

The Richland Township Zoning Hearing Board met in the Richland Township meeting room, 322 Schoolhouse Road, Johnstown, PA 15904 on July 14, 2022 at 5:15 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.

Present
Bill Patrick
PJ McGowan
Mark Rychak
Pat Wess

Tiffany Shomo
Eric Hochfeld, solicitor

Mr. Patrick began the hearing by giving a brief description of the appeal request. He stated the property owner is requesting a similar use interpretation to construct and operate an asphalt plant under the L1 zone parcel. The applicant is also requesting a height variance of 11' 9 1/4 inches and a height variance of 26 feet 5/8 inches to construct storage silos for the asphalt plant. In order to provide the board with additional information, the original hearing held on April 26 was continued sin May 17th and again to June 30th and again until July 14th and again until this evening.

Attorney Hochfeld listed Board Exhibit #9 as the sunshine act that was placed in the Tribune Democrat announcing the hearing.

Attorney Hochfeld added to the record that the board had received a withdrawal of appearance from Calvin J Webb, Esquire, at the request of his client, Andrew Garbarino of Pediatric Care Specialists. Attorney Hochfeld also added to the record that Attorney Mike Carbonara, resident of 108 Deer Run Ct, submitted an email stating that he was unable to attend due to a prior engagement. He wanted the record to show that though he was not appearing at the July 14 proceeding that does not reflect the change in his position and he continues to oppose Quaker sales application. He would also like the opportunity to present a brief in opposition to Quaker sales application prior to the zoning hearing board making a determination.

Attorney Wharton stated that he has three Google Earth photos that Mr. Green had approved. Exhibit 18 shows hunters Ridge and the proposed plant. Exit 19 is the actual HRI plant located in Richland Township. Exhibit 20 is the HRI plan as well as the Falls run development. Attorney greenhead no objection.

Court stenographer Lori Behe swore in multiple residents.

Attorney Green Stated that he has no cross-examination questions for Dr. French.

Attorney Green called Mrs. Jakubowski to testify as an expert in the field of real estate. It was his understanding that Attorney Wharton had stipulated to that. Attorney Wharton stated that he would stipulate to her qualifications as an expert as she is a real estate appraiser and there's no question about that. He stated that relative to any testimony that she was will be giving relative to the valuation of the property in the township would be objected to. Attorney Green confirmed that Mrs. Jakubowski would steer clear of any specific values.

Mrs. Jakubowski stated that her business is located at 2706 Bedford St. She is self-employed. She has two employees. One employee resides in Mine 37. She stated that she has not engaged in conversations with regards to her preference of opposition to the proposed plan. She received a call from Attorney Webb and kept all correspondences in personal email addresses and everything was retained at her home and not the office. There have not been any kind of participation with her staff.

Objectors Exhibit No. 1 was submitted to the record. It is a report for the Hunters Ridge/Richland Terrace development.

Mrs. Jakubowski had been hired by a select grouping of residence in the area to look at the overall market ability of the homes with the plant in their backyards. She did not look at each individual property.

Her testimony was not to be construed as an appraisal report dealing with the individual values, gain, or loss of value (if any) for these properties, nor a mass appraisal setting value or assigning gain or loss value (if any) based upon the impact of the proposed asphalt plant t these properties within this neighborhood.

Mrs. Jakubowski read the descriptions of R1, R3 and L1 zonings from the Zoning Ordinance as follows:

The R-1 One-Family Residential District is composed of certain quiet, low-density residential areas of Richland Township, plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district; to protect the amenities of certain areas of Richland Township where the pattern has already been established with single-family developments on relatively large lots; to promote and encourage a suitable environment for family life; and to prohibit all activities of a commercial nature except certain home occupations. To these ends, development is limited to a relatively low concentration with relatively large lot sizes, and permitted uses are limited basically to single-family dwellings providing homes for the residents, plus certain additional uses such as schools, parks, churches and certain public facilities which serve the residents of the district.

The R-3 Two-Family Residential District is composed of certain medium-density residential areas of Richland Township representing a compatible mingling of single-unit and double-unit dwellings and mobile home trailer parks by special exception, plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district; to promote and encourage a suitable

environment for family life; and to prohibit all activities of a commercial nature except certain home occupations. To these ends, development is limited to a relatively medium concentration and permitted uses are typically single- and two-unit dwellings, providing homes for the residents in this choice of dwelling types, plus certain additional uses such as schools, parks, churches and certain facilities which serve the residents of the district.

The L-1 Light Industrial District is intended to permit and encourage industrial development that will be so located and designed as to constitute a harmonious and appropriate part of the physical development of the township, provide opportunities for local employment close to residential areas, thus reducing travel to and from work, and otherwise further the purposes set forth in the initial paragraphs of this chapter. The limitations on use, height and lot coverage are intended to provide for modern light industrial development in an urban environment. Uses which would substantially interfere with the development or continuation of the industrial uses and structures in the district are prohibited.

