

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PoconoPlaces, LLC, :
Appellant :
v. :
Pocono Township Zoning : No. 508 C.D. 2025
Hearing Board and Pocono Township : Submitted: July 24, 2026

BEFORE: HONORABLE PATRICIA A. McCULLOUGH, Judge
HONORABLE CHRISTINE FIZZANO CANNON, Judge
HONORABLE MATTHEW S. WOLF, Judge

OPINION NOT REPORTED

MEMORANDUM OPINION
BY JUDGE FIZZANO CANNON

FILED: September 23, 2026

PoconoPlaces, LLC (Appellant) appeals the March 14, 2025 order of the Court of Common Pleas of Monroe County (Trial Court) affirming a decision of the Zoning Hearing Board of Pocono Township (ZHB) that denied, in part, Appellant's appeal from zoning enforcement notices relating to five parcels of real property owned by Appellant. Upon review, we affirm.

I. Background and Procedural Posture

Appellant is the record owner of five contiguous parcels of real property located on Route 611 near the intersection of Route 34 in Pocono Township (Township), Monroe County, Pennsylvania (collectively, the Property). *See* ZHB Decision issued October 31, 2024 (ZHB Decision) at 3; Trial Court Opinion and Order entered Mar. 14, 2025 (Trial Court Opinion) at 2. On December 12, 2023, and again on February 20, 2024, the Township's appointed zoning officer, Shawn McGlynn (Zoning Officer), conducted an inspection of the Property at the invitation

of Appellant's property manager to investigate complaints of a Township resident relating to junk on the Property. *See* ZHB Decision at 4 & 13; Trial Court Opinion at 2. The Zoning Officer took photographs of the condition of the Property during both inspections. *See* ZHB Decision at 8 & 23-25; Trial Court Opinion at 2.

As a result of his observations of the Property during the inspections, the Zoning Officer issued a total of five enforcement notices (collectively, the Enforcement Notices) to Appellant, which Appellant appealed to the ZHB.¹ *See* ZHB Decision at 2-4; Trial Court Opinion at 4. The Enforcement Notices each alleged three counts of violations of the Township's Zoning Ordinance (Zoning Ordinance) as to each parcel of the Property. *See* Reproduced Record (R.R.) at 237a-43a. Specifically, the Enforcement Notices Counts 1 through 3 alleged that Appellant:

1. Established a new use and/or changed the use of the subject property, without first obtaining a Zoning Permit from the Zoning Officer in violation of § 470-121 of the Township Zoning Ordinance. You have established a Salvage/Junkyard on the subject property without first obtaining a Zoning Permit for this new and/or change in use.
2. Established a Salvage/Junkyard in violation of § 470-17 and the Table of Use Regulations within Zoning Districts of the [] Township Zoning Ordinance. A Salvage/Junkyard is prohibited within the C Zoning District.

¹ The Zoning Officer issued the first two Enforcement Notices pertaining to two of the Property's individual parcels on December 13, 2023, and an additional three Enforcement Notices pertaining to the remaining three parcels of the Property on February 20, 2024. *See* ZHB Decision at 2 & 4. Appellant ultimately appealed all five Enforcement Notices, which the ZHB consolidated on agreement of the parties. *See* ZHB Decision at 3; *see also* Transcript of June 25, 2024 Hearing (Tr. 6-25-2024) at 9.

3. Used and occupied the subject property as a Salvage/Junkyard without first obtaining a Certificate of Use and Occupancy from the Zoning Officer in violation of § 470-122 of the Township Zoning Ordinance.

R.R. at 237a-38a.

Appellant appealed the Enforcement Notices to the ZHB (collectively, the Appeals), which conducted a hearing on the Appeals (Hearing).² *See* ZHB Decision at 5. Following the Hearing, on October 31, 2024, the ZHB issued the ZHB Decision. The ZHB granted the Appeals and dismissed Count 2 of each of the Appeals as defective for citing the incorrect Zoning Ordinance section. *See* ZHB Decision at 29-30. The ZHB determined, however, that the Township proved by competent and substantial evidence that Appellant established a salvage/junkyard on the Property. *See* ZHB Decision at 28-30. The ZHB likewise determined that the Township proved by competent and substantial evidence that Appellant was using the Property as a salvage/junkyard without first obtaining the proper zoning permit and/or certificate of use and occupancy from the Zoning Officer. *See* ZHB Decision at 28-30. Accordingly, the ZHB denied the Appeals as to Counts 1 and 3. *See* ZHB Decision at 30. Appellant appealed to the Trial Court, which, on March 14, 2025, denied the appeal without taking further evidence. *See* Trial Court Order. Appellant appealed to this Court.

