelling, commercial or industrial use, agricultural land or vacant lot); the properties Zoning Map Designation which can be found on the Township Zoning Map.

## **PART 2: ZONING REQUEST(S) TYPE AND DESCRIPTION OF THE REQUEST :**

**SPECIAL EXCEPTION:** A special exception is defined as use which is outlined in the Zoning Ordinance that may be permitted **ONLY** by Zoning Hearing Board Approval by satisfying specific criteria as outlined in the Ordinance.

**APPEALS:** Any decision made by the Zoning Officer or their representative can be appealed to the Zoning Hearing Board.

**VARIANCE REQUESTS:** A variance is a request to use or construct on a property in a way that is not permitted by the Zoning Ordinance.

Section(s) of the Zoning Ordinance that relief or an appeal is being requested **MUST** be indicated on the application or the application will be deemed incomplete.

**PART 3 : PREVIOUS ZONING HEARING BOARD ACTIONS:** Please note any previous cases that have been heard by the Zoning Hearing board for the noted property.

## **PART 4: LIST OF PROPERTY OWNERS:**

List and identify all property owners within **200 feet** of the subject property indicated on application. This information can be obtained from the York County Tax Assessment website at <http://york-county.org>. Follow the tax assessment/real estate assessment menus. Identify the use type of the surrounding properties (i.e.: single family dwelling, multi-family dwelling, commercial use, industrial use, agricultural land or vacant lot).

## **PART 5: AUTHORIZATION AND AFFIDAVIT:**

This section must be signed, dated by the property owner or an authorized applicant/equitable owner and notarized to certify the submittal is true to the best of their knowledge and belief.

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**NOTES:**

- The Zoning Officer will be a PARTY present at the hearing and will be representing the Fairview Township Zoning Ordinance requirements or justification of the zoning determination that was made. Due to this, the Zoning Office CANNOT give advice or direction on the completion of the application outside of general information. It is the responsibility of the Applicant to make the determination of what type of relief is being requested.
  - The applicant *should consider* using Legal Counsel to assist in the completion of the application as well as appearing before the Zoning Hearing Board.
  - ***The applicant, owner or an authorized representative MUST appear at the hearing*** to present the case. Lack of attendance/representation may be reason for denial of the application.
  - ALL applicable portions of the application must be completed; the application must be signed and notarized where indicated in Part 5; and the FILING FEE must be paid at the time the application is submitted. An incomplete application may be reason for denial.
  - The current filing fee can be obtained by calling the Fairview Township Codes Office or by visiting our website at [www.twp.fairview.pa.us](http://www.twp.fairview.pa.us). Follow the links to the Zoning Hearing Board page.
  - A completed application must include six (6) hard copies and be submitted to the Fairview Township Codes Office ***not later than 3:30pm on the deadline date***. A list of the meeting dates and deadlines can be found on our website at [www.twp.fairview.pa.us](http://www.twp.fairview.pa.us). (if any attachments are larger than 8 ½" X 11" page - one (1) digitized copy of the attachment(s) is required.
  - All submitted zoning hearing cases will be read into record at the first Planning Commission meeting after the application is received. The Planning Commission meeting is held on the first Tuesday of the month. The applicant may attend this meeting, but it is not required.
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**Narrative Attachment**

**SHEETZ, INC.**

**FAIRVIEW TOWNSHIP ZONING HEARING BOARD**

The Applicant, Sheetz, Inc., is a Pennsylvania Corporation with an address of 351 Sheetz Way, Claysburg, Pennsylvania (“Sheetz”). Sheetz is the equitable owner, pursuant to a lease, of an approximate +/- 5.75 acres tract of land (the “Sheetz Site”) located at the northwest corner of the intersection of Industrial Drive (State Route 611) and the to-be-constructed shared drive aisle to be named New View Way, in Fairview Township, York County, Pennsylvania (currently identified as York County Parcel Identification No. 27-000-QG-0120.X0-00000) (the “Property”). The Property is owned by NVC 1, LLC (the “Owner”).

Sheetz is proposing to develop the property as a Sheetz convenience store with gasoline dispensing facilities, made-to-order food, and a drive-through facility. The Property is currently zoned in the Commercial Business Zoning District (“CB”). Pursuant to § 300-71, Convenience stores with gasoline/fuel sales is permitted by right in the CB District.