Mrs. Jakubowski stated the following:

Terrain at each of the home sites is basically level to sloping topography (allowing for basement level at-grade access). Elevation maps show the subject neighborhood to be between 1,900'-2,200' above sea-level.

Public water, sewer, electricity, and natural gas are all available and currently servicing the properties within the neighborhoods.

Asphalt streets, street lights, and concrete curbing are all located within the Hunter's Ridge Development section of the neighborhood. Asphalt streets, street lights, and portions of the streets have concrete curbing within the Richland Terrace section of the neighborhood.

Zoning is R-1 (Single Family Residential) and a small portion within the Hunter's Ridge Development only appears to have R-3 (Two Family Residential) zoning. This is located along the road frontage at First Street (within the village of Mine 37). The recorded protective covenants, conditions, and restrictions of Hunter's Ridge do not allow for any use other than single family dwellings.

Access and linkage to this neighborhood is via Scalp Avenue or First Street (by way of Mine 37 Road that connects to Eisenhower Boulevard). Per historical interview with the original key-man developer (Wayne Oldham), Richland Township required a traffic light to be placed on Scalp Avenue as one of the conditions for plan approval of the Hunter's Ridge Development. It was Mr. Oldham's original intention to develop the "top of the mountain" portion of Hunter's Ridge first (now labeled as phase two). However, due to Richland Township's concerns of saturation (volume of occupants) with only one service road providing ingress and egress, the Old Farm Lane road was a condition for continued development. At the point Mr. Oldham realized the cost of constructing the Old Farm Lane street (connecting to First Street, Mine 37 Road, and finally Eisenhower Blvd.) providing the township required second ingress and egress, it was only feasible to sell-off those road front lots first to defray some of the road construction costs.

Another condition of development was a community playground with the Hunter's Ridge Development. This has been built and prior to the Covid-19 pandemic was staffed parttime during certain days in the summer months with East Hills Recreation employees. This was a program to encourage outdoor play, exercise, and a reconnection of the youth within on community. This playground is situated at the curve on Old Farm Lane next to the detention pond, which is adjacent to Mr. Brumbaugh (402 Old Farm Lane). This is the section of the Hunter's Ridge Development that faces the site to the proposed asphalt plant. It is less than 1/4 of a mile Southeast of the proposed plant site.

The recorded Hunter's Ridge phase one development plans identify 88 buildable lots. Development started in 1996. The appraiser has only searched the past three years of transfer history. The highest value property transfer within this development was a sale at \$652,500 in 2020. The lowest value property transfer within this development was a sale at \$288,000 in 2019.

The recorded Hunter's Ridge phase two development plans identify shows only 26 additional lots. None sold or developed to date.

The Richland Terrace development (including Brierhill Estates, phase two section) includes approximate 83 homes. This entire development was planned and started in the 1960's. The appraiser has only searched the past three years of transfer history. The highest value property transfer within this development was a sale at \$396,750 in 2022. The lowest value property transfer within this development was a sale at \$288,000 in 2020.

The neighborhood site appears to be located in a non-flood zone 'X' area per FEMA community map & panel # 42021C0413D, effective date June 19, 2012. There was no standing water on the date of the site and structure tour. Soil conditions are considered to be suitable for building purposes. There are no known environmental hazards on the site, but that fact is not warranted by the appraiser. There are numerous residential structures on the individual lots, with paved or concrete driveways.

Proposed Asphalt Plant Specifications (source: review of plans submitted to Richland Township)
Data felt to be relevant by the appraiser.

Located on Tax Assessment Map and Parcel Number: 50-010. -195

Setback from Mine 37 Road is 701' (required 50')

Side setback from Thomas Dealership property line is 355' (required 15')

Side setback from Berwind property line is 588" (required 15')

Access driveway will be 925' from the Thomas Dealership property.

Elevation for the driveway is approximately at 1,790'

Approximate location of proposed structure in elevation is 1,780'

She travelled to the existing Quaker Sales facilities in Cambria County. She observed the following:

The West Taylor Township location for the Quaker Sales plant is in a location with other industrial users (sewage treatment plant). Also, a moving company is situated nearby and the former shell plant that JWFI operators a tank fabrication business. There is no zoning for this municipality. There is only a subdivision/land development ordinance. No single-family properties have

transferred with more than a \$100,000 sales price, in the past three years, within a one mile radius from this plant.

The Susquehanna Township location for the Quaker Sales plant is in a location outside of the Northern Cambria Borough. There is no zoning or subdivision/land development ordinance for this municipality. No single family properties have transferred with more than a \$100,000 sales price, in the past three years, within a one mile radius from this plant.

Mrs. Jakubowski stated various additional sites were visited (Grannas Bros., HRI, and Northeast Paving) and assessed based on her visual presence at their sites, travelling through adjacent residential neighborhoods, and through phone conversations with employees at their plant operations.

