

Tax Map/Block/Parcel
No. 50-20-79
Case 5826

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Lehigh Cement Company
675 Quaker Hill Road
Union Bridge, MD 21791

ATTORNEY: J. Brooks Leahy, Esq.

REQUEST: A request for a height variance from 35 feet to 40 feet; transfer station 75 feet to 35 feet; crusher 90 feet to 50 foot variance; and 46 feet to 6 foot for a maintenance building.

LOCATION: The site is located at Old New Windsor Road, New Windsor, Maryland 21776 on property zoned "MR" Mineral Resource Recovery Area in Election District 11.

BASIS: Code of Public Local Laws and Ordinances, Section 158.070 (G), 158.130 E (2) and 158.070 (f)(3).

HEARING HELD: March 24, 2015

FINDINGS AND CONCLUSION

On March 24, 2015, the Board of Zoning Appeals (the Board) convened to hear the request for a height variance from 35 feet to 40 feet; transfer station 75 feet to 35 feet; crusher 90 feet to 50 foot variance; and 46 feet to 6 foot for a maintenance building. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

Three witnesses testified on behalf of the company. They were: Kent Martin, Dennis Wanner, and Linda Alexander. Kent Martin is the plant manager. Dennis Wanner is a project manager for the northern region. Linda Alexander manages larger projects for CLSI.

Mr. Martin testified extensively about the application. Lehigh began purchasing properties for its cement facility in the 1950s. It obtained the necessary permits from federal, state and local agencies. The New Windsor Quarry would be the sole source of limestone for the Union Bridge cement plant. Limestone is the main component of cement. When the initial construction is completed, it is anticipated that approximately 12,000 tons of limestone a day will be sent from the New Windsor Quarry to the Union Bridge cement plant. Lehigh conducted a study to determine the best way to transport the limestone to Union Bridge. The study

considered trucks, rail and overland conveyor belts for the transport of the limestone. The project would require 550 truckloads a day for five days a week for that alternative. The project would require 156 rail cars a day for five days a week for the rail solution. It was decided that the conveyor belt method was the best and most cost effective way to move the limestone. The factors considered in the decision to use the conveyor belt included: community and employee safety, environmental impacts, community impacts, and the investment and operating costs. The overland conveyor would be 4.5 miles long. Part of the conveyor belt would be underground for 1.8 miles (40%). The other part of the conveyor belt would be on the surface for 2.7 miles and completely covered with a jumbo cover (60%). Lehigh has made substantial investments into its cement facility and the facility is a world class operation. The cement plant has approximately 164 employees. The plant further sustains another one thousand jobs in the community. The average wage for the employees is \$27.00 an hour. The turnover rate is very low for Lehigh employees. Most of the Lehigh employees live in Carroll and Frederick counties.

Dennis Wanner also testified that approximately 12,000 tons of limestone would be transported from New Windsor to Union Bridge each day. He described the reasons that the request was being made for various variances. The crusher is equipment housed in a two story like building. The purpose of the crusher is to crush larger rocks into rocks of the size of five inches or less. The evidence was that a large crusher was necessary for the large amount of rocks that needed to be crushed on a daily basis. The large crusher was necessary for a modern quarry operation. The crusher could not be seen from a public road due to landscaping and berms. Just as a large crusher was necessary, a large transfer station would also be necessary. The transfer station would not be seen from the public road either. Similarly, a large maintenance building would be necessary. This building would need to accommodate large 100 ton trucks. Photos showed the size of the trucks used in the maintenance building. When the dump bed of the trucks was lifted by means of the hydraulic system the photos also showed the height needed in the interior of the maintenance building.

He stated that there would need to be dust collection devices at two points in the conveyor belt process. The first point would be when the rocks were first placed on the conveyor belt. The second point would be when the rocks were taken off of the conveyor belt. There would not be any dust generated during the travel of the limestone on the conveyor belt. The conveyor belt would move at the rate of seven feet per second. It would take approximately twenty minutes for the limestone to travel from New Windsor to Union Bridge via the conveyor belt.

Linda Alexander testified that detailed site plans had been submitted to the Planning Commission. She stated that the crusher building would be hidden by ten foot berms. The transfer station would not be seen from the public road either. The berms for the maintenance building were increased from ten feet to fourteen feet.

Philip R. Hager wrote a March 23, 2015 letter to the Board. In his letter he wrote the following:

“the subject area lies within a Mineral Resource Overlay Zone and the Master Plan fully expects mining activities to take place within this area. The use is clearly consistent with

the Master Plan. The relief that is being sought in this case is also a mining activity and is also consistent with the Master Plan. The Department of Land Use, Planning and Development has no objection to the relief that the applicant is seeking in this case, and, in fact, wholly supports granting the desired relief.”

The Board was convinced that authorization of the request with regard to the requested variances was consistent with the purpose of the zoning ordinance, appropriate in light of the factors to be considered regarding conditional uses of the zoning ordinance, and would not unduly affect the residents of adjacent properties, the values of those properties, or public interests. Based on the findings of fact made by the Board above, the Board found that the proposed project would not generate adverse effects (i.e. noise, traffic, dust, water issues, lighting issues, property depreciation, etc.) greater here than elsewhere in the zone. The Board approved the requested variances requested by the applicant.

Date

Gary Dunkleberger, Chairman

Decisions of the Board of Zoning Appeals may be appealed to the Circuit Court for Carroll County within 30 days of the date of the decision pursuant to Article 66B, Section 4.08 of the Annotated Code of Maryland Rules of Procedure.

Pursuant to Section 158.133 (H)(3) of the County Code, this approval will become void unless all applicable requirements of this section are met. Contact the Office of Zoning Administration at 410-386-2980 for specific compliance instructions.