

**I. OPENING**

**CALL TO ORDER:** The Planning Commission meeting of Lower Saucon Township Council was called to order on Thursday, August 23, 2012 at 7:00 P.M., at the Saucon Valley High School Cafeteria, 2100 Polk Valley Road, Hellertown, PA, with Mr. John Landis, Chair, presiding.

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

**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 Transcriptionist could not capture every word spoken at this meeting as the recording was inaudible at times, the sound quality was poor, and the audience interrupted the speakers many times.**

- The Township staff has prepared a draft of the potential Option “C” Zoning Map Amendments requested at the last Planning Commission meeting. The PC will discuss all of the potential options and any possible recommendations it may choose to make to the Township Council.

Mr. Landis said the last time they met they were talking about Options A and B. There was a suggestion during the meeting that we consider an Option C. Attorney Treadwell will explain Option C and what we are doing. We are not coming up with an actual zoning amendment at this point; we’re looking at Option A, B, and C.

Attorney Treadwell said he will explain the procedures and why we are here tonight as a Planning Commission (PC) and what Council has asked the PC to consider. The LST Council, which are the elected officials in the Township, had a meeting February 15, 2012 and they asked the PC to consider a possible change in the zoning map and the zoning text. The change in the zoning map is located in the Applebutter Road area. They asked the Township staff, which consists of himself, the Manager, the Assistant Manager, Judy from Boucher & James and Hanover Engineering to come up with some possible map amendments. At the first PC meeting where we had this discussion we presented you with an Option A and B map. What Council has asked the PC to do is make a recommendation as to which option the PC believes would be the most sensible option, if in fact, the Council decides to go ahead and put this zoning map amendment through the process. He’s going to briefly explain what that process is. Should the PC decide tonight or at a future meeting to make a recommendation regarding Option A, B, or C, that recommendation would then go to the LST Council at a public meeting. The Council would then authorize the advertisement of the zoning amendment along with the map change. They would send the proposed zoning ordinance amendment and map change to the LVPC for its comments; to the EAC of the Township for their comments; and to the Township PC for its comments. It would also go to the Township consultants who specialize in landfill issues for their comments. After those comments come back, a notice would be advertised and a public hearing would be scheduled. The public hearing would

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be in front of the LST Council. The people who live in the area, within 500' would be notified and the property would be posted of the date and time of this public hearing. After that public hearing is held, then it would be advertised for possible adoption, and it's at that final meeting of possible adoption where the LST Council would make a final decision. Anything that would happen here tonight or at a future meeting is only the first step in what would be a fairly lengthy process with a lot of opportunities to comment from the public and other agencies of the Township staff.

Attorney Treadwell said if you look on the screen, the top map you see is the Option A that was presented a couple of meetings ago. In the top right hand corner, there's a large piece of ground that was proposed to be rezoned from RA to LI. There's a piece on the top left that was to go from RA to LI. The purple pieces you see at the bottom were proposed to go from LM to LI. The piece on the far left side was going to remain LM. After receiving the comments from the PC at your last meeting, the Township staff, which he and Judy basically worked on the Option C plan, and they came up with Option C which you see on the bottom map. Option C took the large parcel on the right and leaves it in the RA zoning district. It also takes the piece of RA on the left on top and it draws the zoning line almost halfway down from those properties so that the zoning line is south of the ridge and you'll be able to see on the next slide and goes basically through a PPL easement that currently exists now. The purple piece now beneath that is still proposed to go from LM to LI, and that piece on the far left would go from LM back to RA. The next slide shows the proposed zoning change superimposed on an aerial of the area. At the top, that proposed zoning line that now goes east to west, west to east, is proposed to go through that PPL easement and you can see on the photograph the PPL as it extends out to the west, so that proposed zoning line now goes through the middle of that easement and you can see from the aerial it is now fairly well south of the ridge line and any woodlands that exist up in that area to the north. The piece on the right where you see the tanks is the piece that will remain RA and is not proposed to go to LI. You can see the piece on the far left which is now proposed to go from LM back to RA. From an acreage standpoint, there is approximately 79 acres proposed to go from LM to LI; approximately 26 acres to go from RA to LI; and approximately 23 acres then would go from LM back to RA. That is the Option C that the staff believes is you requested at your last PC meeting and we're here tonight to discuss your opinion of that.

