

Zoning

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because that was the cheapest way to cover the broken boards."

After years of litigation with the township, American Asphalt has asked that the property it has been mining for 20 years be formally designated a Mining (M-1) zone, instead of Agricultural. The township planning commission recommended the change, but the final decision will be up to the township supervisors.

Hoyt choked up as he described his plight. "It's 40 years of blasting," he said. "It's tough to get through."

The household damages and expensive repairs, while upsetting, were not what motivated Hoyt to tell his story. "We have spent a small fortune fixing the exterior and there are chunks of it missing already. I can't replace it," he said. "But that's fine. I can live in a dilapidated home. What really bothers me is that I've had to put holding tanks in my home to store the spring water that used to run down our hill toward the orchard. My grandfather was in the water business but pretty soon I'll be drinking sulfur water like all my neighbors."

Concern about the environmental impact of the quarry operation was another factor prompting Hoyt to take a stand against a proposal rezoning American Asphalt property to mining. "The first thing the company did (following the purchase of two pieces of land known as the Theta and Crumley parcels in 1977) was bring in bulldozers to mow down all the trees," said Hoyt.

Others offered testimony supporting Hoyt's conviction that work at the quarry has negatively affected the water table. "I also have concerns about the water," said John Frank. "Definitely as far as quality is concerned and possibly as far as quantity."

There were plenty of American Asphalt supporters in the audience, and some took their turn at the microphone.

George Speace M.D., said he occasionally can hear crushers working at the quarry but hasn't experienced problems attributed to its operation. "I've lived in the Back Mountain for 20 or 21 years, about half a mile from the quarry. My foundation isn't four feet thick, but I don't have any damage or problems with my well," he said.

Township supervisors, charged with making a decision in the rezoning case, have to look beyond the effect mining has on individu-



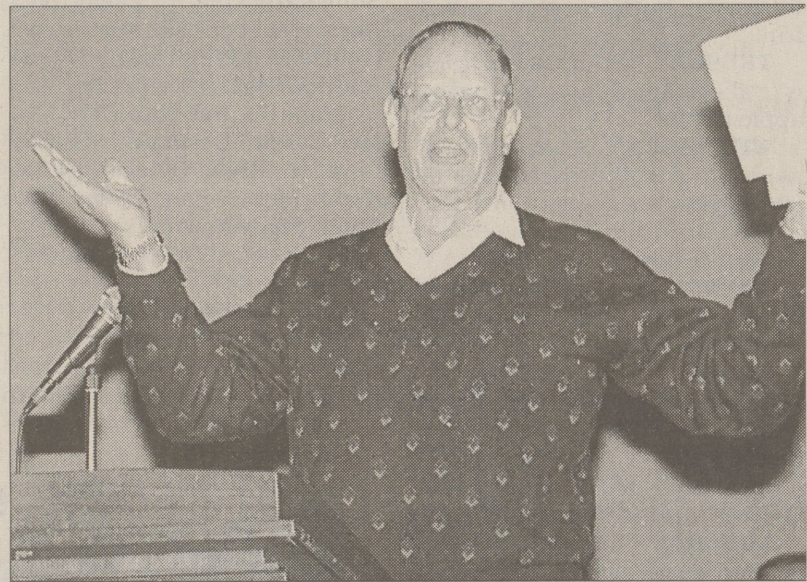
Bernard Banks bowed his head in frustration as John Filip protested the amount of time Banks was taking to present his side of the issue.

als said Speace. "When I first moved here people were rallying against the Montage Ski Resort and then it was the arena," he said. "There are some detractors in this valley who will oppose progress of any kind. It's a wonderful world if you can have clean air, no pollution and the fish are always biting, but that's Disneyland. Progress requires infrastructure, the kind of roads and highways. American Asphalt has helped build in this area."

Thomas Jones, a United Steel Workers of America representative who spoke on behalf of American Asphalt employees, said the Back Mountain has changed for the better, in part because of improved roadways. "Anyone who drives should thank a steel worker for building the streets and bridges that make traveling easier," he said.

Residential development has paralleled the growth of infrastructure, with projects like the Cross Valley Expressway making commuting to and from Jackson Township more convenient. "We began mining in Jackson Township in 1951," said Bernard Banks, owner of American Asphalt. "At that time there was nothing but farming, a couple of gas stations, some bars, a greenhouse and a rendering station. Now you have the Chase Manor, Briarcrest, Fieldcrest, Meadowcrest, Woodridge and Sunset developments in the township. The quarry has not stopped growth one bit."

Gloria Schwartz, an executive secretary at American Asphalt, is a long time resident of Chase Manor. "Before I moved here I looked into the area," she said. "I found out about the schools. I looked into the prison and the



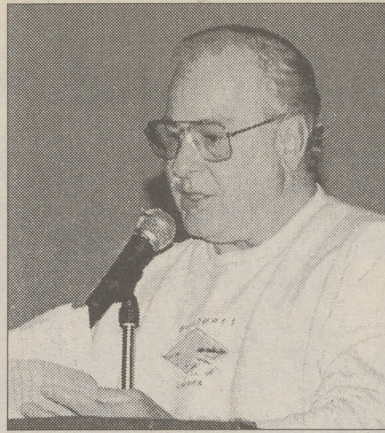
John Filip has been one of the most vocal critics of the American Asphalt operation.

quarry. I wouldn't have moved here if I thought either one was a threat."

