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Fountainville Professional Building
1456 Ferry Road, Building 500
Doylestown, PA 18901
215-345-9400
Fax 215-345-9401

2738 Rimrock Drive
Stroudsburg, PA 18360
570-629-0300
Fax 570-629-0306

559 Main Street, Suite 230
Bethlehem, PA 18018
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Fax 610-419-9408
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LOWER SAUCON TOWNSHIP

October 29, 2015

Mr. Jack Cahalan, Township Manager
Lower Saucon Township
3700 Old Philadelphia Pike
Bethlehem, PA 18015

SUBJECT: IESI PA BETHLEHEM LANDFILL CORPORATION
SOUTHEASTERN REALIGNMENT
PRELIMINARY / FINAL LAND DEVELOPMENT
PARCEL ID #P7-5, P8-1, N8-4
TOWNSHIP #LD 01-15
PROJECT NO. 1595227R

Dear Mr. Cahalan:

Please be advised that we have reviewed the Preliminary / Final Land Development Plan and Site Plan for the above referenced project, dated July, 2015, last revised August, 2015 prepared by Martin and Martin, Inc.

The property is located at 2335 Applebutter Road within the LI, Light Industrial Zoning District, LM Light Manufacturing District, and the RA Rural Agriculture District. The site is also partially located within the Carbonate Geology Areas as per the Lower Saucon Zoning Map. The property is the location of the IESI PA Bethlehem Landfill and contains approximately 224 acres.

The applicant is proposing to increase the capacity of the landfill to allow for a total of 2,678,808 tons of additional capacity across approximately 57.5 acres of the landfill. This includes an approximate 6 acre extension of the landfill in the southeastern area of the property. The additional capacity is proposed to have a longevity of 5.54 years. The additional capacity is proposed throughout the landfill as follows:

1. Eastern area of the property which includes the proposed extension and on top of the Old Fill Area, and Phases I and II
   - 1,972,168 tons (±28.5 acres)

2. Western and central areas of the property on top of Phases III and IV
   - 706,640 tons (±29 acres)

S

ROUTING
- [x] Council
- [x] Manager
- [ ] Asst. Mgr.
- [x] Zoning
- [ ] Finance
- [ ] Police
- [ ] P. Works
- [ ] P/C
- [ ] P & R
- [ ] EAC
- [ ] Engineer
- [ ] Solicitor
- [ ] Planner
- [x] Landfill
- [ ] EMC
- [x] Other Web

Orig

Additional site improvements include a relocated citizen drop-off area, a Mechanically Stabilized Earthen (MSE) Wall, and a 40 foot wide access road.

Background Information Summary:

Application Title:	IESI PA Bethlehem Landfill Southeastern Realignment
Plan Stage:	Preliminary/Final Land Development
Applicant:	IESI Bethlehem Landfill Corporation
Plan Date:	July, 2015
Revision Date:	August, 2015
Received Date:	September 11, 2015 - Lower Saucon Township September 11, 2015 - Boucher & James, Inc.
Location:	2335 Applebutter Road
Total Site Area:	224.47 Acres
Zoning District:	LI, Light Industrial
Representative:	David Buzzell, Esq., Land, Air and Water Legal Solutions, LLC Maryanne Garber, Esq., Land, Air and Water Legal Solutions, LLC Richard Bodner, P.E., Martin and Martin, Inc.

We offer the following comments for your consideration.

1. Condition of Prior Approval

   On April 6, 2005, Lower Saucon Township Council granted Amended Land Development Plan Approval for Relocated Maintenance Facility to IESI PA Bethlehem Landfill Corp., subject to several conditions. Condition #5, as noted in the letter of approval dated April 12, 2005, states "The applicant will enter into an Agreement not to expand their Landfill beyond the limits of the existing Department of Environmental Permit." The applicant signed a certification approving and accepting the conditions noted in the approval on April 18, 2005.

   The Township should examine the relevant permits, documents, and plans referenced in this condition, as the condition may have a significant impact on the submitted application.

