

The Richland Township Zoning Hearing Board met in the Richland Township meeting room, 322 Schoolhouse Road, Johnstown, PA 15904 on June 30, 2022 at 7:15 pm for a continuation hearing for Quaker Sales Corporation of Mine 37 Road who is requesting a use as authorized by Section 240-74B(28) of the Richland Township Zoning Ordinance and/or a special exception to construct and operate an Asphalt Plant and height variances of 11' 9 1/4" and 26' 5/8" to construct silos.

Mr. Wess motion to approve the minutes of June 15, 2022. Seconded by Mr. Rychak. All in favor.

Board Exhibit #8 was listed as the sunshine act it was placed in the Tribune Democrat announcing the hearing.

Mr. Patrick stated that a new traffic analysis will be submitted by Quaker. Attorney Webb objected to the report. He stated it should've been submitted originally. Attorney Sahlaney explained to him that the board requested this after the hearing. Attorney Wharton agreed and explained that when the board questioned the PennDot study, a TIA was mentioned.

Attorney Selena stated that Quaker Exhibit #13 was the original transportation study.

Attorney Joe Green explained that they are not skilled enough at reading the traffic study and we need to get an expert to cross examine in a logical fashion.

Lloyd J French (Jim French) was introduced by Attorney Wharton.

The following Exhibits were entered into testimony:

Quaker Exhibit 14 Qualifications of Jim French III

Quaker Exhibit 15 Revised Scoping Study 3/31

Quaker Exhibit 16 TIA

Quaker Exhibit 17 Safety Analysis

Attorney Webb expressed that he and the other attorneys should have been given copies of these exhibits prior to them being submitted at tonight's hearing. Attorney Wharton disagreed. Attorney Green objected and stated that under legal principal, they should have been given copies. Mr. Sahlaney explained that they had just been made exhibits and the other attorneys will have an opportunity to look at them. The applicants aren't required to give copies.

Mr. French graduated from Penn State University in 1992 with a degree in civil engineering. He graduated from Pitt with a Master of Science degree in 1993. He graduated from West Virginia University with a PhD in civil and environmental engineering in 1998. He has been licensed since 1998. He opened his business in 2004. His entire career has been traffic engineering and working with PennDOT.

Mr. French gave a synopsis of his findings. The Transportation Impact Assessment was conducted for the proposed Quaker Sales Asphalt Plant located along Mine 37 Road (SR 3015) in Richland Township, Cambria County. The proposed development will be 8,300 SF and have one driveway connecting to Mine 37 Road.

The full build out of the development was assumed to be in 2024 assuming construction can begin in 2023. A background growth rate of 0.2% per year was applied to two years to project 2022 volumes forward to 2024.

The study area includes Eisenhower Boulevard (SR 3006) at Mine 37 Road (SR 3015), Eisenhower Boulevard at Scalp Avenue (SR 56), and the proposed driveway at Mine 37 Road. Traffic counts were collected for all intersections in the AM and PM peaks on Wednesday May 11, 2022.

Trip generation was performed using the 11th edition of ITE Trip Generation Manual. ITE Land Use Code (LUC) #140 — Manufacturing was used. No internal capture or pass-by trips were assumed. It was determined that the new site would generate a total of 15 trips in the AM peak hour and 6 trips in the PM peak hour.

All traffic will approach the site from the Eisenhower Boulevard end of Mine 37 Road. Based on existing traffic patterns in the area and the anticipated service area of the plant, the following trip distribution was assumed:

- West on Eisenhower Boulevard toward southern Johnstown -5%
- East (South) on SR 56 toward Windber / Bedford — 37%
- West (North) on SR 56 toward SR 219 / Johnstown — 58%

Level of service analyses were conducted using the Highway Capacity Manual (HCM) methods contained in Synchro 11. The 2022 "Existing," 2024 "No Build," and 2024 "With Development" scenarios were assessed. Queuing analysis was conducted for all lanes utilizing the 95% queue projections from SimTraffic. Finally, left-turn and right-turn lane warrant analyses were conducted for Mine 37 Road at the proposed development driveway and for the left-turn into Mine 37 Road from Eisenhower Boulevard in accordance with Pub 46, Chapter 11.

The proposed development does not have any impacts on adjacent intersections that require mitigation. The impacts on the adjacent street network are virtually zero due to the low number of trips generated by the proposed development.

There are no turn lanes proposed on Mine 37 Road at the site driveway and sight distance is adequate at the proposed location. The site driveway will be connected to the Mine 37 Road and be under stop control. The developer will maintain the sight triangles to ensure proper driveway sight distance for as long as the driveway is in use.

A 125-ft left-turn lane is warranted on westbound Eisenhower Boulevard in the No Build condition. Since the proposed development does not (1) impact level of service at this intersection; (2) cause a significant increase in queuing that would impact the visibility of the queue on this approach; and (3) cause the need for the lane, the developer is not proposing to construct the lane.

