

Plant may violate zoning, some say

Residents cite conflict of interest in issuing permit

By Andrew Carranza
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While complaints about air pollution were abundant during the DEP public meeting Thursday, some Barkeyville residents believe the zoning permit should have never been issued to Glenn O. Hawbaker in the first place.

Tom Thomas, a 30-year resident of Barkeyville who said he was "totally against the project," believed there was a "conflict of interest" when then borough zoning officer Gary Dovey granted a zoning permit to Glenn O. Hawbaker.

According to Thomas, Dovey was also a member of the Oil Region Alliance at the time he issued the permit. ORA, along with the Eastern Mercer County Region Alliance, negotiated the deal to bring the asphalt plant to Barkeyville Industrial Park.

Both sides closed the deal in late February, but according to Joseph Jenkins, who owns property in Barkeyville, Glenn O. Hawbaker's permit application to the DEP was submitted in mid-October last year.

"The zoning officer had at least two and a half months to review both the zoning ordinance with its air pollution restrictions and (Glenn O. Hawbaker's) application with its declaration of expected air pollution emission," Jenkins wrote in a letter to the editor.

"Dovey was an agent of ORA (along with being the zoning officer)," Thomas added. "It's questionable."

Donald Bombatch reiterated Thomas' sentiments, stating the asphalt plant was in "violation of the zoning ordinance" and wanted the problem to be addressed.

According to the Barkeyville Borough Zoning Ordinance regarding development regulations for any business and industrial use, "(The company) shall not emit any noxious, toxic or corrosive fumes or gases nor shall it emit any offensive odors."

In another section regarding air pollution, the ordinance states that, "No pollution of air by fly-ash, dust, vapors or other substances shall be permitted which is harmful to health or to animals, vegetation or other property."

DEP community relations coordinator Freda Tarbell said the issue of zoning was not to be decided by the DEP, but instead by local Barkeyville government agencies.

But according to Jenkins, Barkeyville Borough Council has yet to address the issue of the zoning ordinance.

Jenkins said he, along with a group of Barkeyville citizens, submitted an appeal of the zoning permit on Feb. 21 to borough council, but has not received a response. He attended the March 6 Barkeyville Borough Council meeting and questioned the zoning permit, but council members gave him no answer.

According to Barkeyville Borough Council member Leanne Stearns, the council was not the deciding force in ruling on the appeal.

"It's up to the zoning hearing board and lawyers," Stearns said.

What further complicates things is that two out of three members of the Barkeyville Zoning Hearing Board have resigned, Jenkins said. The resignations were announced at the March 6 Barkeyville Borough Council meeting.

Stearns said she did not believe the resignations would affect the length of time in which a decision on the appeal would be made. She also said the resignations were not due to the zoning appeal.

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According to Jenkins, Dovey resigned from his posi-

tion with ORA on Jan. 19 and resigned as zoning officer a few weeks after. Stearns had no comment on whether it was a conflict of interest for Dovey to be both zoning officer and member of ORA.

Calls to the Barkeyville Borough Zoning Hearing Board were not returned.