



Pennsylvania
Office of Open Records

Standard Right-to-Know Law Request Form

Please read carefully. Complete this form and retain a copy of **both** pages; this copy may be required if an appeal is filed. You have 15 business days to appeal after a request is denied or deemed denied. More information about the RTKL is available at <https://www.openrecords.pa.gov>. In most cases, a completed RTKL request form is a public record.

SUBMITTED TO AGENCY NAME: _____ (Attn: AORO)

Date Request Submitted: 12/6/24 Submitted via: Email U.S. Mail Fax In Person

PERSON MAKING REQUEST:

Full Name: Dawn Becker

Company (if applicable): Ramboll

Please send response via: Email U.S. Mail

If you wish to obtain records that only exist in hard copy, or must be provided on an electronic storage device, you may be required to provide a mailing address to the agency. See Section 703.

Email: [REDACTED]

Mailing Address: 101 Carnegie Center Drive

City: Princeton State: NJ Zip: 08540 Telephone: [REDACTED]

How do you prefer to be contacted if the agency has questions? Telephone Email U.S. Mail

By checking this box, I affirm that my full name and contact information is true and correct, and that I am a legal resident of the United States. I understand that failure to check this box may result in the denial of my request and the dismissal of any appeal filed with the Office of Open Records.

RECORDS REQUESTED: Provide as much detail as possible, including subject matter, time frame, and type of record sought. RTKL requests must seek records, not ask questions. Use additional pages if necessary. Ramboll is seeking information for the site located at 450 and 460 Osborn Avenue, DuBois, PA.

I am seeking information pertaining to environmental matters, including, but not limited to soil and groundwater sampling or investigations, on-site wells, septic systems, any records related on-going environmental remediation or investigations associated with the current operator or prior occupants and/or the property addresses, and violations or noncompliance matters related to environmental permits or regulations for the subject site, if available. (Generally, this type of information is held by the Health Office).

Form continues on page 2. Retain a copy of **both** pages.

RECORDS REQUESTED (continued):

I am seeking information pertaining to building permits, certifications of occupancy, building inspections, and dates of construction of the identified property. (Generally, this type of information is held by the Building Department).

I am seeking information pertaining to matters, including, but not limited to, information regarding response to hazardous material or chemical spills or releases, response to fires, and emergency responses to the identified property, if available. (Generally, this type of information is held by the Fire Department).

DO YOU WANT COPIES? Yes, printed Yes, electronic No, in-person inspection

Records shall be provided in the medium requested if they exist in that medium; otherwise, they shall be provided in the medium in which they exist. See Section 701. Your request may require payment or prepayment of fees. View the [Official RTKL Fee Schedule](#) for more details.

I understand that my request may incur fees. Notify me before further processing if fees will be more than \$100 (or) \$10 _____.

Do you want [certified copies](#)? Yes (may be subject to additional costs) No

ITEMS BELOW THIS LINE FOR AGENCY USE ONLY

Tracking: _____ Date Received: _____ Response Due (5 bus. days): _____

30-Day Ext.? Yes No (If Yes, Final Due Date: _____) Actual Response Date: _____

Request was: Granted Partially Granted & Denied Denied Cost to Requester: \$ _____

Appropriate third parties notified and given an opportunity to object to the release of requested records.

Retain a copy of both pages of this Form.



CITY OF DUBOIS, PENNSYLVANIA

PO BOX 408 16 W. SCRIBNER AVE. DUBOIS, PENNSYLVANIA 15801

TELEPHONE: 814-371-2000

FAX: 814-371-1290

December 13, 2024

Dawn Becker
Ramboll
101 Carenegie Center Drive
Princeton, NJ 08540

Dear Ms. Becker,

Thank you for writing to the City of DuBois with your request for information pursuant to the Pennsylvania Right-To-Know law. On December 6, you requested a copy of records regarding information for the stie located at 450 and 460 Osborn Avenue, DuBois, PA.

Pursuant to Section 902(a) of the Right to Know Law, the City of DuBois requires an additonal 30 day to respond to the request:

- A timely response to the request cannot be accomplished due to bona fide and specified staffing limitations.

The City of DuBois expects to respond to your request on or before January 5, 2025.