It is her opinion that there is an impact to marketability for properties within the subject property neighborhood. The use of the proposed plant location property is changing dramatically from undeveloped wooded tract of land to an asphalt plant. The product made at this site does have an odor, includes heavy equipment movement around the site, will have emissions (although they are cited to be within or under the governmental regulations), will create noise from the plant and trucks, and increase traffic volume, and will be visible to portions of the Richland Terrace/Hunter's Ridge Developments.

Mrs. Jakubowski stated an appraisal and complex valuation study would need to be accomplished to gauge the amount of impact to these properties. The contributory detrimental harm to the properties would vary based upon placement in proximity to the proposed plant, wind pattern and trends for carrying odors, volume of noise, and increased difficulty for ingress and egress to the neighborhood. This contributory detrimental harm to the properties also would vary based upon the size and stature of the home. The intent of this report is not to report values, value ranges, or adjustments regarding contributory (positive or negative) value factors (numerical or percentage). This report includes summarized reporting of data and discussion of factors that are at play in the marketability of real estate. The real estate consultant's opinion of impact to marketability is based upon the data obtained and analyzed.

Mrs. Jakubowski agreed that there would be tree cover but from some homes looking down from back decks the plant would be visible. She added that in the fall and winter with the loss of the leaves the plant would be very visible and impede the homeowners' views. This does not address the view disruption from the Old Farm Lane properties that will have the silos and bag-house in their sight-lines. The plant is situated at an elevation of approximately 1,780'. The homes along Old Farm Lane and on Partridge Court have an elevation measurement of 1,900' up to 2,100'. Their risk is disruption of their views based upon their higher vantage points.

Mrs. Jakubowski had provided a wind patterns map showing wind as of June 29, 2022. This shows the wind direction heading from a West to East pattern. Based upon this wind pattern, the noise of the plant, any dust created, and emission emitted would be carried to the section of the Hunter's Ridge Development and the Richland Terrace Development. The wind patterns can change on a daily basis. The days with the wind being directed towards the development would create less desirable outdoor living for the property owners.

Mrs. Jakubowski stated that based on the noise of the plant, any dust created, or emissions emitted would be carried to the section of a hunters Ridge development and Richland Terrace development.

Mrs. Jakubowski discussed the hours of operation of the plant. She stated that if they are working past four, that will affect the traffic at the little legs. She also added that Richland has half days on Fridays, and she did not hear that being discussed previously.

Mrs. Jakubowski also added that the homes along Mine 37 Rd. have limited existing front yard clearance currently and allow parking on the sides of the road due to insignificant access to the rears of the properties. She said this would be affected because they are the trucks are going to be using mine 37 Rd. to Eisenhower Boulevard, it will force more traffic that has been trying to navigate Eisenhower to Scalp to take Mine 37 to Scalp.

Mrs. Jakubowski stated that with a home mortgage loans, the FHA and HUD look into hazardous conditions around the home. This can include heavy traffic and air pollution. Go and asphalt plant is not included in their stipulations, cement plans are. She also stated that dangerous intersections are a factor in loans. Under hood regulations, industrial uses are negative.

For the marketability impact, the properties are less desirable if the applicant were to build. If you would not be the same and they would not be able to enjoy the outdoors. She feels that if this were granted, it would alter the characteristics of the neighborhood.

She feels that the hardship was created by the property owner. She thought it was self-imposed by the development.

Mrs. Jakubowski also brought up the use of signs at other plants. They were OSHA required signs.

Mrs. Jakubowski said that there are R1 properties across from the Mine 37 site. It is a vacant piece of land. She felt that there may be an impact on that property and that is why she touched upon the HUD requirements for site development.

Attorney Wharton ask Mrs. Jakubowski as she would agree that because the property across from the mine 37 proposed site was owned by the same person that has given Quaker sales an option to purchase the property would have no opposition to the project. Mrs. Jakubowski stated that she would assume that the property owner has no opposition. They agreed that since she's the current owner of the property, that that would not affect the R1 property that is across the street.

Attorney Wharton asks Mrs. Jakubowski to clarify what she meant by less desirable property. She explained that it's a use that is not typical to a residential neighborhood and it's not a soft industrial use like the uses and offices that are on Eisenhower Boulevard now. With those businesses, you don't have stacks and silos in your site line, you do not have excessive noise with regards to the truck traffic and then also the traveling on a number of streets.

Attorney Wharton compared the site to the boney pile in Mine 37. He stated that those homes were built with a visibility of that boney pile. He asked if it could be less than desirable marketability

issue. Mrs. Jakubowski stated that it's not active and the issue with that is that if and when it ever becomes active it's a temporary venture.

Mr. Wharton commented that Mrs. Jakubowski was speculating the construction is going to have a dollar impact on the homes in the community but yet to give any proof. She was stated based upon her study she noticed a trend with regards to the other plans that she looked at with regard to proximity, odor and the impact of the growth. She did notice a trend with regards to that. She did not feel it was speculation, she was just not comfortable giving value because of lack of time constraints.