**THIS APPLICATION REQUESTS THE FOLLOWING RELIEF:**

**I. ORDINANCE § 300-57-B(7)(b) – INTERNAL LANDSCAPED ISLANDS.**

Section 300-57-B(7)(b) provides, *inter alia*, as follows:

In parking areas or lots containing more than 10 new parking spaces, internal landscaped islands shall be provided in according with the following:

[1] One internal landscape island shall be provided for every 10 parking spaces (or 20 double-loaded spaces).

For a Convenience store use, the Property is oddly shaped and sits between three public roads. The need for a robust width between the fueling station, the drive-through service lane, and the internal driving lanes that circulate around the building causes internal landscape islands to be hazardous to the safety of the patrons of the Sheetz store. Moreso, internal landscape islands will obstruct the view of the fueling canopy from employees within the principal building. Sheetz will provide equivalent green space elsewhere in lieu of the internal landscaped islands along the building frontage.

The Applicant requests a dimensional variance from this section to permit no landscaped islands along building frontage, including no landscaped islands at row ends. This relief represents the minimum deviation necessary for the operation of the Sheetz Site.

**A DIMENSIONAL VARIANCE IS REQUESTED FROM § 300-57-B(7)(b) TO ALLOW FOR NO LANDSCAPE ISLANDS ALONG BUILDING FRONTAGE, INCLUDING NO LANDSCAPING ISLANDS AT ROW ENDS.**

**II. ORDINANCE § 300-62-I & § 300-62-K: LOADING STANDARDS.**

Section 300-62-I and Section 300-62-K provide as follows:

(I) In all Zoning Districts except for the IB Zoning District, off-street loading facilities shall not be permitted within any front yard between the principal building and the public street (excluding alleys).

(K) No off-street loading spaces shall be permitted within any required building setback, yard, or buffer yard area.

Due to the nature of the Property having two front yards (i.e., the areas between the principal building and New View Way, and the principal building and Industrial Drive), the portion of the property that is best equipped to place the fueling stations is in the front yard facing Industrial Drive. This causes the necessary underground storage equipment that houses the automobile fuels to be placed in this front yard. Necessarily, the tanker trucks that will be refilling the fueling station will have to temporarily park in an off-street loading zone within the front yard facing Industrial Drive.

Additionally, pertaining to Section 300-62-K, the language of this section restricting off-street parking in any “yard” also prevents the loading spaces from being placed in the front yard facing Industrial Drive.

