

**I. OPENING**

**CALL TO ORDER:** The Planning Commission meeting of Lower Saucon Township Council was called to order on Thursday, May 24, 2012 at 7:00 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. John Landis, Chair, presiding.

**ROLL CALL:** Present: John Landis, Chair; Tom Maxfield, Vice Chair; John Lychak, Sandy Yerger, Scott Kennedy, members; Chris Garges, Zoning Officer; Judy Stern Goldstein, Boucher & James; Dan Miller, Hanover Engineering; Linc Treadwell, Solicitor. Absent: John Noble & Craig Kologie.

**PLEDGE OF ALLEGIANCE**

**II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS – None**

**III. BUSINESS ITEMS**

**A. DRAFT MAP AND TEXT AMENDMENTS TO THE ZONING ORDINANCE FOR POTENTIALLY REVISING THE LIGHT INDUSTRIAL (LI) & LIGHT MANUFACTURING (LM) DISTRICTS WHICH ARE LOCATED IN THE APPLEBUTER ROAD AREA**

- The draft provisions include two (2) options for potentially expanding the LI districts to encompass the entire LM district and portions of the A district.

Attorney Treadwell said this is how the procedures and how zoning ordinance amendments are processed and potentially adopted. If you take a look up at the screen, the reason for tonight's meeting is to discuss potential amendments to the Lower Saucon Township zoning map. There are two potential amendments to the map. There is Option A and Option B. Option A involves rezoning a little less property than Option B does. We'll go through the maps after we go through the procedures. In order for a map or text change to come to fruition, the following procedures that are up on the board have to happen. Tonight is the first meeting of the Planning Commission. At tonight's meeting, the Planning Commission will review those map and text amendments and make a recommendation to the Township Council. The next step would be for the Township Council to review those map and text amendments along with the recommendations of the Planning Commission. Then vote to authorize advertising for a public hearing at which time those amendments would be considered. If the governing body, which is the Township Council votes to advertise for a public hearing, they then need to provide and forward the amendments to the LVPC, the Environmental Advisory Council of the Township. It will then come back to this Planning Commission again, and it would go to the Township consultants for comments. The notice of the public hearing would then be advertised in the newspaper. The area that's proposed to be rezoned would be posted and any property owner within that potential rezoning area would get notice by mail from the Township of the date of the public hearing. Then a public hearing is held by Council which has to happen at least 30 days after the advertisement and the posting and the mailing of the notice, at which time, the public is invited to make any comments they would like to the Council about the proposed amendments. After the public hearing is closed, then the amendments would be advertised again, and the Council would have a meeting again where they actually vote on it. Tonight's meeting is the first step in this process. This is the first time the Planning Commission will be seeing and discussing these potential map, as well as text revisions. Does anyone have any questions about the procedure? No one raised their hand. He would suggest the simplest way to do it is to just move to the map and describe what the potential map revisions are.

Mr. Landis said the first one with the smaller amount of land is proposal Option A, and the second is Option B. We are looking at Option A and that's what is up on the screen currently. Attorney Treadwell said he will try and describe the color. The tan portion in the middle of the map is currently zoned Light Industrial. To orient you, Applebutter Road runs through the middle of that tan portion. Steel City is in your upper left hand corner. Riverside is up above that on the map. This map proposes to rezone the area to the right, which is approximately 92 acres and there is currently four tanks on that piece. Option A is to propose to rezone those 92 acres to Light Industrial. It also proposes to rezone the piece of the left that is crosshatched, which is approximately 35 acres from RA to Light Industrial. It also proposes to rezone the crosshatched purple portion from Light Manufacturing to Light Industrial and that's approximately 79 acres. The portion to the far left would remain RA on Option A and the portion below that in purple would remain Light Manufacturing.

Mr. Landis said the tanks that are in the RA district are a non-conforming use? Ms. Stern Goldstein said yes they are. She just pulled an aerial up. She wants to confirm that there are two large tanks. Mr. Landis said there are no houses? Ms. Stern Goldstein said no houses, nothing residential in that portion. It's a non-conforming use. Mr. Landis said the section there does have development? Ms. Stern Goldstein said there is some development on that portion. Mr. Landis said he doesn't know how many are there. Ms. Stern Goldstein said most of those parcels do contain dwelling units. Mr. Landis said in the Light Manufacturing there are some dwellings, farm or what? Ms. Stern Goldstein said there are some dwellings in that area also which are existing non-conforming. Attorney Treadwell said there are four or five different uses. Ms. Stern Goldstein said she believes it was four different uses. She can double-check. LM permits four uses that are not permitted in LI. They are car wash with public water and sewer required; gas station; bank and a gas station/grocery. Mr. Landis said what can be in LI that can't be in LM? Attorney Treadwell said landfill and extraction. Mr. Landis said landfill in LI is a permitted use? Attorney Treadwell said it's a special exception use which needs approval by the Zoning Hearing Board (ZHB). One of the proposals in the text amendment is to make it a conditional use which would need approval by Township Council. Now it's the Zoning Hearing Board.

Mr. Maxfield said Ms. Stern Goldstein mentioned the rural agricultural area that is proposed to be rezoned above Skyline Drive; he's familiar with below Skyline Drive, with what is there structure-wise, but not above it. He thought there were fewer homes than maybe what you're describing. Ms. Stern Goldstein said in the area that's shown on this plan, the one that Chris is pointing to right now, there are dwellings. As you go farther west, there's less dwellings. She has an aerial photo she can show you. Mr. Maxfield said there's a cul-de-sac up there and he's interested to see where that cul-de-sac is in relationship to those particular properties. There's a little road that goes up there called Hader Lane. Mr. Garges showed where Hader Road was and said it serves two or three houses. Attorney Treadwell said he believes in the area you were pointing to, the RA area that is crosshatched there, the landfill currently owns most, if not all of those properties. Mr. Donato said most. They are in negotiation with some of the property owners now.

