

The Richland Township Zoning Hearing Board met April 26, 2022, at 7:30 pm as per the request of Quaker Sales Corporation of Mine 37 Road who is requesting a use variance to construct and operate an Asphalt Plant on a L1 zoned parcel. They are also requesting height variances of 11' 9¼" and 26' 5/8" to construct silos for an asphalt plant. This hearing was conducted in the Richland Township meeting room, 322 Schoolhouse Road, Johnstown, PA 15904.

Present:

Bill Patrick, Chairman

Pat Wess, Vice-chairman

Mark Rychak

PJ McGowan

Attorney Eric Hochfeld, Solicitor

Tiffany Shomo, Secretary

Lori Behe, Stenographer

Not Present:

Rodney Kniss

Attorney Hochfeld began the hearing by listing exhibits. Board Exhibit #1 was the appeal application with Exhibits B – F, including a letter from Klementik authorizing Quaker to request the variances. Board Exhibit #2 was the Richland Township Zoning Ordinance, by reference. Board Exhibit #3A was the advertising in the Tribune-Democrat, #3B was posting the property involved, #3C was the posting of the municipal building, and #3D was notification of this hearing to adjoining property owners and applicant.

Mr. Patrick explained the procedure for the hearing. The applicant will present, and the board will ask questions and then the residents will be able to speak. Attorney Hochfeld stated that the applicant can object to standing during the resident's comments. That will be deferred to Attorney Wharton at that time.

Attorney Wharton stated that his clients would like to construct an asphalt plant. Present for Quaker were the following people:

Jason Horner

Caleb Overdorff

Don Overdorff

Chris Overdorff

Kevin McLaughlin

Attorney Wharton stated that each person has expertise in various parts of the project.

Attorney Wharton explained that Quaker Sales has been in business since 1929. They are currently on the fourth generation of family. The Overdorff family owns it. The family is now exploring constructing a new plant. They do not own the lot, yet. They have an agreement with the Klementik's, who were present for the hearing.

In June 2021, they started drilling and investigating the site. They were checking to see if the land suited what they needed it to. They feel the spot is appropriate for construction of a state-of-the-art asphalt plant. It would be located behind Thomas Buick and Inco beverage. The plant would sit on 109 acres of land. The plant itself will sit on about 25 to 30 acres and the remaining property will stay wooded. The plant pad and storage areas will be well shielded. The plant will sit seven hundred feet from the road. There is an extensive buffer. It will be four to five hundred feet from other property lines.

The permitting and inspection process is very intense for an asphalt plant. DEP continually checks the air quality, PennDot is involved, and stormwater will be up to code. State agencies are very stringent on the rules, and it is not like it used to be. The current plan will be technologically advanced.

The variance they are requesting is for the silos and bag house. The bag house will be new, and it prevents dust. The silos are for short term storage and holds the finished product. The height variance is significant, but the property is large enough and the pad is centrally located so it will not be entirely visible. Quaker Sales is not creating an undue hardship.

Attorney Wharton explained that they will also need a special exception. There would be no explosives involved. Because the new plants are technologically advanced, there will be no dust, fumes, noise, or vibration. He explained that even though an asphalt plant is not listed as a permitted use, portions already fall within that zoning. Those would be: building materials, contractor yard and trucking terminal. He also added a storage yard is permitted by special exception. His client is aware of the special exception and will follow the guidelines. The board has the ability to grant this request.

Jason Horner, vice president of JRE, showed a conceptual plan. He explained that the roads being used are state roads. They will be using Mine 37 Road to Eisenhower Blvd. They had meetings with PennDOT, who agrees with the number of trips of traffic and location of the driveway. They feel that the permit needed for the project is for lower volume traffic. There will be an office, aggregate storage bins, and the pad. The site exceeds regular setbacks from all property lines.

They will have public sewer and water from Allison Drive. Highland Sewer and Water Authority is willing to provide water service. They will have services from Peoples, First Energy, Verizon and Atlantic Broadband from Mine 37 Road.

Mr. Horner stated that they did a wetland stream study and there is nothing going to be disturbed. The stormwater will be regulated through DEP and Richland Township. The Conservation District will inspect for stormwater before and after the project as well as during construction. They will acquire all building permits.

