



**MINUTES**

The Salisbury Board of Appeals met in regular session on October 2, 2025, in Room 301, Government Office Building at 6:00 p.m. with attendance as follows:

**BOARD MEMBERS:**

Shawn Jester, Chair  
William Hill, Vice Chair  
Maurice Ngwaba  
Edward Torbert  
Sandeep Gopalan

**ABSENT MEMBERS:**

Miya Horsey

**CITY STAFF:**

Betsy Jackson, City Planner  
Eric Cramer, City Fire Marshal  
Robbie Horsman, Deputy City Fire Marshal  
Rob Frampton, Fire Chief  
Beverly Tull, Recording Secretary  
Laura Ryan, City Solicitor

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Mr. Jester called the meeting to order at 6:00 p.m.

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**MINUTES:**

Upon a motion by Mr. Hill, seconded by Mr. Ngwaba, and duly carried, the Board **APPROVED** the minutes of the September 4, 2025 meeting as submitted.

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Mrs. Tull administered the oath to anyone wishing to speak before the case heard by the Salisbury Board of Appeals.

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**RE: Case #202501087 – Steven Fuller, on behalf of Jeff Szilagyi – Appeal of the Fire Marshal’s Determination that construction documents for a proposed structure be reviewed for Fire Code Compliance per the regulations included in the Fire Prevention Code in effect at the time the application for a building permit was made – 3015 Merritt Mill Road – Light Business & Institutional District.**

Mr. Steve Fuller came forward. Fire Marshal Cramer presented and entered the Staff Report and all accompanying documentation into the record. Fire Marshal Cramer explained that the applicant was appealing the Fire Marshal’s determination that an automatic sprinkler system be provided for fire protection for a 5,500 sq. ft. pole building that is to be used as a vehicle self-storage facility. Fire Marshal Cramer requested that Senator Carozza’s letter be included in the Staff Report.

Mr. Jester moved the Staff Report, to include Senator Carozza’s letter and the building drawings, into the record. Mr. Jester gave the Board a few minutes to review the letter from Senator Carozza’s letter and the drawings.

Mr. Fuller addressed the comments in the Staff Report that he said questioned his character. He advised that he had asked if a sprinkler was required and was told no. The email from Deputy Fire Marshal Horsman was referenced which stated that a sprinkler wasn’t required until the Code changed. Mr. Fuller corrected the Staff Report that he had testified under oath and explained that at no time had he been under oath until this meeting. The meetings with the Planning Commission were not public hearings. He further addressed the meeting minutes as not being actual statements that were made at the Planning Commission meeting as they are a summary of the meeting. This project was originally a storage facility for the client. Mr. Fuller stated that the Commission suggested that the owner rent space for up to six (6) clients. This building was to be used for private storage and would have no signage. The owner has the ability to pick who he allows to use space in the building. He referenced multiple attachments in the Staff Report where a sprinkler was not required. Mr. Fuller stated that he had attempted to contact Fire Marshal Cramer by both email and phone and had received no response. He further questioned what would be done for the buildings across the street that are in the City that don’t meet the current requirements for sprinklers. This project has been in the pipeline for over a year. The Code did change before the building permit was applied for but the City Fire Marshal never notified that there was a change being made. Mr. Fuller stated that he had questioned Deputy Fire Marshal Horsman regarding the date that they were notified of the change to the Code and was given the response of having three (3) weeks’ notice.

Mr. Jester questioned Mrs. Ryan about the process for this case before the Board. Mrs. Ryan responded that the City had presented their case, the applicant had presented their case and the City will now get a chance to respond. The Board will then make a determination.



Fire Marshal Cramer stated that he agreed with Mr. Fuller in regards to the 2018 Code not requiring a sprinkler but it did require adequate fire flow. The fire flow is not adequate and installing a sprinkler system would reduce the fire flow. He further noted that at no time was this particular project referenced in the emails and due to the workload of permits and reviews, the Fire Marshal's Office would not be able to connect the project to the emails. This is a life safety issue and the sprinkler is required to protect the firefighters and the public. The fire flow has been a Code requirement since 2012. The buildings across the street were built prior to the Code requirement. Fire Marshal Cramer added that he had watched the Planning Commission meetings and was aware of the discussions that had taken place during the meetings. The 2018 Code still required the fire flow and the only relief would be to install a sprinkler system.