2. Use

   a. ZO Section 180-80 pertains to special exception uses within the LI –Light Industrial District. The applicant is proposing an expansion of the existing facilities and an increase in the intensity of the land use. A special exception is required.

b. Yards

i. ZO Section 180-91.B requires all yards to remain unoccupied and unobstructed by any structure or use. A proposed landfill access road encroaches within the required side yard along the eastern property boundary. The applicant shall revise the plans to demonstrate compliance, or a variance would be required.

ii. ZO Section 180-109.E(1) requires a minimum front yard of 50 feet. The required front yard is incorrectly shown as 25 feet in the Yard Requirements section of the Site Data table on the Land Development Plan. The applicant shall revise the Site Data table accordingly.

iii. ZO Section 180-109.E(2) requires a minimum side yard of 50 feet. A proposed landfill access road encroaches within this required yard along the eastern property boundary. The applicant shall revise the plans to demonstrate compliance, or a variance would be required.

c. ZO Section 180-102.C outlines application requirements for site plan review. The applicant shall address the following:

i. ZO Section 180-102.C(2)(o)[4] requires the number and job classification of employees to be included in the project narrative. The applicant shall provide this information to the Township.

ii. ZO Section 180-102.C(2)(q) requires the copy of all required permits and supporting documents required by federal, state and local government agencies to be included in the site plan. The applicant shall provide this information to the Township, once all permits have been obtained.

d. ZO Section 180-109.F(1)(b)[6] requires the submission of all Department of Environmental Protection and other applicable agencies' permit information, including but not limited to applications, review comments, and terms and conditions of permits. The applicant shall provide this information to the Township, once all permits have been obtained.

e. ZO Article XVII Additional Regulations for Certain Permitted, Conditional and Special Exception Use, ZO Section 180-109 Industrial Uses, Subsection F(2)(a)[1] pertains to additional regulations and standards for a landfill use. The applicant shall address the following:

i. An earthen berm shall be placed no closer than 50 feet to all adjacent uses around the perimeter of a landfill. Note #3 in the Landscape and Screening Data table on Sheet 8 of 17 indicates that no earthen berm is proposed. The applicant has requested relief from this section, from Township Council.

ii. No landfill activities shall be conducted less than 100 feet from a property boundary line. The proposed landfill access road encroaches within the required 100 foot distance along the eastern property boundary. The applicant shall revise the plans to demonstrate compliance, or a variance would be required.

3. Environmental Protection Standards

a. ZO Section 180-95.B(2) requires, in part, maps to be submitted which include the location of existing natural resources on the site. An Existing Natural Resources Plan has been submitted. However, it appears that areas of overlapping natural resources were not included on the plan. The applicant shall revise this plan to comprise all areas of the existing natural resources on the site including areas of overlapping resources to demonstrate compliance.

Additionally, the applicant shall revise the plans to include natural resource calculations (including areas of overlapping natural resources) which indicate the area of the site with each of the natural resources, the area of each natural resource that would be disturbed or encroached upon, and the area of the site which must be left undisturbed to protect each of the resources.

b. ZO Section 180-95.B(15) pertains to woodland requirements. The applicant shall revise the plans to show the location of required tree protection fencing, and include sufficient notes and details to demonstrate compliance.

c. ZO Section 180-95.C(2)(a) requires the base site area calculation to be submitted for all subdivisions and land developments. The applicant shall revise the plans to include this base site area calculation to demonstrate compliance.

d. ZO Section 180-95.C(2)(b) requires calculations for resource restrictions and resource protection lands within the base site area. The applicant shall revise the plans to include the required calculations to demonstrate compliance.

e. ZO Section 180-95.C(2)(c) requires the net buildable site area calculation to be provided. The applicant shall revise the plans to include the required calculation to demonstrate compliance.

f. ZO Section 180-95.C(2)(e) requires a calculation for maximum permitted impervious surfaces. The applicant shall revise the plans to include the required calculation and a breakdown of the existing and proposed impervious surface areas to demonstrate compliance.

g. ZO Section 180-95.C(2)(f) requires the site capacity calculation summary. The applicant shall revise the plans to show the required site capacity calculation summary to demonstrate compliance, or a variance would be required.