Mr. Landis said we talked about this among ourselves. Mr. Lychak said is there a setback requirement for if there would be any landfill activity to what would be change to LI? Attorney Treadwell said the Township zoning ordinance there is a 100' setback from the property line for any landfill activity and there is also a 900' setback required by DEP from any occupied dwelling for the disposal area. Mr. Lychak said so effectively is the line were drawn as RA to LI and there was an existing home somewhere to the west of the zoning line, there would have to be a 900' setback there from any activity. Attorney Treadwell said from the disposal area.

Mr. Landis said in looking at the land here, but there's sort of a natural barrier in here, a ravine, but rather than come over here if we were going to do this at all, his thought would be to expand it and come down here. This is all wooded and rather than coming down in here, we might do something and try to protect the ridge lines and the homes back in here. He doesn't know we need to protect Conectiv. One of the sad parts of this, is the Township does not have a lot of stuff for industrial and commercial, so the areas we do have are on Applebutter Road and here on Easton Road. We are very limited to what we can do in terms of getting any economic tax base at all. Certainly this land across from here is ever going to be used for much. He's really talking about Option B as a consideration.

Mr. Maxfield said at the last Council meeting, a motion was made and voted on to investigate open space money to preserve the ridge which would be the wooded area along the top there as a buffer zone. Mr. Landis said his suggestion is if we would come down in here.

Mr. Lychak said what would happen to the area to the west of that along the natural contour, would that be RA too or remain LM? Mr. Landis said it's not really that unusual for LM in his judgment,

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but it is LM you could have arguments about it. He doesn't think it's ever going to be LM because you look at the way the road slopes up there. It's not great land, and across the street you look up at a big bank and a hill. If someone would want to use it as manufacturing, fine.

Mr. Landis would like the staff to explore an Option D. Mr. Maxfield said he'd like to suggest that we find appropriate existing property lines along that upper area to suggest some of the changes.

Attorney Treadwell said if we are going to go back and look at an Option D, he's going to have to have a little more clarification as to what Option D you want. Let's start with the piece to the far right with the tanks on it, leave that as RA. Mr. Landis said leave it as RA. Attorney Treadwell said the piece at the top where it's RA to LI, 25.93 acres, does that change? Mr. Landis showed him an area that has a natural area and said allowing the LI district to go from there over so it would go up through here and come across here. Attorney Treadwell said someone just handed him a drawing, so now he understands. Mr. Landis said he'd like to look at the staff look at the details of it and in looking at the land, if anything were done like this, it makes a lot more sense and blends in using that natural area.

Mr. Noble said he had time to review the Township budget and it's something that is probably the biggest factor involved in considering an LI zone in this area which is the impact of the \$2 million annual fees generated by the landfill. He wanted everyone to understand what the financial impacts are. Going through some quick numbers, you are looking at approximately 25% of our annual revenue to the Township. To replace that, you would basically have to double one's real estate taxes. He is not making these numbers up. The other end of the equation is to look at it from an expense standpoint by reducing the budget by 25%. (Got interrupted by the audience, could not finish)

Mr. Landis said we are a PC. We aren't Council. We don't do budgets. We don't decide taxes. Our charge is from a planning function to try to get a mix within the Township with industrial, commercial, retail along with residential as we are a heavy residential area. We are a residential township and residential townships do have cost problems because they required a lot of .....Mr. Landis was interrupted by Mr. Katz who said may he have the opinion from Council to discuss finances? Mr. Landis said he's not talking about finances. Language wise he's not....Mr. Landis was interrupted again by Mr. Katz who said that's too bad. Mr. Landis said Mr. Katz can be removed. We have to keep this to be a reasonable discussion. Calling people names doesn't really help.

Attorney Treadwell said he thinks everybody heard Mr. Landis at the beginning of the meeting. We have this room until 10:00 pm. We're trying to provide everybody with an opportunity to speak. Mr. Noble gave his opinion as a Township PC resident. A resident interrupted again. Mr. Maxfield asked to have Mr. Katz removed. Mr. Landis said this is something he doesn't like to deal with. Attorney Treadwell said we're trying to conduct this meeting in an orderly fashion. We are going to give everybody who signed in to speak. We can't answer random questions thrown from the floor. If you want to continue this meeting and speak, you have to follow some of the guidelines. As to the question as to whether Mr. Noble is allowed to express his opinions as to why he's considering this, yes, he is allowed to express his opinion as is Mr. Landis allowed to express his opinion. What he said before regarding the zoning change is a zoning change cannot be based solely on economic reasons. That's what he said before; that's what he said tonight. It doesn't mean you can't consider economic reasons. It means there needs to be sound zoning and planning principals first. The answer to the question is Mr. Noble is perfectly able to express his opinion as is Mr. Landis. When it comes to the decision the PC makes on a recommendation to Council, it will be based on planning and zoning considerations.