If you were to drive on Mine 37 Road, you will only be able to see the access drive. Everything else will be wooded. You may see the tops of the silos. Other than that, it is surrounded by woods. The stream will have a barrier and the site will be 150 feet minimum from it. They are staying away from the wetlands. The current access road is from when they were drilling, it is not the same as the entrance. He added that they did receive a clearing permit from the Township.

As for timeframe, Quaker Sales would like to construct in spring of 2023. They are still months away with permitting through PennDOT, DEP and the Township. He reiterated that PennDOT has no issues with the site distance onto or out of Mine 37 Road. They had a trip generation and it fell in the range of low-volume driveways. They will not need turning lanes or traffic signals. Quaker Sales will have a stop sign, though it is not required. The traffic will enter and exit at Eisenhower Boulevard. They are not allowed to go the other way on Mine 37 Rd. Quaker Sales are required to bond that section of Mine 37 Road. As per PennDOT, no traffic signal is required.

At this time, Attorney Wharton entered the following exhibits:

Quaker Exhibit 1 Large Conceptual Plan

Quaker Exhibit 2 Water and Sewer Easement Agreement from Thomas Car Dealership

Mr. Caleb Overdorff, secretary and treasurer of Quaker Sales, thanks the board for their time this evening. He explained that Quaker Sales uses stone, gravel, and sand, mixed with blacktop to produce an aggregate that is loaded into the trucks and used to pave roads, driveways, parking lots, basketball courts, etc. It must be mixed quickly before it cools. He said there are roughly two hundred asphalt plants serving Pennsylvania. They are located in areas that are rural like a stone quarry, suburban areas, and in the middle of neighborhoods. Quaker Sales was formed in 1929. There are currently two locations in Cambria County. Those are located in Northern Cambria and in West Taylor. Mr. Overdorff explained there are changes in the industry and asphalt plants are continuing to transform. They are efficient and environmentally friendly. They use 100% recycled material. When old material is brought back after being milled, it is made into new material. He said that this site will give them the space they need to store materials for the asphalt making process. He said that there are periodic updates to the equipment and everything stays up to date.

Mr. Caleb Overdorff stated that the current location is not ideal in this environment. They need a larger property for a new, modern facility. The new location is well-suited. He said that a study in 2001 explain that asphalt plants have decreased emission levels by 97% over the last 30 years. Asphalt plants have been de-listed as major error pollutants. The process is well regulated through DEP and other government agencies.

Mr. Caleb Overdorff stated that as for visibility, there may be white smoke from the steam and water vapor that may be visible in the air.

As for odor, because the plant will be so technologically advanced, there will be no odors emitting from the plant. The only time there may be a smell is when the product is mixed and leaving the site which has no danger to personnel or residents. It is the same smell as if you were getting your driveway or road paved.

As for noise, Mr. Caleb Overdorff stated that Gencor had a study that at two hundred feet from the silos where the trucks will be loaded, the noise level will be at 58 decibels. He stated that his voice at the hearing is at that decibel. It is a large site and they have over three hundred and fifty feet from property lines and seven hundred feet from Mine 37 Road. The truck traffic will go directly to Mine 37 Road and then to Eisenhower Blvd. As for lighting, it will be installed for safety and first responders. It will be directed on pathways. It is not necessary to illuminate the entire site. They will submit their lighting plan to the Planning Commission.

At this time, Attorney Wharton entered the following exhibits:

Quaker Exhibit 3 Lg Gencor Posterboard

Quaker Exhibit 4 Lg Posterboard Photo – Duct Work/Drums

Quaker Exhibit 5 Lg Posterboard Photo – General Overview

Mr. Overdorff introduced his cousin Chris Overdorff. They represent the fourth generation of Overdorff's. The owners are all present this evening. They all live in the greater Johnstown area. They are good neighbors. They live, work, and raise families in this area.

Mr. Patrick asked them to explain what the periodic inspections would entail. Mr. Caleb Overdorff explained that DEP is off schedule because of Covid. They visit and inspect one time over the life of the permit. The permit is in a five-year cycle. Once the permit gets renewed, they inspect again. DEP continually receives data from their company. Anything that changes and would not be allowed would be immediately flagged by DEP.