Mr. Lychak said they don't have an overlay with the comprehensive plan, but are any of the areas you are talking about rezoning designated as open space or contain sensitive natural resources? Ms. Stern Goldstein said there are some areas with steep slope and some areas with woodland, but in the comprehensive plan, in areas that are shown on this plan and on Option A, are not areas that were designated as community open space. Mr. Lychak said it's not like watershed area? Mr. Landis said there is a provision in the amendment that if the land were to be used that certain changes could be made to the natural resources and steep slopes, that would be allowed, but they would have to be compensated with open space somewhere else. This land is not that useable. Attorney Treadwell said he believes in the most recent comprehensive plan, the areas that we are discussing tonight, whether it be Option A or Option B, are designated as future industrial uses. Ms. Stern Goldstein said almost everything is in a watershed protection area. This is not in that area.

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Attorney Treadwell asked Mr. Garges to go to Option B. Option B shows the crosshatched area being revised from RA on the top and LM in the purple to Light Industrial. That would take the Light Industrial District to the western Township boundary with the City of Bethlehem. Ms. Stern Goldstein said you would also do away with the LM as all of the LM in the case would become LI. Attorney Treadwell said everything you see in the middle piece on the right and the two pieces on the left would be LI.

Mr. Maxfield said does that present a zoning problem for us as far as balance of uses? Ms. Stern Goldstein said no it doesn't because the four uses that are permitted in the LM currently are not in the LI, are permitted elsewhere in the Township. Mr. Landis said those four could be done somewhere else? Ms. Stern Goldstein said yes, they can all be accommodated elsewhere in the Township in accordance with the ordinance.

Mr. Landis said the area that is going from RA to LI, let's discuss that piece. Does anyone have any comments about that, and essentially, it's almost grandfathered in. Mr. Maxfield said the current uses of the tanks on the most eastern proposed portion for rezoning? Ms. Stern Goldstein said it's more of a utility type use right now, a gas transfer and storage. Attorney Treadwell said he thinks it's a gas company. Mr. Maxfield said there are gas lines that run down along Ringhoffer Road and he wondered if those came directly from that area or if that's just a storage facility. Mr. Garges said he believes the line these tanks are tied to kind of run in this direction. He believes it crosses Easton Road right near where 78 crosses and traverses up and crossed Applebutter Road then into the tanks then heads toward the 33 bridge in that direction. Mr. Landis said we would essentially be changing something to what it really is. That's not being used in a rural agricultural way. It's just being used for tanks. There are no residences. Ms. Stern Goldstein said there is no residential use on the property right now. Mr. Maxfield said that piece is currently owned by IESI? Attorney Treadwell said no, that's the gas company, Columbia Gas, they own it.

Mr. Landis said we have the two proposals to change the RA, a small piece and a bigger piece. We are going to ask the audience to contribute when they are finished discussing. They will want comments afterwards. Mr. Maxfield said it's a real problematic area for him because of the historic structures and because of people's homes. The uses are kind of jumbled together down there. He has a suspicion because of the way its designated for future uses that eventually it will all be that. He has concerns for buffers also. Mr. Landis said the concern he has for the two residential ones, he doesn't see a reason to do the larger one, he would think if the landfill were to expand, he'd rather see it in steps than to commit to something before you really had to in terms of the other expansion of the RA to the LI, not the first one, but the second one. Let's discuss that one and then the Light Manufacturing, which he doesn't have a problem with.

Ms. Stern Goldstein said she just has one comment for all of you to think about. We're looking at this as a zoning map amendment right now from the RA and LM to potentially LI, but we're not looking at it just in terms of the landfill. If the zoning map amendment were to occur, and if it were to be approved by Council, that would enable any of the parcels, either individually or put together in a group, to have any of the permitted uses in LI on them as long as they go through the proper process as whether it be by right or conditional use or special exception. Any of those uses could be used on any of those parcels, so it's not just landfill. She cautions you to look at it just not for the one use. It's an issue of looking what's left if you did the Option A, and then there's the little area left that's not connected to Steel City as much because of the gray change and the environmental features in-between, but it's up against the City of Bethlehem, so it's an area of the Township that would remain RA between the City and your LI. She's just giving you everything. The other issue you are looking at land gone from RA to LI and thinking about the issues there. She just wants to put everything in front of you so you can make informed decisions. Mr. Garges said these are RA in the yellow.

Ms. Stern Goldstein said there's a dwelling right about where Mr. Garges cursor is on that parcel from the aerial. The parcel to the right, and the next two, appear to be a house, and the one to the left is a house.

Mr. Landis said let's move on to the blue section where we are talking about converting a section of it from LM to LI or converting the whole thing. There are two options. The only thing, since the zones are almost the same, the only difference is if we made them LI they couldn't have car wash with public water and sewer required; gas station; bank and a gas station/grocery. Then they would be permitted depending on how the amendment is adopted, either by conditional use or special exception for landfill and extraction. Mr. Landis said right now landfill is in LI with a special exception. The ZHB is the one who determines that. Ms. Stern Goldstein said correct. Mr. Landis said if we were to do the amendment along with the change, then what would happen in this enlarged LI or any LI is that it would not be by special exception, the Town Council would get to decide whether or not. Attorney Treadwell said correct, it would be by conditional use, which is a Council decision.