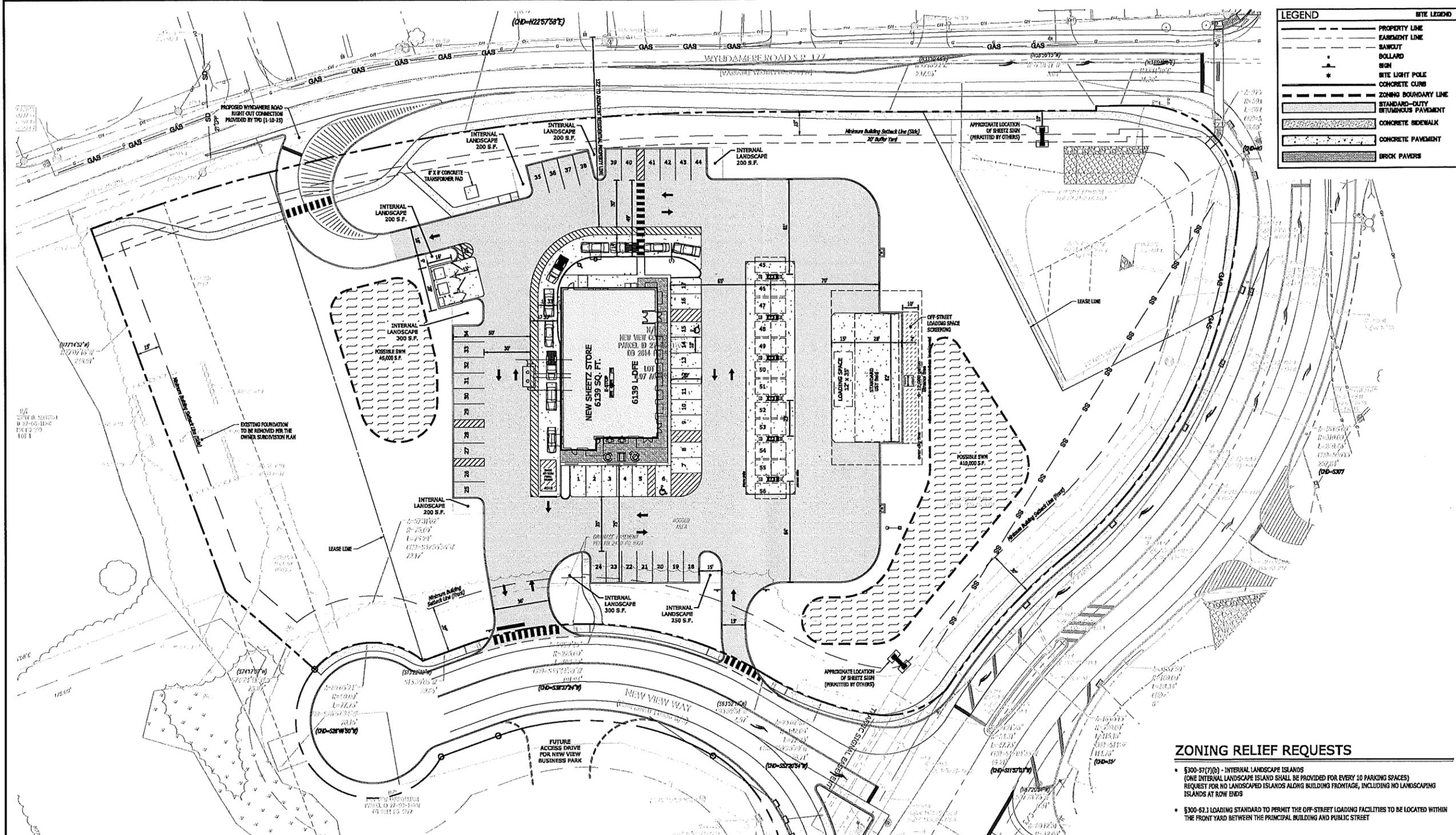
Sheetz will provide necessary screening of this off-street loading space that is located in the front yard of Industrial Drive. Further, due to the general layout of the Sheetz Site, the underground storage equipment is already setback a large distance from Industrial Drive.

The Applicant requests a dimensional variance from these sections to permit the off-street loading facilities to be located within the front yard between the principal building and public street. This relief represents the minimum deviation necessary for the operation of the Sheetz Site.

**A DIMENSIONAL VARIANCE IS REQUESTED FROM § 300-62-I TO ALLOW FOR OFF-STREET LOADING FACILITIES TO BE LOCATED WITHIN THE FRONT YARD BETWEEN THE PRINCIPAL BUILDING AND PUBLIC STREET.**

**ATTACHMENT A**

Site Plan



LEGEND		SITE LEGEND	
---	PROPERTY LINE	---	PROPERTY LINE
---	EASEMENT LINE	---	EASEMENT LINE
---	BOLLARD	---	BOLLARD
---	BIG N	---	BIG N
*	BITE LIGHT POLE	*	BITE LIGHT POLE
---	CONCRETE CURB	---	CONCRETE CURB
---	ZONING BOUNDARY LINE	---	ZONING BOUNDARY LINE
---	STANDARD-DUTY BITUMINOUS PAVEMENT	---	STANDARD-DUTY BITUMINOUS PAVEMENT
---	CONCRETE SIDEWALK	---	CONCRETE SIDEWALK
---	CONCRETE PAVEMENT	---	CONCRETE PAVEMENT
---	BRICK PAVERS	---	BRICK PAVERS

Architecture  
Engineering  
Environmental  
Land Surveying  
Companies

2601 Market Place  
Suite 350  
Harrisburg, PA 17110  
(717)943-1665

**SHEETZ**  
Sheetz, Inc.  
8700 South Avenue  
Allentown, PA 18102  
(610) 462-5111

**FINAL LAND DEVELOPMENT PLAN**  
**SHEETZ - LEWISBERRY (PA) INDUSTRIAL DRIVE**  
NEW VIEW WAY  
FAIRVIEW TOWNSHIP, YORK COUNTY, PA