Respectfully,

Lisa Hagberg
Interim City Manager
City of DuBois, Clearfield County

LH/kl

ZONING HEARING BOARD OF TOWNSHIP OF SANDY

Application of:	:	Hearing Date: March 3, 2021
Eagle Railcar Services, LLC	:	
	:	
	:	
Property:	:	
460 Osborn Avenue	:	
DuBois, PA 15801	:	

**DECISION OF THE ZONING HEARING BOARD
OF THE TOWNSHIP OF SANDY, CLEARFIELD COUNTY, PENNSYLVANIA**

The applicant, Eagle Railcar Services, LLC (hereinafter “Applicant”), filed an application requesting a variance from Section 5.02(B)(1) of the Township of Sandy Zoning Ordinance No. 4-2011 (hereinafter “Zoning Ordinance”) in connection with the proposed construction of a 59’ x 60’ non-residential structure (hereinafter “proposed structure”).

The application was properly advertised and a public hearing was held before the Sandy Township Zoning Hearing Board (hereinafter “Zoning Board”) on March 3, 2021 at the Oklahoma Civilian Defense Fire Company. All members of the Zoning Board were present as well as the Zoning Hearing Officer, Zoning Board Solicitor, Applicant, and stenographer.

FINDINGS OF FACT

The Zoning Board finds the following facts:

1. The Applicant is Eagle Railcar Services, LLC regarding a property located at 460 Osborn Avenue in DuBois, Sandy Township, Clearfield County, Pennsylvania 15801.
2. Applicant is the fee simple owner of the real property located at 460 Osborn Avenue in DuBois, Sandy Township, Clearfield County, Pennsylvania (hereinafter “Subject Property”).
3. The Subject Property is located within an I – industrial zoning district and flood zone AE.
4. The Applicant was not represented by legal counsel.

5. The Applicant has requested a variance from the technical requirements set forth in Section 5.02(B)(1) of the Zoning Ordinance for the construction of a 59' x 60' non-residential structure in an AE flood zone.
6. The proposed location of the structure is not located in the floodway area.
7. The present use on the Subject Property is industrial in nature and a manufacturing building is currently located on site.
8. Charles R. Meier of GeoTech Engineering testified as a witness on behalf of the Applicant.
9. The following exhibits were marked and entered at the hearing:
 - a. Exhibit 1: Advertisements
 - b. Exhibit 2: Photo Posting of Property
 - c. Exhibit 3: Zoning Hearing Board Application dated January 20, 2021
 - d. Exhibit 4: GIS Floodway Map
 - e. Exhibit 5: FIRM Map
 - f. Exhibit 6: Floodway Map via FEMA
 - g. Exhibit 7: Overall site plan
 - h. Exhibit 8: Floodplain cross section
10. The topography of the Subject Property is unique.
11. Per FEMA mapping, the base flood elevation is approximately 1,401.82 feet.
12. The Regulatory Flood Elevation pursuant to Section 5.02(B)(1) of the Zoning Ordinance is approximately 1,403.32 feet.
13. The proposed structure's existing slab is 1,399.4 feet.
14. The elevation of the existing structure on the Subject Property is approximately 1,399 feet.

15. If the proposed structure were constructed at an elevation at least 1 ½ feet above the base flood elevation, as per Section 5.02(B)(1), to the regulatory flood elevation, access to the structure would be approximately 4.32 feet above the grade.
16. Applicant provided testimony that the proposed improvements would be used in part for business operations and provide bathroom facilities that currently do not exist.
17. The proposed structure would need to be accessible by fork-lifts and other machinery.
18. Per Applicant's engineer's opinion, the proposed structure will provide for sufficient water flow and will not alter or have a detrimental effect on the floodplain or the general area. Additionally, the proposed structure will be placed on a currently existing slab.
19. The proposed structure will blend with the existing structures located on the Subject Premises.
20. There were no objectors to the proposed zoning relief.
21. The proposed relief would not be a detriment to the health, safety and welfare of the area and will not adversely impact surrounding property values. Additionally, the essential character of the surrounding area will not be substantially or permanently impaired.
22. Absent the requested relief, the Applicant will suffer an unnecessary hardship. This is not a self-created hardship on the part of Applicant. To the contrary, the hardship is created by unique physical conditions of the property, specifically active railroad tracks and unique topography, that limit the available space to construct the proposed structure.
23. Due to the physical circumstances and conditions, there is no possibility the property can be developed in strict conformity with the provisions of the Zoning Ordinance and the authorization of a variance is needed to enable the reasonable use of the property.

