

Judge issues continuance in plea to stop asphalt plant construction

Zoning hearing board has yet to make decision

By Andrew Carranza
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A public hearing will be held April 11 to address the construction of an asphalt plant in Barkeyville Industrial Park.

The hearing will be hosted by the Barkeyville Zoning Hearing Board, after a group of residents appealed the zoning permit issued by the board to Glenn O. Hawbaker, a company based of State College, in February. It will be held at 7 p.m. in the borough building.

Barkeyville residents Joseph Jenkins, Carol and Bill Coursen and Randy and Susie Martin appealed the zoning permit on Feb. 21, but had received no information back from the board, according to Jenkins.

Then on March 12, the group filed a restraining order in Venango County Common Pleas Court against Glenn O. Hawbaker Inc., asking the court to halt construction on the asphalt plant until the Barkeyville Zoning Hearing Board makes a ruling on the group's appeal.

But no decision was reached during the court hearing March 16. As no ruling was made, Glenn O. Hawbaker Inc. continued to construct

a 27-acre, \$5-million asphalt plant in the park, which could produce up to 560,000 tons of asphalt a year.

According to Susie Martin, members of the group received a letter from the zoning hearing board March 20, informing them of a public hearing. Barkeyville citizens will be able to give testimony during the hearing, although she did not know when the zoning hearing board would make a decision regarding the asphalt plant.

Now that Barkeyville Zoning Hearing Board has responded to the group's appeal by granting a public hearing, the current restraining order filed in court becomes void, according to Susie Martin.

"If the zoning hearing board has rendered a decision, then our restraining order (in court) becomes moot," Jenkins confirmed.

In the group's petition to the court, it requested that, "All land development by Glenn O. Hawbaker, Inc. issued on Dec. 31, 2006, by Barkeyville Borough Zoning Officer Gary T. Dovey to Glenn O. Hawbaker, Inc., is stayed during the pendency of the appeal filed Feb. 21, 2006, before the Barkeyville Borough Zoning Appeal Board."

Visiting Judge William Morgan, from Warren County, 37th District, who heard the case, did not render a decision. Before the restraining order became void, he had is-

sued a 15-day continuance for both parties to file briefs, which will go into detail both sides of the situation.

According to Jenkins, the group of Barkeyville citizens appealed the zoning permit issued to Glenn O. Hawbaker Inc. to the Barkeyville Zoning Hearing Board back in February and had not received any response other than the letter.

The group appealed the permit because they believed Barkeyville's zoning ordinance does not allow for a facility such as an asphalt plant to be built in the borough.

After filing the zoning permit appeal on Feb. 21, Jenkins said the zoning hearing board was supposed to tell Glenn O.

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Hawbaker Inc. to halt construction while the appeal was being reviewed.

"(Glenn O. Hawbaker Inc.) was supposed to cease all development on the property, but they did not," Jenkins said. "The Barkeyville Zoning Hearing Board did nothing."

Jenkins said the zoning hearing board was hindered by the resignation of two of its three members, which caused a delay as the two new members, Rosanna Knight and Jeff Haag, had to be brought up to speed.

Jenkins also said the attorney who represented the Barkeyville Zoning Hearing Board, George Thompson, is also the attorney for Glenn O. Hawbaker Inc., which "created a blatant conflict of interest."

"They were disorganized and couldn't respond in any manner to our appeal," Jenkins said. "It was extremely annoying."

Jenkins said the group filed a petition for a restraining order in court because "they didn't know what else to do" after

the zoning hearing board gave them no response.

But according to Barkeyville Borough Council president Leann Stearns, the zoning hearing board did not need to inform Glenn O. Hawbaker Inc. to halt construction at the park during the appeal process.

She also said the zoning hearing board could not be reached for comment since they were not allowed to give any statements while the process was on-going.

The Barkeyville Borough Zoning Ordinance states, for any business or industrial use, a 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, "No pollution of air by fly-ash, dust, vapors or other substances will be permitted which is harmful to health or to animals, vegetation or other property."

In its application to the Department of Environmental Protection, Glenn O. Hawbaker Inc.'s asphalt plant could produce 92 tons of sulfur dioxide, 22 tons of particulate matter, 29 tons of nitrogen and 11.48 tons of volatile organic compounds a year.

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