Mr. Maxfield asked IESI how much of the designated blue area do you currently own? Mr. Donato said if you see where the cursor is, to the right of that, or everything to the east, is property they currently own. Mr. Maxfield said there are structures on the remaining two to the west? Mr. Donato said yes. Harry Gerstenberg lives there and there's another farmhouse to the left that is owned by Gardner. Then you have Zumas which is the goat farmer down there. Those are the three properties that are there. Mr. Maxfield said is the Gardner farm currently empty? Mr. Donato said he believes his mother still lives there, but he'll raise cattle out there. Mr. Maxfield said what you are suggesting here is a combination of the Option A and Option B? Mr. Landis said in a way. Attorney Treadwell said if the large portion of the purple gets changed from LM to LI, you should probably do something with the piece of purple that's left over. You have two options. One would be to go back to RA and the other would be to make it LI because there's no real planning need to have that little purple island in the middle of everything. Ms. Stern Goldstein said there would be two parcels in the entire Township comprising one zoning district. Mr. Landis said removing the LM district makes more sense or by either making that parcel LI or RA. Right now it's above the goat farm. Mr. Maxfield said is the goat farm in Bethlehem? Mr. Donato said he believes that is Gardner's property where the cursor is right now. That's either Gardner or Zumas. Mr. Maxfield said Zumas is just outside of the Township. Mr. Donato said if that purple is in LST, then he's definitely in the Township. Mr. Garges said that's the goat farm.

After discussion, Mr. Landis said do we all agree to do Option A and convert that little piece back to RA? The Planning Commission agreed. You've heard what we discussed at this point, and if you want to give us your input, go to the microphone and let us hear it.

**Matt McClarin** said he lives on Riverside Drive in Steel City, probably the last street that goes up on Riverside and Jefferson. Does this Board think that by having IESI operations visible from top of the mountain from Steel City, that it will not affect Steel City property values? If yes, then what is your plan to guarantee our property maintains current market values as it would without IESI operations there? Mr. Landis said we can't guarantee anything, no one can. Attorney Treadwell said some of the questions aren't going to be able to be answered. You are that question and it assumes the landfill expands. Nobody knows that sitting here tonight. What would happen if the process he described earlier, that was up on the board, actually happens all the way through is the land would be rezoned. At that point, the landfill would have the option to file an application to expand. What this board is considering tonight is the bigger concept which has to fly, whether or not the landfill expands or doesn't expand. Mr. McClarin said once you go through with your thing, isn't LST totally out of it and DEP is now in it? Attorney Treadwell said no, if the property gets rezoned, then if the landfill wants to expand, would need to file a land development application and go through that entire process. There is a DEP component to it as well, but LST would not be done. Mr. Landis said they would have to come back with a plan and buffers. Ms. Stern Goldstein said there's one more thing. In addition to land development, they would also have

to file a conditional use application and come before Town Council for those separate hearings which deal with additional issues. There are two more steps with the Township in addition to DEP. The resident said he doesn't understand, instead of just going to the east where no one lives, and instead of taking the property to the right and using that, you're putting it right over all their houses. Mrs. Yerger said she's never really looked from the river. She doesn't go to Steel City that much. She lives at the corner of Williams Township, and there's no reason for her to go into Steel City on a regular basis and she doesn't drive there. She has a question for you and she needs an answer as it will help her decide things that are a benefit for everyone. She hears his concern about the view. Her question is from what she understands, at no point do you ever see the landfill from any of the homes in Steel City now? Mr. McClarin said no. Mrs. Yerger said you never see the landfill now? Someone said not since they put that wall up on the one side of the mountain. By the Hill Climb, you see a little bit of a wall, but that wall is going to continue. Mrs. Yerger said she would like to ask Mr. Donato a question. It's her understanding that the landfill will continue to go up in height? Mr. Donato said yes. Mrs. Yerger said she guesses her point is, and she's not saying this is pro or con, but it's her understanding that no matter how this is decided tonight, because of the sheer height of the landfill, at some point, most of you people in Steel City will see a landfill and that's just something none of us can change at this point. She doesn't want anyone going home with a misconception with you seeing or not seeing the landfill is going to be.....she was interrupted by a resident and said right over the top of our homes. To the right is not over the top of our homes, it's a big difference here. Mr. McClarin said IESI or subcontractors have damaged properties in Steel City from blasting. Why would LST agree to have a company like this expand closer to our homes? Aren't you supposed to represent your taxpayers? Any taxpayer in LST would not want this to happen to their home. What he wants you to do is put the map up and ask him where he blasted from when he cracked the well. If you take that land they are going to get now and they start blasting on it, how many wells are there? There are 550 homes that they are going to be blasting by. You ask him that question. Mr. Maxfield said is this anything we have documented? Attorney Treadwell said he doesn't know what he's talking about the cracked well. The Township has certain blasting regulations that are in place. Maybe he didn't explain it well enough earlier, but this Planning Commission is here to discuss planning issues. Blasting is an operational issue. The Planning Commission's job is to look at the big picture and decide whether or not the idea of expanding the LI district to the west and to that portion in the east, makes sense from a planning perspective; leaving aside the fact that IESI may or may not expand in the future. A resident said is there any way without blasting that property can it change to LI? Attorney Treadwell said the property can be changed to LI just by changing the map. Period. The resident said without blasting? Attorney Treadwell said yes, without blasting. The only thing that the change does is it changes the map. It doesn't allow a use to happen until they go through the development process, so your question was can the map be changed to LI? The map can be changed to LI just by drawing it differently. Mr. Landis said the actually things that are involved, the construction of it, the barriers so people can't see anything, that comes at a later stage. This is an early planning stage. When they come in front of us again, they are going to have to present a plan, and that plan is actually where the more detailed thing you are bringing up right now comes down to the buildings of it or what's happening. This is a conceptual plan to make this an LI, not to decide where the berm is going to be that hides something or where we're going to plant trees to hide this thing, which can be done. The resident said how come it wasn't done the first time? The resident said knowing this property and the background of the property and the company now and the company who ran it before them, cost us taxpayers money and heartache. If you happened to live in Steel City in LST, would you want this company to expand? If yes, then why? If your answer is for money for the Township, and to spend it everywhere else except Steel City, you should be ashamed of yourselves.