² The Hearing commenced and the ZHB took evidence on February 22, 2024. *See* ZHB Decision at 5. The Hearing was then continued to March 26, 2024, continued again to April 25, 2024, continued a third time to May 30, 2024, and continued a fourth time to June 25, 2024, at which time the ZHB took further evidence and the Hearing was concluded. *See* ZHB Decision at 5.

II. Issues

Appellant purports to raise four claims³ on appeal. First, Appellant argues that the Trial Court erred in determining that the evidence was sufficient to demonstrate that Appellant established a salvage/junkyard on the Property. *See* Appellant's Br. at 4, 12-25. Next, Appellant argues that the Trial Court erred by denying the Appeals where there was insufficient evidence that the Property could be seen from public streets or that the areas in question on the Property were visible from adjacent properties. *See* Appellant's Br. at 4 & 25-32. Appellant also argues that the Trial Court erred by denying the Appeals because the evidence was

³ Appellant states the questions involved in this appeal as:

I. Did the Trial Court err in denying the appeal briefs [sic] appeal of the [ZHB D]ecision where the evidence was insufficient to establish that [] Appellant established a junk/salvage yard on [the P]roperty?

II. Did the Trial Court err in denying the Appellant[']s appeal from the [ZHB D]ecision where there was insufficient evidence that [the P]roperty could be seen by public streets, or roads, and no testimony was provided that the area in question was visible from an adjacent property.

III. Did the Trial Court err in denying [] Appellant's Appeal from the [ZHB Decision] where there was insufficient evidence to establish that a new or changed use to a junk/salvage yard occurred on the subject [P]roperty.

IV. Did the Trial Court err [by] denying Appellant's Appeal of the [ZHB D]ecision that [] Appellant required a [z]oning permit and/or certificate of occupancy on the [P]roperty for materials that were on [the P]roperty from at least ten (10) years prior to [Appellant's] purchase of [the] same?

Appellant's Br. at 5.

insufficient to demonstrate that a new or changed use to a salvage/junkyard had occurred on the Property. *See* Appellant’s Br. at 4 & 33-37. Finally, Appellant argues that the Trial Court erred by determining that the ZHB Decision properly required that Appellant have a zoning permit and/or a certificate of use and occupancy where the materials on the Property had been there for at least 10 years prior to Appellant’s purchase of the Property. *See* Appellant’s Br. at 4 & 37-39. Appellant is not entitled to relief.

III. Discussion

Appellant’s claims argue that the ZHB erred because the Township did not present substantial evidence that Appellant established a salvage/junkyard on the Property, that a new or changed use had occurred on the Property, and that the alleged junk on the Property could be seen from a public street or neighboring properties. Appellant further claims to be shielded from liability by the fact that a portion of the junk on the Property was there when Appellant purchased the Property. We do not agree.

Initially, we observe that “[w]here the trial court receives no additional evidence on appeal from a zoning hearing board’s decision, an appellate court’s standard of review is to determine whether the board committed an abuse of discretion or an error of law.” *Chestnut Hill Cmty. Ass’n v. City of Phila. Zoning Bd. of Adjustment*, 317 A.3d 706, 710 n.3 (Pa. Cmwlth.), *appeal denied*, 331 A.3d 522 (Pa. 2024) (quoting *Harrisburg Gardens, Inc. v. Susquehanna Twp. Zoning Hearing Bd.*, 981 A.2d 405, 410 (Pa. Cmwlth. 2009)). “An abuse of discretion occurs when the board’s findings are not supported by substantial evidence in the record. Substantial evidence is such relevant evidence as a reasonable mind might

accept as adequate to support a conclusion.” *Appeal of Dillon Real Est. Co.*, 688 A.2d 1264, 1265 (Pa. Cmwlth. 1997) (internal citations omitted).

