

**I. OPENING**

**CALL TO ORDER:** The Planning Commission of Lower Saucon Township was called to order on Thursday, August 22, 2013 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, Scott Kennedy, Craig Kologie and John Noble, members; Judy Stern Goldstein, Boucher & James; Dan Miller, Hanover Engineering; Linc Treadwell, Solicitor; Jack Cahalan, Township Manager; Assistant Township Manager, Leslie Huhn. Absent: Zoning Officer Chris Garges and P/C Members John Lychak & Sandra Yerger

**PLEDGE OF ALLEGIANCE**

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

**III. BUSINESS ITEMS**

**A. GREEN GABLES INVESTMENT PARTNERS, LP – GREEN GABLES SITE PLAN #SP 02-13 – 2142 LEITHSVILLE ROAD – EXP. 11/19/13**

Mr. Scott Mease, Mease Engineering and Luke Delmar, Project Manager for Green Gables were present. Mr. Mease handed out a revised waiver request. He said the property is on Leithsville Road. He explained to the P/C where the property was. It was a vacant piece of property mostly in fields. They are proposing a riding stable with 26 horses and an indoor riding ring, parking to the east of the building and a driveway. The site plan was reviewed by the Township. The plan was revised and there was another review. They are asking for a waiver from the land development process following the site plan process. They will comply with all the requirements of the ordinances.

Mr. Landis said we have a waiver and a second letter. Are there any issues on B&J's letter dated August 14th you want to talk about? Mr. Mease said he has no issues. They will comply, other than the issues they asked waivers on. Ms. Stern Goldstein said if Mr. Mease is willing to comply with all the items in their letter, except from the waivers, then they don't have any comments. They were mostly technical issues, dotting I's, crossing T's. The real thing would be the waivers. If he's going to comply, she's happy.

Mr. Landis said you received a letter from Hanover Engineering. Mr. Mease said they made a submission and got an initial review. They revised the plan. What is left in the current August 20<sup>th</sup> letter is just some clean-up items. He doesn't have any problems except for the waivers they are asking for. Mr. Miller said if he's willing to comply, then they are fine. They've expressed their concerns or support of the waivers.

Mr. Landis said the waiver you are asking is from land development. You still end up doing the site plan. Ms. Stern Goldstein said with the extent of the information on the plans, he's essentially met the requirements with the exception of the waivers that you are still discussing.

Ms. Kologie said is this just a timing issue? Mr. Mease said yes. Mr. Kologie said you noted in here one reason was it's an agricultural use. Is this going to be commercial? Are they going to rent these stables out? Mr. Delmar said they are going to have approximately 26 horses on the property. The horses will be there for boarding and training and for children taking lessons. Mr. Kologie asked if there was any trail riding or everything will be done within the property? Mr. Delmar said everything will be done within the property.

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Mr. Kologie said the adjoining property owners were notified? Mr. Mease said yes, they were.

Mr. Landis said does anyone have any problem with the waiver?

**MOTION BY:** Mr. Maxfield moved for approval of the waiver as stated above.  
**SECOND BY:** Mr. Noble  
**ROLL CALL:** 5-0 (Mrs. Yerger and Mr. Lychak – Absent)

Mr. Landis said the next waiver is planting trees every 50 feet. The reason they don't want to do that is the nature of the operation. Mr. Mease said that is correct. The more pasture land they can maintain, the better. Mr. Landis said they are going to keep the trees already surrounding. Mr. Mease said there are a few trees that are going to come out, but overall, there's a tree line on the perimeter of the property and one that runs through the middle of the property and they will be maintaining those. Mr. Maxfield said he understands you don't want to be putting more trees on the property, in fact, there's some of the tree lines that need to be removed. They have this thing called the tree fund which they've used in the past. What it provides for is the ability to plant trees off site. You don't provide the trees but you can contribute to the fund. He saw in the notes if the trees qualify, you can get credit for 50% of it. Ms. Stern Goldstein said correct, 50%. 182 would be required based on the calculation. They could use a credit up to 50% for the existing trees that are in the buffer and they believe they would have that number in the buffer to meet that requirement, so 91 new trees would be still required. Mr. Maxfield said he would like to see that go into the fund for the parks or some things like that, and that will save the residents money.

Kathy Mills said if you can tell her what the contribution would be, she'll commit to making it. Attorney Treadwell said he's not sure if he knows the exact number. If you are going to make a motion to approve this waiver, approve it with the idea and they will work out the details before it gets to Council.

**MOTION BY:** Mr. Maxfield moved for approval of the waiver of not having the applicant plant trees on the property, but donate to the tree fund as stated above.  
**SECOND BY:** Mr. Kennedy  
**ROLL CALL:** 5-0 (Mr. Lychak and Mrs. Yerger – Absent)

Mr. Landis said the next waiver is for deferral on frontage. He's not sure of the terms of the waiver. It obviously has an entrance. Mr. Miller said this is every type of improvement that would be associated along the road. This would be the grading, the widening, improving the storm sewer, all removal of any kind of hazards within the right-of-way. That is everything in that section, everything roads. It's the full length of the right-of-way, not just at the entrance. There's concern without the entrance that they have the site distance; however, this is underneath PennDOT's purview as well. Anything they'd require, they would have to get PennDOT okay with taking. That's also in support of the waiver. Mr. Mease said they are not going to add anything by mandating any kind of improvements. Mr. Landis said the problem is we don't know what we are getting. Mr. Miller said PennDOT will be open to suggestions. They won't necessarily do everything we ask for. They usually will allow the municipality to have suggestions that are above and beyond their requirements if you get in the process early. Mr. Maxfield said do you have suggestions prepared for that? Mr. Miller said no, they are fine with what's proposed. They trust PennDOT to make sure they have the access. Someone said something about flooding around the curve. Mr. Miller said PennDOT's primary concern is getting water out of their right-of-way, so they are not going to be concerned. Are you talking about flooding right along the road? Someone said right along the road, and there's icing in the winter. That's not good. Mr. Miller said if you want, they can make that comment to PennDOT. He asked Mr. Mease what the status of the HOP was? Mr. Mease said they were out and visited the site and had discussions. They don't have the approval from them yet. They didn't have a problem with it. They are not aware of any flooding on their property and they are pretty far from the orchard. Someone said you put pervious surface on that property and you are going to contribute to it. Mr. Mease said actually

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there's a cross pipe roughly at their property line, east of the low point of their property. Water goes under 412 to the north. Mr. Miller said you are actually between two different cross pipes. There's one to your east and one to your west. Someone said they don't work very well. Mr. Maxfield said we had citizens complain about flooding that has occurred and associated with the tributary of the Cooks Creek that runs along side of the property. Sometimes people say the detention at Saddle Ridge tips and goes over the top. It's something we have to think about. Mr. Kologie said there was a subdivision that showed the pipe under the road wasn't adequate size. PennDOT couldn't increase the size. Mr. Maxfield said this one we need to look at.

Mr. Landis said the next one is the fee in lieu of recreation. That's Council.

Mr. Landis said the next one is a waiver of (could not hear him). Mr. Mease said there are some inlets and piping and infiltration basins that are privately owned. Mr. Kologie said there was a blanket easement and there were issues. Mr. Mease said there is some standard notation that is required on the plan. They have that, but this is actually delineated but there are metes and bounds. Someone spoke, could not hear him. Mr. Miller said you are probably about two-thirds basin, one-third infiltration. Mr. Mease said he thinks it's closer to 50/50. They have two infiltration basins and one standard basin. Mr. Landis said easements are required with stormwater management on properties, but this is all theirs. If their pipe doesn't work, they got to fix it. We can't go and fix anything. Mr. Miller said one of the primary benefits is that it's on record that they know it's another thing on the title where they would have identification and they would have this responsibility for their property. It is also cleaner sometimes to reference a recorded document that shows the right to access the property as opposed to pulling that out of the township files and saying we have a plan here that says we have the right to do it, those are some of the benefits. Mr. Mease said where he defers is there are covenants that are on the record plan that will be recorded that talk about that. This is just a matter of creating metes and bounds for specific easements over pipes and basins and things like that aren't required with very detailed covenants. He doesn't know if Linc drafted them up originally, but there are about four covenants that go on the record plan that get recorded for stormwater. Attorney Treadwell said it would require more survey work. You have to go out there and survey. Mr. Mease said since they are designing it, this would be a lot more information added to the plan. He thinks the covenants are more than adequate. Attorney Treadwell said he doesn't think they have a problem with the waiver. Mr. Miller said they are fine with it.