Mr. French explained that the intersection at scalp Avenue in Eisenhower Boulevard already failed. The addition of liquor sales trucks is not going to make it worse. This means there is no impact, so they do not need to mitigate.

Mr. French confirmed that he was present during the study on May 11, 2022. He explained some examples of mitigation if they had been required. They could include retiming of traffic signals, lane changes and reconfigurations, and modifications. In all his time working with PennDOT, he cannot recall a time when projects are denied due to a study like this. They are always given the opportunity to mitigate.

Mr. Webb and Mr. Green objected to the study. Attorney Sahlaney said that the board was going to take a break for the attorneys and residents to look at the exhibits.

The board took a recess at 8:15 pm.

Attorney Mike Carbonara of 108 Deer Run Court asked Mr. French how many hours it took him to perform the study. Mr. French stated about 100 hours. It is roughly 150 pages (20 text pages and the rest appendixes). Attorney Carbonara stated that they came to the board with a large document and expect people to be able to ask questions. He said it violates due process and their properties are an important right. He said if it took an expert 100 hours to do the study, he would not be able to look at it in a couple of minutes and have questions. He stated there is a problem with the due process. Attorney Sahlaney explained that he was free to have an expert from the get-go and that he sees Ginger Jakubowski in the audience, showing that others were prepared expert witnesses. Attorney Carbonara and Attorney Green reserves the right to cross examine the witness. Attorney Webb did not have questions for the witness.

Attorney Wharton stated that if Mr. French is done being cross-examined, he would like to be released. There were no objections to him leaving by the other attorneys.

Ms. Mugerwa confirmed that Mr. French was present during the study. She asked if the study still passes without adding an additional left lane. Mr. French said that it does because it is not Quaker's responsibility to build the lane because the problem is not being added to with their business. They are not going to add that lane. Ms. Mugerwa asked if he was present during the games at VE. Mr. French said he was there from 4 to 6 PM when there was clearly activity at the ballfield. She asked if he was there on the weekends, and he explained the peak hours don't overlap between the business and ballfield. Ms. Mugerwa stated that she requests PennDOT includes the schedule in the study. Mr. McGowan explained PennDot is not requiring a left turn lane installed by Quaker because the failure is not being worsened by Quaker, so they are not required to mitigate.

Amanda Davis of 528 Mine 37 Road felt studies were performed during Covid when not everyone was back to work and a lot of people worked from home. Now, people are starting to go back to work, and that will add vehicles to the road. She stated that the light at Eisenhower and Scalp will stay green for five seconds and only allow one to two cars to go through.

Ms. Davis was concerned about snow plowing in the winter. At this time Mr. French confirmed that this is a seasonal business that only runs from April 1st to November 15th, so the trucks will not be on the road during snow plowing season.

David Strushensky of Mya Drive was determined to not have standing by Attorney Sahlaney because he did not live in the immediate area.

Jared Pavic of 609 1st St. said he finds it hard to believe that the traffic study found this was not an impact. He stated especially during the VE games. Mr. French explain that the peak activity does not overlap with the hours of operation from Quaker.

Mr. David Klementik, co-owner of the property, stated that the board needs to make a decision. He said that he hears the attorney objections because of the experts but they had months and a duty to have their own experts there. Attorney Green stated that they need time to have the opportunity to get experts and respond. Attorney Sahlaney explain to him that with as much testimony that has happened, they should've known to have experts present if they wanted to cross examine. He also stated that the board has already lost weeks because of his requested continuance due to a pre-paid vacation.

Attorney Webb cross-examined president Don Overdorff. Mr. Overdorff has been with the company since 1998. He is present in daily operations. Attorney Webb questioned Mr. Overdorff about the opposition from neighbors for the location and site at the proposed property in Richland and about the removal of signs. Mr. Overdorff stated that it might interfere with their lives, but he does not know to what level. He also said that they were aware of signs put up against the asphalt plant, but they did not remove them, nor did they request to have them removed. Attorney Sahlaney told Mr. Webb to ask questions specific to the issue before the board, not public relations. Attorney Webb stated this would be detrimental to the neighbors.

When asked about Quaker Sales intent to cause detriment to the residents, Mr. Overdorff stated they do not intend to harm the neighbors. Attorney Wharton objected to him assuming harm without proof. Attorney Sahlaney sustained the objection. Attorney Webb argued the placement will affect the homebuyers in the adjacent area. Attorney Wharton objected and Mr. Overdorff is not a realtor.

Attorney Webb questioned Mr. Overdorff on emissions and if they were good for the health of people. Mr. Overdorff stated that emissions will be within the permitted regulations through DEP and they are no more significant than other operations with the Richland Township area. Mr. Webb asked if they believe their business will benefit the health. Mr. Overdorff said he cannot answer that. Mr. Overdorff did not do a study to count the number of kids within proximity to the property and he does not know how many of those kids within 2 miles have asthma.