Mr. Landis said we are now Town Council, we don't budgets, but as part of our planning process, in terms of looking at where we are going, we are looking at places for industrial so there is

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revenue for the township because of the problems the Township has. We don't decide where the money comes from or where it goes. There is an economic component to it.

Mary Ann Garber said she represents the IESI Bethlehem Landfill. They've listened carefully to the concerns voiced by the public, about potential impacts on the surrounding community from a possible future expansion of the landfill. The concerns that have been raised about such an expansion will be addressed by IESI and by the Township and the PA DEP if and when IESI seeks zoning approval, land development approval and modification of its existing solid waste permit. Those approval processes will be fully open to the public. They are compelled at this point to respond to several of the statements by members of the public about landfills generally and the IESI Bethlehem landfill, in particular, that are inaccurate and misleading. These assertions seem to be based on a fundamental misunderstanding of the engineering design and operational controls employed by our facility and they fail to account for the comprehensive state and federal regulatory programs in place which have been demonstrated to the protection of human health and environment. IESI has made an effort to educate the public about their facility. They had a landfill tour for Steel City residents earlier this summer. They recently mailed out an informational flyer, and will continue to make those efforts throughout this process. It's important to the PC and the Township Council to base their decisions on accurate, factual information rather than unsubstantiated rhetoric.

Ms. Garber said regarding allegations of health hazards that would emanate from the landfill proposed expansion, the studies that were referred to at the last PC meeting as part of a PowerPoint presentation, pertain to hazardous waste landfills. IESI is not a hazardous waste landfill. It is a municipal waste landfill. IESI is prohibited from disposing of hazardous waste at its facility. Numerous studies, evaluations and assessments that have been conducted in communities in Pennsylvania, with state-of-the art municipal landfills, all of which have concluded that there are no elevated health risks associated with these facilities.

Ms. Garber said regarding environmental hazards, concerns were raised about the potential for leaking liners, questioning the integrity of our landfill liner systems, these concerns are unfounded. The IESI Bethlehem landfill is a state-of-the art modern disposal landfill facility. The landfill utilizes a highly engineered redundantly protective liner system that consists of a layer of low permeability soil sub base, a secondary liner with a 60 mill HDPE geo membrane, a leachate detection zone above the secondary liner, a primary liner, also with a 60 mill HDPE geo membrane underlined by a bentonite clay mat and 18" protective cover material above the primary liner and a primary leachate collection system within the protective cover. Furthermore, ground water monitoring systems are in place to assure that there are no releases to the environment. Notably, DEP is reported that there have been no reported leaks from any of Pennsylvania's modern landfills to date.

Ms. Garber said concerns were also raised about the methane gas generated from the landfill. Landfill gases are a product of any municipal landfill and contain approximately 50% methane. Landfill gases are closely monitored and controlled. It's captured or beneficially used and flared. IESI sells its landfill gas to Bethlehem Renewable Energy Plant which is right next door also known as the BRE plant with the township receiving a percentage of the sale. BRE uses the gas to fuel its turbine generating enough electricity to power over 1,900 homes. This landfill gas is a safe and effective source of renewable energy as is echoed by Mr. Thomas Dittmar, Northampton County Environmental Conservation Coordinator at a recent landfill meeting which he had attended at the request of Council person deLeon.

Ms. Garber said we urge residents to visit the landfill methane outreach program page of EPA's website for more in-depth information on energy projects. The website is <http://www.epa.gov/lmop>. It's important to understand that all aspects of our landfill design, IESI meets or exceeds state and federal requirements. Regarding concerns about visual impacts, and the extent of future disposal areas, IESI limits the size of its working phase. It's a small active area

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involving less than 1 acre each day as was observed by the Steel City residents who attended the tour of the facility earlier this summer. The ridgeline is an effective natural buffer between the landfill and the Steel City community, IESI is committed to respecting this geographical boundary. Refuse disposal will not go beyond the ridgeline.

Ms. Garber said regarding other potential nuisance impacts, the comprehensive state and federal regulations that govern municipal waste landfills have been carefully crafted and are revised as new technology develops to minimize impacts of landfills on this community. IESI has a nuisance minimization control plan which was reviewed and approved by DEP that outlines the details and procedures in place at the landfill and to investigate any complaints by the Township and the public. When there was a complaint recently by Steel City resident regarding noise allegedly coming from vehicles at the landfill, IESI promptly investigated the situation, determined the cause, and reported the results of the investigation to the Landfill Advisory Committee.