**MOTION BY:** Mr. Kologie moved that we recommend a waiver (could not hear).  
**SECOND BY:** Mr. Maxfield  
**ROLL CALL:** 5-0 (Mr. Lychak and Mrs. Yerger – Absent)

Mr. Landis said the next waiver is again for providing recreation. Ms. Stern Goldstein said that's a typo repeat.

Mr. Landis said a waiver is required for (cannot hear him). Mr. Mease said PennDOT is going to do the improvements. Mr. Miller said that is correct. PennDOT is responsible for their right-of-way.

**MOTION BY:** (Could not hear) moved that we recommend the waiver.  
**SECOND BY:** Mr. Noble  
**ROLL CALL:** 5-0 (Mr. Lychak and Mrs. Yerger – Absent)

Mr. Landis said the next waiver is for not putting in the basin liner. Mr. Miller said even in carbonate geology, you allow people to infiltrate. One concern with basins is they don't have all these regulations on how much loading area you can have, how much separation bedrock you have, how fast it drains. There are lots of caveats that are put on infiltration that are put on basins. Scott in his waiver request has identified some mitigating factors that have taken some of those concerns

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into consideration. If the Township is taking it, line it. If it's theirs, they don't have to line it if they don't want to.

**MOTION BY:** Mr. Maxfield moved for approval of waiver (could not hear).  
**SECOND BY:** Mr. Kennedy  
**ROLL CALL:** 5-0 (Mr. Lychak and Mrs. Yerger – Absent)

Mr. Mease said there are three other waivers that tie into his August 22<sup>nd</sup> letter to comments that Judy made in her recent review with regards to site plan requirements. Ms. Stern Goldstein said these aren't technically waivers. They are recommendations to the P/C to make this part of the site plan approval and those recommendations go on to Council as modifications to the requirements for site plan that are in the zoning ordinance. They are basically three items that the applicant is requesting to defer until the time that they actually apply for their building permit. Mr. Landis said (could not hear). Ms. Stern Goldstein said these would all be appropriate to be addressed to the building permit stage. It would not be unusual and not be out of line if the request was made previously of the Township.

Mr. Landis said they have to comply with both review letters. They went over the waivers. He asked if there were any comments. Mr. Maxfield said the only thing they had questions about was the frontage improvements. He would like to see that worked out. Mr. Landis said (could not hear). Mr. Mease said part of what they are looking for is an existing mature tree line along the road and they would like to maintain that. It's a nice buffer. Mr. Landis said (could not hear). Someone said the only thing they could do is recommend that Dan gets to look at the HOP before it goes forward to make sure they are aware there are trailers going to be going in there and turning, different motions and you are going to have a safe driveway. He'd like to see them review it. Mr. Maxfield said PennDOT will make recommendations on signage, even off site signage. Mr. Miller said correct.

**MOTION BY:** Mr. Maxfield moved for approval subject to the Hanover's and the Boucher & James letter and what Hanover Engineering is reviewing.  
**SECOND BY:** Mr. Kologie  
**ROLL CALL:** 5-0 (Mr. Lychak & Mrs. Yerger – Absent)

**B. REVIEW DRAFT APPLEBUTTER ROAD AREA ZONING MAP & TEXT AMENDMENT**

Mr. Landis asked for the list of the speakers. He said you have three minutes to speak. We've been through this review of this ordinance or suggested ordinance. What happened is we said the last time we went over this was that Council had asked us to look at this proposed ordinance and give our comments, which we ultimately did. Last September we finally suggested that no change be made at all. That was just Council's request. Now Council has gone forward and they are going through the process of asking for comments. There were public comments in September. As part of the MPC, when the process starts, then we get to review the ordinance again. That's what we are doing right now. Before if you recall, just to give you a little history for those who haven't been here, we started off with actually proposal for the zoning and talked about the change in the zoning and we went from proposal A, B, C and D until we ultimately did not take any of them. The proposal that Council has sent back to us is Option D.

Attorney Treadwell asked about the procedures we went through the very first time and that might help clarify what this meeting is about and where the process stands. Mr. Maxfield said you should give us a good explanation of exactly what the wording is. Attorney Treadwell said he will start with the procedures. As Mr. Landis said, Item No. 1 is what the P/C started sometime in the spring of 2012 and ultimately made are recommendation back in the fall of 2012. What that came from was a request from Council for the P/C to look at the Applebutter Road area and make a recommendation as to whether the P/C thought any zoning changes should occur. At that time, the Council had asked the staff to prepare some possible example. That's what you saw starting back

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in the spring of 2012 and finishing up in the fall when the P/C went through Options A, B, C and D and had a few public meeting with discussions about them. Those were options that the staff had prepared for the P/C to consider. Back in June of this year, Council made a motion to advertise for a public hearing. That public hearing is scheduled for September 25<sup>th</sup> at 7:00 pm at the school district. As part of that process, that is the first step in the MPC process for adopting a zoning ordinance amendment. As part of that process, Council directed that the Option D map amendment be advertised along with the text amendments that were prepared as a draft for review by this P/C and Council and the other agencies that review these items under the MPC process. That hearing has been scheduled. Where we are in the process in the screen in front of you is No. 2. Council has reviewed the possible map and text amendments and the recommendation of the P/C and have voted to recommend the advertisement of those amendments. Those amendments were forwarded to the LVPC, the EAC, the P/C and the Township consultants. That's the purpose of the P/C meeting tonight to review the map and text amendments that are in front of you and to make a recommendation to Council prior to the public meeting. That recommendation can take one of three forms. It can be a recommendation not to adopt the amendments. It can be a recommendation to adopt the amendments or it could be a recommendation to adopt the amendments with revisions. Those are the three basic recommendations. We can probably put the Option D map up and do a brief explanation of what that entails. Mr. Landis said we also got a letter from the City of Bethlehem along with the LVPC.

Attorney Treadwell said Option D is in front of you. The large tan area in the middle of the map is the area that's currently zoned Light Industrial (LI). The area in purple on the map is currently zoned Light Manufacturing (LM). The area just above the purple to the left of the tanned area is currently zoned RA. The proposal on the Option D map is to take that RA area that is crosshatched and turn it into LI. All the way to the left on the map, the area that is in purple and crosshatched would go from LM to RA. The third area is under Skyline Drive to the right of the area we just discussed which would go from LM to LI. You can see the acreages that are represented on the Option D map. Along with that map, there are also some text amendments that have been proposed for your review and for Council's review and for the review of the other agencies that review it under the MPC. The first part they just went over is the preamble.

Attorney Treadwell said this gets into the substance of the text amendment as follows:

- Section 1 because the proposed map would remove the LM zoning district, Section 1 removes the LM zoning district from the zoning ordinance.
- Section 2 refers to the map that we just showed and discussed.
- Section 3 takes certain permitted use out of the LI which is the car wash, gas station, the bank, and the gas station/grocery.
- Section 4 removes the government facility from that same section and replaces it with reserve, that's just cleaning up another issue.
- Section 5 takes the landfill and waste disposal facility and makes it a conditional use in the LI zoning district. Currently, it is a special exception use in the LI zoning district. The difference is the conditional use gets reviewed and approved by the P/C and Council whereas the special exception gets reviewed and is left to the ZHB for its approval. Mr. Landis said Council has no approvals at all.
- Section 6 takes the landfill and waste disposal use out of the special exception section so that goes along with 5 that puts it into the conditional use section.
- Section 7 just cleans up some language. That section 180-2-C of the zoning ordinance used to say coverage and it now would say maximum impervious surface ratio because that's the term the Township now uses throughout the rest of the zoning ordinance. The 60% stays the same.
- Section 8 removes more of the LM from the zoning ordinance because pursuant to the map it would not exist anymore.
- Section 9 creates a 100 foot boundary for any surface mine, landfill, waste disposal facility, waste transfer facility or recycling facility activities shall be not be conducted less than

100' from a property boundary line which is what it says now and it adds to that, or a zoning boundary line. Now the 100' setback goes either from the property line or the zoning boundary line whichever one is more restricted. Plan D has some zoning lines that are drawn not in conjunction with property boundary lines. Those lines were drafted that way to try and protect certain areas that you can see on the zoning map from the types of uses that are permitted in the industrial zoning district.