**Donna Louder** resident, said she lives on Johnston Avenue. She grew up in Steel City and she still lives there. She wants to know why the Township considers this something to be done? Why do you feel we need to rezone it? What purpose does it serve, and who will benefit from it? The lady who lives in Williams Township? She doesn't think she is going to benefit from it. Mrs. Yerger said to answer the young man, when they blast, she feels it too, maybe not as strong as you

do, but she feels it. She knows when they blast every time. Ms. Louder said who is going to benefit from changing the zoning - the Township or the gentleman in the orange shirt? Mr. Maxfield said when you say Township, you are actually talking about yourself. Ms. Louder said she would personally benefit from this? Mr. Landis said you actually do. Ms. Louder said are you driving on Seidersville Road going out past Applebutter Road, past the sewer plant at 6:00 AM? The trailers are lined up. Mr. Maxfield said you are asking the wrong guy, he drives past there every morning. Ms. Louder said New Jersey, New York. If this landfill would increase for our benefit to cover us, here in the Lehigh Valley, yes, maybe, but we're benefiting New York and New Jersey. The Township makes a million dollars a year off of that landfill right now. Mr. Maxfield said over a million. Ms. Louder said is there any reason why you people up there would say yes, let's fly with this. The Township will be better in places than you chose to better, not Steel City. Mr. Maxfield said whether you want to realize it or not, the entire Township benefits right now from that money. Right now, for instance, the Township has a plan to redo Steel City Park. Everybody benefits from this in one way or another. There are always tradeoffs. What we're trying to figure out if this is good for the community. Nobody up here is saying anything about who's for or against anything, but we have to realize facts. The facts are we make over a million dollars a year from the landfill. Ms. Louder said where's the money? Mr. Maxfield said the money goes towards to maintaining the Township. Ms. Louder said where's the money you spent on Steel City to make it better? Mrs. Yerger said it pays for your Police, it pays for your fire trucks, it pays for your roads to be plowed. When was the last time your taxes went up? Mr. Maxfield said come to a budget meeting and see how much it really costs to run this Township. Mrs. Yerger said you can come in and look at our budget anytime. Mr. McClarin said how many new parks have you put in the last five years, all over the Township except for Steel City. Ms. Louder said the playground has not been touched. The fire trucks are volunteer. Mrs. Yerger said no, the trucks that are almost a million dollars apiece. She's just telling you the Township has a fire truck pool and all of those things cost money. Mr. McClarin said do you buy a new fire truck every year? Mrs. Yerger said yes, we do, almost. We proportion out what firehouse gets it. Ms. Louder said the Se-Wy-Co Chief does a wonderful job of getting money from the State and funding everything else. Mr. Barndt does a beautiful job of taking care of Se-Wy-Co and the trucks and covering this Township. Mrs. Yerger said yes, he does. Ms. Louder said he does get money for the Township through funding. Mrs. Yerger said it does not all come from funding. Ms. Louder said it comes from volunteer work. It comes from people donating. Mrs. Yerger said one thing they do need to understand and she would encourage each and everyone sitting in the audience, is come in and take a look at the Township budget and see exactly where that million dollars is expended. Mr. Landis said one simple way to look at it, is not worry where the money is expended, but realize how much if your taxes would go up if we didn't have that million dollars. Mr. McClarin said how much are our property values going to go down? Ms. Louder said at what expense is that million dollars in your pocket? In this Township's pocket? Mr. Landis said we're not going into arguing about money and the Township. Ms. Louder said why does the Township even considering doing such a thing as rezoning? Attorney Treadwell said one reason is that the Comprehensive Plan which was developed a couple of years ago in conjunction with the school district and the Borough of Hellertown shows that this area, has future industrial uses. Another reason is there are industrial uses across the street in the City of Bethlehem. There are industrial uses to the left up on the map in the City of Bethlehem. Another reason is that the landfill owns a large majority of the portions of the property you see in Option A that this Commission is discussing rezoning. There are three reasons. Mr. Maxfield said the real reason we are here is because the Planning Commission's job is to respond to request. It was a request from IESI to rezone this portion and that is why we are here considering it. We didn't think of it, they proposed it. That is our job. Ms. Louder said as representatives of this Township, you think long and hard on how your decision is going to affect us. Pigs get fat and hogs get slaughtered, and that's what happens when people get greedy. Mr. Landis said let's try to keep the rhetoric down and discuss what we should be discussing.