Ms. Garber said IESI has a traffic compliance plan also reviewed and approved by DEP that outlines procedures in place to minimize traffic related impacts. IESI has an on staff travel compliance officer who is responsible for insuring compliance who regularly monitors designated landfill routes. DEP conducts regular inspections of our facility to confirm compliance. The Township has provided copies of all DEP inspection reports and the Townships own Municipal Inspector conducts inspections of the center operations. With respect to their environmental compliance records, allegations have been made of outdated scale house inspections. IESI contracts with a state-certified inspector and an international firm out of Toledo to inspect and recertify their scale every six months. The State Department of Agricultural is provided advance notice of each inspection and is invited to observe those inspections. All certification records are kept on file at the landfill. The most recent certifications by the firm in Toledo were conducted this year on June 25<sup>th</sup> by and by the Department on Agricultural on July 30<sup>th</sup>.

Ms. Garber said regarding representations about a February 2012 release from the BRE plant, IESI did not release gas condensation to the City of Bethlehem Treatment Plant as based by a thorough investigation by the City. The discharge was a direct discharge by BRE of its malfunctioning oil/water separator. BRE has corrected the problem with the separator. IESI working with the City has required BRE to obtain its own industrial waste discharge permit rather than piggybacking on the landfill's permit. BRE has reimbursed IESI for all fines and penalties that were associated with that release.

Ms. Garber said there were representations made about a November 2010 methane release from the landfill. The landfill gas release occurred during the construction of a new cell when excavation into the old disposal area was done in order to tie in a new liner. The landfill personnel had a representative from DEP air quality immediately respond. IESI conducted an investigation and prepared an action plan which was reviewed by the DEP and the conditions were promptly corrected. The Township was notified of the incident, kept apprised of the status and was copied on all correspondence. Operational changes to the facility were implemented.

Ms. Garber said regarding allegations made about ground water sampling results above contaminant levels, the City of Bethlehem operated an unlined waster disposal site on the property from the mid-1900's to the early 1990's. In 1993, the facility was transitioned under the then new regulatory program to a modern double lined solid waste fill operation. As a result of the 50+ years of waste disposal, groundwater contamination occurred and a groundwater abatement system was installed two decades ago. That's still being operated today.

Ms. Garber said since IESI purchased the Bethlehem Landfill in 1999, the overall site and groundwater qualities are approved as shown by the sampling from IESI's regular groundwater monitoring program. IESI expects that the storm impacts to groundwater will continue to improve as a groundwater abatement system is in place and in operation today.

Ms. Garber said finally, it's important to note and consider the significant financial benefits to the Township that flow from the Bethlehem IESI Landfill. In 2011, revenue from their facility represented the Township's second largest source of income, significantly reducing the tax burden on all of LST residents.

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

Mr. Landis said we are going to take public comment. Mr. Landis said he's going to call each person up and state your name. On the Planning Board, no one gets paid. When you come up and use foul language, it really doesn't help your case. What's important is to present what you have to say. We're here to get your comments. If we do have interruptions and foul language, you will have to leave.

