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February 21, 2007

Barkeyville Zoning and Hearing Board
Borough of Barkeyville
5405 Pittsburgh Road
Harrisville, PA 16038

RE: Zoning Permit No.: 31-001-016-4
(Land Development, Parking Sign Permit)
Hawbaker Asphalt Plant

NOTICE OF APPEAL

We, the undersigned Barkeyville Borough residents, Carol Courson, William Courson, Randy H. Martin, Susie Martin and Joseph C. Jenkins, request that a determination be made by the Zoning Hearing Board on the following appeal:

This appeal is made in accordance with Article VIII, Sections 706 and 802 of the Barkeyville Borough Zoning Ordinance. This appeal pertains to the Zoning Permit No. 31-001-016-4 purportedly granted on Sunday, New Years Eve Day, December 31, 2006, in favor of Glenn O. Hawbaker or Glenn O. Hawbaker, Inc. Article VIII (Zoning Hearing Board), Section 802 (Appeals), provides that any person aggrieved or affected by any decision of the Zoning Officer may appeal to the Board within a reasonable time, as provided by Rules of the Board, by filing a notice of appeal specifying the grounds thereof. The undersigned appeal applicants did not receive formal public notice that the Zoning Hearing Officer, Gary T. Dovey, granted the permit application until said Hearing Officer announced the permit approval at the Borough Council meeting held on February 6, 2007.

The premises being the subject matter of this appeal pertains to a lot area of 27.695 acres and is located in the IP (Industrial Park Zoning District).

The grounds for the appeal are as follows:

1. The proposed use, to wit, the construction of a new asphalt plant, shop, office and related appurtenances does not conform to the use permitted by right in the Borough's Industrial Park District.
2. Gary T. Dovey, the Zoning Officer, had an inherent and legal conflict of interest in considering and/or issuing the Zoning Application by Hawbaker in that he was an employee of the Oil Region Alliance, which entity had a vested interest in securing the location of Hawbaker Asphalt Plant in Venango County, while simultaneously serving as the Zoning Officer of the Borough of Barkeyville.
3. Section 303.1(5) provides that no permitted principal industrial use shall be such which emits noxious, toxic or corrosive fumes or gases nor emit offensive odors. Thus, the issuance of the subject Zoning Permit is violative of Section 303 and Sub-Section 303.5 as set forth in the Zoning Ordinance as the applicants believe and contend that the prospective use will involve the emission of noxious, toxic and/or corrosive fumes and gases and will emit offensive odors.
4. The applicants believe and contend that other significant violations of the Zoning Ordinance will be indicated, evidenced and/or proven upon the ascertainment of the specific plans of construction, use and operation of the proposed Hawbaker Asphalt Plant.

As above stated, the undersigned applicants are ^{OR/AND PROPERTY OWNERS} residents of the Borough of Barkeyville and believe and contend that each of them and their respective premises will be seriously and adversely impacted if the Zoning Permit is not vacated and rescinded.

We hereby certify that all of the above statements are true to the best of each of our knowledge and belief: