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March 2, 2007

VIA HAND DELIVERY

Barkeyville Zoning Hearing Board
c/o Barkeyville Borough Council
5405 Pittsburgh Road
Harrisville, PA 16038

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

To the Members of the Barkeyville Borough Council and Barkeyville Zoning Hearing Board:

By written Notice dated February 21, 2007, applicants, Carol Courson, William Courson, Randy H. Martin, Susie Martin and Joseph C. Jenkins, formally appealed the issuance of Zoning Permit No. 31-001-016-4 in accordance with the Barkeyville Borough Zoning Ordinance. It is our understanding that this appeal was hand delivered to the Board, or its chairperson, on February 26, 2007. the appeal pertains to the land development/parking sign/permit granted to Glenn O. Hawbaker, Inc. ("Hawbaker") by then Zoning Hearing Officer, Gary T. Dovey. A true and correct copy of the Notice of Appeal and accompanying cover letter is attached hereto for your reference.

It has come to our attention that despite the filing of this appeal, Glenn O. Hawbaker, Inc., and/or its agents and contractors have continued land development and construction activities on the lots for which the permit was issued. Section 915.1, of the Pennsylvania Municipal Planning Code, 52 P.S. §10915.1 provides, in pertinent part, as follows:

"(a) Upon filing of any proceeding referred to in section 913.3 [regarding appeals] and during its pendency before the board, all land development pursuant to any challenged ordinance, order or approval of the zoning officer or of any agency or body, and all official action thereunder, shall be stayed unless the zoning officer or any other appropriate agency or body certifies to the board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining

order, which may be granted by the board or by the court having jurisdiction of zoning appeals, on petition, after notice to the zoning officer or other appropriate agency or body.****

53 P.S. §10915.1.

Despite this statutory mandate, it is our understanding that neither the hearing officer nor the agency has received any certified facts indicating that Hawbaker's continued land development was exempt from a stay of land development pending the applicants' appeal on the basis that a stay would cause "eminent peril to life or property"

Based on the foregoing, we are respectfully requesting the Board to instruct Hawbaker, its agents and/or contractors, to cease all further land development activities pursuant to the challenged permit until the applicant's appeal is heard and disposed of by the Board.

Please advise if the Board does not intend to take any action on this request. In the event the Board fails to instruct Hawbaker to cease its land development activities within five (5) days at this request the applicants will proceed with the filing of a petition for an injunction/restraining order in accordance with applicable law.

We trust the Board will give this matter its immediate and careful consideration.

Very truly yours,

ROSEN, ROSEN, BLOOM & VARSEK