“In an enforcement proceeding, the municipality bears the burden of proving a zoning ordinance violation.” *St. Elmo Dev., LLC v. Zoning Hearing Bd. of City of Allentown*, 320 A.3d 783, 788 (Pa. Cmwlth. 2024) (citing *Hartner v. Zoning Hearing Bd. of Upper St. Clair Twp.*, 840 A.2d 1068 (Pa. Cmwlth. 2004)).

To meet its burden to prove the Zoning Ordinance violations alleged in the Enforcement Notices, the Township first presented the testimony of the Zoning Officer.⁴ *See* Transcript of Hearing, February 22, 2024 (Tr. 2-22-2024) at 11-40; Transcript of Hearing, June 25, 2024 (Tr. 6-25-2024) at 14-81. The Zoning Officer testified that he is familiar with the Property, which consists of five parcels of land owned by Appellant. *See* Tr. 2-22-2024 at 11-14; Tr. 6-25-2024 at 17-18. The Zoning Officer explained that he first went to the Property in December of 2023 at the invitation of Appellant’s property manager to investigate complaints lodged by a neighboring landowner of accumulating trash and junk on the Property, and then again in February of 2024. *See* Tr. 2-22-2024 at 14-16 & 20-21; Tr. 6-25-2024 at 18, 20-21 & 41.

At the Property, the Zoning Officer observed various items about the Property grounds that he described as “junk,” including an old lawn tractor; multiple wheels and tires; broken concrete blocks from a construction site; scaffolding pipe; a couple of old snowblowers; dilapidated structures; gas cans; and a variety of what

⁴ The Zoning Officer has been a third-party consultant zoning officer for 25 years. *See* Transcript of February 22, 2024 Hearing (Tr. 2-22-2024) at 11; Tr. 6-25-2024 at 15. He is a certified zoning officer and holds multiple other certifications—14 in all. *See* Tr. 6-25-2024 at 15. The Zoning Officer has been the Township’s appointed zoning officer for approximately five years. *See* Tr. 2-22-2024 at 11; Tr. 6-25-2024 at 15-16. As such, the Zoning Officer explained that he is familiar with the contents of the Zoning Ordinance. *See* Tr. 6-25-2024 at 16.

the Zoning Officer described as “enumerable [sic] amounts of salvage stored, junk material that’s accumulated on the [P]roperty.” Tr. 6-25-2024 at 23-24 & 25-26; *see also* Tr. 2-22-2024 at 15-17 & 26. The Zoning Officer further observed a 55-gallon drum with a hole cut out of it, possibly for burning items; a recreational vehicle (RV) or camper that is neither registered nor roadworthy; shingles and wood products; a storm door; plastic items; garbage and trash; containers; old coolers; equipment; personal items; clothing; furniture; plumbing materials; and an old Shop-Vac on the ground. *See* Tr. 6-25-2024 at 26-27; Tr. 2-22-2024 at 26-28. He observed a tarp hanging from a tree as a sight barrier to the neighbors with a pile of various items behind the tarp. *See* Tr. 6-25-2024 at 27-28. On other parts of the Property, the Zoning Officer testified that he observed another old lawn tractor; a cart; various yellow and red bins for holding gas, kerosene, or other fuel; construction debris; concrete blocks; a pile of construction stones; a backhoe, although the Zoning Officer could not determine whether it was operable; an upside-down garden cart; ladders lying on their sides; a plow or another snow blower; and more gas cans. *See* Tr. 6-25-2024 at 28-29; Tr. 2-22-2024 at 26-28. The Zoning Officer also observed an internal road built by the owner, which the Zoning Officer surmised was constructed to help move materials from one part of the property to another. *See* Tr. 6-25-2024 at 28-29; Tr. 2-22-2024 at 27-28. The Zoning Officer further testified that no one was living in the multiple dilapidated structures he observed on the Property, one of which appeared as though it might collapse in the next snowstorm. *See* Tr. 6-25-2024 at 27-28; Tr. 2-22-2024 at 26. Additionally, the Zoning Officer discussed multiple photographs that confirmed the testimony about his observations, which photographs were entered into the record without objection. *See* Tr. 2-22-2024 at 28-31; Tr. 6-25-2024 at 23-29 & 36-48. The Zoning Officer additionally

explained that there was no improvement to the condition of or amount of junk on the Property between the December 2023 inspection and his second inspection in February of 2024, and in fact, more junk had accumulated on the Property between the two inspections. *See* Tr. 6-25-2024 at 47-48 & 70.