Mr. Caleb Overdorff reiterated that the dryer/bag house is new. He stated that they will be relocating new silos from the current plant and bringing into new silos. He reiterated that the

decibel level will be at 58 from separate locations on the site. The closest the site is two property lines is three hundred fifty feet.

Mr. Caleb Overdorff went over the hours of operation. He said the triaxles and bucket trucks will be working from April 1 through December 1. It will be from 6 am until mid to late afternoon. He said on rare occasions they will work overnights or on the weekends. It depends on what contracts they get. Deliveries will come in during regular hours. Usually, it is aggregate from the quarries. That schedule runs from early morning to early evening. The asphalt cement will have truck deliveries, but they are rarely overnight.

Tom Beyer, Plant Manager, explained that there is diesel fuel on the site for the loaders, but they are in a double tank and protected. This will prevent spilling contaminant material. He also explained that the liquid asphalt is kept at a 300° temperature, heated by oil and not direct flame, so that will be hard to catch on fire. He stated that the liquid asphalt cools so quickly that it stops and is not a spill concern. As for diesel fuel, they bring it in by the tanker load. They keep around eight thousand gallons on site.

Mr. Caleb Overdorff explained that the bag house is used to combine dust from other projects if it stays consistent the quality. Mr. Caleb Overdorff explained the inspections again. He said that they have continuous data reporting. Every six months the stormwater has to be inspected. Annually, there is an air quality test.

It was recognized that VE Erickson is an active little league with poor access to their fields. There is a short turnoff when driving down Eisenhower Blvd. PennDot told Mr. Horner that the trucks going down Eisenhower Blvd will need to be at an appropriate speed. They spoke to the District 9 permit manager and he expressed no concerns. He felt what was being presented was standard in this industry.

Quaker Exhibit 6 Gencor Ultraplant Slides

Attorney Wharton stated that if the variances were granted, the ordinance provides six months to get permits. He stated that they would like to move as quickly as possible and have the process of permitting completed and start construction in spring of 2023.

Attorney Wharton stated that they will be paving the access road and all areas of the plant which will cut down on dust. He also added that the prevailing winds are towards the west. The wind heads from the site towards Eisenhower Boulevard.

He stated that they would like to relocate the corporate offices later. Don Overdorff, president, stated that the number one goal is to relocate the plant. He would like to be manufacturing product

by 2024. He said that the number one reason is because it is an exceptionally large investment. It is a roughly \$10 million project to move the plant. He stated that that type of money would be a lot for the fourth generation, so they are moving the business up slowly. If they were to move more up, the second would be the mechanical shop. Last will be at the office. He stated moving anything other than the plant would be far away down the road.

Mr. Don Overdorff stated that there would be nine employees daily in the plant. The life of the plant is a minimum of 25 to 30 years. The current plan has been used since 1985 and has been running every day. He said that because this is such a modern plan, they are in it for the long-haul. He said currently at their plant the tower is original and everything else will be replaced. Mr. Overdorff stated that they have calculated the stormwater for all future development. Also, their intent is to design stormwater for everything to be paved.

They showed a Gencor number one manufacturer slide. He explained the technologically with this company is the best. It is effective and compliant with air quality. They also replace parts if they were to go bad.

Mr. Don Overdorff explained that the trucks are 99.9% outside haulers. There are about 30 to 40 truckers each year. The trucks are not stored on site in the evenings. They have only single axles on site which is used on site for liquid asphalt. The entire property will be fenced in and locked down. Mr. Overdorff stated they looked for 15 years for land conclusive. They needed commercial, easy access, large, safe, and secure, close to transportation and with level ground.

Quaker Sales stated that they have an easement from Thomas Buick for water and sewer. They had meetings and spoke with Bill Ingram and Mark Thomas to explain the plans and they are supportive of the move. They own the property that would be closest to the plant.

The board took a recess from 9:04 PM until 9:16 PM.

Attorney Hochfeld stated that specific questions of Quaker Sales are allowed to be asked so they can respond. The board will accept testimony afterwards.

