

Quarry wins vote to expand

By: AMANDA CREGAN The Intelligencer

Zoners agreed the ordinance had not been properly filed and organized but did not agree it was improperly advertised. The township's solicitor said that will allow the ordinance to easily be put on the books.

Quarry operators took home a victory in Nockamixon on Thursday night, but so did the township.

The zoning hearing board voted 2-1 in favor of Hanson Aggregates, which is seeking to expand Ottsville quarry operations onto 20 acres it owns along Route 611.

Nockamixon Zoning Hearing Board Chairman Dave Wolfinger and member Lloyd Travern sided with quarry attorneys, who argued that two ordinances in 1968 and 1990 restricting quarry expansion were not properly filed, organized and advertised to the public and were therefore invalid.

But the two made the clear distinction that they only agreed that the ordinances had not been properly filed and recorded. They sided with the township in saying the ordinances had been properly advertised.

Board member Lance Arbor voted against.

Newly appointed alternate board member Stephen Sears has recused himself from the vote, and did not deliberate with the board in a nearly two-hour executive session Thursday night, because he holds party status with quarry neighbors who object to the expansion.

Travern told the few residents who attended the hearing that it was not an easy decision.

"This is a very difficult day. I'm not happy about any of this, but the evidence is clear on what the decision has to be," he said.

Wolfinger agreed, citing that his vote was not based on personal opinion or concern for the township's faltering groundwater supply, but the evidence presented in the case.

"I do concur that this is one of the toughest decisions we've made."

Nockamixon attorney Jordan Yeager said Thursday night that the two men's conclusion that the ordinances had been properly advertised is significant, because the ordinances can be easily put on the books at any point by the township secretary.

Yeager noted the township will appeal, and that residents shouldn't expect to see a quarry expansion anytime soon.

Zoning hearing boards act independently from the township. Supervisors have the right to appeal to county court.

"I think there are reasons for concern for the decisions that are capable from the zoning hearing board," said Yeager. "Going forward, I'm confident that the township is able to protect itself."

But overall, Thursday night's vote against the township was another blow to Supervisor Chairwoman Nancy Janyszeski, who is still reeling from the zoning hearing board's decision two weeks ago that sided with a gas drilling company trying to break ground in the Upper Bucks community.

"The decision of the majority of the zoning hearing board, whose attorney is Peter Harrison, appears to have thrown Nockamixon Township under the bus," she said. "It is unfathomable what they did, and the full consequences won't be known until the dust settles. I am afraid it is going to be much more than anyone imagines. Unfortunately, I am not surprised."

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