

Slippery Rock Township Zoning Hearing Board

Minutes for: 1/12/2021 – Hearing 2021-1

Tom Gaul called the meeting to order at 6:02 p.m. Present were 12 zoom participants and the 9 public present.

Roll Call as follows: Tom Gaul – Present, Jim Anderson – Absent, Craig Caldwell – Present, Solicitor, Alan Shaddinger Present plus Assistant Zoning Officer, Mark Lazzari Present.

Approval of Minutes

Craig Caldwell made a motion to approve the January 6, 2021 organization meeting minutes as submitted. Tom Gaul seconded and the motion carried unanimously.

Chairman, Tom Gaul opened the meeting by briefly explaining the purpose of this hearing is for a special exception and clarified that this was not a hearing to rezone this particular property. Tom turned the meeting over to the Zoning Hearing Board (ZHB), solicitor, Alan Shaddinger.

Alan Shaddinger stated that the applicant – HEI-WAY is represented by their Atty, Joseph Charlton and they will be presenting evidence to the ZHB in support of their request for a special exception. Other persons interested in this matter include 2 physical persons plus 12 zoom participants attending. A court reporter will be transcribing the hearing. This hearing has to be conducted in a formal manner to give the opportunity for all to be heard without interference. All persons wanting to present evidence in the matter will be sworn in. If participants only want to listen and only wish to ask questions or make comments they do not have to be sworn in and a time at the end of the hearing will be opened for that to be done. Alan noted that the board has only 2 members available at this time and continued explaining the process and how the decision may be voted on and asked for any objections to this procedure. There were 2 zoom participants objecting, Chris Colben (Worth TWP) & Marcia Carnahan (SR TWP), they were heard and the applicants Atty. did not object to this hearing as noted but presented an objection to the one aggrieved objection personnel.

ZHB went into Executive Session at approx. at 6:13 pm. Alan call the meeting back into order at approx. 6:15 pm. Alan conveyed that the board elected to note the public objections for the record and being that the applicant does not have an objection and whereas the board has a time line for completing this hearing in order to avoid a deemed approval, the board will move forward.

The court stenographer swore all persons in, whom wish to testify in this hearing.

Alan announced that the application was filed on Oct, 19, 2020, the property was posted which was in accordance with the zoning ordinance and the adjoining properties were notified of the revised hearing date on 11/24/2020 and the legal notices were published 12/29/2020 and 1/5/2021 in accordance with the requirements. These notices will be made part of the records as exhibits.

Alan asked if the zoning officer, Mark Lazzari had any comments – Mark stated that it is his belief that all good and true efforts were made to post and hold this hearing in good order.

Alan turned the meeting over to the applicant's representative Atty. Joseph Charlton for an opening statement where he will introduce his witnesses and following this testimony the floor will open to the public to ask questions/testimony.

Atty. Joe Charlton noted the following:

The special exception is based on HEI-WAY's proposed use of the property as a cold mix asphalt production facility. This property is zoned LI- light industrial where Heavy Mfg. is a permitted use within the special exception within that zoning dist. To satisfy the requirement of the special exception/ heavy mfg., the performance standards of the TWP code section 406 must be satisfied. Evidence will be presented from 4 witnesses.

Witness #1 Elias Heilman of HEI-WAY. He will be reviewing the general nature of proposed use, difference of a cold mix asphalt facility vs a hot mix plant, fact that no explosives materials will be used or stored on site

and the fire protection will be in place. He will be testifying that there will be no electrical disturbance in regards to this operation.

Witness #2 Scott Foreman of Hampton Technical Associates. He will address the proposed site plan and layout including the access to the site, glare reducing measures, stormwater controls plus permitting and erosion controls.

Witness #3 Joseph Pezze of the Hillcrest Group will be dealing with issues related to fugitive emissions and mal odors and convey his opinion of why these will not be an issue at this proposed facility.

Witness #4 Robert Orchowski of the Hillcrest Group. He will give his testimony relative to stormwater management and ground water impact and noise.

HEI-WAY, LLC provided the board with exhibit books that will mirror the exhibits on hand at the meeting and witnesses reports.

Atty. Charlton asked for the opportunity to cross each party that is going to offer evidence to find out their aggrieved party status. So granted.