Attorney Wharton questioned Mrs. Jakubowski's primary residence. He asked if she was personally located about 3/4 of a mile from an asphalt plant, HRI. She confirmed she is. He asked her if HRI's plant had any impact on her decision to purchase her home. She said that she took all of that in consideration when she purchased her home. Attorney Wharton commented that she still purchased and is still residing in the home. He added that homes in that area have sold several times and have not lost value. He asked if she was familiar with any of the sales of the homes in Falls Run. She stated that she was and knew the pricing had not decreased. He stated as an example that 131 Providence Dr. had originally sold in September 2013 for \$287,000 and it was just sold in April 2022 for \$450,000. She stated that there is a buffer of a hill between those homes and the current plant on Solomon Road. She said that you cannot see the plant from any of the homes in Falls Run. She also added that you cannot see the plant from her house. She did state that it was visible from Foust Drive though. She also added that the prevailing winds are carrying everything away from those homes versus the location of this plant where the prevailing winds would be directed towards the development.

Mrs. Jakubowski stated that the tarps on asphalt trucks aren't really tarps but they're more of a mesh material.

Mrs. Jakubowski stated that the opinions given today were based on a reasonable degree of certainty as an expert in the field of real estate.

Attorney Hochfeld asked if Mrs. Jakubowski knew the number of properties with backyards that would be affected. Mrs. Jakubowski stated she did not have time to look at each individual property. He asked if she knew the number of properties in general impacted in the Hunters Ridge and Richland Terrace area. She said she would need to go to each house individually.

Mr. McGowan questioned the extra signage that would be used on the site. Mr. Beyer from Quaker sales stated that they are required to have signage on the fuel tanks and there would be placards on the asphalt plant building. There would be no signage coming into the site. Mrs. Jakubowski added that she saw signage on the buildings and structures. Mr. Beyer stated that those are requirements.

Amanda Davis, resident of 528 1st St. in Mine 37, asked if this could affect VA loans. Mrs. Jakubowski stated that those are things looked at by the government. Ms. Davis stated that some of the homes in Mine 37 rely on the different loans from the government. Mrs. Jakubowski stated that it could have a possible impact on those homes and the mortgages.

Carol Hughes, 3016 Circle Dr. in Windber Woods, stated she lives three-quarter of a mile from the site as the crow flies. Attorney Hochfeld stated that she could ask her question, but the question of standing has been deferred until later in the hearing. Ms. Hughes stated that she used to live near a Williamsburg plant and there were issues with visibility and emissions. Attorney Wharton questioned relevance. Attorney Hochfeld agreed.

Andrew Garbarino asked if there is a relation between the marketability being lower for those homes and the pricing of the homes being lower. Mrs. Jakubowski stated yes.

At this time Mrs. Jakubowski was excused.

At this time Mr. Czarnek was called to the testify. He said he is a civil engineer. He also has his PhD in engineering science and mechanics, which he explained as applying physics to engineering. He said with his civil engineering background, he did coursework in VOCs and particulates. He said he was dealing with various chemicals including VOCs in his lab and he was a member of an intercept center for composites where VOCs were a very important part. For a few years he worked with various fields where VOCs were very unregulated. He also was working for over 10 years with a biotech company where he dealt with various volatile organic chemicals. Mr. Czarnek explained that VOCs can be a gas and can be a vapor. A vapor is a form of gas. They can be dust and generated by crushing stone or it can be compensated vapor with heavier hydrocarbons that form little particulars that are traveling in the air. Attorney Green stated that in previous hearings the producer of the asphalt plants stated that his plants would create 1.8 tons of particulate matter per year. He asked Mr. Czarnek if he had done any further math on that. Mr. Czarnek stated that from what he could recall it was 1.8 pounds, which translates to roughly 30 pounds a day. If he were to assume that the plant operates eight months out of the year. Attorney Green stated that Mr. Hunt had previously said that there would be 7 tons of VOCs emitted into the air and asked Mr. Czarnek if he did any further math on that. He stated that he did and assumed at eight months out of the year, working five days a week, that that would calculate 288 pounds per day. He said Mr. Overdorff stated the plant would generally have 15 pounds, which translates roughly to 117 pounds of VOCs per day.