DISCUSSION/CONCLUSIONS OF LAW

1. Applicant is Eagle Railcar Services, LLC who has proper standing to appear before the Zoning Board regarding the requested relief.
2. The Zoning Board has exclusive jurisdiction to hear and render final adjudications for appeals from a determination by the zoning officer with reference to the administration of any flood plain and for applications for variances from the terms of the zoning ordinance and flood hazard ordinance.
3. Denial of the requested relief will impose an unnecessary hardship upon the Applicant.
4. The hardship is not self-imposed and is due to the physical circumstances and unique characteristics of the Subject Property.
5. The approval of the requested relief is necessary to enable the Applicant's reasonable use of the Subject Property.
6. The variance granted by the Zoning Board will not alter the essential character of the surrounding area or the zoning district in which it is located, will not substantially impair the appropriate use of adjacent properties, and will not be detrimental to the public welfare.

The Applicant has requested a variance from the technical requirements of Section 5.02(B)(1) of the Township of Sandy Zoning Ordinance No. 4-2011 in connection with the proposed construction of a 59' x 60' non-residential structure. The request for variance seeks relief as to dimensional requirements.

Pursuant to the Municipalities Planning Code, 53 P.S. § 10910.2, when granting a variance, the Zoning Board must make findings of fact, where relevant, setting forth the following:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
3. That such unnecessary hardship has not been created by the appellant.
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

When considering granting a variance, the Zoning Board must first determine whether the request is for a dimensional or use variance as differing standards apply. This requirement was set forth by our Supreme Court in the Hertzberg case. *Hertzberg v. Zoning Bd. of Pittsburgh*, 554 Pa. 249, 263, 721 A.2d 43, 50 (1998). This determination is necessary as the quantum of proof required to establish unnecessary hardship is lesser when a dimensional variance is requested as opposed to a use variance being sought. *Id. at 48*. Additionally, when justifying the grant of a dimensional

variance, multiple factors can be considered “including the economic detriment to the applicant if the variance was denied, the financial hardship created by any work necessary to bring the building into strict compliance with the zoning requirements and the characteristics of the surrounding neighborhood.” *Id. at 50*. Finally, case law states the reasons for granting a variance must be substantial, serious and compelling and cannot be granted simply to enable an owner to obtain greater profit from or use of the property. *Commonwealth v. Zoning Hearing Board of Susquehanna, 677 A.2d 853 (Pa. Commw. 1996)*.

In the instant matter, the Applicant has demonstrated an unnecessary hardship, which is not self-created, and that the requested variance is necessary to enable reasonable use of the Subject Property. The Applicant seeks a variance from the technical requirements under Section 5.02(B)(1) that states in relevant part:

B. Non-residential Structures

1. In AE, A1-30 and AH Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:

- a. is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,

b. has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

The Applicant has requested to construct the proposed structure at the same elevation as the existing structure. The Applicant has clearly demonstrated that there are unique physical characteristics of the Subject Property, including the topography and active rail lines, neither of which were created by the Applicant. The requested variance is necessary to alleviate the hardship resulting from these unique physical characteristics. In order for the Application to comply with the Zoning Ordinance, the proposed structure would need to be built approximately 4.32 feet above the grade. This raise in the structure would make the ingress and egress to the building not meet ADA standards given the limitations to properly slope the entrances with the placement of the rail lines. Additionally, fork-lifts and other equipment would be unable to enter the building.

The Applicant stated the proposed structure would be elevated to the greatest extent possible. Additionally, the proposed structure will be constructed in a manner to provide sufficient water flow without adversely affecting the floodplain. The requested variance represents the minimum variance that will afford relief and represents the least modification of the applicable provisions of the Zoning Ordinance. The proposed structure will be not adversely impact the surrounding area and will be built in conformity with the existing structure as to not conflict with the character of the area. The proposed structure will not impair the appropriate use or development of any adjacent properties nor be detrimental to the public welfare. In fact, the proposed structure will include indoor bathroom facilities that will promote a more sanitary area for the surrounding area.