4. Neighborhood protection

ZO Section 180-96 outlines the neighborhood protection standards. The applicant has supplied neighborhood protection standards in Section 5 of the Land Development Plan Supporting Documentation binder dated July, 2015. The applicant shall revise the plans to include this information to demonstrate compliance, or a variance would be required.

5. Buffer and Landscape Requirements

a. ZO Section 180-97.B outlines planting screen requirements. An expansion of the existing landfill is proposed to encroach closer to the southern and eastern tract boundaries as part of the proposed southeastern realignment. A planting screen shall consist of a dense screen planting of trees, shrubs or other plant materials, extending the full length of the buffer yard, to serve as a barrier to visibility, glare and noise. The applicant proposes to use existing vegetation to meet these requirements. However, there is no existing vegetation in several areas of the required buffer as shown on the Existing Conditions Plans, and it appears that construction activity may impact existing vegetation proposed to remain. We recommend the applicant revise the plans to include a variety of native canopy trees, understory trees, evergreen trees, and evergreen shrubs and to demonstrate compliance, or a variance would be required.

Additionally, we recommend a site meeting to discuss the potential of the existing vegetation to count toward the planting screen requirements.

b. SALDO Section 145-52.A(1) requires that existing healthy trees eight inches or greater in diameter shall be preserved wherever possible. The applicant shall revise the plans to show the size of the trees that are proposed to be removed as part of this land development and demonstrate compliance, or a waiver would be required.

c. SALDO Section 145-52.B outlines requirements for street trees. Where no existing trees are retained along street rights-of-way, trees shall be planted at intervals of between 50 feet and 100 feet. The applicant shall revise the plans to show street trees along Applebutter Road and Skyline Drive, and provide calculations to demonstrate compliance. The applicant has requested a waiver from this section.

d. SALDO Section 145-52.C pertains to site landscaping requirements. The applicant shall address the following:

i. All subdivisions and land developments shall provide plantings in addition to any required street trees or buffer yard planting screens. The proposed site landscaping trees are within the required buffer yard as shown on the Landscape Plans. The applicant shall revise the plans to demonstrate compliance, or a waiver would be required.

ii. SALDO Section 145-52.C(2) pertains to permitted types of trees to be used for the required site landscaping. In addition to the types of trees specified for use as street trees, the site landscaping trees may include flowering or ornamental trees or evergreen trees. The number of flowering ornamental and evergreen trees shall not comprise more than 75% of the total site landscaping plantings. The Landscape Plans indicate 100% of the proposed site landscaping plantings are evergreen trees. The applicant shall revise the plans to demonstrate compliance, or a waiver would be required.

6. General Comments

a. The final cover system design, as shown in the Landfill Closure Plan, consists of a total of two (2) feet of common fill and topsoil. The applicant shall discuss the proposed final cover system with the Township. If it is determined that the final cover should include naturalized vegetation, two (2) feet of cover would not be an appropriate depth to support the growth of trees or shrubs.

b. The applicant shall revise the Sequence of Construction as follows:

i. To include the construction of additional capacity on top of Cells 3-A, 3-B, 3-D, 4-A, 4-B, and 4-D

ii. To include the installation of required tree protection fencing.

c. A detailed response letter addressing the above noted comments and any other changes to the plans should be included with future submissions.

If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

Judith Stern Goldstein, ASLA, R.L.A.
Managing Director

Michael L. Beuke, R.L.A.
Planner/Landscape Architect

JSG/mlb/kam

ec: Planning Commission
Township Council
Township Zoning Clerk
Chris Garges, Township Zoning Officer
B. Lincoln Treadwell, Esq.
Brien Kocher, P.E., Hanover Engineering
Allen Schleyer, IESI Bethlehem Landfill Corporation
Richard M. Bodner, P.E., Martin and Martin, Inc.
David Buzzell, Esq., Land, Air Water Legal Solutions, LLC
Maryann Garber, Esq., Land, Air Water Legal Solutions, LLC

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