Mr. Czarnek defined a fume as a gas and also a vapor or a mixture of liquid. He stated that he looked at various publications that were available on asphalt plants. He stated that according to his publications there were seven particular VOCs that were identified, and he collected those into a document that was added to the record as Objectors Number 2. Within that document, Mr. Czarnek compiled a table with seven major VOCs. The table to not include other fumes that are generated such as nitrogen oxides and sulfur oxides. He stated that the VOCs did contain carcinogens. He stated the ones that are specifically listed as carcinogenic are benzene and dibromoethane. He added that they are listed as possibly causing fetal defects and birth defects. They were also listed as may be possibly causing cancers like liver and multiple melanomas. They are all listed as harmful to the lungs, the kidneys, and the liver. They are all considered very harmful. He said that stack emissions are not the only source of emissions at an asphalt plant. There are two major sources of the mission. The first is stack emission which are the ones that come directly from a chimney or from a stack. Those emissions are easy to monitor. They are the ones used for testing and certification. The other sources of emissions come from fugitive sources which are those that

are not confined to ducts but emitted directly from the source to the ambient air. Example of fugitive emissions can happen when you load the asphalt to the truck and transport it. Also, if you have a pile of material at the plant and the wind blows dust from this pile, all those emissions would be called fugitive emissions. He stated that when they're moving on the asphalt truck even if there is a tarp, the VOCs will still be emitted from the truck and travel through the neighborhood.

Mr. Czarnek explained the density of the vapors relative to air. He stated that if there's no wind the gases would accumulate without being dissipated by the wind. He stated this would affect the neighborhood near Mine 37. Once the wind starts blowing, these fumes would roll over the hills towards nearby neighborhoods, Richland School and UPJ. Because they are heavier than air, the fog of chemicals with all the hills. He said the same thing will happen with the invisible fumes. He stated he studied the prevailing winds and approximately 77% of the wind blowing towards locations to the upper right part of the area. He said that this is a very heavily populated area. He stated the prevailing winds would blow towards Hunters Ridge and Terlyn Drive. The western wind and other ones that are also behind and will blow towards locations like Arbutus and some of it towards Windber Hospital.

Mr. Czarnek stated that VOCs are gases and there is nothing on the site to stop them from traveling through the property, through the valley, and so on. The particulates are heavier and will settle down in the distance and be closer to the plant. Small particulates can travel for miles away from the plant.

Mr. Czarnek stated that his opinions given were given with a reasonable degree of scientific certainty within the field of scientific engineering.

Attonrey Wharton stated that according to the General Permit 13 from DEP, in order to maintain permanent status, no fugitive emissions are permitted to depart the property.

Mr. Czarnek stated that fugitive emissions are any admissions that are not ducted. They are any emissions that are outside of the chimney or stacked at the plant installs on, for example, a boiler or a dryer. They can be particulates, vapors, gases, or fumes. he stated that according to the EPA, the VOCs are affecting communities will be on 3 miles of plants. He stated the emissions of nitrogen and sulfur compounds will have an effect on houses wildlife and nature.

Mr. Overdorff stated they are required to complete water sampling from water that is stormwater runoff at their current facilities. He is not aware that they have ever been required to do sampling offsite. He said in regard to air quality, the air permit does require them to contain the fugitive emissions. They are not permitted to escape their property lines.

Mr. Patrick asked Mr. Czarnek if there were any such thing as a safe level for VOCs. He referenced his report that stated where they can be generated from and that they could come into exposure from a vast number of forces. Mr. Czarnek stated that there are two kinds of exposures: short-term exposure and long-term exposure. He said the neighborhoods closest would be exposed to much more significant levels of pollution for a longer period of time. Mr. Patrick asked if there was a threshold or level of exposure that would cause a certain health concern. Mr. Czarnek stated that if you have high levels of high concentrations of these gases, they can pretty much kill you within

hours. If you if you have long-term exposure, it will cause increase rate of cancer or kidney disease in that area. It will statistically increase the vulnerability of you getting sick.

Mr. Rychak asked Mr. Czarnek why they are allowed to build asphalt plants in this country. Mr. Czarnek stated that there is a need for asphalt. The problem is the location of where they want to put the plant. He stated if it was located in a heavy industrial zone next to a steel mill, the emissions would be insignificant. If it is located at the edge of a neighborhood and located in a place where 77% of winds blow the fumes towards the neighborhood, that is a different story.

Mr. Czarnek stated that if a road is being paved that is going to give some emissions for a short period of time. Those will not be harmful emissions for a long time. He said of those emissions are going to be admitted for about half an hour and then they level down to zero is the temperature of the asphalt goes down.

Attorney Wharton stated that the EPA and DEP regulates asphalt plans. In order for the asphalt plant to operate it needs a permit from DEP. The PA DEP sets a maximum for emissions from asphalt plants. Attorney Wharton questioned Mr. Czarnek when he stated the asphalt plants for the most part should not be in any populated area because of emissions that are given off. He submitted Quaker Exhibit No. 21. It is an asphalt plant operator by Lindy paving that is within 3/10 of a mile of housing for the University of Pittsburgh in downtown Pittsburgh and at the plant has been there in excess of 20 years. Attorney Green objected to relevance. Attorney Wharton withdrew the exhibit.

Mr. McGowan referred back to when Mr. Czarnek stated that the asphalt has the most emissions when it is the hottest and being loaded onto the truck. He stated that the higher number of trucks in an hour is going to enhance the smell to stay in that area for a longer period of time. Mr. Czarnek agreed.