The Zoning Officer also testified that all parcels of the Property are in the Township's C Zoning District, where salvage/junkyards are not permitted. *See* Tr. 6-25-2024 at 51. He recognized that a property owner can be sloppy and leave stuff around his properties without the property being a junkyard. *See* Tr. 6-25-2024 at 52. The Zoning Officer explained, however, that where a property owner is accumulating property and junk and not using it and does not live on the property, the property is being used as a junkyard in clear violation of the Zoning Ordinance. *See* Tr. 6-25-2024 at 52.

The Zoning Officer ultimately explained that his observations led him to believe that Appellant was using the Property for a use – operation of a salvage/junkyard – for which Appellant did not have a permit, in violation of the Zoning Ordinance, as a salvage/junkyard is not a permitted use in the C Zoning District. *See* Tr. 2-22-2024 at 34; Tr. 6-25-2024 at 30-33. This was the first of the violations in the Enforcement Notices. *See* Tr. 2-22-2024 at 32-35. Additionally, the Zoning Officer explained that Appellant did not obtain a certificate of use and occupancy prior to operating the junkyard on the Property. *See* Tr. 2-22-2024 at 35-36; Tr. 6-25-2024 at 34. This was the third violation contained in the Enforcement Notices. *See* Tr. 6-25-2024 at 35-36. Finally, the Zoning Officer explained that whether junk is visible from a public street/road or from a neighbor's property is a consideration only in nuisance actions pursuant to Zoning Ordinance Chapter 235

and is not a consideration in the instant matter, which involves zoning violations rather than nuisance violations. *See* Tr. 2-22-2024 at 36-37; Tr. 6-25-2024 at 63-64.

James Foley, the property manager of the Property for the previous owners, testified on Appellant's behalf at the Hearing. *See* Tr. 6-25-2024 at 83-101. Foley explained that the former owner had dumped and buried junk on the Property for years prior to Appellant owning it. *See* Tr. 6-25-2024 at 86-87. Foley testified that he was not aware of George Kunzi⁵ bringing junk onto the Property, and that the Property is actually in an improved condition since Appellant has owned it. *See* Tr. 6-25-2024 at 87-88. Foley acknowledged that many items on the Property – including a shed, a lawn mower, a snow blower, a tractor, some fans and boxes – were not there when the previous owners owned the Property. However, Foley stated that he does not regard those items as junk, despite explicitly stating that many of the items on the Property were “junk.” *See* Tr. 6-25-2024 at 91 & 95-96. Foley also acknowledged that the road on the Property is new. *See* Tr. 6-25-2024 at 91 & 96. Finally, Foley stated that he has never seen a dumpster at the Property. *See* Tr. 6-25-2024 at 98.

Paul Rivera also testified on behalf of Appellant. *See* Tr. 6-25-2024 at 102-12. Rivera is familiar with the Property and is a friend of George Kunzi. *See* Tr. 6-25-2024 at 102-03. Rivera deals in scrap metal and has, for the past two years, gone to the Property at George Kunzi's request to remove loads of metal for scrap. *See* Tr. 6-25-2024 at 103-04 & 107. Over that time, Rivera has removed between 20 and 30 trailers of scrap metal. *See* Tr. 6-25-2024 at 104. Rivera testified that he

⁵ Kunzi is the main member of Appellant, which acquired the Property in 2022. *See* Tr. 6-25-2024 at 112-13.

does not receive or pay money for taking the scrap away from the Property.⁶ Rivera testified that Appellant does not pay him to remove the metal from the Property, but explained that he gets paid for the metal when he delivers the metal removed to a scrap yard.⁷ *See* Tr. 6-25-2024 at 106 & 108. Rivera explained that he has no idea where the metal he removed came from or whether George Kunzi brought it to the Property. *See* Tr. 6-25-2024 at 107-08. He further explained that he has never been asked to remove anything other than metal. *See* Tr. 6-25-2024 at 110.