Mr. Wayne Langerholc, Resident of 413 Old Farm Lane

Mr. Langerholc questioned the special exception versus the use variance. Attorney Wharton stated that in the L1 Industrial section of the ordinance, this use is authorized through the Zoning Hearing Board.

Mr. Langerholc questioned if there was a hardship. Attorney Wharton stated that the applicant/owner did not create a hardship. They have standing to request where the use variance was needed. There is no hardship to the Township in respect to Quaker Sales. They did not change

or create something with the land. An asphalt plant is not listed in any zoning. Mr. Langerholc felt that not being able to be used as an asphalt plant was not a hardship.

They discussed how sections 6, 11, and 26 of the L1 Zoning are components of the asphalt plant.

Mr. Langerholc asked about emissions and if there were particulate matter emitted from the facility. Mr. Caleb Overdorff said Gencor could supply that information. He reiterated that the plant falls within DEP mandates.

Mr. Langerholc asked if there were carcinogens involved. Mr. Don Overdorff said there was not. Mr. Langerholc said he researched the online safety pamphlet from their website. Mr. Caleb Overdorff said it was the material safety data sheets. It explains how to handle materials. As for carcinogens, he could not speak to that. Attorney Wharton said that if you dig deep enough, something everywhere could be cancer related. Mr. Langerholc reiterated that he pulled the information from the Quaker Sales website.

Mr. Langerholc asked about the silos omitting particulates. Mr. Caleb Overdorff stated those are the storage facilities and the only time emissions would escape is when transferring from the silos to the bed of the trucks.

Mr. Langerholc asked if there was any other business that would go in on the L1 zoned land? Attorney Wharton stated the ordinance cannot state everything, but Section 109 gives the applicant the ability to apply to the Zoning Hearing Board. This request falls within that and they can apply. Mr. Langerholc disagreed and felt the board's job is to see if the use is compatible, like a church, dairy, etc. Attorney Wharton told Mr. Langerholc that there are twentysomething other allowable uses in the L1.

Attorney Hochfeld asked, for standing purposes, how close Mr. Langerholc lived to the site. Mr. Langerholc stated he lives $\frac{3}{4}$ of a mile from the site. He is directly West as the crow flies. He is an aggrieved landowner. Mr. Langerholc was asked if he could see the site from his home. He said he did not want to say but he did not know. He can see the sunset.

Robert Brumbaugh, Resident of 402 Old Farm Lane

Attorney Hochfeld asked, for standing purposes, how close Mr. Brumbaugh lived to the site. Mr. Brumbaugh stated he is 150 yards closer than Mr. Langerholc and can see the lights from the ballfields and can see the proposed asphalt area from his home.

Mr. Brumbaugh questioned the number of trucks traveling to and from the site per day. Mr. Caleb Overdorff explained they calculated the number on tonnages over the year, divided by the number of trucks. Every month is different. Some months are less, and some months are more. He

explained if it were to rain, they do not mix as much that day. He added they can get up to three hundred trucks per day. Mr. Brumbaugh questioned how busy the site and area would be. Mr. McLaughlin was introduced as the Vice President of construction. He explained they can produce up to two thousand tons of asphalt per day. The trucks can hold twenty-two tons. Based on a six-month period, it could be four thousand trucks to eight thousand trucks.

For the aggregate, the same trucks will be in and out of the site. Mr. Don Overdorff explained that at the current site, the in and out trips are equal. At the new site, they will have storage, which will allow trucks at different points in the process to be there.

Mr. Greg Percosky, Resident of 447 Devon Drive

Attorney Hochfeld asked, for standing purposes, how close Mr. Percosky lived to the site. Mr. Percosky stated he is $\frac{3}{4}$ of a mile from the site, in the other direction. He is on the other side of the hill.

Mr. Percosky asked if the employees wear safety apparatuses while working. Mr. Don Overdorff stated it was not a requirement because of the safety of the operations. Safety apparatuses were not needed.

Mr. Percosky asked about the turns the trucks would be taking and the turning radii. Mr. Horner stated they give those figures to PennDot, who dictates them.

Mr. Percosky asked if the road will be gated at the access point. Mr. Horner stated there would be a gate at the bottom of the dip on Mine 37 Rd.