The Zoning Board finds and concludes that based on the evidence presented by the Applicant, the standards for granting a dimensional variance have been met and the requested variance should be granted. Therefore, the Zoning Hearing Board enters the following Decision:


- a. Applicant is granted a variance to construct a 59' x 60' non-residential structure on the Subject Premises without floodproofing the portion of the structure below the regulatory flood elevation and without the necessity of the base floor to be raised up to or above the regulatory flood elevation.
- b. Applicant shall comply with all relevant building and occupancy codes and ordinances as well as the plans and testimony submitted before the Zoning Board.
- c. Applicant may not use, expand, alter or otherwise use the Subject Property inconsistently with the contents of this Decision without making application requesting further relief from the Zoning Board.
- d. Failure to comply with any of these above-referenced conditions shall mean the immediate revocation of the relief granted herein.


The decision of this Board is by a vote of 3 to 0.

The foregoing Findings, Conclusions of Law/Discussion and Order are hereby approved.

SANDY TOWNSHIP ZONING HEARING BOARD:


Joseph Bowser, Chairman


Ted Lyons


Walter Kosiba

NOTICE TO APPLICANT

There is a thirty (30) day period after the date of a decision for an aggrieved person to file an appeal in the Court of Common Pleas of Clearfield County to contest an approval or denial by the Sandy Township Zoning Hearing Board. If the Applicant has been granted Zoning Hearing Board Approval, the Applicant may take action on said approval during the thirty (30) day appeal period; however, *the Applicant will do so at his or her own risk*. If the Applicant received Zoning Hearing Board approval, the Applicant must secure all applicable permits from Sandy Township within one (1) year of the date of the approval or the decision granting approval.

PENNSAFE BUILDING INSPECTION SERVICES LLC

175 Beaver Drive, PO Box 486 - DuBois, PA 15801

Phone: 814-375-1111

Fax: 814-375-1117

Sandy Township - Clearfield County

PA UNIFORM CONSTRUCTION CODE

CERTIFICATE OF APPROVAL

The following building structure or equipment has been inspected and found to be in compliance with the Pennsylvania Construction Code Law (1999, November 10, P.L.491, No. 45) and the plans approved by Pennsafe Building Inspection Services under the permit number and date listed below:

Permit Number: PS STB 54-21 C Type of Project: New Building

Permit Holder: Charles R. Meier

Address: c/o GeoTech Engineering, 90 Beaver Drive, Ste. 120D, DuBois, PA 15801

Building Owner Name: Eagle Railcar Services

Building/Structure Address: 460 Osborn Avenue, DuBois, PA 15801

Approved Use and Occupancy Classifications(s): F-1

Approved Construction Type(s): 5B

Indicate if Building is provided with sprinkler system: n/a

This Certificate of Occupancy authorizes the occupancy and use of the above named building or structure as long as it is maintained in accordance with the Pennsylvania Construction Code Act, its regulations and all plans and specifications approved by Pennsafe Building Inspection Services LLC.

Plan approval date: 6/4/2021

Design Code Used: 2015 IBC / 2018 IBC Accessibility

Special Conditions or Variances: n/a

Date of Final Inspection: 2/28/2022



Brian S. Wruble, Building Code Official

City of DuBois

City of DuBois
Clearfield County

PA. UNIFORM CONSTRUCTION CODE CERTIFICATE OF OCCUPANCY / COMPLIANCE

The following building, structure or equipment has been inspected and found to be in compliance with the Pennsylvania Construction Code Law (1999, November 10, P.L. 491, No. 45) and the plans approved by City of DuBois Building Inspection Services under the permit number and date listed below:

Permit Number: 76-12DCB

Permit Holder: Rescar

Address: 450 Osborn Street, DuBois PA 15801

Building/Structure Name: Rescar

Building/Structure Address: 450 Osborn Street, Dubois Pa 15801

Approved Use and Occupancy classification(s):
Roof covering replacement

Approved Construction Type(s):

Indicate if Building is provided with sprinkler system: No

This certificate of Occupancy authorizes the occupancy and use of the above named building or structure as long as it is maintained in accordance with the Pennsylvania Construction Code Act, its regulations and all plans and specifications approved by City of DuBois.