- Section 10 is the natural resource mitigation alternative. What this does is it allows an industrial user in the LI zoning district to disturb some natural resources only after getting permission from the Township Council as long as that industrial user replaces the same amount of land/acreage somewhere else in the Township. There's also a section that allows for a payment of a fee if suitable land cannot be found to replace the land being disturbed. As he said before, both of those are completely up to the discretion of the Township Council. If the Township Council were to say we don't want any fee, we want land, then that's what would prevail. That's the summary of those text amendments. It is in front of this P/C for you to review and discuss. You can suggest or recommend any changes you feel are appropriate to the map or the text amendment and forward those to Council or you can make a recommendation on the map and the text amendment as they exist, whatever that recommendation may be.

Mr. Landis said we are going to discuss it among ourselves first, and then will open it up to the public. They will review the things that were brought up in the other meetings so we can remember them. The ones he had written down were air quality and the smells from the facility, pollution and ground water, water runoff, damage by blasting, noise, natural resource disturbance, appearance, property values and trash. We're not going to discuss Township budgets. How the Township manages is up to the people on the Township Council, but it is obviously a consideration. We have received two letters, the LVPC reviewed this. They did not find it consistent with the plan. The City of Bethlehem weren't so much worried about the land uses, but were worried about the potential and immediate impacts to traffic and road conditions and storm water and utility effects. Most of you have probably seen the LVPC letter. They definitely did not recommend the approval.

Attorney Treadwell said he'd like to reiterate on point. As you said and as we've been saying all along as this process is proceeded, the decision and recommendation of the P/C has to be based foremost on planning and zoning principals. Does it make sense from a planning and zoning perspective? Mr. Landis said it may well be that what makes sense from a planning issue if he were on Council might have a different view. One of the things we are going to have to deal with, certainly not tonight, is at some point this landfill is going to close. When that is, he doesn't know. Then what are we going to do with the land. That is a planning issue. That's the kind of thing we deal with.

Mr. Noble said we went through a lengthily process before. He doesn't think any of the information we gathered over the six months has changed significantly from back when they did not recommend this. They received concerns from the LVPC and they rejected it. At this point, he doesn't see that there has been any change and he doesn't have a change of heart over what's happening. He would like to recommend that we give the same recommendation we gave before.

Mr. Kologie said last time, he was the lone member. The primary reason was because the existing nature of land use and the air. First of all, this is a land use decision. One issue we need to look at is compatibility. Looking on what's going on in that area we have flex space proposed in Majestic. We have a large power generator facility directly adjacent to the site. We have the City of Bethlehem water treatment plant not far from the property. We have Beth Intermodal terminal, a large industrial use, not far from the property as well. We have the LV Industrial Park which is within our industrial zone in our area. He is still with the belief that from the compatibility use and land use point that the industrial zone does make the most sense there. If you look at the decisions Majestic made locating that facility there, it's the power abilities that are there, it's the

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transportation structure, the communication, the large water supply available to the area. Bethlehem Steel was a huge user of water. That water supply is abundant and available to industrial users. From a land use, the industrial use is the right choice there. It's not the choice, it's the right choice.

Mr. Noble said if you are looking with the actual features of the land and slopes and the type of zoning we are doing now, we are tailoring the zoning to expansion of existing facility, so it doesn't make sense to take an area that is basically residential agricultural with slopes and basically allow the potential to dig a deep hole. There's really no use set for strip mining, land filling for that type of sloped area. All the buildings you listed are all flat space uses. Mr. Kologie said he agrees. Landfill use if allowed in that area and is already demonstrated that it can work within those types of slopes, so we zoned for it. It is zoned that way for a reason.

Mr. Noble said if you look at some of the stuff that's happened, the 15 acres that slid off of Chrin's capped landfill, and the long-term liability to the Township is significant. He's not talking about the landfill company has a bond in place. We're making a decision today that 20, 30, 40 years down the road could have a huge impact. Ground water and financial because if there's a cleanup associated with this thing, this is not an empty square building that has a potential re-use. This is a remediation issue. We're not talking about the millions square foot flex buildings which are assets. We are talking about liabilities.

Mr. Kologie said he would agree if we didn't have a landfill here already, but we do. He doesn't think we can bring in operations of another facility into this operation. Things happen and landfills are one of the most regulated activities that a person can propose. The Township can spend a lot of time and effort in regulating what happens here. He's taken the time to go back and review the inspection reports, past operations aren't necessarily an indication of future operations, but to this point, it seems this facility is operating within the boundaries.

Mr. Noble said it's not an operational issue. He's looking at long term. He thinks we are focused on the budgetary restraints and that is incorrect.

Mr. Kologie said economic issues shouldn't be the sole reason for making a decision, but it has to be part of that decision. We have to plan for the community. Everybody lives here because they like the quality of life, the roads, the park facilities, the PD we have, all those things are a result of what we can support financially and it's about maintaining those facilities. In our plan it talks about maintaining that and our high level of municipal services.

Attorney Treadwell said he wants to reiterate. Whatever this P/C is recommendation is, it should be based on planning and zoning. Let's focus on the planning and zoning issues and make a recommendation.

Mr. Kologie said he agrees with that and that's first and foremost for the decision. It's a land use decision. Looking at it in a vacuum, it's a rather simple decision. It's not an easy decision, but it's the right decision.

Someone said if you look at it in, the land features that are there, if we had a redo, the slopes wouldn't have anything to do with manufacturing. Mr. Landis said that land is not going to have good use. Someone said for that same reason, he would even recommend the LM area we are taking out of the LI be put back into LM because those areas adjacent to the Bethlehem industrial areas are more flat and more suited to those LM type uses we currently have. He would recommend that stay that way. It's consistent with what the LVPC said.

Mr. Noble said you zoned it appropriately down Skyline at LM, why would you want to go into the steeper sloped areas that are RA and make them into LI. It makes no sense. Mr. Kologie said from a zoning standpoint to take land that in a broad based LI use isn't cut. He believes it's compatible

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with the surrounding land uses. Next door there's a power plant. Those are uses that you congregate together. You don't spread out your industrial or more incompatible land uses. You locate them in a single area. Because the area happens to have some slopes, it might not be suitable for all the industrial uses, and that's not a reason to zone it industrial. That's why he thinks it's the right decision.

Mr. Maxfield said he agrees exactly to what Craig is saying. The compatibility is there. Everyone is looking at the landfill and stopping at Applebutter Road. The stuff that is across the road, the Brownfield's, the proposed construction there is only going to get more intense and become more heavily industrial use and we need to consider that. It is not going to be a pleasant residential area. The people who live close to the landfill now, there's only a few left because it's not fun living next to the landfill. It lends itself too. Mr. Kologie said there are only a handful of homes next to the landfill.

Mr. Noble said he's not as concerned for the immediate property owners as he is with the impact in a half mile radius between odors, ground water contamination and then when you get down the road, 30 years the bonds expire and these guys are gone, Lower Saucon is on the hook.

Mr. Maxfield said it's everything we have now. Mr. Noble said what we are doing is increasing it. It's just a detriment down the road. It doesn't mean it's okay to make that bigger. Mr. Maxfield said the Township's experiment in LM has failed because in 10 or 15 years that it's been LM, we haven't had a single application for LM use. What are we going to do? Mr. Landis said that speaks for results that we haven't had an application. When you change it to LI, you are changing the landfill activity. The LM you aren't ever going to see much in there. Whether you change it or not to allow the landfill, that's the issue.

Mr. Kologie said if Majestic finishes their site over there, you don't know what additional facilities there might be. Mr. Landis said it might generate a little. Nothing is going to generate per acre much revenue like the landfill. It doesn't mean he's in favor of it, but that's certainly an issue. Mr. Maxfield said he would call the LM area now a non-viable zoning district because we haven't had any applications for it and it was obviously put there for a reason. It was put there to limit the size of the landfill. It wasn't put there to encourage those types of uses. It was there for that reason and there's no other reason for it, especially when you remove only the uses like landfill and a couple of other uses and keep all the rest which are also heavily intensive on resources. If we did have an application for LM in that area, whatever they put in there, if they were to put it in there it would take significant grading, significant modification of the topography to the point that there wouldn't be a resource left anymore than there is than the landfill. Mr. Kologie said and that goes to John's point. Mr. Kologie said there are slopes and woodlands, but are they unique natural features? Are they worth preserving? Is it more so than anything else? He doesn't know. What you can say is they are next to these higher industrial uses. They are somewhat fragmented. They are chopped up by utility lines and roads. It's a matter of the quality of the resource, not just the matter that it's a steep slope.

Mr. Maxfield said which brings him back to the LVPC letter, as parts of it really puzzle him. There were parts that said high priority natural resources and he looked at the map, the natural features plan which was provided to us by LVPC and they have the landfill itself, the current strip, raw dug up landfill, as high priority conservation area. Now how does that make any sense? That kind of makes him just not believe anything they say about resources in that letter.