George Kunzi also testified on behalf of Appellant at the Hearing. *See* Tr. 6-25-2024 at 112-70. Kunzi testified that, when Appellant purchased the Property in 2022, it was covered with items the previous owner had left. *See* Tr. 6-25-2024 at 114. Specifically, Kunzi described the condition of the Property at the time of purchase thusly:

Well, it was really lots of junk, lots of tires, lots of metal, lots of barrels, lots of appliances, walk-in coolers, stainless steel walk-in coolers, compressors, cars, a lot of – a pickup truck, a lot of boilers, more boilers, lots of bedframes. . . . A lot of discarded furniture, a lot of discarded appliances and also lots of – literally just trash all over.

Tr. 6-25-2024 at 114. Kunzi denied using the Property as a junkyard and claimed instead to be methodically cleaning the Property up. *See* Tr. 6-25-2024 at 114-15. He testified that there are tenants who live on the Property who had been living there prior to Appellant's purchase of the Property. *See* Tr. 6-25-2024 at 115. In reviewing photographs, Kunzi stressed that the items on the Property are not visible

⁶ Rivera testified that he does get paid when he drops the metal removed at a scrap yard, but that he does not share that money with Appellant. *See* Tr. 6-25-2024 at 108.

⁷ Rivera explained that he does not share that money with Appellant. *See* Tr. 6-25-2024 at 108.

from the public road or neighbors' properties. *See* Tr. 6-25-2024 at 128. Kunzi conceded that he brought tools and tractors to the Property, but he testified that those items are functional and not junk, despite their outward appearance to the layman. *See* Tr. 6-25-2024 at 141. He also acknowledged that he allowed a friend to bring an RV/camper onto the Property for temporary storage. *See* Tr. 6-25-2024 at 158. He conceded he allowed other persons to bring items to the Property as well. *See* Tr. 6-25-2024 at 159. Kunzi also acknowledged that he brought a shed onto the Property and that the shed contained junk inside when he brought it onto the Property. *See* Tr. 6-25-2024 at 161-62. Kunzi further conceded that Appellant does not have, and has not applied for, any permits or Certificates of Use and Occupancy. *See* Tr. 6-25-2024 at 143.

The Zoning Ordinance defines “junk” as “[a]ny discarded material or articles, including but not limited to scrap metallic or nonmetallic items, abandoned vehicles and equipment, paper, glass, containers and structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.” Zoning Ordinance § 470-8. The Zoning Ordinance further defines a “junkyard” as “[a]ny lot where junk is stored, accumulated, disassembled or disposed of and is consistent with Pocono Township Ordinance No. 18.” *Id.* In turn, Pocono Township Ordinance No. 18 is identified in the Zoning Ordinance’s definition of “junkyard” as the ordinance with which a junkyard must be consistent. Chapter 235 of the Pocono Township Code addresses junkyards and junk vehicles. *See* TWP. OF POCONO, PA. CODE 2025-06-02, Ch. 235: Junkyards and Junk Vehicles (Chapter 235), <https://ecode360.com/33602542> (last visited September 22, 2026).

The Zoning Ordinance does not define either the term “Salvage” or the compound term “Salvage/Junkyard.” *See* Zoning Ordinance § 470-8. However,

“[w]ith respect to zoning matters, undefined terms are given their plain meaning, and any doubt is resolved in favor of the landowner and the least restrictive use of the land.” *Kohl v. New Sewickley Twp. Zoning Hearing Bd.*, 108 A.3d 961, 968 (Pa. Cmwlth. 2015) (some brackets and internal quotation marks omitted); *see also City of Clairton v. Zoning Hearing Bd. of City of Clairton*, 246 A.3d 890, 903 (Pa. Cmwlth. 2021). Further, “if a court needs to define a term in a zoning ordinance, it may consult the definitions found in statutes, regulations, or dictionaries for guidance.” *City of Clairton*, 246 A.3d at 903 (quoting *Nether Providence Twp. v. R.L. Fatscher Assocs., Inc.*, 674 A.2d 749, 750-51 (Pa. Cmwlth. 1996)) (internal quotation marks omitted). The Merriam-Webster Dictionary defines the noun form of “salvage,” in relevant part, as “something extracted (as from rubbish) as valuable or useful[.]” *See* www.merriam-webster.com/dictionary/salvage (last visited September 22, 2026).