Alan added the following:

This is a request for a special exception permitted in the Light Industrial zoning dist. For a heavy mfg. use and as council indicated for the applicant that they must meet certain standards set forth in the ordinance following the presentation of the evidence by the applicant members of the public may ask questions and present evidence for their case for objection or support of the application.

Alan opened the meeting to participants zoom that wish to present evidence under oath shall have a chance and can be cross examined by the applicant's attorney. If you wish to participate for the record and there will be a time for those who do not want to present evidence but only want to comment or question at the end of the hearing to do so.

The applicant's witnesses presented evidence where questions were asked by the board and the public and responses made accordingly.

The public giving testimony included: Marcia Carnahan (SR TWP), Paul Boas (Lawrence County), Chris Colben (Worth TWP), Jeff Englert (Pgh.), and Paul Sabol (SR TWP).

Testimony/questions from the board and public ensued with responses from the applicant's specialists and representative. The general consensus of questions/testimony from the public were as follows:

Truck traffic per day on Stoughton Road daily.

Hours of operation

Toxic Chemicals in the process

Any materials hazardous to the environment

Location of access of onto the proposed property

Digital of exhibit drawing available to public

Intend to use water from the creek and discharge into the creek

Intend to have run-off the property down the slope and into the creek

If run-off will it come from storage piles and will there be buffers to absorb it before going to the creek

Storm water pond or in ground basins - depth of pond, will the pond be lined, number of catch basins and inlets plus maximum capacity and any adverse effect from blasting in the area.

Consideration for blasting in the area in regards to the storm water pond

Buffering

Site – open ground vs pavement and or limestone

Lighting how visible from neighboring properties

Odors

Conditions to be set for the proposed facility

Fugitive emissions and mal odor dangers – were instruments used to measure

Noise

Chemicals to be used in this process
Carcinogenic properties to this material in this process

Alan Shaddinger called for a 10 minute break

Mr. Heilman conducted a strip test used for paving showing the lack of mobility of the product.

Questions/Testimony continued.
Stock piles – types of surfaces are they located on
Limestone storage areas located on proposed property
Storm water and run-off – what is the impact.

Accidents
Limestone compacted areas will loosen from heavy equipment travel
Testing of water before dumped into the SR Creek.

Atty. Charlton moved that the exhibit book be make part of the evidence.

Alan opened the floor for any comments/questions and confirmed by Atty. Charlton that the following closing comments are not part of the evidentiary records including his own closing arguments.

Marcia Carnahan (SR TWP), Paul Boas (Lawrence County), Paul Sabol (SR TWP), Chris Colben (Worth Twp.) Dawn Wehman (Ellwood City), Joan Wilson (Grove City) gave comments and questions to the board. The consensus was traffic, noise, lighting, odors potentially carcinogens plus polluting SR and Wolf Creek if an accident would occur and to hold the applicant accountable to the testimony presented at this hearing. Clarification of the LI zoning vs the Special Exception was included. Other comments included desire to not grant approval and this operation should not be located near the creek.

Transcript available from the stenographer and a cost is associated.

Atty. Charlton gave his closing statements and Alan Shaddinger closed the hearing.

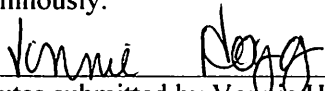
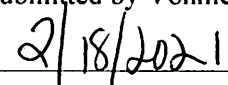
The board members went in executive session at 9:10 pm. until 9:30 pm.

A decision was presented as follows:

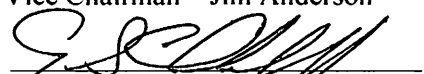
Tom Gaul made a motion to grant the special exception for the applicant, Heilman Pavement Specialties, for a cold mix asphalt plant subject to certain conditions which will still be determined by the board and placed into a written decision to be approved and made available to the public. Craig Caldwell seconded and the motion carried unanimously.

Zoning officer, Mark Lazzari added that the conditions that are likely to come will be based on the public testimony.

Tom Gaul made a motion to adjourn at the meeting at 9:33 p.m. Craig Caldwell seconded and the motion carried unanimously.


Minutes submitted by Vonnie Hogg

Date


Chairman – Tom Gaul

Vice Chairman – Jim Anderson

Secretary – Craig Caldwell