Mr. Landis said John came up in the beginning and said we voted on this land before and said well, what's changed since then. Well, what has changed since then? Mr. Maxfield said when we went into this process, there was a lot of questions asked by the audience that were legitimate questions that we had no answers for and now we have the answers. There was also been a change of ownership in a lot of the properties. The landfill almost owns that entire stretch. That is something considered. Those are significant changes to him as it's removing those residents on that side of

the mountain that he was primarily concerned about when he voted. It's not going to be a little village anymore. You can't have that kind of use right now.

Mr. Landis said we ought to talk about the text amendments. A couple concerns he has is he doesn't like the concept that you have the natural resource mitigation, he understands that, but to actually accept money to him seems okay, we're going to take this natural resource and we're going to do landfill, take it away and get some land and put it in open space. He can understand that, but to actually be set up to get money instead of that, he's not in favor of that. Mr. Maxfield said he totally agrees with you and that's the one comment in the LVPC that he totally agrees with. It's a really good suggestion. To him, money for natural resources is really short term, but land is long term. He would vote for the land tradeoff. Mr. Kologie said a fee in lieu concept is approved by the PA MPC. It is in there. If nothing else, that money should be earmarked for the Township open space so in a sense it will be spent for open space land than putting it into a general fund. There might be situations where we can't come to an agreement what lands could be purchased. Mr. Landis said it's kind of open. No. 8 says if they can't find land, the applicant (could not hear). Mr. Kologie said it could very well be if somebody offers this property in this part of the Township, but the Township if it has a priority to obtain this one and they are short the funds to do it, if there's a high priority property for acquisition, or a list of the properties...Mr. Maxfield interrupted and said maybe we should say a fee in lieu of that it results in the purchase of open space.

Mr. Landis said the more he thinks about it, a 100' buffer is not enough. You have to realize what's changed. 100' isn't very far. Mr. Maxfield said we have requirements for buffers for different uses and we need to think about the buffer and then an addition on top of that buffer. Mr. Landis said those are two of his concerns he has. Mr. Maxfield said a 100' can seem big. It's 50' to the back of this room.

Mr. Kologie said for example, he looked at the City of Bethlehem, **the I** district right across the street, you are allowed to put a landfill there. They have a 100' buffer then in addition it's a 300' buffer from occupying dwellings that are owned by the applicants. Mr. Maxfield said we have something like that but it's 400' next to an active landfill area. Is he right about that? Ms. Stern Goldstein said Section 180.109.g.2 under landscaping and screening says the buffer for landfill activity is to not be within 100' of the outside line of a required right-of-way or a public road within 300' of an occupied dwelling, house, or commercial or industrial building unless released by the owner thereof; nor with 300' of any public building or public park or historic structure built prior to 1920 nor within 100' of any cemetery or the bank of any stream. She said that's somewhat consistent with what you were saying.

Mr. Landis said they will ask the residents to speak. He will call them and if they don't want to come up, that's fine.

- Mr. Russ Sutton, 2137 Saucon Avenue, showed some pictures (was not at the microphone, but later went to the microphone). He was speaking about up on top of the mountain. It's within the boundary of the proposed LI. Mr. Landis said what is the picture of? Mr. Sutton said it's taken from the south, the Hellertown side. He was showing pictures of the woods and the houses. Mr. Maxfield asked him to use the microphone. Mr. Sutton said basically these are the pictures of the proposed site that they want to rezone and these are the homes that are up there and they were very nice homes when they were purchased. Most of the property on that side of the mountain was purchased by IESI. These are pictures of the landfill from various locations. This is what it looks like. This is from Stabler Arena. These are very expensive homes and this is what they look at from their back yard. This is from St. Luke's. This is from Freemansburg Road. This is the top of the mountain. This is with the trees there. The trees aren't there five months out of the year as they are all deciduous trees, so they are gone. This is the wall behind their homes and this is the mountain of garbage behind that. You can see how much higher that is than

the wall. You can see how high that mountain is. You can also see a truck dumping garbage and we're down wind. It blows down the valley. He has resided at Saucon Avenue for over 30 years and has built his own house there. He did some research. There are 237 homes in Steel City. They are in the shadow of the landfill and on the other side of the mountain and that's how it affects them. The 237 homes with an average of 3 to 4 people is between 750 and 1,000 people who are going to be affected by this landfill. The primary concern of the rezoning of Applebutter Road will allow IESI to expand its landfill and it has purchased most of the property on the other side of the mountain. His house if you look on the map is directly behind the proposed site. The problem he has is this mountain is 750' high. It's the highest point in LST. His concern is it's going to lower their property values. Their sale potentials and their homes are their biggest assets and their castles. He doesn't see why they should be dictated by a company to rezone that property when they buy the land up without having the provision to use that land for their means. He's concerned about the rezoning text agreement, the 100'. That doesn't mean much when you are next to a 750' mountain. That really means nothing. He's against the conditional use and it's only for a landfill. Swapping land for another purpose. We have a beautiful mountain. To swap that, this Township is noted for preserving natural spaces, historic landmarks, bridges, millions of dollars protecting it and also there's going to be millions of dollars to keep up the parks and the structures we have. You don't have to pay anything to maintain that mountain. That's our natural buffer between that and the landfill. His question is to the board, if this was in your backyard and affected all your property values, what would your vote be? There are 237 homes being affected by this. Most of the people, he's not saying everyone, are against this. It's really going to affect their property values and that's their biggest asset. You are going to give us a very difficult hardship to get over and in the future, they are going to be there and the landfill isn't. The landfill has a limited life span, Steel City does not. Just for an example, he calculated the taxes he pays in a year. He pays \$6,500 a year and that's County, school and local. Over a 30-year period, that comes to almost \$200,000. If you multiply that by the number of houses there, that's over \$46 million in 30 years. How long is this landfill going to be here and how long is Steel City going to be there? How long are we going to paying taxes and supporting the County, the local and the school? This is from IESI, it says Bethlehem Landfill benefits you in many ways. It doesn't benefit us. It's harming their property values, their health. He's not saying anything about their operation or their safety record, but they do have a problem with safety in Steel City. They only have one egress in and out and if that road gets blocked, they are trapped and there's no way out. You have 237 homes between 750 and 1,000 people trapped there if something happens between the railroad and the landfill. He knows PPL cut a path up to the towers as there was a fire on that mountain and they couldn't get in or out. This concerns him.

- Ms. Karen Bleam, 4289 Fritz Avenue, said they bought their property in 1968. They knew the dump was there. The dump wasn't this big and they weren't bringing roughage and garbage from NJ, NY and all those other places. They built the house and moved in 1970. They had not had any problems up until about three years ago. Now they hear the noise of the trucks backing up. When the wind is blowing, her husband keeps saying is that sewer or what is that. They have the birds flying above them. Where's the dead animal? They are not that far away from the dump. They knew the dump was there but they had no intentions of that dump getting as big as what it did in the 40 years that they've been there. They were never notified about the other businesses on the side of Bethlehem going in, so they had to accept it. This is in our Township and she doesn't think that we have to accept that they want to expand their property and get closer to us. They don't want them to close up, but they don't want them to take our land away from us. Like Russell said, there's a lot of homes down there, there's a lot of people down there, both her daughters built houses in Steel City because they like living in that area. Her one daughter lived down in Palmer Township which is a nice area. She built a brand new home in Steel City so there are nice houses over there and she doesn't think they should be wasted or that we should have to deal with the smell and the noise and the water runoff that they are

eventually going to get. If they dig big holes, what are they digging in to? How deep are they going to go down if they dig that deep hole? Would you want that deep big hole in your backyard? She doesn't think so. They bought their property in 1968. That was 44 years ago and they never intended or had any idea this was going to happen to them.