Mr. Klementik asked Mr. Czarnek if he was a licensed professional engineer in the Commonwealth of Pennsylvania. Mr. Czarnek stated that he is not. He does not have a professional engineer degree, only experience. Mr. Klementik asked if his undergraduate degree was in civil engineering. Mr. Czarnek stated that he has an undergraduate background in civil for engineering and a graduate degree in the Engineering Science and Mechanics, which is more general engineering. Mr. Klementik stated that he has a degree in Engineering Science and Mechanics, but he is not a professional engineer either. He asked Mr. Czarnek if he agreed or not that this discipline of discussing VOCs is far from a field from Engineering Science and Mechanics. Mr. Czarnek stated that the experience that he has gained is from studying VOCs and from working in oil fields and working with various solvents in the lab. He worked with chemists and biologists in the biochemical company he was working with for several years.

Mr. Klementik asked if there were other emitters of VOCs other than asphalt plants that might be in the general area of Richland Township, specifically as in Eisenhower Boulevard. He was not aware of any industrial sites that would generate it. He said there are some small sources, but they are trace amounts or they are amounts that measure in milligrams. Mr. Klementik said one of the permitted uses that a board member mentioned was that could be permitted there could be a truck facility like Pepsi Bottling Works that might have 50 diesel trucks, many of them operating all the

same time, at that site. He asked if we would have an impact with VOCs in the area. Mr. Czarnek stated that he cannot quantify the number of VOCs in that case.

Mr. Klementik asked about commercial spray paint booths that spray large quantities of paints on cars and vehicles and if they emit VOCs. Mr. Czarnek stated that most cars and paint have gotten away from using VOCs as solvents. They are using electrostatic goods. Mr. Czarnek was not aware that there are two commercial spray paint booths within 500 feet of this property.

Mr. Czarnek has never conducted any studies as to the incidents of cancer on workers who work in the asphalt plants and truck drivers who haul them.

Mr. Overdorff stated that the hot material is loaded on the trucks by automation, not hand loaded.

Mr. Wess asked Mr. Czarnek if there was a way to capture the VOC before it gets off of the property. Mr. Czarnek stated if the entire facility was enclosed in a building and the building was equipped with proper filters to capture the fumes. Mr. McGowan added that a diesel exhaust by running mufflers in catalytic converters or other emission controls on the trucks could be a buffer.

Nicolas Carol of 268 Locust St. stated he lives about a mile from the plant. He asked if the EPA regulates the location of plants. Mr. Czarnek stated that he could not answer that question. Mr. Carol asked if he agreed the way to prevent plants from residential areas is zoning. Mr. Czarnek stated yes. Mr. Carol asked if he agreed with him that the zoning hearing board would be the one to prevent the plant, not the EPA. He said that was his understanding.

The board took a brief recess.

Mr. John Carroll stated that he is a retired electrical engineer and he worked for Lockheed Martin who is a defense contractor. He was the vice president. He performed analysis as part of his daily job. He stated that every day in the defense world did either look at what the adversaries were doing or what the defenders were doing. They would also look at what their own products were doing. Though he was an electrical engineer, it was not limited to electrical analysis. He has conducted a TIA before. They moved a facility of business from South Carolina to Johnstown. They had to do an environmental impact test study, economic impact test study and transportation impact study. He was the boss and supervised that move. He reviewed the TIA that was done through Quaker. Mr. Carroll created a report that was submitted as Objectors Exhibit 3.

Attorney Wharton questioned his qualifications. Attorney Green stated he is a fact witness.

Mr. Carroll stated his first concern was in the executive summary that they said the proposed development will be 8300 ft² of facility but then said they were going to use land code 140, manufacturing in conjunction with an 8000 square-foot building. He stated that Jason Horner had previously said the pad where they were putting the plant was 725' x 500'. That calculates to 362,500 ft². Mr. Carroll was confused why they were picking a land code in conjunction with an 8300 square-foot building when the pad itself was 362,500 ft². Mr. Carroll stated that according to the land-use code 140 it says the primary activity is the conversion of raw material for parts in the finished product. He stated that the 8300 square-foot office building was not going to make the

asphalt. He stated that the plant is approximately 42 times the size of the 8300 square-foot building. He stated that would affect the TIA. He feels that using the wrong square footage of the facility was going to make the entire TIA invalid.

He stated that in the executive summary on page 1, paragraph four it says that the new plant would generate 15 trips during the a.m. period and six trips during the PM periods. He stated that Mr. Overdorff had previously said the existing asphalt plant can load about 10 trucks per hour and the new facility could load 15 to 18 trucks per hour. That means that during the a.m. and p.m. the actual trucks will be 30 to 36, not 15. He said the trucks on the study were just another vehicle when in reality a truck is 28 feet long versus a car that is 14.7 feet long. In his opinion it should have been noted in the TIA.

Mr. Carroll stated that he worked on several programs for the easy pass looking at toll booths and traffic patterns along with time of day but other than that he did not have other experience other than the TIA for Lockheed. Attorney Wharton asked him if he was familiar with any of the traffic analysis software such as highway capacity software or highway safety software. Mr. Carroll stated that he was not. He was also not familiar with the highway capacity manual.