- Bob Wells, 2134 Saucon Avenue, said he received a post card the other day from IESI. It's a nice post card. Most people probably got it. It says in order to develop a partnership with our community. They aren't in our community. IESI is based in Canada. It says they are proud to be part of the Saucon Valley Community. He doesn't see them in his neighborhood. They'd like to inform us of the operations to expand the landfill. He appreciates they have plans. He believes they have integrity to do what they say they are going to do. Unfortunately, their intent doesn't matter. Whether or not he believes in what they say, it becomes insignificant that this business can be sold at any time to another company that can make any decision they want with respect to how its administered or how its run. He fears that we may have no idea who may administer it in the future and we had this conversation at a previous meeting. We really wouldn't have any control. It also says they are going to serve the needs of their customers including those in Northampton County and surrounding communities. We've also established in the past that the vast majority waste is not from Northampton County. He believes the figure is 70%. He's not sure of the accuracy of that. These customers are from NY and NJ. It says the expansion won't come over the ridgeline. There was Option C proposed knowing about the Lehigh Valley Greenway and he applauds the fact that there are members of the committee who see that and are considering changing that and looking for Option D. Many of the people in the community he has been speaking to, also agree with Option D, that D means don't. Option A, B and C are the same, every land parcel owned by IESI has been included in every zoning plan that's been presented. Why does every option cater to IESI's demands? He understands there's been a suggestion that may not be the case in the future. The majority of the people in this room would like to see a very, very small Option D. He understands the revenue that is generated here. IESI is in business to make a profit. The Township needs some kind of revenue to operate. The question is and continues to be, where does the revenue go? Are we putting trash in the backyards of people in the east side of town to put swing sets in the backyards of people on the west side of town? He knows that IESI and people in his neighborhood are really not neighbors. They don't have BMW's in his neighborhood. If we had a lot of them, we probably wouldn't be having this conversation. He understands this is part of the process. If this area is rezoned, it opens the door for expansion of IESI. We all know that. The PC can be the ones to open that door. Without the PC's recommendation to rezone, the door doesn't open. It would have to be forced open against your will. An expanded dump would be your legacy as well as the legacy of the Township Council. Please do not make a decision that we are all going to pay dearly for.
- Russ Sutton, 2133 Saucon Avenue, said he made a little pros and cons chart of the expansion and they were on a tour and were very gracious. They did ask you at one point where you were going to stop and you simply said you were not going to expand beyond Hager Lane? Was that correct? Someone said yes. Mr. Sutton said isn't C on the other side of it? (could not hear answer – was not at microphone). Mr. Sutton said he knows the Township has to make money to run the government, but this is a temporary source of income that basically stops when the landfill is completed. There will be no more fees when this is finished. If this Option C is tabled, there will be no further development of zoning on the mountain, LST will still receive tipping fees for the existing landfill and the landfill has a couple of more years. Hopefully by that time, most of the projects and this building should be paid. The point is, this is permanent destruction of a mountain. This thing could never be built on again and can't be used for any other purpose once this is there.

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He took pictures from 30 miles around the area. Six months of the years the leaves are down and you can see this. You can see it from Stabler, from Route 33, from St. Lukes campus. It's not a pretty site. There's no limit to the height of this landfill and that's his primary objection. There's no limits to the height they can pile this garbage on this property. Attorney Treadwell said he doesn't believe they have an application in front of us, and he knows we don't, and that determination is part of the DEP process as well as the Township approval process if the landfill files an application to expand. He thinks the Counsel for IESI said there's no intention of going higher than it is now. Mr. Sutton said the present landfill where it exists now, if you look at the topography of the land, it's much higher than the mountain in that area. Is there a specific limitation of height? Mr. Maxfield said his understanding is it will be as high as it exists right now. There is a limit to the height of the landfill as stipulated by the host agreement. Mr. Sutton said he wasn't aware of that. He talked about the smell and the noise. There would be no further development. There are no long term studies that have environmental effects for long term. There are always possible leaks of methane gases. There's possible contamination of the Saucon Creek and Lehigh River during storm run offs and that's occurred during the past. The landfill decreases their property values and way of life in Steel City. They only have one entrance, one way to go in and out. There as a fire this early Spring and they had a hard time containing it. If the landfill became on fire, it would be hard to put out. They don't have proper access to get out of their community. If you own a house, you are not allowed to take possession of that house if you only have one egress. There's only a two lane road going into Steel City and one lane going out. Is that correct? Mr. Maxfield said yes, it has been compromised by weather. Mr. Sutton said if there would be a fire or a derailment, they'd be trapped. The side of the mountain is a tinder box of leaves and timber which could catch on fire. If this is a temporary fix of a financial problem, he wonders how much the cost has been for plans A, B and C for staff, legal fees, engineering, and if they could have been used to better advantage to promote growth of industrial park or commercial services on places that already exist. He's concerned about further generations. Will the legacy of Saucon Valley PC be the destruction of the mountain for short term financial gain? You're affecting the legacies of generations to come.