- Mr. Sam Donato from IESI said he'd like submit to the board a list of 100 names through their web page who have submitted petitions in support of this proposed map and text amendment. He has the minutes with him from the October 3, 2012 meeting that was held in this chamber by Council where all the issues that were raised last year at Planning were fully vented through Council members, DEP, Township consultants and IESI staff. At the end of that evening, there were no outstanding issues. He has a couple of exhibits he shared with the Planners. The first exhibit is a photograph taken from Beeline Drive in our Township. It's a photograph looking from the south to the north. You can see the stacks from Calpine Energy Plant. To the right of it, you'll see the landfill and the area that's being developed for disposal right now. The area directly to the left and heading west is what's proposed to be rezoned. You can see the PPL high tension power lines. You can see the LSA water tank on their property. This will give you a general view of the facility looking from the south to the north. This photograph is looking from the north on their facility down to the south and as it was explained earlier, the industrial road district of Applebutter Road clearly has changed. It has brought up that you have PPL's high tension power line switching yard, you have a 600 megawatt power plant, you have a 5 megawatt power plant, you have the expanding intermodal yard, an expanding warehouse district and to the east you have the Bethlehem Waste Water Treatment Plant. This area is the industrial district in LST and the City of Bethlehem. You are not going to put these industries on Route 412 or Route 378. They compliment one another and they stand together as heavy industry. This is an illustration looking from the north to the south again and it represents the property that is under consideration for rezoning. The discussion amongst the Planning members mentioned that it's very hilly and there are not a lot of uses on there. This is now zoned RA. He really doesn't know any developer who would be putting a housing tract in this area with the view of a 600 megawatt power plant. Someone asked him if it was RA or LM? Mr. Donato said this is looking from Skyline down. We're heard a lot of reference that you can see the facility from Riverside Drive, this photo was taken at the base of the Bushkill Motorcycle Hill Climb. To the north you can see these PPL high tension power lines. The active landfill is directly behind that and due to the fact that the landfill slopes to the south, there's no visual impact on the residents of Steel City. Last photo is a view where the proposed expansion area will be. This is again from Steel City and along Riverside Drive. There is no visual impact of the existing landfill today.
- Ms. Maryanne Garber said she represents the IESI Bethlehem landfill. The question was asked what has changed from September 2012 when the P/C was going through an informal review process of the four different zoning options that had been prepared by staff and the answer is a lot has changed. As everybody knows, they spent a lot of time in P/C meetings hearing comments from the public and they were raising concerns and allegations about environmental impacts and impacts on their health. As a result of all of the comments that had been raised as part of that process, your Township Council went and consulted with its own technical consultants, its special landfill consultant, Laressa McNemar, the Township Engineer Jim Birdsall, their geologist and special groundwater specialist Rich Sichler among others to determine whether there was any real basis for the concerns that were being raised by the public and those consultants went through each and every concern that had been raised, did an investigation that culminated almost a four hour meeting with DEP representatives, IESI representatives, all of the Township consultants, all of Township Council, and the public and it was determined by each of those experts that there were no significant operational issues with respect to the IESI landfill. It went through each and every issue that had been raised. Unfortunately, this P/C didn't have the benefit of all that information when it made its decision in September 2012 not to recommend any of the zoning options, now you have the benefit of that information. What you also have today is the benefit of knowing that there are many, many residents of this

Township from all over the Township that support this rezoning. These people have come out over the past several months. They have submitted letters to Township Council, letters to the P/C, they have spoken out at public meetings, and there are quite a few of those citizens here tonight. That is different as well. What the P/C was hearing back in 2012 were the concerns of a group of Steel City residents who have all been addressed. What you also have is your Township Planners report in which she did a thorough analysis of whether the proposed rezoning amendments were consistent with the County Comprehensive Plan and the Multi-municipal Comprehensive Plan. You had that report before you in September 2012, it's dated June 18, 2012 and she has extra copies, but the conclusions in that report were that the proposed proposal is generally consistent with both of those plans. Some of the facts that were pointed out in that report was that with respect to the County Comprehensive Plan, it specifically identifies this area that is proposed for rezoning and recommends it for industrial and commercial development. The County Plan also recognizes that landfills and solid waste disposals are land uses of regional significances so there are sound bases from the County Comp Plan and the Multi-municipal Comp Plan for the proposed rezoning. There's logic to the proposal as it stands. If you look at the western boundary, it's coincident with Conectiv. If you look at the northern boundary here, it's coincident with the PPL power line easement which is a definable location and the purpose was to keep this line south to avoid any potential impact to the folks in Steel City, so there are sound land use principals associated with not only the rezoning, but the text amendments. There's a conversation about the natural resource mitigation alternative. That's so the Council and the Township has flexibility with respect to the balance between fostering development in the Township and protecting the Township's natural resources. The extent the Planners were unaware, this area was historically zoned LI from 1998. This area which is currently LM was LI for a very, very long time.

- Kevin Bodner, owner of Martin and Martin Engineering, said he's been working at the Bethlehem Landfill since the late 1990's, before IESI owned it. He's seen the improvements they have made in the facility and in the operations. He's also seen the development along Applebutter Road go from rural to industrial. He's seen the power plant, intermodal, and one Council member said it fits the land use to change the zoning. He heard concern about steep slopes. Landfills have been and still are designed on slopes like that and there have not been issues at any of them. The Bethlehem Landfill is very important to him and his employees. They spend a lot of time and money in the Lehigh Valley and a yes vote for rezoning is critical to their business.
- Jay McLaughlin, employee of the Bethlehem Landfill and asks his fellow employees to stand up and be recognized. They are the folks that work here and look a lot like you. He's been in the waste business for over 30 years. Prior to that he worked for the U.S. Government in the assistance of Louis B. Hershey, whom he's sure Mr. Landis knows. That means he was drafted in 68 in the U.S. Army. They want to keep their jobs. They are the real preservation. They want to preserve their jobs. They are good jobs with good benefits with a good company. In addition to the multimillion dollar host fees, they pay \$18,000 a year in property tax, \$217,000 to school district tax, \$45,000 in Northampton County, and all of them together have paid together this year \$8.5 thousand dollars in the LST taxes. The flip side of not having a job is unemployment. The state rate is 7.5% unemployment. This county's rate is 7.9%. Just north of us in Monroe and Pike, it's even higher. They lead the league and there are also 2,150 folks in this county whose unemployment insurance has run out. That's a serious concern to them as their livelihood is based on working at the landfill. They also provide a service to local businesses. In June and July, there were 12,000 trips across the scale, but 12% of those loads were fewer than one ton. Those are local businessmen, local people cleaning out their apartments, 1,200 of those trips in SUV's, pickups disposing of mattresses, and using their facilities. They provide a service to homeowners and small businesses in this community and by the way, the other landfills don't. We are a vital part of Northampton. Finally, they are concerned about the intermodal yard. You probably know that 6% of all loads over rail

have problem chemicals and petroleum products that could cause the kind of damage that caused those 72 freight cars in Quebec to explode and destroy a town. He was told those cars were on a track that was much, much farther away than Riverside Drive's tracks are. The inland port that's coming to the intermodal yard, an industrial use right across the street from them, will take the loads directly from the ships, they won't be opened to the Port of Newark, to the Port of Elizabeth, so they'll be containers from Pakistan, Bangladesh and Ho Chi Minh City, formerly known as Saigon, opened right here in the Lehigh Valley. That's the real concern. That's the industrial zone that Bethlehem gave us. They received a letter today of support from the Bethlehem Recycling office.

- Scott Viola said he works at the landfill, don't throw anything at him. He just wanted to give a common sense approach to what the landfill means to them. First of all, you guys are talking liability. Somewhere down the line, you guys originally said let's put a landfill in this area, so then the liability was done. That was done. You took the liability. He doesn't think there is any liability. What do you get for that liability? Obviously, you know everybody gets a steady source of income. He doesn't even want to go into that. You get a modern landfill. It's regulated. It's well maintained. He saw the guy's picture over here, well, it's not done yet. They have to plant the grass; it's going to look nice when it's done. Bethlehem Steel didn't look nice when they built it. He was here when Bethlehem Steel was here and it looked like crap. Bethlehem Steel is sitting over there rusting away, where's all that going? That's draining all over. The landfill is maintained. It's kept up. It's clean and it will eventually look part of the environment. This is a zoning meeting, it's not, do we want the landfill or not. The landfill is here. We want the expansion. That's what they are here for. The zoning meeting is about the expansion. Not whether to get it, they own the land. Does anybody here think the landfill came in here without the intent of expanding? No, that's not even possible. Landfills expand. They always expand. A common sense approach is a landfill moves in, they are going to want to get as big as they can. They keep a real good approach of expansion. The grass is planted. They have animals. They have deer. They have frogs in their pond. It's not polluted. It's a very clean environment. He loves going to work every day. He sees turkeys. Everybody thinks it stinks. They eat lunch there every day. He sits outside there on a block. Someone shouted something out. Mr. Maxfield said excuse me, he is making a statement, not a discussion. Please stop back there. Mr. Viola said he's lived in the Lehigh Valley all his life. That landfill is not an eyesore. It's a good source of income and God know without getting into the income, nobody can afford to have a working entity that exists and is providing income and just wipe it out and hope they can put something in there to take its place. Do you know what that means? You can just write across the board, taxes. Your taxes are going to go up. This is from experience, taxes never go down. They do not go down. You have a functioning entity up there providing you with a steady stream of income; you need to keep it going. Mr. Maxfield said can he please just ask for a little bit more decorum. It's really hard when they are up here trying to hear. If there's chatter going on in the background, it really makes it distracting, so could we please be quiet.
- Mrs. Priscilla deLeon said she's here speaking tonight as a Lower Saucon Township resident to provide comments on the rezoning of the Applebutter Road which will allow for an expansion of the landfill into our rural, agricultural zone. When IESI acquired the properties in 1999, the zoning was already in place. The LI, the RA, and the LM zones. They knew the boundaries and restrictions. Now they want the Township to let them expand out of their box. IESI is the major property owner in this area. It is unknown how many letters of intent they have with other property owners. At the LVPC meeting a representative from IESI stated they own close to 100% of the land and/or have pending land agreements with the adjacent property owners. In her opinion, this is spot zoning which is illegal. What has changed since last year? We have the letter from the City of Bethlehem. We have the July 26, 2013 letter from the LVPC which recommends the Township not enact the zoning map ordinance amendments and retain the existing zoning. Nothing else has changed since the adoption of our Multi-municipal Plan in 2009. Nothing else has changed since your 6 to 1 vote last fall to not rezone. She supports the LVPC