**ZONING RELIEF REQUESTS**

- §300-57(7)(b) - INTERNAL LANDSCAPE ISLANDS (ONE INTERNAL LANDSCAPE ISLAND SHALL BE PROVIDED FOR EVERY 10 PARKING SPACES) REQUEST FOR NO LANDSCAPED ISLANDS ALONG BUILDING FRONTAGE, INCLUDING NO LANDSCAPED ISLANDS AT ROW ISLANDS
- §300-52.1 LOADING STANDARD TO PERMIT THE OFF-STREET LOADING FACILITIES TO BE LOCATED WITHIN THE FRONT YARD BETWEEN THE PRINCIPAL BUILDING AND PUBLIC STREET

**ZONING INFORMATION**

LOCATION: FAIRVIEW TOWNSHIP, YORK COUNTY  
ZONE: COMMERCIAL BUSINESS ZONING DISTRICT (CB)  
USE: CONVENIENCE STORE WITH FUEL, GAS SALES (PERMITTED USE)

ITEM	REQUIREMENTS	PROPOSED	VARIANCE
MINIMUM LOT AREA	NONE REQUIRED	4.97 ACRES (LOT) 9.64 ACRES (LEASE)	NO
MINIMUM LOT WIDTH	100 FEET 115 FEET (CORNER LOT)	433 FEET	NO
MINIMUM FRONT SETBACK	> 30 FEET	> 30 FEET	NO
MINIMUM SIDE SETBACK*	15 FEET	> 15 FEET	NO
MINIMUM REAR SETBACK	15 FEET	> 15 FEET	NO
MAXIMUM BUILDING HEIGHT	55 FEET	< 55 FEET	NO
MAXIMUM IMPERVIOUS LOT COVERAGE	75 PERCENT	437.90 PERCENT	NO
MINIMUM VEGETATIVE COVERAGE	10 PERCENT	462.10 PERCENT	NO

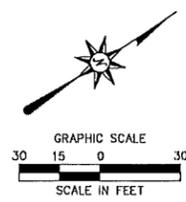
\*FRONTAGE ALONG WYNDAMERE ROAD IS CONSIDERED A SIDE YARD PER ZONING FIGURE 2.11 "TRIPLE ROAD FRONTAGE" OF THE FAIRVIEW TOWNSHIP ZONING CODE.

**PARKING INFORMATION**

ITEM	REQUIREMENTS	PROPOSED	VARIANCE
BUILDING SIZE	NONE REQUIRED	6139 S.F.	NO
PARKING REQUIRED	CONVENIENCE STORE: 1 PER 100 S.F. OF RETAIL FLOOR AREA + 1 PER FUEL/GAS PUMP + 1 PER EMPLOYEE ON THE PEAK SHIFT 2133 / 100 + 11 PUMP + 8 EMPLOYEES = 42 SPACES 1500 SERVICES 1 PER 6 SEATS, 46 SEATS / 6 = 8 SPACES 42 + 8 = 50 TOTAL PARKING SPACES	42 REGULAR SPACES 2 HANDICAP SPACES 12 PUMP SPACES 56 TOTAL SPACES	NO
MINIMUM ADA PARKING SPACES REQUIRED	2 SPACES	2 SPACES	NO
MINIMUM PARKING DIMENSIONS	9 FEET x 18 FEET	10 FEET x 20 FEET	NO
MINIMUM AISLE WIDTH	22 FEET - 2-WAY 12 FEET - 1-WAY	24/20 FEET - 2-WAY 15 FEET - 1-WAY	NO
OFF-STREET LOADING SPACES	< 5,000 S.F. = 0	1 SPACE	NO
OFF-STREET LOADING SPACE SIZE	12 FEET WIDE x 35 FEET LENGTH x 13 FEET HIGH	12 FEET x 35 FEET 13' HIGH	NO
MINIMUM PARKING SETBACK	5 FEET (BUILDING/ROW/ACCESS DRIVE/LOT LINE)	> 5 FEET	NO
INTERNAL LANDSCAPE ISLAND	ONE FOR EVERY 10 PARKING SPACES (UP TO 15 SPACES IN A ROW)	(5) MIN. OF 200 S.F. EACH = 1850 S.F.	YES