Plan approval date: 11-2-2012

Design Code Used: 2009 IBC

Special Conditions or Variances: None

Date of Final Inspection: 1-14-2013

Building Code Official-



REQUEST FOR VARIANCE

EAGLE RAILCAR SERVICES – DUBOIS PA LLC

BATHROOM CONSTRUCTION

Eagle Railcar Services – Dubois PA LLC is requesting a variance from the Township of Sandy Ordinance Number 4-2011 for the proposed construction of restroom and sanitary facilities. Specifically, Eagle Railcar is proposing that the proposed building be constructed at the existing grade in lieu of being constructed in a manner as being impenetrable by floodwaters or with the floor being elevated above the established flood elevation. We are requesting a variance from the requirements of Ordinance 4-2011 SECTION 5.02 B "Non-residential Structures":

B. Non-residential Structures

1. In AE, A1-30 and AH Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:
 - a. is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,
 - b. has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:

A. ESTABLISHING A NEED FOR THE CONSTRUCTION

- The majority of the facility was constructed/reconstructed in 2011 following a significant fire.
- The majority of the facility lies within Dubois City limits.
- The facility as a whole, does not meet the requirements for bathroom/sanitary facilities as outlined by the International Building Code or International Plumbing Code
 - o Table 2902.1 in the IBC (or Table 403.1 in the IPC)

No.	CLASSIFICATION	DESCRIPTION	WATER CLOSETS (URINALS SEE SECTION 424.2 OF THE INTERNATIONAL PLUMBING CODE)		LAVATORIES		BATHTUBS/ SHOWERS	DRINKING FOUNTAINS (SEE SECTION 410 OF THE INTERNATIONAL PLUMBING CODE)	OTHER
			Male	Female	Male	Female			
4	Factory and Industrial	Structures in which occupants are engaged in work fabricating, assembly or processing of products or materials	1 per 100		1 per 100		—	1 per 400	1 service sink

- The adjacent manufacturing building has no restroom or sanitary facility, and no sanitary facilities exist within 500 feet.

- The U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) maintains it's own requirements for sanitary facilities (29 CFR 1910.141). This project will allow the facility to meet the requirements under this regulation.

B. LOCATION

- The proposed location already has a slab from a previous building which will be supplemented in the proposed project. The previous building was constructed in a manner that we assume was granted a similar variance.
- Water and sanitary sewer utilities are sparse on the entire project. The proposed location already has domestic water and sanitary sewer taps from the previous building at that location. No additional underground work or large-scale excavation is required.
- The proposed project in the proposed location will satisfy the requirements for OSHA and the IBC for the entire facility, including the adjacent manufacturing building.

C. VARIANCE DISCUSSION

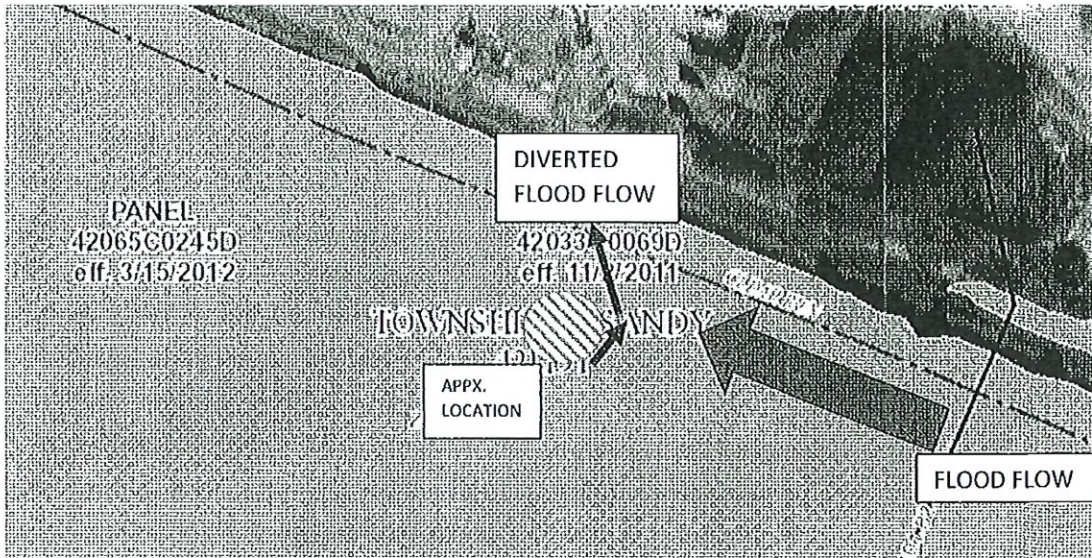
Eagle Railcar is purporting that the proposed construction as currently documented meets both the letter and the spirit of the subject ordinance as defined in Section 2.01 of the subject ordinance.