recommendations. We already have 201 acres of land scarred forever. What can this land be used for? She can't think of anything. Is this worth it? Is this the message you want to send to future generations? Years from now when our children travel on Applebutter Road past the 300 or more acres of a closed landfill, what will they think? Is this the legacy you want to give to them? She never thought the day would come when she would read the language in the text amendment document from LST's consultants. She disagrees with its contents. In her opinion, approving the Natural Resource Mitigation alternative goes against everything we have worked for, for preserving open space and natural resources. In 2001, our residents approved an open space referendum, paying more in taxes to enable us to protect sensitive natural areas. Township officials proposed this alternative and the natural and the land proposed for dedication as open space does not need to contain the same environmental resources as the proposed for disturbance on the subject site. She is very disappointed by the recommendation by the Township consultants and administration. Section 10 of the proposed ordinance conflicts with the County Comprehensive Plan. This section allows an applicant to utilize and disturb a greater area of natural resources than would be otherwise permitted by the resource protection standards and the Township zoning ordinance and allows the applicant to preserve an equal amount of land outside the LI district as open space. This open space does not need to contain those same environmental features. The LVPC does not support the implementation of Section 10. LST had a reputation for being in the forefront for open space and natural resource protection. It is poor planning to propose this amendment to split the zoning in some of the parcels and for the record, she does not support any expansion. She voted no at Council meetings. In her opinion, this is not consistent and tonight she respectfully asks you to vote no to the rezoning of Applebutter Road. Mr. Maxfield said he just needs to say one thing. It's a question. Mrs. deLeon, did you not vote for the last expansion of the landfill and that encompasses everything that everybody is complaining about here now. Why was it okay then? Mrs. deLeon said she's so glad he asked that question because she approved that because it was already in the LI zone and it allowed for landfills. She figured this use was approved by Council; this zoning district was established. They were applying for an application and she voted for it, but the Township also reviewed it with a fine tooth comb, came up with a lot of recommendations for DEP, worked with DEP, and we got a lot of things that we got that we would not have gotten being as aggressive as we were.

- Mr. Gene Boyer said he is a resident of LST and we are discussing a second look at this proposed map and text amendments. He doesn't know why and he agrees with many other people, what has changed. The question is what really did change. There were comments that there was a presentation at Council and there was a whole lot of questions and answers done by professionals and everything went away and it was all good and done. The one thing that's missing out of this is what Mr. Noble brought up in the very beginning. This is a long term situation. We don't know what is going to happen after it closes. We don't know what's going to happen down the road. We know that Chrin down the road had a washout that really terrible. The potential problem with the landfill is there. It's not what's happening. It's not that they don't run a good show. He doesn't want to give them a mark for not doing a good thing. They do provide money for our debt that we have, so that's good too. The fact that you folks came up with a decision after all of the hours we spent and all the money we spent on having different maps and okay, the LVPC came up with the same one, but they came up with more detailed information about not being compatible, not being in a situation that it is relative to what's happening around it. Just because across the street there's a industrial, that's Bethlehem's problem. That's not LST's area. It doesn't mean we have to conform with what's happening across the street in Bethlehem. He has one question. There are two properties that are in this area to be rezoned. Did the P/C offer those people an invitation to tonight's meeting? Mr. Maxfield said it's a public meeting. Mr. Boyer said so those people may not know that there's a rezoning for their property tonight and you didn't offer them any opportunity to come. Our record as of today, there's two people who own property within this rezoned area and it's going to take away their RA status of their property. Attorney Treadwell said he believes

that the Township Council directed that a post card be sent to every property owner in LST advising them of meeting dates. Mr. Maxfield said extraordinary measures were taken. Attorney Treadwell said they had the P/C meeting dates on the post card as well. Mr. Boyer said part of the presentation you put up in the beginning of the meeting, he thinks Linc is probably the author of, but there's a comment in there, whereas the Council of Lower Saucon Township is determined that the adoption of the ordinance contained herein describes the amendment zoning map and text changes in chapter and code and it is in the best interest in the public health, safety, and welfare of the citizens of LST. He hopes that what this P/C and what the zoning changes are affected and really for, for the health, safety and welfare of Township and the residents and not just for money.

- Mr. James Zettlemoyer said he'd just like to ask anyone in LST if you ever lost (could not hear, was not at the microphone)...anybody here? He has. All of Steel City did. They brought in the City of Bethlehem water, put in the big tanks and the sun heats it and you get two hot waters. You use your well. They said our water wasn't polluted yet but it will be because of the dump. He thinks everybody forgot that. Everybody that has a well, think about it. Anybody that stands up here should be a resident. He hauled garbage to the dump in 1940, 1950, 1960, all those years, but that was with a little dump truck. What he sees today coming from Jersey is blowing that thing up way out of proportion. It's not taking care of the local people in PA. It's taking care of the people in Jersey.
- Mr. Guy Lesser said he is a resident and property owner of the Skyline Drive area. Along with neighbors and family members, they live to the west of the current landfill operation. If you moved westerly from their western border, across the slope that extends to the top of the mountain to Applebutter Road, there is a slight decrease in elevation and then an increase in elevation and they live just beyond that increase. In past meetings, they've expressed concerns and issues. It's appropriate that you are aware that since those meetings, IESI has purpose to meet with them on numerous occasions and they have addressed his issues. As part of that, and he'll say they also have family and very many friends that reside in Steel City and they spoke with them regarding a buffer at the top of the hill. They advised us that they were committed to expanding any new fill area within 300' of the ridgeline at the top of the hill. They also advised them that they have a committeeman that they will not expand any new fill area that is within any site line of any resident of Steel City. In addition to their addressing his concerns with the buffer, and including the buffer, they are as much aware as anyone or more aware than anyone of the change in the landscape across the south side of Applebutter Road, actually on both sides of Applebutter Road and the tremendous changes ago when Conectiv moved in, Calpine now. Even to today since the last meeting, the continued expansion of the warehouse area and planned further expansion, the planned expansion of the intermodal, along with that changes in what we see and what we've seen since they built and moved there. That changed, at least in their lifetime, perhaps forever. That along with IESI addressing their issues and their commitment that they expressed and that he's telling you to express to a buffer with Steel City. They no longer oppose the recommendations from the Township for the zoning amendments. The zoning amendments that are before you, they are able to support those. He appreciates your attendance to a topic that is certainly significant to every member of LST and really significant to our Saucon Valley. Mr. Noble said have you had any discussions or are you under any kind of contract with the landfill to sell your house? He's just trying to get a status of your change. Mr. Lesser said they are currently not under any contract. Mr. Noble said have you had discussions? Mr. Lesser said yes we have. Mr. Noble said when you say we, are you referring to Steel City? Mr. Lesser said no, he's referring to over a dozen other residents on Skyline Drive area. Mr. Noble said all under contract or talking to them? Mr. Lesser said you can ask them.
- Mr. Richard Gardner said you are dividing that agricultural, it's going right through the middle of his property. Nobody ever came to him and said anything to him about it. Get your map back up there. Mr. Maxfield said it's not on the edge of your property line? Mr. Gardner said no, it's not. It's right through the middle of his property. It cuts across and goes straight up the way they have that line. Attorney Treadwell said there is a property