PENNSYLVANIA ACT 287 (1974) AS AMENDED BY PENNSYLVANIA ACT 199 (2004) REQUIRES NO LESS THAN THREE (3) WORKING DAYS AND NO MORE THAN (10) WORKING DAYS NOTICE TO UTILITIES BEFORE YOU EXCAVATE, DRILL, BLAST OR DEMOLISH. PA ONE-CALL SERIAL NO. 20242690509



DESIGNED: J.B.W.  
DRAWN: J.R.J.  
REVIEWED: J.B.W.  
SCALE: 1" = 30'  
PROJECT NO.: 2402164  
DATE: 11/15/2024  
CAD FILE:

**ZONING RELIEF SITE PLAN**  
Sheet No.  
**C1.00**

**ATTACHMENT B**

Redacted Lease Agreement

## LEASE AGREEMENT

THIS LEASE AGREEMENT (this "Lease") made this 31<sup>th</sup> day of August, 2024 (the "Effective Date"), between NVC 1 LLC, a Pennsylvania limited liability company, with an address 5351 Jaycee Avenue, Harrisburg, PA 17112 ("Landlord"), and SHEETZ, INC., a Pennsylvania corporation, having its principal place of business located at 5700 Sixth Avenue, Altoona, Blair County, PA 16602 ("Tenant"). Landlord and Tenant are sometimes hereinafter collectively referred to as the "Parties", and each, individually, as a "Party".

### R E C I T A L S

A. Landlord is the fee owner of approximately 5.75 acres, more or less, located at the northwest corner of the intersection of Industrial Drive (State Route 611) and the to-be-constructed shared drive aisle to be named New View Way ("New View Way"), in Fairview Township, York County, Pennsylvania (currently identified as York County Parcel Identification No. 27-000-QG-0120.X0-00000), being of the dimensions and with the boundaries located at set forth on the preliminary site plan attached hereto and incorporated herein as Exhibit "A" (the "Preliminary Site Plan"), having acquired title thereto by Deed dated December 3, 2020 and recorded with the Recorder of Deeds for York County at Deed Book 2614, Page 4980 (such 5.75-acre tract, together with any and all rights, privileges, easements and appurtenances benefitting, belonging or in any way pertaining thereto, the "Demised Premises").

B. Subject to the satisfaction or waiver of the Contingencies (as hereinafter defined) and all other applicable terms and conditions of this Lease, Tenant proposes and intends to develop, construct upon, use, occupy and operate the Demised Premises as and for a Sheetz-branded convenience store, restaurant, self-service fuel dispensing facility (including gasoline, auto-diesel, flex-fuel, and other petroleum products), and electric vehicle charging facility with electric vehicle battery storage facilities (at Tenant's election), operating twenty-four (24) hours per day, seven (7) days per week, with the sale of tobacco, e-cigarettes, cannabidiol (CBD) containing substances and— to the extent legally permissible—cannabis containing substances and related products, and pre-packaged, pre-made and made-to-order food and beverage (including alcohol) sales, together with adequate fuelling pumps (including multiple-product, auto-fuelling dispensers), red fuel pump island canopy(ies), indoor and outdoor seating, adequate ingress and egress (in the areas, and with the turning movements, conceptually depicted on the Preliminary Site Plan and on the preliminary access plan attached hereto and incorporated herein as Exhibit "C" (the "Preliminary Access Plan"; the Preliminary Site Plan and the Preliminary Access Plan, together and as may be modified, the "Preliminary Depictions"), and as otherwise determined by Tenant), adequate signage, adequate on-site parking, and other uses incidental and ancillary to the foregoing, as Tenant may evolve, expand, retract and/or otherwise modify from time-to-time in connection with the general evolution of Tenant's business (collectively, "Tenant's Intended Uses") all as depicted on the Preliminary Depictions; provided, however, that (a) the definition of Tenant's Intended Uses is not intended to limit the natural business

evolution of goods and services offered by Tenant, and (b) Tenant shall have the right to amend or otherwise modify the Preliminary Depictions as Tenant may elect in Tenant's sole discretion.