**Ms. Kelly Schoch** lives in steel City and she has a question about what Ms. Stern Goldstein was talking about and changing the zoning wouldn't be just for the landfill use? It's just not for one use but other businesses. Unless there is any other potential business owners here requesting rezoning,

has a lot of other businesses requested rezoning? We're pretty much here as the landfill is here requesting it. It's pretty early saying a bank could go in. Attorney Treadwell said he thinks what Ms. Stern Goldstein was trying to say was this rezoning to LI would permit the landfill to expand, and after they go through the conditional use process and all the other processes they need to go through; however, if the landfill doesn't expand, it's important to note that other industrial uses could go here. Ms. Schoch said has there been a high demand for that? Attorney Treadwell said he doesn't know of anybody who has asked for an industrial use to be moved there. The point is if the landfill doesn't expand, those other uses are still permitted in that district. Mr. Landis said what Ms. Stern Goldstein was saying, it's a cautionary thing for us, and if the landfill didn't go through it would be possible for somebody to go there and put another LI use. Is it likely right now – no. But it might be an issue we may consider. Ms. Schoch said if it remains as residential and does not go to LI, we can keep it how it is and when a business would want to go in there, wouldn't this process take place again? She's not sure why we want to do that instead of changing it now. Mrs. Yerger said the whole purple area on those maps is already manufacturing. She wants to make sure you understand it's not residential. Ms. Stern Goldstein said what she was cautioning the PC was whenever there is a zoning change, they need to look at all of the potential uses for any of that property as there is no guarantee ever that any one person will maintain ownership, in perpetuity or they will have the same use in mind in perpetuity and that something could change. Granted the landfill does not currently own all of the parcels, and even if they did, they could sell a parcel, so she wanted to caution the PC not to make any hasty decisions or come to conclusions prematurely, but to consider all of the options and look at what could potentially happen. It was a cautionary discussion and it was totally appropriate because there's a whole slew of uses permitted in the LI district and anyone of which could be placed in the LI district. It wasn't being disingenuous to you at all. Ms. Schoch said she's also like to caution the board that there isn't any other use other than landfill. The agenda came out ahead of time before the meeting, and since this is public knowledge, she would hope that all members of the Board in the future would drive through the area that is potentially affected by this as Mrs. Yerger said she's not familiar with Steel City. Mrs. Yerger said she didn't say she wasn't familiar with Steel City, she knows Steel City, but she was being quite honest with all of you, she doesn't know that she ever turned from what angle and every street, was the landfill visible. That's what she was saying. She didn't stop in front of your house, and his house and her house. She has friends in Steel City. She does go, but she never stopped, turned in front of every street and decided whether or not if she could see the landfill. She doesn't know that you would stop in front of her house and see what you can see from every angle.

**Gerald Williams** from 2114 Snyder Avenue, said he realizes this is just the beginning of the first meeting, but he would like to know how would you like to move to Steel City and have a nice house and dump being expanded above you and how would you like to get the smell sometimes from the sewer plant like the people across the river get when the river changes, and he knows this is a zoning planning meeting, but he's telling you know, can he ask each one of you? Right, he knows you would answer that as you can't. This is only the beginning. He would like to know when you decide what to do with this, you consider yourself living next to the dump. Would you like to live there?

**Heather and Rocco Viscito** said they live at 4235 Lewis Avenue in Steel City. They live above the water tank. She said in order to rezone to industrial, would they have to be required to show that their water runoff wouldn't affect their wells? Mr. Maxfield said yes. Attorney Treadwell said that's a different question. Changing the zoning map is solely up to this PC which makes a recommendation and the Township Council which votes on it. In order to use any of those parcels that get changed to Light Industrial, there are regulations for someone who is going to use it to look into the things you just said. Ms. Viscito said at the cul-de-sac right next to their property, there's a water tower and they weren't allowed to use it. She's just concerned about their water. They bought their property in 2004. They came in here, it was packed, and they were scared. Everyone thought they were going to build a massive complex, and they didn't. They just wanted a quiet privacy and whatever. Lower Saucon, as they are up on the mountain, their house isn't being affected by the view. They live in Steel City, but they can hear them already. Thank God they

don't smell them. Lower Saucon made them get engineering plans and get excavating so the neighbors below them didn't get their water runoff and they paid a lot of money for that. She doesn't want anyone under water because of her. Hopefully nobody is. They were told that they were going to be closing the landfill down when they bought their property. They certainly wouldn't have bought it if they knew they were up against this. Mrs. Yerger and Mr. Maxfield asked, who told you this? Mr. Viscito said it was told to them it was basically going to close in 2016. Ms. Viscito said she understands LST makes a lot of money and that's why our taxes aren't high, and if we weren't getting their money, our money would be more, but how long, if they were to expand, would it take for them to have the fill filled? When you lose that money, our property values are going to drop when this happens and then our taxes are going to rise. She doesn't know how any of this works. Mr. Maxfield said the question about projected time is something they answered already and he can't remember it. Mr. Donato said they currently have about 4-1/2 years of life left in the current landfill. It could go seven to ten years and they are still developing a timeline. Mr. Maxfield said it depends how much you take in on a daily basis, so we are talking roughly about 15 more years. Ms. Viscito said does LST use the landfill for garbage or is it solely for out of staters. Someone said LST does use the landfill. Mr. Viscito said they are fairly new to the area, and they bought the property based on the fact that it would close by then, now you are changing the rezoning. You are going to put the Light Industrial area overlooking Steel City. It's not just affecting zoning on the other side of the mountain but it's coming to his side. Mr. Maxfield said that goes back to what Attorney Treadwell said earlier, just because an area is rezoned, without all the environmental studies, without all the engineering studies, that go along with it, there's no guarantee that every spot there can be used. It's just simply an area where that use may occur, so all those additional tests, which come at a later date are the things that would determine exactly where the facilities would go. Mr. Viscito said he's asking you not to rezone that area. Ms. Viscito said they recently just had a fire up there, she doesn't know how it was caused. She was headed down to the bus to get her kids, and nobody had a way to get up there. (Could not hear what she said). She's opposed to the entire thing. If it's down Applebutter, she doesn't care, but if affects someone here. There's a lot of farms there.