Mr. Joe Green, Resident of 320 Sanrue Dr

Attorney Hochfeld asked, for standing purposes, how close Mr. Green lived to the site. Mr. Green stated that he is 150 feet further than Mr. Brumbaugh. He cannot see the site.

Mr. Green quoted the Gencor sound estimate of fifty-five decibels at two hundred feet and wondered if the plant had been tested. Mr. Caleb Overdorff told him at certain times they did, but do not have the readings with them. Mr. Green said that a back up beeper can be between 97 to 112 decibels and a rock concert can be 120 decibels. He asked how many times a day the back up beepers go off. Mr. Caleb Overdorff could not give that number. Mr. Green brought up the carcinogens and volatile organic compounds (VOCs) and how they would affect children's lives.

Mr. Sean Asure, Resident of 1313 Rachel St

Attorney Hochfeld asked, for standing purposes, how close Mr. Asure lived to the site. Mr. Asure stated that he is $\frac{3}{4}$ of a mile to the site. He is present representing VE Little League.

Mr. Asure asked about the PennDot evaluation and wondered if they did an independent traffic light study through the Township. He also stated that the game schedules are the same time as the asphalt plant schedule.

Mr. Horner said that PennDot has the authority because the streets involved are both state roads. There are multiple ways of calculating for the traffic study. It considers the number of employees, trucks, etc. PennDot did not require a traffic study. Mr. Pretash from PennDot stated there were no additional improvements necessary. PennDot was aware of the Little League fields. They had a meeting with PennDot via zoom to discuss the site distances and stop distances. The asphalt plant would not generate enough traffic for a light.

Mr. Asure said his main concern is when both are functioning on the weekend and in the evenings. Mr. McLaughlin reiterated that they will be mainly 8 am-4 pm or 5 pm during the week. They did think about the Little League fields being there.

Mr. Asure was also concerned about the noise and smell. It is not VE's preference for this to happen.

Mr. Rychak asked if there have been any incidents with RB and INCO trucks that are further down Eisenhower Blvd. Mr. Asure said within the last five years, there had been no traffic issues.

Ms. Caroline Mugerwa, Resident of 516 Old Farm Lane

Attorney Hochfeld asked, for standing purposes, how close Ms. Mugerwa lived to the site. Ms. Mugerwa stated that she is ½ a mile from the site. She can see the location from her home.

Ms. Mugerwa drives Mine 37 Rd and Eisenhower Blvd daily. Ms. Mugerwa feels that PennDot is wrong when they state no traffic issues. When Ms. Mugerwa is coming home, she must move close to the center line to allow people to use the entrance to VE Erickson.

Ms. Mugerwa stated she is in the direction of the prevailing winds. Her backdoor has peeled because of the wind. She feels she will be able to smell the plant from her back porch. She can hear the announcers from VE Erickson so she feels she would hear the plant.

Mr. John Carrol, Resident of 1800 Dolphin Dr

Attorney Hochfeld asked, for standing purposes, how close Mr. Carroll lived to the site. Mr. Carroll stated that he is ½ a mile from Mr. Green and a little over a mile from the site. He cannot see the site.

Mr. Carroll explained they would like to see pollution toxin levels. He said it would be hard for the board to consider without knowing those numbers. They should have to present those numbers back to the board. Mr. Carroll said he has complete confidence in the Zoning Hearing Board.

Mr. David Pribish, Resident of 107 Deer Run Ct

Attorney Hochfeld asked, for standing purposes, how close Mr. Pribish lived to the site. Mr. Pribish stated that he is one mile downwind from the site.

Mr. Pribish asked about truck emissions and sound emissions. He also felt that PennDot should physically look at the site location and location of VE, not just via a zoom meeting. He would like the applicant to request an in-person meeting with PennDot.

Mr. Rick Hogue, Resident of 602 1st St

Attorney Hochfeld asked, for standing purposes, how close Mr. Hogue lived to the site. Mr. Hogue stated that he is a mile away from the site. He cannot see the site.