"I think the people who are complaining have no reason to be upset," she said. "They knew the quarry was here. If this town doesn't suit their needs, they should move elsewhere."

Joanne Terrace, who moved to Hillside Road in August of 1996, said she didn't know her new home would be affected by blasting at the quarry. "I too, thought I had investigated all the problems I could possibly run into before I moved here," she said. "The first time a blast went off I noticed it caused a considerable amount of damage to my home. So I called American Asphalt and I was told the person responsible for the blast would be fired and it would not happen again. I was naive and I believed them."

Terrace invited American Asphalt personnel to visit her home



Charles Hoyt testified about damage to his home he believes has been caused by blasting at American Asphalt.

when a charge is scheduled to be set. "I'd like someone to come to my house when blasting is being done and then tell me this it's not a big deal," she said. "As for moving - if you can find someone to buy my house, I'll move somewhere else."

Several of those who spoke in favor of re-zoning said property damage should not be a factor in deciding whether or not to change township ordinances. "We have spent tens of thousand of dollars - taxpayers dollars - fighting this," said Fred Murray. "We have been patient long enough. If someone wants to sue American Asphalt then hire a lawyer and sue. Mining and blasting are not going to stop regardless of what is decided here."

In his testimony, Banks said he requested a change of zoning in order to end the prolonged litigation which has cost the company thousands of dollars as well. "Our goal is to amicably end the ongoing lawsuit and to change the zoning so that it more closely conforms with the original zoning ordinances of Jackson Township and to the current use of this land," he said. "This hearing is not to judge the legality of mining on the Theta parcel - that is for the courts to decide."

Marlene Pawlowski, a professional planner, who has worked with Jackson Township officials since 1975, said changing the zoning designation from agriculture to mining would complicate ordinance enforcement in the future. "It would make issuing a citation for violation of any township ordinance difficult," she said.

"We are a nation of laws not just for the little guy but for everyone," said Ed Chesnovitch, who presented a petition signed by Jackson Township residents who oppose re-zoning. "More than 500

Jackson Township residents who oppose re-zoning. "More than 500 people signed this petition because they are affected by this."

Charles Hoyt said future generations will be affected by the supervisors' decision as well. "I'm here tonight to speak for my kids, my grandkids and all the people of the township. This factory can only be described as an explosive cancer. It does not make beautiful things, it does not repair things. It is a big hole in the earth which

should be contained so it can eat itself up just as it has destroyed the homes around it. The homes which have been damaged should be repaired and the earth restored to its natural beauty."

Timeline

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- November 11, 1996 Attorney Blythe Evans, representing Jackson Township, asks for an injunction to stop mining at the American Asphalt quarry.

- In 1998 to 1999, Commonwealth Court of Appeals and the Pennsylvania Supreme Court ruled American Asphalt's 1982 appeal is valid.

- On August 24, 1999 American Asphalt filed an application to re-zone the Theta and Crumley parcels from A-1 to M-1.

- January 13, 2000 a public hearing is held to collect testimony regarding American Asphalt's application for re-zoning.

- The hearing will continue Wednesday January 19, 2000 at 7 p.m. at the Lake-Lehman High School.

- A timetable for a decision by the supervisors has not been set.

Timeline compiled using information provided by Bernard Banks, owner of American Asphalt; John Wilkes Jr., Chairman of the Board of Supervisors of Jackson Township; Jacqueline Latosek, Jackson Township tax collector and James Petri of the Mine Safety and Health Administration.

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Charles Hoyt
Hillside Road

"Progress requires infrastructure, the kind of roads and highways, American Asphalt has helped build in this area."

George Speace, M.D.
Jackson Twp

"They knew the quarry was here. If this town doesn't suit their needs, they should move elsewhere."

Gloria Schwartz
Chase Manor, American Asphalt employee

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Fred Murray
Jackson Twp.

Facts & Figures

- The company employs over 300 people, approximately 100 at Jackson Twp. facility, three employees reside in Jackson Twp.

- American Asphalt paid \$1,173 in property taxes to Jackson Twp. in 1998.

- American Asphalt is regulated by the Environmental Protection Agency (EPA), the Department of Environmental Regulation (DER), the Occupational Health and Safety Administration (OSHA) and the Mine Safety and Health Administration (MSHA).

- A two year history of MSHA inspections dating from September 1998 to September 1999 indicate a total of 14 citations were issued to American Asphalt Paving Company.



Michael Lando, a township supervisor, asked that Bernard Banks be given time to finish a lengthy presentation. A compromise gave each speaker 10 minutes.

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