**Guy Lesser** who resides at 2185 Skyline Drive, said a number of years ago, he and his wife sold the home they had in Lower Saucon and were looking for property to construct a home. They looked at several parcels in LST. During that time, they purposed to meet with Councilmen, the Zoning Officer at the time, and with the Township Manager and they discussed zoning and the future of the landfill. Based on those meetings, he and his wife decided to buy a little over three acres off of Skyline Drive. Not too long after that, his mother and father-in-law purchased three acres and not long after that a son of his purchased another three acres, all with the anticipation that the landfill would be capped. The landfill is in that area, and no one likes the landfill unless you work there, but the area outside the landfill is really a great place. Across from them and next to them is pasture land and woods. They hear the cattle mooing all the time, and it's loaded with wildlife and they see deer. They enjoy seeing turkeys roost on their property. His wife is thrilled with the birds there. That area of the Township is beautiful and we can't see or smell or hear the landfill; however, as he looks at that map, if the zoning changes, and is altered, and landfill operations are permitted in the brown and purple area, west of the landfill, that changes everything for them. He appreciated one of the good comments our Solicitor made, at a Council meeting, not so long ago, regarding the property values, there was potential for property values to increase if an industrial or an industry were interested in purchasing or expanding. They haven't found that to be the case at all, and they received no good offer from IESI. They received no fair offer, no offer whatsoever. Part of the planning here tonight, if it moves forward and is approved by Council, and the RA is changed, the purple area is changed, and landfill operations are permitted the landfill will move closer to their residence. He respects everything everyone from Steel City has commented on the landfill. They will be very close to the landfill. They are on the other side of the hill within a hill. If the landfill moves west, that will cease. If the process moves forward and the zoning is changed, people have come to him and talked about the rigid ordinances of LST, and the money that it costs them to adhere to that. Some think he can do something about that, but he can't. He thinks all the people in the Township who bear the burden to maintain the integrity of LST. They

bear the costs of doing what they chose to do on the land they purchased under the regulations on the land that they purchased. The zoning wasn't changed for them for the most part. That's what we're looking at today. We're not looking at a homeowner anticipating the change. We're looking for a landfill to anticipate a change in our zoning so that the majority of trash that moves in there is from out-of-state and we understand it generates money, but it will have a devastating effect on their property values which is bad enough. It will have a devastating effect on their quality of life. He's not opposed to industry and improvements in the Township, but there is just a world of difference between the landfill expanding and some of the industrial parks that we drive through in the Lehigh Valley that are landscaped. You can view people walking and exercising in that area. There's just a world of difference. There's little doubt that everyone's concern the area to the west of IESI, the purple area will be altered in a way that it will become a landfill. It will destroy our property values and destroy our way of life. There are property crimes. There's a property crime with theft and burglary. Burglary is a very serious crime, and it's a felony. Burglary and theft are a terrible thing, but an expansion of a landfill closer to their property would have a far devastating effect on their property than a burglary or theft. All he's asking you this evening is to think about this as the process moves forward. On Option A, his property is just to the left, the lighter color. Mr. Landis said you would be in Option B if it were rezoned. Mr. Lesser said that's not his major concern if he's inside or outside, perhaps it is worse being just outside the zone. If any of that purple area is rezoned to allow landfill expansion, that's the singular concern.

**Judy Rudolph** said they own a home on Quincy Avenue by the cul-de-sac. There's a small piece of property next to the cul-de-sac and one below. Right now her son lives there with his wife and two young children. This is her son's home of his dreams until a landfill gets put there. Her question is why are you considering this? You know the Township residents don't want it. Why isn't there another option of just expanding to the right? Why is there an A and B, and not a C, and not take any of this property for the landfill? Attorney Treadwell said he thinks the tanks were there long before the zoning was made RA. Ms. Rudolph said the Council has to decide, rather than have all this trash hauled in and people making big money here, and we're going to be stuck with the landfill in the back of their properties. We need to save some space for our children and grandchildren. You have to keep that landfill away from Steel City, but you can't do that to the people of Steel City. If our taxes go up, it's going to be the whole Township that pays, not just the residents of Steel City. It needs to be stopped. Why are you going to approve on or the other tonight? Mr. Maxfield said they are a recommending board. They recommend to Council. All they have is a recommending vote to the deciding body. Ms. Rudolph said are you recommending A or B? Mr. Maxfield said nothing yet. Attorney Treadwell said that's why they are having the discussion. Ms. Rudolph said are you here tonight to pick an A or a B? Mr. Landis said they can make a recommendation not to do anything. They can recommend A or B. They can do something else. Mr. Maxfield said they are here to consider tonight. The answer of the other question, they are reviewing this tonight as they are obligated to review it. An application proposal was made by law. Attorney Treadwell said the landfill came to one or two public meetings and said they had plans and were considering expanding. There's no application to the Township. There's no formal request for change, and what happened, was when Council took a look at various ideas that the landfill presented, they asked the staff to prepare a proposed map and text amendment and take it to the Planning Commission and see what they thought, and that's why we are here. Mr. Maxfield said right now, since there was nothing formal except a request, we're considering it because of Council's request. Attorney Treadwell said Council forwarded it this idea to the Planning Commission and said they'd like to see what the Planning Commission thinks. Ms. Rudolph said the Township drew up this proposal? Attorney Treadwell said the Township staff, when the landfill came to a Planning Commission meeting with the expansion proposal, they came to one or two Council meetings and said we have plans in the future that we would like to expand and Council said to the staff take a look at it and see what makes sense from a planning perspective. From those staff discussions came the two maps you see now along with the text amendments. Council said take this to the Planning Commission and get their thoughts. Ms. Rudolph said what she doesn't understand is how it makes sense to put a dump above the Steel City residents. Mr. Landis said is that because of the appearance of it? Ms. Rudolph said she would be upset if she