C. Tenant desires to lease from Landlord, and Landlord desires to lease to Tenant, the Demised Premises upon the terms, conditions, covenants, and agreements set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants hereinafter set forth and the foregoing recitals which are incorporated herein, the Parties hereto, intending to be legally bound hereby, covenant as follows:

**ARTICLE I  
DEMISE OF PREMISES; WARRANTIES;  
LEASE CONTINGENCIES**

**Section 1.1 Demise.** The foregoing Recitals A through C are specifically incorporated herein by reference. Subject to the Contingencies in Section 1.3, as well as all other terms, conditions and covenants hereinafter set forth, Landlord hereby leases and permits the use to Tenant, and Tenant hereby leases from Landlord, the Demised Premises. The perimeter lease line of the Demised Premises is depicted on the Preliminary Site Plan. The Parties acknowledge that the precise boundary line of the Demised Premises may change slightly as a result of the site plan and survey process. If such is the case then the parties shall prepare an amendment to this Lease attaching a new Exhibit "A-1" depicting the correct perimeter lease line and precise acreage of the Demised Premises. Notwithstanding anything set forth herein to the contrary, Landlord and Tenant hereby acknowledge and agree that Tenant shall have the right to amend or otherwise modify the Preliminary Depictions as Tenant may elect in Tenant's sole and exclusive discretion, regardless Tenant shall lease the entirety of the Demised Premises, subject to the terms and conditions of this Lease.

**Section 1.2 Representations, Warranties, and Covenants:** Landlord hereby represents, warrants, and covenants to Tenant as follows, each of which are true as of the Effective Date and, as a condition precedent to the Lease Commencement Date (as hereinafter defined), shall be true on the Lease Commencement Date, unless otherwise specified below:

(a) That on or before (and as an express condition precedent to the occurrence of) the Lease Commencement Date (as hereinafter defined), fee simple title to the Demised Premises shall be vested solely in Landlord;

(b) ; Landlord is duly organized, validly existing and in good standing under the laws of the Commonwealth of Pennsylvania;

(c) The person(s) executing this Lease on behalf of Landlord has/have the full power and authority to execute, deliver and perform this Lease and to

notice of the status and/or continuation of such delays; and (c) use commercially reasonable efforts and diligence to effect the required performance as soon as reasonably possible following the elimination or expiration of such Event of Force Majeure. An Event of Force Majeure shall be deemed expired when the affected Party is fully able to resume performance of the delayed action as provided or otherwise required herein. Provided that all requirements of this Section 22.15 are satisfied, the time required for the performance of the applicable act or obligation shall be extended for a period of time equivalent to the length of delay, hindrance, and/or prohibition caused by the Event of Force Majeure.

Section 22.16 Execution of Lease. The submission of this Lease to each of Landlord and Tenant shall be for examination and negotiation purposes only, and does not and shall not constitute a reservation of or an obligation of Tenant to lease, or an offer to Tenant to lease, or otherwise create any interest of Tenant in, the Demised Premises or any other premises situated on Landlord's property (including, without limitation, the Landlord's Adjacent Property(ies)) unless and until this Lease is fully executed and delivered by Tenant and Landlord. Specifically, neither Party hereto shall have any obligation or liability to the other whatsoever at law or in equity (including any claims for detrimental reliance, partial performance, good faith or promissory estoppel or other similar types of claims) unless and until such time as both Parties shall have executed and delivered this Lease. This Section 22.16 supersedes all other conflicting verbal understandings or agreements or language set forth in this Lease.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]  
[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the Landlord herein has duly executed and delivered this Lease Agreement as of the day and year first above written.

WITNESS/ATTEST:

LANDLORD:  
NYC 1, LLC,  
a Pennsylvania limited liability company

By: Mark A. Santo

Name: Mark A. Santo

Title: Managing Member

IN WITNESS WHEREOF, the Tenant herein has duly executed and delivered this Lease Agreement as of the day and year first above written.

WITNESS/ATTEST:

TENANT:  
SHEETZ, INC.  
a Pennsylvania corporation

  
\_\_\_\_\_  
Robert M. Jochen  
Assistant Secretary

By:   
\_\_\_\_\_  
Travis T. Sheetz,  
President & Chief Executive Officer