The Zoning Ordinance permits salvage yards only in the Industrial Zoning District, and then only as a special exception. *See* Zoning Ordinance, Use Schedule. The Property is located in the C District, not the Industrial Zoning District. Additionally, the Zoning Ordinance requires property owners to obtain a permit for a change or expansion of any use of property and further requires property owners to obtain a certificate of use and occupancy prior to using/occupying any structure, building, and/or land or portions thereof in any manner until a certificate of use and occupancy has been issued. *See* Zoning Ordinance §§ 470-121 & 470-122, <https://ecode360.com/30107511> (last visited September 22, 2026).

Based on the evidence presented at the Hearing and the relevant sections of the Zoning Ordinance, the ZHB determined that the Township met its burden to prove that Appellant was using the Property to store, accumulate,

disassemble, or dispose of junk or salvage. *See* ZHB Decision at 22. The ZHB reviewed the Zoning Officer’s testimony in detail, noting further that “[t]he [Z]oning [O]fficer’s testimony was supported by photographs of the items that he described as ‘junk’ or ‘salvage.’” ZHB Decision at 23. As part of the ZHB Decision, the ZHB included copies of multiple photographs that the ZHB expressly found “to be compelling evidence in support of the [Z]oning [O]fficer’s description [of the Property]. ZHB Decision at 23-25.

The ZHB further noted that, “[i]n addition to the [Z]oning [O]fficer’s testimony and photographs, Appellant’s own witness, James Foley, referred to the items on the [P]roperty as ‘junk.’” ZHB Decision at 25. The ZHB observed that Foley acknowledged that additional items – including a shed, lawn mower, snow blower, and a tractor – had been brought to the Property during the period of Appellant’s ownership. *See* ZHB Decision at 25-26. The ZHB noted that Rivera testified that he had removed scrap metal from the Property. *See* ZHB Decision at 26. The ZHB also observed that Kunzi himself acknowledged the existence of “junk” on the Property and further that he allowed other people to bring additional items to be left on the Property, although Kunzi attempted to characterize the items as functional and useful as opposed to junk. *See* ZHB Decision at 26.

The ZHB ultimately determined as follows:

The [ZHB] finds that Appellant is storing “junk” and “salvage” on the [P]roperty. In addition, the [ZHB] finds that the accumulation of junk and salvage, and the bringing of additional junk and salvage to the [P]roperty constitutes the establishment of [a] new use on the Property.

....

Appellant did not obtain a change of use permit under § 470-121 or a certificate of use and occupancy under § 470-122. Accordingly, the [ZHB] finds that Appellant is in violation of those [Z]oning [O]rdinance sections as alleged in the Enforcement Notices.

ZHB Decision at 27 (internal citations omitted).

We find no error in the ZHB's determinations. The evidence presented at the Hearing supports the ZHB's finding that substantial quantities of discarded materials and articles, including tractors, vehicles, machinery, building supplies, containers, and dilapidated buildings were stored and accumulated on the Property, much of which the Zoning Officer and Appellant's own witnesses describe as "junk." These items fit the Zoning Ordinance's definition of "junk." Additionally, Rivera testified that, over approximately two years, he removed 20 to 30 trailer loads of scrap metal from the property at Kunzi's request. The removal of scrap metal, together with the substantial quantity of junk and salvage stored and accumulated on the Property, supports the ZHB's finding that the Property was being used for the storage and accumulation of junk and salvage. The testimonies of the Zoning Officer, Foley, and Kunzi all indicate that additional items were transported to and left on the Property between the Zoning Officer's inspections. This evidence constitutes substantial evidence supporting the Property's use as a salvage/junkyard. The photographic evidence further bolsters this conclusion. This evidence supports the violation of the Zoning Ordinance as alleged in the first count of the Enforcement Notices. Further, the testimony of both the Zoning Officer and Kunzi established that Appellant had not obtained or sought to obtain a zoning permit for the change or expansion of the Property's use or a certificate of use and occupancy for the Property's use as a salvage/junkyard. This evidence clearly establishes a violation of the Zoning Ordinance as alleged in the third count of the Enforcement Notices.