saw it up on top, but they hear the equipment being run now. When they moved there, there were no homes near the cul-de-sac. It was like a little piece of heaven. Now they are going to put a dump there. They are asking you not to consider that at all.

**Samantha** (could not hear her last name and she did not sign in) said she's been living in Steel City for about six years. She sees heavy traffic on Applebutter Road. There's been a lot of planning done, but if you can find a way to get it away from their homes, that would be great. They have a really nice back yard and a lot of dogs. She lives there with her boyfriend, her sister, and her parents. Her grandparents passed away this year. Her dad has Lymphoma which is in remission. Her mom had skin cancer which is gone too. She feels like their house in a very compromised area for health reasons. They have the sewage treatment plant, the natural gas place. She doesn't know how all of these things affect their health, but she thinks moving the landfill less than 1,600 feet from her home, would affect her health, and she knows they probably can't answer those questions. If you could expand it to the right, that would be cool.

**Judy Boyer** 2161 Saucon Avenue, said she lives in the cul-de-sac up there. She just wanted to ask for clarification from Mr. Landis. When we first started this meeting and they went through the maps and they were explaining the different locations and the different changes they want, several times she heard him say he didn't have a problem with this. Can you clarify what that meant? Ms. Boyer said as they were going through the map, you would say you didn't have a problem with that. Mr. Landis said he was talking about concerns and problems with converting the RA in the east to an LI as that's what it really is anyway now. Ms. Boyer said which would you be talking about? Mr. Landis said this thing down here, this is already an LM and he said converting that would almost be the same thing. Ms. Boyer said she just hopes there isn't any predetermined decision at this point. She was asking for clarification. She just wanted to make sure.

**Donna Louder** said what happens to the land after you do the landfill and you walk away from it, 16 years down the road. Is that land going to be able to be used for anything or does it have to sit for 35 years until it's good to go.

Someone who did not give his name said oh you took the picture down. Honestly, he does not understand that picture. He lives on Redington Road. He does not live in Steel City. He goes down Riverside Drive the Hill Climb Road virtually every day at one point or another. You can smell the dump. Why the Hahn's and their new neighbor is not here, he has no idea. When he was a kid and 17 and 18 years old, he put a liner in that dump and it went down. It was a hole. Over the years, he watched it get bigger and bigger and he watched the trucks come, New Jersey and New York. Why people can't take responsibility for their own trash is beyond him. Could you show him on the map where the dump is operating now and give him a rundown? Attorney Treadwell said if you see where the pointer is, that's where the IESI landfill is now. The resident asked where Redington Road was on the map. The Commission showed him. He said the smell is bad now, and if you approve it, it will just get worse. You can line anything with trees and hide it and not see it from 1,200 feet away.

**Gene Boyer** 2161 Saucon Avenue, said the attorney mentioned this was just an introduction and said the company came to a meeting prior to this and made some kind of proposal or plan to think they would want this to be able to be rezoned. Attorney Treadwell said yes. The IESI landfill came to a Planning Commission and one or two Council meetings and said they would like to expand in the future. As you heard earlier, the life of the landfill is about 4-1/2 years from now. Mr. Boyer said did they have any kind of plan? Who made the decision to come up with Plan A or B? Attorney Treadwell said the township staff came up with A and B based on planning concerns and the comprehensive plan. Mr. Boyer said the comprehensive plan that was from years ago. Attorney Treadwell said two or three years ago. Mr. Boer said the company did not come up with a plan? Attorney Treadwell said the company did not come up with the maps you see on the screen.

Mrs. Augustino said she lives on Riverside Drive. She looks at the river mostly, but these people are her neighbors. She understands their point that aside from the landfill, if you rezone they can remit that application and it could be used for whatever. She is requesting that you do not rezone. To start that process we are going to be coming back here all the time. It won't be the dump, but needless to say, whoever it is, we don't want it. She's only requesting you considering you don't rezone.

Someone said you said about if you could see the landfill or not? Mr. Landis said he said that was a big concern. The resident said part of her concern is the property appraisals. (Could not hear).

Ron Augustine said the Solicitor mentioned several times about the Township meeting. In the February meeting minutes, this was discussed; part of the proposal along with this were some statistics about what they wanted to do. Some of the statistics were they wanted to increase tonnage from a 13,000 ton to a 18,000 ton thereby increasing traffic. That was tabled by Council. There were a variety of other studies that went along with their request. There is quite a bit of action in place and moving, not just your part, but also other petitions to the Council. Mr. Landis said they are a recommending body. Anything they decide, the Council can do what they want. They asked us to look at this.

