

ATHENS TOWNSHIP PLANNING COMMISSION

Special Meeting

July 13, 2023

Solicitor John Thompson took the Commission into executive session at 7:03PM to discuss procedural aspects of the meeting due to the unexpected absence of the chairperson.

The special meeting of the Athens Township Planning Commission was called to order on Monday, July 13, 2023 at 7:09PM by Vice Chairwoman, Rebecca Miller.

Present: Vice Chairwoman Rebecca Miller, Bob Petruschak, Matt Cooper, Ron Reagan, Zoning Officer, Ed Reid, Secretary, Cindy Parrish, Review Engineer, William (Skip) Schneider, and Solicitor, John Thompson. All others present have signed the attached sign-in sheet.

Bishop Brothers Construction, Inc.: Preliminary Land Development for a mineral extraction operation located off of Meadowlark Drive.

Tim Gourley from Tract Engineering presented plans for a Preliminary Land Development on the Minard property on Meadowlark Drive. He stated that the property is roughly 500 acres and about 360 acres would be utilized for the mining operation. Of that, only about 160 acres would actually be mined. They would mine from the agricultural field south to Tutelow Creek and extend into the hillside towards Round Top Park. He noted that Conditional Use approval was obtained in 2021 and the conditions set have been addressed and the location of the access road has changed since that approval was granted and will now be at the turn in the road and use the Minard driveway.

They plan to begin mining from the south end of the property and move northward.

Gourley noted that they need to adhere to setbacks of 100' from waterways and 300' from dwellings to obtain the mining permit. Trees will be planted on stockpiled materials for screening purposes.

He addressed the south (hard rock) side and stated that it will be mined over a long duration of 40 years or more, but it will not be devegetated all at once. They will work in roughly 5 acre increments depending upon market conditions. The hard rock area will be blasted. Blasting will only occur Mondays through Fridays and is regulated through DEP. He addressed the Supervisors' concerns regarding the impact blasting might have on Round Top Park.

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He noted various environmental and historic preservation studies that have been conducted and they have received the proper clearances.

He mentioned that the outstanding requirements they need to obtain are the Land Development, and the mining permit with DEP. DEP will handle the waterways and other concerns. Pennsylvania requires a reclamation plan and that is provided in this submission and with DEP. He noted that they will provide a bond to DEP that will be calculated by DEP. That bond will be calculated on a "per acre of immediate disturbance" basis.

Gourley went on to discuss the final reclamation. He stated the sand and gravel area will be an open water lake and the hard rock area will be sloped and vegetated with native grass and shrubs.

He discussed potential impacts to neighboring properties regarding water wells and blasting and how they are/will be addressed. He noted that they do not anticipate any problems.

He stated that there will be some processing on site for end use and that they can't obtain the air quality permit to address that until the mining permit has been issued.

Thompson asked for an explanation of concurrent reclamation. Gourley explained the process and that it is monitored through the state and is in the business's best interest to keep the footprint small for bonding liability.

Gourley addressed the conditions set by the Supervisors point by point and stated how they will comply with each one.

Schneider discussed his review and comment letter. Discussion was held between the engineers about landscaping, E&S, and setbacks from waterways, and storm water management. Gourley noted that the precedent is that state regulations override the setback in our ordinance. Schneider noted that the drainage easement can be put on the site plan and the storm water O&M may still be required by the township.

Thompson opened questions to the Planning Commission. Cooper requested a site visit. Petruschak would also like to visit the site. Thompson will coordinate with Dustin Bishop directly for a site visit and stated that there will not be more than 2

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Commission members attending a site visit at a time. Cooper and Gourley discussed the high walls during concurrent reclamation, blasting and how it will affect the school, and the transportation of explosive materials.

Reagan asked about the approval process for obtaining the mining permit and its relationship to township approvals. Discussion was also held about the process for zoned versus unzoned municipalities. Reagan had Thompson explain a RUMA versus bonding for the road. Discussion was held about emergency services and procedures, well testing and the process to contact the neighbors, potential water contamination to the river ad stream, and blasting notifications.

Miller asked about access through Round Top Park, and Gourley stated that the 300' buffer to the park was nonnegotiable.

Cooper inquired about the 3 test sites on Tutelow Creek and discussion was held. Cooper stated that he wants to advocate for more testing sites. Discussion was held about storm water from the hill and how it will be contained.

Reagan asked if the river levels will affect how deep they can mine, and Gourley stated it will. Reagan asked about water safety, dust control, the phasing process of development, governing ordinances and updates and discussion was held. Gourley stated that they are currently asking for approval for phases 1, 2, and 3. Future phases would need a new land development and would follow any updated regulations in the future. Gourley stated that the permit is transferrable and any new entity would need to adhere to the conditions of the permit and have their own bonding in place. The lease is also transferrable and renewable. Discussion was held about keeping mud off the road, winter operations, and dust suppression from the crushers. The hard rock area could potentially operate year round. Gourley stated that the dust will have no impact on the schools because it is far enough away.

Miller called for a short break at 8:33PM. The meeting resumed at 8:38PM.

Discussion was held about what the site will look like when they are done, and Gourley referred everyone to the reclamation plan.