Mr. French returned to testify. He stated that the use code for the asphalt business was the best fit. He said that in most cases they're looking for the best fit especially in industrial uses. He stated that he spent a lot of time looking at Quaker's 2021 data to make sure it adds up with what they got in the TIA results. He stated that if they use 100,000 ft² for the square footage of the building, it would be 10 times what their real trips are. Mr. French stated that the generation was done with the original scope. He did not prepare that trip generation. It was already approved by PennDOT. It matches the distribution of trucks on the site. Mr. French did not agree with Mr. Carol's calculations and trip generations.

Mr. Jay Marsden of 205 Cherry Ln. had a few questions. He stated it is within the 2-mile frame. Attorney Hochfeld question standing because he was quite a distance from the plant. He stated that there is a discussion happening from when the hearing started about standing. He has to be an aggrieved person to be impacted somehow by this propose use. Being 2 miles away does not make it clear to Attorney Hochfeld how he has standing. Mr. Marsden stated that he drives through that intersection three times a day and that he is a Richland resident. Attorney Hochfeld stated that there is an objection from draft about standing. He allowed Mr. Marsden to ask the question.

Mr. Marsden stated that he's not concerned about the plant, but he is concerned about the transportation. He wondered how many emissions the diesel trucks idling all day put out. Attorney Hochfeld objected. Due to Mr. Carroll not being an expert in that field, Attorney Hochfeld sustained Mr. Wharton's objection.

Mr. French return to answer some of the board questions. He stated that trip generation is not based on the worst possible data that there is. He stated that is done on an average day, sometime during the year or on an afternoon peak. A further discussion happened between Mr. French and Mr. Czarnek questioning the TIA.

Mr. Klementik stated his wife is sole owner of a majority of that farm. She has owned it for over 50 years. They are not real estate developers. The first development that occurred on that property was when Laurel Chrysler Plymouth was constructed. The property was then stripped in the 50's. He stated there's really no interest in the parcel other than this. He argued that the L1 property really more identifies with the adjacent manufacturing district rather than the residential district. This is due to the location of the 109 acres on Mine 37 Road. He stated that nowhere in the Richland Township code is there a mention of an asphalt plant. He added that they also on the R1 district right across the street and are in favor of this project.

Mr. Kotzan of 1777 Regal Drive Address the board. He stated that his reason for being there was in support of the Quaker facility. He stated that in the 80's he lived in Highland Meadows, which was within a mile of the HRI plan. He never saw any dust, smoke or odors. He said he is not a scientist or realtor, but he doesn't know if anyone in the neighborhood even knew that there was an asphalt plant there. He has known Quaker sales for over 50 years and stated they are very professional, honest, trustworthy and forthright. He stated that he respects Quaker sales and also has a concern about the economic growth of Richland Township, because he sees a decline. He sees this as a large investment, and he would just hope that somehow this could be accomplished in a safe manner.

Brian Cernic of 264 Locust St. stated he lives a little bit less than a mile from the proposed plant as the crow flies. He stated that whenever he first heard about the plant, one of the first things he did was look up some of the environmental impacts of it. He stated that that is something that sort of hits home to him. He said that seeing that some of the emissions that were listed were things he has dealt with professionally. He worked in manufacturing where they used screen printing for photographic photo typing that has a lot of VOC emissions as this asphalt plan. He stated that the printers would give off the formaldehyde fume that wasn't always detectable by the nose. He was diagnosed with a cancer that's caused by formaldehyde and linked to VOCs. That is something in particular that he does not want his four-year-old daughter to be growing up around potentially exposed to. He was also concerned about the potential increase in traffic. He grew up in the West End where a lot of coal trucks would come through. He stated there was at least one child that was struck and killed by a coal truck in that community. He is not an expert witness he just wanted to go on record with his opinions against the plant.

Nicolas Carol of 268 Locust St. stated he lives about .8 miles from the proposed plant. He moved into his house about 10 years ago and is the music minister at Trinity Lutheran Church in Somerset. His wife works remotely for an online insurance company. He has no reason to live in Richland other than the fact that he thought it was a nice place to live. They purchased their dream home here. He stated that people his age are not moving into Richland very often. He stated that when they heard of the asphalt plant it was very discouraging to know that this was even being considered. He finds it to be disturbing and a loss of trust. They were never expecting something like this. He stated that one thing he does know a lot about being a music minister is what it means to be a good neighbor. He stated he's heard a lot about how asphalt plants are bad neighbors. He's heard about people who had owned land for a long period of time. His question in general is how many people choose to live next to an asphalt plant. He stated the purpose of the zoning hearing board is to protect the citizens who have already invested in the area. He and his wife have already invested. They have not. Mr. Wess asked if he was aware that there was a light industrial zone area

when he bought his home. Mr. Carol stated that he was not. He asked Mr. Wess if most people who search for homes check all the zoning around their house. Mr. Wess stated that they do.