Attorney Treadwell said he thinks if you want him to lay the options out for the Planning Commission, one is to take some time and consider it. A second if you want to take some kind of action would be to recommend the zoning remain as it is. A third would be to recommend that the zoning map take the form of Option A. A fourth would be Option B and the fifth would be some combination of the two. Those are the options. Ms. Stern Goldstein said only if there is any recommendation involving a map change, then we would need to look at the text amendment also. We don't look at the text amendment unless and until there is a proposal for a map change. Attorney Treadwell said the map is probably the issue.

Mr. Maxfield said he drives down Applebutter Road every day, but he would like to encourage the board to take some time to consider options. He needs to go these places and see those places for himself. Mr. Landis said he has not turned around and see what this would look like. He needs time also. Mrs. Yerger said would it be possible for ht body to get some topo maps, some aerial to actually get a bird's eye view as to what it looks like now so we can get a handle what it potentially might look like when and if recommendations are made. Ms. Stern Goldstein said they have exhibits prepared that can be sent to all of the Planning Commission members and Mr. Garges can have it at the Township building. Mr. Lychak said it would be helpful to see what is there now and also an overlay of the property that the landfill currently owns, and what by right could they seek an expansion of, or at least apply for one. Ms. Stern Goldstein said the only place they could file for an expansion would be limited to the area shown in tan currently zoned LI. None of the area in question for the potential rezoning could be put into landfill use at this point or application as the zoning does not permit it. Mrs. Yerger said they could not ask for a waiver or a variance or special exception anyway to get around that? Ms. Stern Goldstein said landfill use is only permitted in the LI district and only by special exception at this point. Mrs. Yerger said so there is a special exception? Ms. Stern Goldstein said only in the LI district, so none of the areas that is contemplated or even under consideration for a zoning map amendment would be in the LI district right now. Mrs. Yerger said we no idea where trees are, where slope is. Even slope and things like that would help. Ms. Stern Goldstein said they have all the mapping available and they can make sure it's available. They have prepared an exhibit with an aerial already. Mrs. Yerger said she would also to know what are the current heights for the landfill now. She knows they are not at height capacity from their current permit. They still have the ability to go up. Is there some way to calculate that? Mr. Maxfield said one thing we have to remember and you guys at the landfill, he's heard you say this, the original plans for the height for the landfill under the current permit are higher than your planning on going now? Is that right? He remembers them saying there was a drop in elevation to the wall or whatever is constructed now. Mr. Donato said what they did was when they went through for their Cell F modification; they picked up some lateral when they

reduced the top of the landfill, so they had no net gain in the total air space that was originally approved in 2003. Mr. Maxfield said that's what he is referring to. Mrs. Yerger said that's what she was trying to figure out on what has already been permitted. Mr. Landis said maybe we can get an idea of some comparisons to what's there and what it will be at full capacity. Ms. Stern Goldstein said that would have to be supplied by the landfill. That's not something they can do. Mr. Landis said the existing landfill and what the final build out looks like. Mr. Donato said if Chris Garges has a copy of their annual report at the Township, that would show the current elevations they are at, and there are design contours that would show proposed elevations. Mrs. Yerger said that's what she's talking about. Mr. Garges said the question right now where is the height of the landfill versus where it's going to be. Mr. Donato said the aerial map in the annual report would show exactly where the site was flown last year and that would show you the final contours of where the site is today and they have a copy of the permit application and that shows design contour. If you want to come over to the office, he could lay it out for them. Mr. Maxfield said to Ms. Stern Goldstein if you are going to put together an aerial, if you could give us an idea of exactly where the ridge line or the top of the mountain is, and there's a water divide that's not on the ridge and he wants to know where that water line is. Ms. Stern Goldstein said they can do that by superimposing the US GIS topo from the GIS onto the aerial. It will show the ridge for you. When you say water divide, are you talking surface or ground water? Mr. Maxfield said ground water - water heading towards the river or the other way. Ms. Stern Goldstein said the ridge line will show the stormwater divide and then you want the ground water divide. Mr. Maxfield said if people are talking about wells, he wants to know what's going on underground.

Mr. Donato said Rich Sichler, the Township's hydrogeologist, would have that information, as he worked on it with the 2003 permit application. Ms. Stern Goldstein said they can get that information.

Donna Louder said she wants to know was there anything offered other than buying up all the land. Can a high tech incinerator be placed up there and that would be better than sucking up all the land? Mr. Landis said that's another whole issue.

**MOTION BY:** Mr. Lychak moved to table this agenda item until June 28, 2012.

**SECOND BY:** Mr. Maxfield

**ROLL CALL:** 5-0 (Mr. Noble & Mr. Kologie – Absent)

#### **IV. MISCELLANEOUS BUSINESS ITEMS**

##### **A. APPROVAL OF MINUTES - JANUARY 19, 2012**

**MOTION BY:** Mr. Maxfield moved for approval of the January 19, 2012 minutes.

**SECOND BY:** Mr. Lychak

**ROLL CALL:** 4-0 (Mrs. Yerger abstained as she wasn't there; Mr. Noble & Mr. Kologie – Absent)

#### **V. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS**

- Someone said this doesn't have to do with the Planning Commission but the minutes from the meeting, can they access them? Mrs. Yerger said after they are approved they are on the website. Attorney Treadwell said the minutes from this meeting won't be on the website until after the June 28 meeting as they won't be approved yet.

**VI. ADJOURNMENT**

**MOTION BY:** Mrs. Yerger moved for adjournment.  
**SECOND BY:** Mr. Maxfield  
**ROLL CALL:** 5-0 (Mr. Noble & Mr. Kologie – Absent)

Submitted by:

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Mr. John Landis  
Chair