Accordingly, the ZHB did not err by determining that the Township proved the alleged violations by substantial evidence.

Appellant's focus on whether Appellant "established" the junkyard use on the Property is misplaced. *See* Appellant's Br. at 14-25 & 33-37. Section 470-121 of the Zoning Ordinance provides, in pertinent part: "No building, structure, or sign shall be erected, constructed, moved, demolished, added to or structurally altered, nor shall any use of any land, building, structure or sign be changed or expanded, without a zoning permit therefor issued by the Zoning Officer." Zoning Ordinance § 121. The Zoning Ordinance therefore requires a landowner to obtain a zoning permit where any use of land is "changed or expanded," not when a use is "established." *See* Zoning Ordinance § 470-121. Further, even if the Zoning Ordinance applied to a use "established" by a landowner, we observe that Appellant's cited dictionary definitions of "establish" can apply to changed or expanded property uses as well as to completely new property uses.

Thus, once the ZHB found that Appellant was using the Property for the salvage/junkyard use, Appellant was required to have obtained the certificate of use and occupancy required by Section 470-122. Appellant does not dispute that it had neither obtained nor applied for such a certificate. Accordingly, substantial evidence supports the ZHB's determination that Appellant violated Section 470-122.

Appellant's argument that the Township failed to prove by substantial evidence that the junk on the Property could be viewed from a public road or a neighboring property likewise misses the mark. *See* Appellant's Br. at 25-32. The argument requires consideration of the relationship between the Zoning Ordinance and Chapter 235. The Zoning Ordinance defines "junkyard" as "[a]ny lot where junk is stored, accumulated, disassembled or disposed of and is consistent with

Pocono Township Ordinance No. 18.” Zoning Ordinance § 470-8. Chapter 235 addresses junkyards and junk vehicles and contains provisions concerning the visibility of junkyards and nuisance conditions. We need not determine whether every requirement contained in Chapter 235 independently constitutes an element of a zoning violation under Section 470-8, however, because the ZHB did not base its determination on the existence of a nuisance under Chapter 235. Rather, the ZHB found that the Property constituted a junkyard under the Zoning Ordinance because junk and salvage were being stored and accumulated there and that Appellant had changed or expanded the use of the Property without the permit required by Section 470-121. The visibility provisions of Chapter 235 therefore do not provide a basis for reversing the ZHB’s determination that substantial evidence established the zoning violations charged in Counts 1 and 3.

Likewise, the presence of considerable junk on the Property prior to Appellant’s purchase thereof does not excuse Appellant’s violations of the Zoning Ordinance in this matter. *See* Appellant’s Br. at 37-39. The evidence illustrates that Appellant allowed additional materials to be brought to and deposited on the Property. The evidence further established that much of this material is, in fact, junk. Thus, even assuming that some of the junk was present when Appellant purchased the Property, the evidence supports the ZHB’s finding that Appellant subsequently allowed additional materials to be brought onto the Property and thereby changed or expanded the use of the Property to include the storage and accumulation of junk and salvage. Appellant therefore was required to obtain the zoning permit and certificate of use and occupancy required by Sections 470-121 and 470-122. The preexisting condition of the Property does not, on this record, excuse Appellant’s continuing use of the Property in violation of those provisions.

IV. Conclusion

For the reasons above, we affirm the Trial Court's March 14, 2025 order.

CHRISTINE FIZZANO CANNON, Judge

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PoconoPlaces, LLC,	:	
Appellant	:	
	:	
v.	:	
	:	
Pocono Township Zoning	:	No. 508 C.D. 2025
Hearing Board and Pocono Township	:	

ORDER

AND NOW, this 23rd day of September, 2026, the March 14, 2025 order of the Court of Common Pleas of Monroe County is AFFIRMED.

CHRISTINE FIZZANO CANNON, Judge