Mr. Hogue questioned why they did not build near the airport. Mr. Don Overdorff stated there are height restrictions in that area. They did not think they would get approval from the FAA. They looked at Berwind property three or four years ago in that area. Again, they felt the height would not be approved. Mr. Hogue felt if planes could miss towers, they can miss silos.

Mr. Hogue stated he can hear everything going on at VE Erickson. The wind carries the sounds, no matter the decibels.

Mr. Hogue questioned the excavating happening beside VE Erickson. The board explained that is not the reason they are here.

Mr. Brumbaugh, President of Berwind, said he would be glad to talk to the applicants and that he would help them look for an alternate site.

Wayne Meekins, Resident of 713 3rd St

Attorney Hochfeld asked, for standing purposes, how close Mr. Meekins lived to the site. Mr. Meekins stated that he is between $\frac{1}{2}$ - $\frac{3}{4}$ miles from the site. He cannot see the site.

Mr. Meekins stated that Mine 37 Rd is very tight where the houses are. He was wondering if the police will be there to watch they do not go that way. He asked the board if they would still feel comfortable with the PennDot decision if it were closer to nicer homes. Mr. Meekins appreciates the need to expand and not against businesses enlarging but would like them to consider less populated areas.

Mr. Horner stated that Quaker Sales is happy to talk to PennDot about prohibiting turns from the driveway to Mine 37 Rd. They have no plans for the traffic to go the other way.

Mr. Don Overdorff spoke about the selection of their sites. He feels this fits the bill the best. They did their due diligence. They looked at several other properties, including in Moxham, the airport, a site on Chickaree Mountain and the old US Steelworks building. Those are too prohibitive. They would have security problems, be in the floodplain and have higher liability. Mr. Don Overdorff stated that they did their homework, and this fits the best.

Mr. Ron Kermin, Resident of 733 3rd St

Mr. Kermin questioned the access road at the bottom of the hill, noise, and the 10-ton weight limit on the road. Mr. Don Overdorff stated they will have that section of Mine 37 Rd bonded. Mr. Kermin told them to put a 20-ton truck on that road and test it out. He also stated that cars fly on that road and there is little visibility. Mr. Horner stated that PennDot requires visibility to the center line. Mr. Patrick stated that the traffic situation has already been discussed this evening.

Mr. Pribish stated they are moving for a reason. They are expanding and need the growth. There is a lot of land as a buffer now but later there might not be.

Mr. Don Overdorff stated that growth potential has shrunk so much that this effort is to maintain current capacity. They are moving just the existing business. They are fighting to keep that business going so they are planning to maintain the level they are at.

The board took a recess from 10:14 pm to 10:30 pm.

Mr. McGowan asked if they had considered Allison Dr or Bradley Rd to break down congestion at Mine 37 Rd and Eisenhower Blvd. He stated it would eliminate some tension between residents here. Mr. Horner stated that the natural gas is coming from Mine 37 Rd through a right of way from the property owners. He stated that Allison Drive and Bradley Rd would need significant improvements.

Mr. McGowan stated that southern states use a process of creating asphalt while warm and mixing with a different binding agent, which reduces a large number of pollutions. Mr. Don Overdorff explained that that is the process they are using now. Prior to ten to fifteen years ago, they would use hot mix in the trucks at around 310 degrees until ready to pave. Now, they use asphalt in warm mix (roughly two hundred and sixty five to two hundred and eighty degrees), which reduces emissions, and they will continue this process.

At this time, Mr. McGowan motioned to continue the hearing until 6:45 pm on May 17, 2022, to give Quaker Sales to provide the following:

1. Scientific data on the direct emissions from volatile organic compounds for the manufacturing of asphalt (DEP and any Federal mandate levels to be identified).
2. Manufacturer to provide particulate matter emission amounts and information regarding the asphalt plant and stacks (DEP and any Federal mandate levels to be identified).
3. Decibel level study from one half (1/2) mile, against and with prevailing winds, in association with trucks (loading/unloading engine noise and back up alarms) and all equipment used in manufacturing of asphalt.

Attorney Wharton stated his clients have no issue with the motion.

The motioned was seconded by Mr. Rychak. All in favor.

Respectfully submitted,

T. Shomo

Tiffany Shomo, Secretary