Mr. Overdorff explained that after extensive research, this property was best suited to meet their needs and to be environmentally sounds to their organization. They looked at other sites before choosing this one. They looked at a site near the airport but were told by the airport and their engineers that they would have a problem with the site due to the FAA. They also looked at a site in Jackson Township. Mr. Webb asked the purchase price of the property and Attorney Wharton objected due to relevance. Mr. Webb asked for a property description. Mr. Overdorff stated that it is 106 to 109 acres of wooded shrub brush with grass. They were looking for a piece of land with flat to level contour. They are not putting the asphalt plant on the hill because of the slope. He said this is a large tract that is vacant and generally flat.

They are still looking for a height variance. He stated that they tested a balloon at the height of the proposed stacks from the pad and it was very close to not being seen from Mine 37 Road. He said it is very close to the top of the trees and maybe a little taller.

Mr. Overdorff stated they are required to bond Mine 37 Road because it has a 10-ton limit.

The hours of operation are Monday through Friday. The employees get to the site between 5 AM and 6 AM. At 7 AM, the trucks will start arriving bringing in stone and leaving with blacktop. The employees leave around 3:30 PM. The trucks stop between 3 PM and 3:15 PM. There are several occasions where they will work on the weekends and overnight. He said that happens about five days out of the year.

They will not make the conditions on Scalp Ave and Eisenhower Blvd any worse. He said it to defer to the impact study done by Mr. French.

Mr. Overdorff stated that they will have a maximum nine employees on the site.

Mr. Webb asked the salary or how much the drivers make per load. Mr. Overdorff did not know the exact salary of the drivers got per load. Attorney Webb asked if there were more loads that would be more money so would the trucks be driving faster and more trips to accomplish that goal. Mr. Overdorff said that the drivers mainly are not in control of that. The paving crew and plant controls that.

Quaker would have an 8000-gallon diesel tank on site. That helps operate the loaders coming and going and on-site vehicles.

Attorney Webb asked if they follow OSHA regulations. Mr. Overdorff explained they are required to use safety devices. They presently use back up beepers on their vehicles throughout the course of the day. He stated the noise will have a minimum impact and he does not believe the property owners would hear it off of the site. He suggested looking back at the noise study that was submitted in previous hearings.

Mr. Overdorff was asked if people would be able to see, hear and feel the trucks leaving the site. Mr. Overdorff said he could not answer that. He said that the trucks are required to make a left at Mine 37 Rd and exit onto Eisenhower Blvd. There are no residential houses that direction.

Mr. Overdorff exchanged that if there was a spill on site, it would be contained in the contamination area. The trucks would not leak. His testimony is that the liquid would not leak off the vehicles. He said that the only way the material could spill would be from an accident and if the truck was knocked over.

The trucks are loaded outside but the making of material is inside the silos. The lab employees are inside the building. Mr. Webb asked if the property could be used for any other use. Attorney Sahlaney stepped in and stated that was for the board to determine.

Mr. Carbonara had a follow up question. He asked how infrequently the plant stayed open past 3:30 PM. Mr. Overdorff said it is very infrequent and they would only work until 4 PM or 4:30 PM, depending on what paving needs done. If they had to work on the weekends, it would only be during daylight hours from 7 AM to 3:30 PM. If they had to work overnight, it would be roughly 8 PM until 6 AM.

Mr. Overdorff said that there will be a furnace on site, but it would not be able to be heard. It has a roughly 8-foot-tall stack. Mr. Overdorff was unsure of the emission level from that. They will have six total stacks. Four for the mixers and two for liquid storage.

He reiterated the truck traffic is required to go to Eisenhower Blvd. There is a violation that would be given if they went on the right of Mine 37 Road. It is part of the HOP and requirements to bond the road. When asked again about omissions, Mr. Overdorff explained they would have to refer to the Gencor study.

He is not aware of any complaints of smells at their current plan.

Attorney Green had some follow-up questions about the VOC levels. Mr. Overdorff stated that he cannot answer on that. Mr. Green asked if he was aware that VOC is a gas. Mr. Overdorff stated that he is not a chemist and not educated enough to answer on that. Mr. Green asked if the gas traveled in the prevailing winds, would it be able to be smelled? Mr. Overdorff said that he could not answer that.

Mr. Wharton spoke about the reason the applicant did not pick the airport site. It was Mr. Overdorff's understanding that it was because of the height in the airport district and FAA regulations.

Mr. Wharton asked Mr. Overdorff about material falling from the trucks. Mr. Overdorff stated that all of the trucks are required to be tarped.

Mr. Carbonara asked why they didn't look in the M district by the airport. Mr. Overdorff stated that they looked across from the airport and that along with height, there were wetlands and contour sloping to waterways on the property. They wouldn't be able to gain enough land there.

At this time Mr. Wess motion to continue the hearing until July 14 at 5:15 PM. Seconded by Mr. McGowan. All in favor.

Respectfully submitted,

T. Shomo

Tiffany Shomo, Secretary