- Gene Boyer, 2161 Saucon Avenue, said the people who preceded him, did a lot of talking in trying to convince you people in what to do, his question is are you willing to talk to them? **(Could not hear the answer)**. Mr. Boyer said he heard all the things the young lady said about IESI and he has some notes he'd like to go through. What you are going to do is make a decision that's going to be a forever decision. It's not just a decision, it's a legacy. It's a one way or the other. Council has to approve it so it has to go back to Council. Tom Maxfield is a Council member, so he's going to see it more than once, had probably heard it more than once. We have a flyer they put out. It's a good illustration of saying what is happening here with the landfill. He really wants to thank everyone for being here. He understands our Solicitor said this is really a map change, we're not making any business decisions in the sense that we are trying to say they are going to do this. We are trying to make a zoning change that businesses will be able to be had in this particular area. Is that correct? Attorney Treadwell said correct. Mr. Boyer said he'd like to make three points. The first one is he'd like to start out with do the people here in LST and know why we're here. It's because the request of one company. He only knows of one company that has created this request for zoning. Is that true Mr. Landis? Mr. Landis said no. Mr. Boyer said who requested it other than the fact that it came from Council for you to review? Mr. Landis said they got it from **(could not hear)**. Did anyone ever come for a zoning change, and the answer is yes, Phoebe. Mr. Boyer said from Applebutter Road, no one else than IESI is the one who requested this particular zoning request? Mr. Maxfield said he doesn't know where the idea came from but they came and told us they wanted to expand, they didn't ask us to do anything. This is simply.....Mr. Boyer interrupted and said he thinks we are hearing from the people in the area of all the smelling, leachate, the future problems that can and will happen. It's not a perfect world. This is a billion dollar company that has places it could expand without necessarily expanding in LST. They have the knowledge that the closing date was in the future. They knew the landfill was going to fill up and it was going to have to close. All things may have to come to an end. Another reason we are here is because of the money IESI provides the Township. He believes we don't want to give it up. It's really on the top of people's minds, via here and the Planning Commission and Council. He's heard Mr.

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Maxfield talk about that in the Council meetings. He believes we have time before the landfill closes in the next four to five years to enhance things that can make it happen. He'd like to create an illusion for a situation where you would be able to picture in your mind a little bit about what's he's about to explain. He's thinking and looking at IESI as an iceberg. Mr. Maxfield is shaking his head; can you tell me what is an iceberg? Mr. Maxfield said what shows on top and what's underneath. Mr. Boyer said right, and it's usually bigger on the bottom than it is on the top. He thinks that IESI is an iceberg. What you see and what you hear on the surface is there, and what is yet the calm, we don't know as we haven't seen it. You might want to visualize an iceberg as the landfill. We're looking at what's in the top of the landfill and we don't know what's underneath. We don't know how many of those hundred trucks per day bring in from NY and NJ. He thinks you have to also look that IESI is also an iceberg of a corporation. They don't run the multi-billion dollar company here out of the Bethlehem office. We don't really know what's going to happen in the future. We don't know what they are going to do or where they are going to go. He thinks it's important that we look at the resources out there. The company has spent \$4.5 million so far in land in this area without the request of a rezoning, according to Tom Maxfield. They must have some idea they were going to do something there. That's a lot of money to be spent. People that live there, have to move and what does this all mean? We don't want the rezoning to go through. Back to his illusion, we really have to look at the iceberg and what he's talking about is, what we are in the LST is a main voyage on a ship heading to the ocean and we're heading for an iceberg. That iceberg is the Council, is the PC, and they are in control. You folks are controlling this decision. The top of the iceberg is something that we see, but we find out it could sink our ship. It could be at lifetime situation. It could be a disaster for the future that we may have a perpetual problem. Our kids and great grandkids will have to live with it. The landfill is an unknown as we have no way to police what's going into the landfill or what in the future damage can be done to the lining. We're not a perfect world. Knowing already that there's uranium 226 in the containment is not good for you and me and has a lifespan of over 600 years. IESI to his knowledge, said they can't move it, they haven't had any place to move it to and it's going to be there. The comprehensive plan was updated about three years ago. We know there have been no major requests other than one that's made by IESI that seems to be changing the comprehensive plan. Recently he saw the flyer and they sent it out to all the good friends and neighbors. The gentleman said he was willing to talk. Did each of you get the flyer? Tom Maxfield said he didn't get the flyer. Mr. Boyer said do you all live in LST? They said yes. We have no idea where they were trying to solicit this piece of paper. He wants to ask Mr. Landis. You heard what Bob Wells said. If the neighborhood next to you, a block and a half a mile away, would you think they are a good neighbor. Mr. Landis said he doesn't do hypothetical's. Mr. Boyer said would you like them? Mr. Landis said he's not going to answer a question if he has a cell tower in his backyard or whatever, it depends on all the information at the time. It also depends if there was already a landfill there. It's an old game. He knows the game you are playing with him, and he's not going to buy it. Mr. Boyer said you are not going to give us any input on giving us any comments on this situation. Mr. Landis said that's not what he said. He's not going to play a hypothetical game. He's not going to answer that. Mr. Boyer said this is not hypothetical. Mr. Landis said it's a hypothetical question you asked him. Mr. Boyer said the resources that are there today and grass, trees and the properties that are not part of the landfill existing facility, are you concerned at all if it goes away? Mr. Landis said he hasn't made his mind up yet so let's not play this game. Mr. Boyer said January, they received another reading of the 226 which is dangerous to us. It took them till the 19<sup>th</sup> till they got rid of it. On the 28<sup>th</sup>, there was a report from the DEP that 41 trucks were overweight. They don't care about that. 750,000 gallons of leachate. He'd like to go through a couple of things that happened February 15, 2012. Attorney Treadwell said this is a Planning Commission meeting. If you want to talk to Mr. Maxfield, or anybody else after the meeting to ask them personal questions, you are free to do that if they choose to speak to you. Let's try and keep the Planning Commission meeting focused on planning issues and not a question and answer period between individual Planning members and yourself. Mr. Boyer said his question is are the people on the board willing to speak instead of just listening. Yes or no. Attorney Treadwell said he thinks you heard them speak for the last three meetings. Mr. Boyer said we had a number of discussions and we talked about things that were happening and what was requested on February