that splits and that's the line that was attempted to be drawn to coincide with the Conectiv property across the street. It does split on that parcel, he's correct. Mr. Maxfield said you said down the middle of your property, how far off the line is that? Mr. Gardner said you have the map, he doesn't. Mr. Maxfield said he was asking how wide his property was. Mr. Gardner said half way in where it changes colors. His property is them two pieces there. He has 24 acres there. Mr. Maxfield said there is not currently a property line running down through there. Mr. Gardner said no. Attorney Treadwell said the zoning lines were attempted to be drawn in a consistent manner, and subject to change. The one you are talking about, the one that is split is currently LM. Do you have an opinion as to what you would like your property at? Mr. Gardner said leave it LM. Attorney Treadwell said okay. Mr. Landis said they weren't aware of it. It wasn't that obvious to them. Mr. Gardner said get the line moved over then. Attorney Treadwell said that's different than leaving it at LM. What does that mean, get the line moved over? Mr. Gardner said a third of his property is zoned one thing and the other two-thirds are zoned something else. Attorney Treadwell said what is your preference? Mr. Gardner said what is it now? Attorney Treadwell said it's LM. Mr. Gardner said why not leave it LM? Mr. Maxfield said the proposed zoning would leave it half RA and half LI. It would eliminate LM. You'd be RA and LI. That does change how you use your property. That's just where you are in the zoning. Mr. Gardner said alright.

- Rich Weikert, Saucon Avenue, said in regards to this 100' buffer, or 300' buffer, it doesn't matter what you make it, they are still on the down slope of that whole landfill. That buffer is not going to stop the smell coming over. He's called DEP a couple of times. When the wind comes from the east, that methane gas is coming over the hill no matter what. That is not good for them to be breathing that. You can come out in his backyard, 5:30 to 6:00 in the morning. He doesn't know if they have a regulation on when they are releasing it or not, but that's when it's the worst. A lot of people don't know what it smells like. Everybody might say that's coming from the sewage plant. It's something in the air. You can taste it. It's that bad. He just drove by there a week ago on his motorcycle. With the smell coming down off that landfill and coming over on our side, you can't have 240 homes over there breathing this stuff. It's detrimental to their health. These people that work there, he's sorry if you are going to lose your job. Do you live in Steel City? You are going to have to find other jobs if it goes out. He feels bad with the way the economy it is today. He doesn't want to spend the rest of his life breathing that stuff either. You say you sit over and eat. Come over to his house sometime with that methane gas coming over the hill. That was a good piece in the paper the other day. Which way was the wind blowing then that the people couldn't smell it? If you are down by the hill climb, you can hear that stuff running up there. Did you have everything parked in the garage? He votes no for the expansion.
- Ms. Donna Louder, Council Candidate. She's serving her second term as a landfill committee volunteer so she gets to see Al and sometimes Vito once a month. She'd like to address the proposed rezoning ordinance of the Applebutter Road area. She currently lives in the Steel City and has for most of her life. She can honestly say there has never been an interest by any type of developer to change that corridor from RA to LI as long as she can remember. That area was always farmland of rolling hills, herds of deer and other wildlife. She has to come to learn from the LVPC recommendation that this area contains features identified as medium and high priority areas by the County Comprehensive Plan. The County Comprehensive Plan supports zoning regulations to protect the medium priority areas and the preservation of high and very high natural features. Not the removal. Not the substitution elsewhere or paying the Township because they are removed. It also states our Township has a large amount of significant natural features and resources. She asks you why would you permanently destroy this land. Our Township is based on the preservation of land and the rural lifestyle. If we allow this rezone to occur, we will weaken our rezoning codes and lower the standards of the Township, which have been put in place to protect, and preserve our zoned communities. We have all seen this material before us. She asks that you please vote with continuity so as to save our homes and the

rural lifestyles for future residents. In 1998, the zoning codes changed to confine the landfill to the acreage it has now. She'd like to quote Mark Twain. Buy the land, they are not making it anymore. Now she'd like to tell you what her version is. Preserve the land and the natural resources. They cannot be replaced.

- Mr. Bruce Weikert said he lives on Saucon Avenue. You are going to destroy a beautiful piece of property up there. There's deer. You see them deer, those turkeys. They are on his property where he hunts. There's no deer living in there. You say your jobs, they are going to come to an end because the landfill is going to end. Are you human? Do you have a pension? Do you have anything to look on when it ends? No, and if you are all any good at your job you can join the union and you don't have to work there and get paid a decent rate. He doesn't know if your boss is here coming and telling you to do this, but it's ridiculous, so vote no.
- Mr. Matt McClarin said he's just trying to make a point in the zoning. He wants to start this presentation with something Mr. Maxfield said at the last P/C meeting, something that stuck with him. He had a conversation with a man who lives up there, and already sold their property. It was sad as they had to move from the rumbling of Conectiv and the odor from the landfill. It was a beautiful property and they had to give it up and he felt bad for them. What in turn this zoning change does is there's an inconsistency here between LI and RA. People live here and they were forced to move out of their homes because of the smell. Now when you move this LI zone across this line and down here, and make this RA, now you are making this small problem here and here. This is the hill climb property and no one lives on this piece. Nobody. Zero people live here. When you move this over, you just created now, a problem for these people here, Steel City, heavily populated area and you also created a problem all the way down through here with the people who live here now. They never got anything from a heavy industrial site all the way down here. Now you are moving this whole thing down affecting this and you are affecting this. In our comprehensive plan it calls for business enterprise uses to be within this piece of property, what we call the LM district. It leaves out high intensity uses such as landfills, things like that within the definition. He thinks the Planners can agree with that. The LVPC calls this all to be urban development. What do they leave out of urban development for a reason for not needing buffers? That is landfills, and mining they leave out. What everyone fails to understand is this is all across Applebutter Road, that land is shot. It's already been shot. There's nothing we can do with it. Majestic just started building in that area. Give it a chance to work like our Comprehensive Plan tells us. This plan is not consistent with our Comprehensive Plan. The P/C said it and he says it. He doesn't know why our Planners don't say it. It's obvious. By you moving this here, you are affecting all these people. Mr. Maxfield, you talked to a man who was affected by this LI zone. You sat up here on the mountain. Mr. Maxfield said there's a whole ridge line. Mr. McClarin said no there's not. On the whole ridge line where? Yes, there is a ridge line there but is there a ridge line here? How do these smells come here? You don't think the smells can travel this way? He hears the clanking from their tracks on top of that mountain when the excavator rolls. Now you are going to ask everyone else in this neighborhood to hear that. Mr. Maxfield said this is something he never understood. You hear that over top of the train that goes by your house? Mr. McClarin said no, the train doesn't go by all day. It doesn't. How does the natural resource mitigation anything consistent with what the plan calls for. There are hydraulic soils right in this area. What does the LVPC tell us to do with those things? Reserve them, protect them. What are we doing with them? Trading them off. Someone is in cahoots with IESI as they have a plan to already put wetlands in at the SV School District property which they were quoted in the paper doing. Who have you been talking to from the Township? Mr. Landis said that's irrelevant here. Mr. McClarin said this meeting has all been irrelevant. Mr. Lincoln Treadwell, does the current operations of the landfill have anything to do with this zoning, with their decision? Mr. Landis said you are done. Mr. McClarin said does it? Mr. Landis said you are done, you can't control it.