- The addition of restroom and sanitary facilities promotes the general health, welfare, and safety of the community.
- The building as proposed will have no effect on any flooding event due to the location.
- The proposed project does not have any negative effect on existing water supplies or will it interfere with natural drainage.
- The proposed project does not constitute excessive development nor does it increase financial burdens on third parties.

Furthermore,

- The proposed building, if constructed in strict accordance with the Ordinance, will present as a barrier to floodwater overflows from Clear Run, directly to the northeast of the project site, as well as floodwaters from Sandy Lick Creek. The two potential floodwaters run in opposite directions, resulting in more potential turbulence in the presence of obstructions.
 - A building at existing grade would be required to be constructed in a manner as to be impenetrable, causing floodwaters to divert around the structure and potentially causing erosion and scouring to the existing creek channel, the adjacent railroad tracks, or the existing building. The Base Flood Elevation would be increased locally.
 - Raising the floor elevation to a point above the existing flood plain would require the import of over 1000 cubic yards of dirt in order to maintain 1:12 sloping for compliance with the American with Disabilities Act and allow for the safe operation of equipment around the building. Such an import of material within the floodplain will certainly impact existing structures, drainage, and

adjacent properties in a negative fashion by locally raising the Base Flood Elevation (currently 1401.82 Feet MSL).



- Construction in strict conformance with the Ordinance will be detrimental to the proposed goals of the Ordinance.
- Eagle Railcar nor its predecessors did not create the hardship.
- Eagle Railcar purports the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. In fact, we purport that that construction in strict accordance with the Ordinance will have an opposite effect.
- The request by Eagle Railcar requires a minimal relief from the ordinance.

In summary, restroom facilities are needed for the facility in general and for the manufacturing building specifically as this is a health and safety requirement. Constructing the proposed facilities in strict conformance with the Ordinance will present additional safety concerns for safe ingress and egress (sloped access), along with the safe status of ongoing operations (sloped work areas, driveways, and thoroughways for cranes, forklifts, etc.). Furthermore, due to the unique location, strict conformance to the Ordinance will create an impenetrable barrier that may negatively impact the flow of floodwaters and could negatively impact adjacent properties.

Fee Paid 1-20-2021
\$1750.⁰⁰

SANDY TOWNSHIP ZONING HEARING BOARD APPLICATION

Index No 1280-303-000-00089

Hearing Date/Time _____

Property Owner(s) Eagle Radar Services

Mailing Address:

- Type of Appeal:
- Special Exception
 - Variance: Type _____
 - Issuance/Denial of a Permit
 - Nonconforming use change
 - Other _____

The above property owner(s)/appellant(s) _____
request that a determination be made by _____
the Board for the following address: _____

Property Information

Zoning District _____ Current Use _____

Lot Size/Area _____

Proposed Use or Improvement _____

I/We believe that the Board should approve this request because...
(Include reasons both with respect to zoning law and/or what specific hardships are claimed.)

(see attached)

Has a previous application of appeal been filed? Yes/No No Appeal No(s) N/A

Ordinance Section(s) applicable to the appeal

I/We hereby certify that all the above statements and the statements contained in any paper of plans submitted here within are true to the best of my/our knowledge and belief.

John Shurt
Owner or Agent Signature

1.20.21
Date