15 about what IESI actually proposed as far as the expansion. There are different things about the stormwater runoff that happened. He just wants to explain a couple of weeks ago there was a storm runoff that came down into the street. They had to clean it up. Because of Mr. Treadwell's comments, he thinks that Mr. Landis doesn't want to answer any questions, so let him just say Mr. Maxfield has given his opinion at Council meetings that he's an environmentalist and concerned with the things that are happening up there. He made some comments at those meetings that there has been a concern, and he and Mr. Maxfield talked on July 18<sup>th</sup> and Mr. Maxfield said it was true in his mind that despite the acquisitions, we are going to have to tighten the budget and Mr. Noble mentioned the budget, he had some figures. Attorney Treadwell said can you please try to refrain from asking personal questions to individual PC members. Any decision made by this PC is made by the board as a whole. If you want to address the board, you can address the board. Mr. Boyer said the other thing in addition to the environmental state of this landfill to consider as part of this rezoning is our financial situation. The financial situation he has is he wants to make the board aware of, but we have currently somewhere about \$11 million in the bank. That's at the end of July. We had somewhere in the realm of \$9 million of assets in this Township at the end of last year. The information that we have is that IESI provides 30% of our tax base. We have much more money in the bank in the in actual reserves. LST's analysis that was done at the end of the year, he spoke to Hutchinson who did the analysis, and said that this comment is that most Township's investment is in assets in cash equivalent is \$9 million, so there's a lot of money we have. Mr. Maxfield said we have a tight budget, but it's a lot of money we have here. Attorney Treadwell said he doesn't think the PC has any knowledge of what you are talking about. Maybe those comments would be better directed to Council or the Township Finance Director who might have an idea of what you are talking about. Mr. Boyer said something about John Noble (**could not hear what he said**). Attorney Treadwell said all John Noble said was he read the budget, you can bring up whatever you want about whoever Hutchinson is, but this PC deals in planning issues, they don't know what the Township may or may not have in cash reserves or any other type of reserves. Mr. Boyer said because someone brought it up, he thought maybe there is something there other than just the matching. Attorney Treadwell said that's fine, you brought it up, but he's just pointing out the PC doesn't know what you are talking about. Mr. Boyer said last thing he has to say is that Mr. Treadwell told him that the zoning and rezoning was done based on property lines and now in this case, we are splitting up properties and so forth. Mr. Maxfield said earlier maybe they should be back to property lines, but are we going to go making a zoning decision on a new choice and arbitrarily just draw lines somewhere on the map. Attorney Treadwell said first of all, he never said you had to draw zoning lines on property lines. Second, yes, there's been a suggestion tonight that maybe the line be drawn in a different manner. He thinks it was termed as Option D. Third, anytime a zoning line like this is drawn, it is analyzed to see if it will withstand legal scrutiny as well as planning scrutiny. The way it's drawn now in his opinion is it's fine legally and he believes Judy would say it makes sense from a planning perspective. Ms. Stern Goldstein said yes, that is correct. Mr. Boyer said in June, he'll read out the minutes "Attorney Treadwell said that it may have been, but doesn't specifically recall what he had in the expansion map, he was talking about what to do to make it bigger. You need to understand when they presented their proposal concept for expansion, they were thinking of what was in their best interest when the Township staff sat down to draw the maps, they had to look over the overall concept and they did not want to draw zoning boundaries that are strange lines cutting people's property in half for the zoning boundary. You have to look at a bigger picture. You said you didn't want to and that was part of the record. Attorney Treadwell said he just clarified it. Mr. Boyer said people here would like to hear more from you folks in reference to what your decision making is about. The fact we don't want a potential problem in the future, the Council and this PC has to make a decision that is going to be a lifelong decision one way or another. He thinks the financial part of it, part of the thinking process, there is definitely money in the bank. There's \$11 million in the bank today and that's a lot of money for a Township to have with a \$6 million budget.