- Mr. Thatcher Oswald said he should donate his three minutes to that guy. It was the most theatrics we've seen all evening. He said he's an employee of Giles and Ransome Caterpillar. They are a long-standing business partner of IESI. He is definitely in favor of the rezoning. Mr. Landis said order. He wasn't objecting to making noise when you were talking. Mr. Oswald said the reason being is their business allows him to support his four children. It allows his business to grow as their business grows. Someone in the audience said maybe you can move into Steel City then. Mr. Landis said alright, come on, let him speak. Mr. Oswald said the landfill is a renewable resource. He thinks we can all agree upon that. Mr. Noble commented on the methane gas that it generates and can be used to generate power. You, yourself Mr. Noble had talked about the natural resources within the ground. That methane is one of those renewable resources. He's in favor of the zoning, short and simple.
- Mr. Joe Kazan, Lower Saucon Road, said just some observations. Normally he thought when land was being rezoned, it's normally posted. At least it was in the community he came from and he was surprised that some gentleman didn't know his land was being rezoned. Attorney Treadwell said it will be posted in accordance with the MPC before the public hearing takes place. Mr. Kazan said he understands that the landfill people are buying up a lot of the local properties in anticipation of this rezoning. He guesses they feel pretty lucky. They talked about displacing people. If they don't get their expansion, do you think they are going to be able to sell any of that property back to any of the other people? Mr. Maxfield said something, but could not hear him. Mr. Landis said that's the risk they take. Mr. Kazan said that's their problem. That's just like saying no one will move there because of the landfill and yet the landfill is encroaching on Steel City, and those people, it's their problem. Mr. Maxfield said that's not quite what he meant, but he understands what he's saying.
- Mr. Bob Wells said he wanted to point out something in the homes next to the landfill. He can tell you that IESI bought all these houses over here adjoining their landfill. Who else bought houses there since they started making those purchases? Nobody. You know why? Because you can't sell a house that sits right next to a landfill, you just can't do it. What we're saying is we're going to take the last remaining buffer between the citizens of Steel City and landfill and going to change that now to a bigger landfill. That's great, that's smart. He heard some people downplay the opinion of the LVPC. Let me state what they said. The LVPC overwhelmingly opposes LST changing its zoning to allow the IESI landfill to expand in the Township. The 37 member LVPC board unanimously rejected the Township's proposed zoning changes with one abstention. The proposed expansion is inconsistent with Northampton County's Comprehensive Plan. About 25 people were in attendance at the meeting, that's because there were 25 chairs. Many were residents who opposed the expansion of the landfill, but one resident spoke in favor of the landfill. This is Channel 69. He's been coming to these meetings for months. He knows everybody. Every time there are 100 people speaking against it and one or two speaking for it. In the first meeting in maybe ten or so, we have more than one person and they are all employees of the landfill. He feels for you. There was an agreement to close this thing years ago. Everybody knew it was going to close. It's time to close it; we need to close it now. A decision to allow any rezoning of Applebutter Road isn't a decision to protect the best interests of the LST residents. A decision to allow rezoning is a decision to protect the best interests of a Canadian-based corporation whose sole mission is to import garbage from neighboring states in our community. During the Council's discussion, the total focus has been on the commercial uses on the properties that are adjoining the proposed site. There was never any mention that an expanded dump would be right next to the residential neighborhood. He missed that entirely. It was all about, oh, it'll be like the properties next to it. It wasn't it was going to adjoin residential neighborhoods into the dump and destroy their ability to enjoy their quality of life that they moved there to enjoy in the first place. He is disgusted with this. Stop it all.
- Ms. Debbie Anderson from Hellertown said she wasn't going to speak, but thought she should say something. She doesn't live anywhere near the landfill. She lives over the

mountain. She feels sorry if you guys are in fear for your jobs. She can understand that. There are more jobs out there. Someone in the audience said find one for somebody 67 years old. Ms. Anderson said the rezoning is, what you consider what you are taking, you are taking away people's investments. You are taking away their children's investments. A lot of people built homes and expect to hand them down to their family members. That lasts a lot longer than a job. She thinks you got to take that into consideration when you want to rezone the area when people have invested so much into it for their children. That's how she looks at her home that she built. This is something she's handing down to her kids. This isn't something that oh well, they are going to go somewhere else. When you think of quality of life and health of the people in Steel City, those people are the ones that are going to end up in the hospitals with all kinds of crazy diseases because you zoned the place for more trash sales. It really disgusts her when you look at this logo and you guys got a tree there. Why don't you put a bunch of dump cells on it instead?

- Mr. David Spirk, Erin Lane, said he is a resident of LST since the mid-80's. Absolutely will the rezoning of this land help and effect in a positive way the residents of LST? The landfill was operated on Applebutter Road since 1941. 71, 72 years. LST has flourished in the last 71 years. In 1941, the year the landfill opened, the population of LST was 3,907. Our population now is 10,772. All of LST, every neighborhood, every area, have grown. Houses have been built. There have been many births and birthdays and families have been raised and some have been working the landfill. Everyone in the Township has done very well here since the landfill has been in existence. He wants to deal in facts, not hypothetical's. Let's deal in facts. The landfill has been here since 1941. We co-postulate, we could guess what's going to happen in the future. The best gauge to what's going to happen in the future is what has happened in the past. There has been no groundwater contamination. There have been no toxic spills. That stuff hasn't happened. As the technical aspects of these landfills get better and better, year after year, that chance is lessened and lessened. So to continue the landfill means that we'll have better technologies, safer environments in that landfill. That would be the analysis and the guess, not what's going to happen. What happened in the 71 years? The western end of Applebutter Road from Shimersville Road to Ringhoffer Road may be one of the most industrialized stretches in our area. On Applebutter Road is the sewage treatment plant, electrical power plant, we've gone through all this stuff. This fits in. Plain and simple. What's going to happen to it? What are we going to do with it when it's done? It's going to be open space in perpetuity. Open space. We could grow wildflowers on it. We could put paths on it. What is the best thing to do for the community now and in the future is to have the landfill. It's to have the economics of the landfill. What's going to happen when we close that landfill and we lose approximately one-third, he thinks it's about 30%, of the budget. He really does not like people talking like that in the background. It's a form of intimidation, that's it. Come up and speak. He's been to meeting after meeting after meeting and has never said one thing in derision to anyone that's been up here. Did he agree with any of it? No. Most of it. Allow the landfill to continue. If you don't allow it to continue, here's what is going to happen. Services will go down. We won't have the tax dollars. Property taxes go up. There won't be one or the other. It will be a combination, services go down, and property taxes go up. Property values go down. That's the cold hearth truth of what happens. Property values will go down. Property values won't go up by closing it. Property taxes will go down.
- Ms. Donna Louder said when you are coming 78 west from NJ, you have Chrin on your south and IESI on your north or west. That's how we are going to invite people to the Crayola Factory and that's how we are going to invite people to Stabler Arena and the Sands for shows. Mr. Landis said okay, that's all.

Mr. Landis said what are your thoughts? Mr. Noble made a motion.

**Planning Commission Meeting  
August 22, 2013**

**MOTION BY:** Mr. Noble moved to vote against the zoning change.

**SECOND BY:** Mr. Landis

Attorney Treadwell said he wants to make a clarification. He wants to make sure the motion is correct. What Council has asked is that you make a recommendation regarding the adoption of the zoning Option D zoning map and the text amendment, so Mr. Noble, your motion would be to recommend the Township Council not adopt the zoning map or the text. Mr. Noble said yes.

**ROLL CALL:** 2-3 (Mr. Maxfield, Mr. Kennedy, Mr. Kologie – No)

Mr. Landis said the motion does not carry.

**MOTION BY:** Mr. Kologie said he moves that we recommend the zoning map change and text amendment as proposed.

**SECOND BY:** Mr. Maxfield

Mr. Landis said if you are going to do that, he'd like to suggest that what we talked about in the text amendments be added to that. That was the mitigation. Mr. Maxfield said it was the section 10 amendment. We were talking about the land or money in trade for disturbed resources and we said if it was money, and dedicate it to the purchase of open space. Mr. Landis said that the money had to be used for open space. Mr. Maxfield said also if Mr. Kologie could add onto that motion, he still am curious what's going on with that property that Mr. Gardner owns and figure out what's going on there.

**ROLL CALL:**

**MOTION BY:** Mr. Kologie amended his previous motion and moved that we recommend the zoning map change and text amendments as proposed, with further evaluation of the Gardner property which is split currently, and land or money in trade for disturbed resources and if it was money, dedicate it to the purchase of open space and with regards to the 100' buffer, and recommend that a 300' buffer back from the ridgeline would be required between the different uses, including the landscape buffer as normally would be required.

**SECOND BY:** Mr. Maxfield amended his second

**ROLL CALL:** 3-2 (Mr. Landis and Mr. Noble – No)

**IV. MISCELLANEOUS BUSINESS ITEMS**

**A. APPROVAL OF MINUTES - MAY 23, 2013**

Mr. Landis asked if there were any additions or corrections. No one raised their hand.

**MOTION BY:** Mr. Maxfield moved for approval of the May 23, 2013 minutes.

**SECOND BY:** Mr. Kologie

**ROLL CALL:** 5-0

**V. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS – None**

**VI. ADJOURNMENT**

**MOTION BY:** Mr. Noble moved for adjournment. The time was \_\_\_\_\_ pm.

**SECOND BY:** Mr. Kologie

**ROLL CALL:** 5-0

Submitted by:

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Mr. John Landis, Chair