Mr. Fuller responded that it sounded like he had a losing case but it didn't change the houses across the street not meeting the Code. The burden is being put on a single project as the hydrant won't support the house with nine (9) people living in it across the street. The proposed garage will only be housing his client's toys (RV, classic cars, boat, etc.). The existing fire service doesn't handle what is already there. He added that it would have been nice if the Fire Marshal's Office had said that the City system would need to be upgraded or a sprinkler system would have to be installed.

Mr. Gopalan questioned Mrs. Ryan on the Board's role in this proceeding. Mrs. Ryan stated that the applicant is appealing the City Official's decision and the Board will determine if the decision stands.

Mr. Ngwaba questioned Fire Marshal Cramer if this was considered to be a commercial parking garage. Fire Marshal Cramer responded in the affirmative. Mr. Ngwaba questioned Mr. Fuller if he represented Mr. Rogers. Mr. Fuller responded that Mr. Rogers is a coworker. Mr. Ngwaba referenced Mr. Roger's email that stated that this would be a private garage and not for public storage and read from other emails which referenced the fire flow. He further read from the 2018 IBC and the 2021 IBC about the requirements regarding this type of structure. He questioned the plans noting that this is compliant with the 2021 IBC and NFPA. Partitions for clients were not shown on the plans. Mr. Ngwaba provided copies of the 2018 and 2021 IBC references to Chairman Jester and they were further referenced as part of the case discussion. Mr. Ngwaba questioned Mrs. Ryan if the Board had the right to overturn the Code. Mrs. Ryan responded that the Board had to apply the law to the facts and make a decision. The Board can't change State law.

Mr. Fuller stated that Attachment #8 gives the ability to reduce the fire flow. Fire Marshal Cramer stated that the first condition to reduce the fire flow is the presence of a sprinkler system. Mr. Fuller stated that Attachment J has the right to reduce the fire flow. Fire Marshal Cramer responded that they may have the ability but the precedent is to not do selective enforcement.

Mr. Torbert questioned Mr. Fuller if a sprinkler company had been contracted for a report and cost. Mr. Fuller responded that they had discussed the cost of a sprinkler system and it was approximately \$150,000, which is almost as much as the building. Mr. Fuller added that they will likely not



move forward with the project if a sprinkler system is required. He added that his client had moved to Ocean City, Maryland from Pennsylvania and just wanted this building for storage of his vehicles.

Mr. Torbert questioned Mr. Fuller if he agreed that this was being used as a commercial building. Mr. Fuller responded in the affirmative. Mr. Torbert explained that the State Fire Prevention Commission is required to publish the Code changes for 60 days before they go into effect and it was done. Mr. Fuller stated that he would advise his architect of that requirement. Mr. Torbert stated that in his opinion this is simple. He also acknowledged that the existing buildings in the area don't meet the fire flow.

Mr. Fuller questioned the fire flow for a single family dwelling. Fire Marshal Cramer advised that he would have to look that up.

Mr. Torbert reiterated that Mr. Fuller applied for a building permit one (1) month after the new Code went into effect. The requirement was existing and was not met.

Upon a motion by Mr. Hill, seconded by Mr. Gopalan, and duly carried, the Board **DENIED** the appeal of the Fire Marshal's determination that the construction documents for a proposed structure be reviewed for Fire Code Compliance per the regulations included in the Fire Prevention Code in effect at the time the application for a building permit was made, based on the criteria and exhibits included in the Staff Report, the elevation and design plans, the exhibits referencing the Fire Code, and the testimony given at the hearing.

The Board vote was as follows:

<b>William Hill</b>	<b>Aye</b>
<b>Maurice Ngwaba</b>	<b>Aye</b>
<b>Ed Torbert</b>	<b>Aye</b>
<b>Sandeep Gopalan</b>	<b>Aye</b>
<b>Shawn Jester</b>	<b>Aye</b>

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Mrs. Tull noted that there are two (2) case for the November 6, 2025 meeting and confirmed that there would be a quorum for the meeting..

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#### **ADJOURNMENT**

With no further business, the meeting was adjourned at 7:07 p.m.



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This is a summary of the proceedings of this meeting. Detailed information is in the permanent files of each case as presented and filed in the City of Salisbury Department of Infrastructure and Development Department.

Shawn Jester, Chair

Nick Voitiuc, Secretary to the Board

Beverly R. Tull, Recording Secretary