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Thompson opened the floor to questions from anyone else in attendance.

Deb Allen expressed concerns regarding potential alterations to the flow of the river. Thompson stated that that issue is outside of the scope of this meeting. Allen noted that the permit application stated that they might operate at night as needed. Gourley said that will be corrected. Thompson stated that our Conditional Use hours are enforceable.

Jaimee Alsing expressed concern that the Conditional Use approval was only granted for the Agricultural District and not the Woodland/Conservation District. Discussion was held, and it was noted that there was an error on the original application but the entire parcel was discussed at the hearing. Alsing inquired about potential violations of the Conditional Use conditions, and Thompson said the first step in enforcement would be the Zoning Officer. Cooper noted that the language was not conclusive and that the transcript of the Supervisors' meeting of February 2021 (wherein the decision was made) should be consulted to provide clarity.

Laura Smith had concerns about blasting affecting her house as it is on the bedrock and Gourley said that potential damage would be enforceable through the state blasting inspector.

Andrea Kovacs Rose asked when the concerns about wells and other things outside the scope of this meeting can be addressed, and Thompson referred her to the DEP meeting on July 31st. Gourley said that her water can be tested at no cost to her, and DEP will make the operator replace a well if it is affected.

Jordi Comas from DEP, Office of Environmental Justice, said he's present to observe and reminded everyone of their meeting on July 31st and noted the public comment period.

Theresa Wiles spoke about the blasting and potential impacts to biodiversity and specifically the fish in the river as the noise travels down it. Dustin Bishop said they foresee a maximum of 2500 tons/day which means it will be stockpiled for approximately 2 months at a time. Discussion was held about the type of surface mining that will be done, and Gourley said there will be no mountain top removal.

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Ron Wiles stated he was unaware of the project until he saw it in the newspaper. He asked about the visibility of the project. Gourley said you will only see it on Meadowlark going south. He said you will not see it from 220 because of the tree line. Cooper said he didn't think our notification to residents was great, and Thompson said that we met every notification requirement.

Eileen Sparduti referenced the Conditional Use decision and asked about well samples. Gourley said that they will coordinate directly. Discussion was held about pump rates and yields. Gourley stated that DEP will require an additional water loss bond.

Aaron Norton asked about the resources being extracted. Dustin Bishop said they would be extracting glacial gravel, sand, and stone, and blue/gray stone that will be crushed for roads and driveways, etc.

Alsing stated that DEP requires a letter from the township on the floodway and asked if that's been done and who would write it. Gourley stated that it has not been done yet. Reid will be the one to write it.

Kovacs Rose asked about the extra traffic. Gourley stated that it will not be constant and will depend on the day. There is a maximum truck limit set in the Conditional Use. Discussion was held about stop signs and the right of way for traffic in and out of the site.

George Crowell expressed concerns over the feeder roads supporting big trucks. Miller stated the RUMA will take care of any damage.

Alsing asked how a recommendation can be made if the noise levels aren't clarified. Reagan said that they can recommend that the Supervisors request a noise study. He said it's ultimately up to the Supervisors. Gourley noted that there are no noise level numbers in the Zoning Ordinance.

Alsing discussed property values. Thompson said the the economic impact criteria is in the Conditional Use criteria but that approval has already been granted and not what is before us tonight. Alsing asked if the access drive was located outside of the floodplain and constructed accordingly. Gourley said that they have minimized the impact.

Sparduti asked about the phasing from south to north and how it will be affected if the material changes, and Gourley said that they can move forward and shift phases or alter sequences if necessary. Discussion was held about an "unmanaged natural water body" in the reclamation. Fourley stated that there will be no stream in or out but it will have flowing groundwater so the landowner will have no maintenance required.

Stacy Wagner asked about lighting, and Dustin Bishop said there would just be some security lights.

Allen noted the visibility from 220 when there are no leaves on the trees and asked how far up the hillside they will go. Gourley said they will go 300' from the park.

Alsing noted the 300' setback from waterways in the Zoning Ordinance. Thompson said that it is already being addressed. Due to state standards, he is looking for further clarification from Moshannon.

Bian Mounts enquired as to where the setback measurements are taken as the river level fluctuates. Gourley said they are taken from the top of the bank.

Alsing asked about the floodway, and Reid explained that those regulations are more pertinent to people bringing stuff into the floodway, not moving things out. Gourley said tha the H&H study was provided for Tutelow Creek and DEP regulates that.

Cooper asked about the date of the last environmental study. Gourley said he submitted one from June of this year and did another yesterday. All concerns came back the same and were already addressed.

Reagan motioned to table the application for a future meeting. Cooper seconded and the motion carried.

Reagan motioned to hold a special meeting on August 17, 2023, at 7:00PM. Petruschak seconded and motion carried.

Minutes:

Motion to accept the July 10, 2023, Planning Commission minutes as written was made by Reagan and seconded by Cooper. Motion carried.

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Reagan motioned to adjourn at 9:51PM and Cooper seconded. Motion carried, and the meeting was adjourned as there was no other business to discuss.

Respectfully submitted,

Cynthia Parrish, Secretary