Attorney Hochfeld say it at this point the citizens either in favor or against the application have had an opportunity to speak and that portion of the presentation is closed.

Mr. French took the stand again. When he did the morning or p.m. peak objections, he projected a certain number of those trucks, then change the percentage of trucks in his model along the route that the trucks were involved. He used a higher percentage of trucks to make a left-hand turn from Eisenhower onto mine 37 Road.

Mr. French stated that he looked back at the 2021 data that Quaker had for the whole year and came up with an hourly distribution of their total daily trucks and what percentage of them or every hour it came. He took that out and looked at what he had projected, and he had the whole day lined up pretty well.

Mr. French stated that he did a sensitivity analysis of trucks per hour.

Mr. French Explain that the intersection at Scalp and Eisenhower is already a failed intersection in PennDOT eyes. Quaker does not enhance that problem or increase that problem significantly, so it is not their responsibility to mitigate that intersection.

Mr. French stated that the new report was submitted to PennDOT, but they have not heard back from them yet. The timeframe is roughly 60 days. When they get that back from PennDOT there are two options. They are going to force Quaker to mitigate something or not mitigate it. Mr. French stated that he believes they are still under the threshold of impact, and they will not need to mitigate. If PennDOT thanks Quaker impacted something they will object and give comments back. They will have to address them. It is not going to say that they cannot build at this location, it will just give them mitigation options.

There was a clarification discussion between Mr. Czarnek and Mr. French on the number of trucks in and out of the proposed plant. Attorney Wharton stated that there have been numerous references throughout these hearings about different truck counts and moving targets relative to the numbers. Some of them could be possible. What his client decided to do it best explains the overall situation is to have Mr. Overdorff go through actual numbers that were used.

Mr. Overdorff stated the capacity of a plant or how quickly you can load a truck and a plant is rarely the limiting factor in the operations to go on in a day. He said he went back in his records and tried to pull actual shipments and deliveries over the last four years. He submitted this as Quaker Exhibit 25. They calculated how many days the plant ran, how many days they may blacktop at the facility, and how many vehicles were shipped out with material deliveries. The chart shows the aggregate coming in and the liquid asphalt that is coming in. The total number was then divided by the number of days. It is shown as an average because of how much variability there is in the business day-to-day. Over the last four years an average of eighty-three, rounding up to 84 shipments and deliveries per day on average happened.

Mr. Overdorff also had some additional data from 2021 breaking down the shipments and deliveries. This was entered as Quaker Exhibit 22. He was able to pull together exactly how many shipments happen per hour. He took the total deliveries and average that over the hours between 6 AM and 4 PM. He stated that it works else to show the average shipments of deliveries per day, per hour.

Mr. Carroll questioned the numbers because the new plant can do 50 to 80% more productivity than the current plant. He stated that they would not be trying to build a new plant if they weren't trying to sell more product.

Attorney Hochfeld stated at this point, the record is closed as far as the evidence has been submitted by the applicant and by Attorney Green on behalf of his clients.

Attorney Green stated that he would like to have an opportunity to submit briefs. Attorney Hochfeld said the board would allow if anybody wished to submit a brief.

Attorney Wharton stated that over the course of four hearings, Quaker had presented testimonial evidence which details to propose used to the site as an asphalt plant. The site is an L1, which would not specifically permit in asphalt plant, nor does the asphalt plant up here at any location in the ordinance. He stated three parts of the asphalt plant are permitted uses at the L1 level. Those include a trucking terminal, a contractor's yard, and a building materials yard. He stated that under the special exception provision in the light industrial, a storage yard and building for contractors for excavated equipment is stated as a permitted use. The special exception as needed for the asphalt plant, the silos and baghouse and components. He said that the US regulations have been addressed by expert testimony and supporting documentation. He stated that in the event of the Zoning Hearing Board granting the application, they must obtain permits and approval prior to proceeding with the project from DEP and Air Quality General Permit 13. They would also receive the HOP to enter on Mine 37 Road. The Conservation District approvals, stormwater runoff during construction, and the approval of Richland Township Planning Commission. He stated that it has been over 20 years since the EPA listed asphalt plants as a significant source of hazardous pollutants. He said that Quaker understand that this is a volatile and emotional issue, however they are committed to doing the project the right way for the Township and the public.

Attorney Green stated that he and Mike Carbonara will provide a joint brief.

Attorney Hochfeld stated that since the record is closed and closing statements have been made, the board then will issue a decision. They will continue for another hearing to issue that decision.

At 11:24 pm, Mr. Wess motion to continue the hearing on August 11, 2022 at 6:30 PM at which time a motion would be made. Seconded by Mr. McGowan. All in favor.

Attorney Hochfeld stated that it would just be for a decision to be rendered.

Respectfully submitted,

T. Shomo
Tiffany Shomo