- Heather Pekarek, 2180 Mixsell Avenue, said she moved to Steel City about five years ago. She chose Steel City because of its location, not too far away from Bethlehem. She's a single mom doing the best she can. Without the help of her loving neighbors and her mom, she would have not

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made it alone. We are all here for each other. The citizens are making a decision for their community and so far all you have done was disappoint her. Do any of you have children or grandchildren? Do me a favor and go home tonight and ask them if they would want to live and play next to a landfill where there are hazardous chemicals which can go into their drinking water, where there were once woods to venture in and now there's a concrete wall and heavy machinery destroying the peace of nature. We all have given this speech to our children to treat others the way we would want to be treated. She's asking you, the way you are treating us, is this the way you would want to be treated. When her neighbor asked you at the meeting on June 28<sup>th</sup>, John said he saw nothing when he drove down Mixsell Avenue. She feels bad for you as you missed her daughter in the flower garden and her neighbor's grandson playing basketball. You missed our ducks and our neighbors gathering together, having coffee in the breezeway of the porch and having a great conversation. By you agreeing to the expansion of the landfill, you are taking the piece of living away from us. Please don't do that. Don't make me regret moving to LST. I love my home and my community. We all love where we live. How are you going to sleep at night knowing your vote was responsible for destroying the lives of so many people? Please from all of us, vote no.

- Matthew McClarin, 2198 Riverside Drive, said the PC should discuss the Comprehensive Plan. All of the Comprehensive Plan is what you guys go by to do zoning changes and this change has to be consistent with that plan. This whole area on the Comprehensive Plan, there are two relevant points on the map. That is supposed to be business enterprise. The definition of business enterprise is purpose intended for land use activity accommodating larger scale office, flex space, and/or service oriented uses that also seek to provide compatibility and transition between surrounding industrial and residential land uses. This should be served by public infrastructure which means they should have water and sewer in this area. In the packet there were pros and cons and one of the cons was planning issues. The future land use plan of the Multi-municipal Comprehensive Plan shows the area from the City of Bethlehem, both north and south of Applebutter Road, to Skyline Drive as business enterprise. In real small writing on the bottom that someone gave these people it says enterprise areas are similar to the enterprise and innovation efforts in the City of Bethlehem. These areas offer tax low interest loans and incentives to bring innovative, manufacturing, office and other business uses in a smaller scale setting. This area would transition well between the residential and industrial areas. What is your answer to us knowing this goes against what the people who made this plan did? Right here is the definition. There are some words in the Comprehensive Plan in the last paragraph, it says for instance the relationship and interaction of the components is critical to the plans overall composition as well as significant role and development. For instance a community's quality of life is impendent upon the placement of land uses such as residential, commercial, and industrial areas. In addition to identifying and analyzing and attempting to resolve key issues the community face. This is a key issue that we all have in this community and with this Township. Everyone sitting in here doesn't want this, and if the answer is have the Comprehensive Plan to give some people some tax breaks in the LM District, the fact is the only area that shows industrial in the Comprehensive Plan is this non-conforming use which would make sense. This area across the street is already industrial. How many businesses are there? Why do you need more industrial space right here? The only reason is this was to move here, and that's the only reason. How much of this land right here can be used after this is all done? None. How much industrial and manufacturing spots do we have left in the Township? Other places? None. Why not let this run out, we'll get our money from it, have an LM zone, give our people some tax breaks, maybe make this industrial right here, and maybe someday we'll have to move in here with the businesses across the street. This area here is the ridge of the mountain. Here's his house. You can see it, you can smell it, and if this moves here, that water is flying down right that mountain at his house. He works hard for everything he has. His wife and his family are the most important things in his life. He worked hard for his home and everything he owns, so please listen to us.
- Ms. Judy Stern Goldstein said she appreciates the fact you are reading the documents in the Township. As the Planner, she loves the fact that people are reading them and trying to understand them. There are a couple of things, just to take a step back. She understands the highly emotional situation for you. She appreciates your passion, but there are a couple of things regarding the

Comprehensive Plan. One is the scale of the mapping done and the scale of the study. The Comprehensive Plan is a multi municipal plan. It doesn't get into the nitty-gritty individual property. It's looking at generalization. She wants to make sure you all understand. The width of a pencil point sometimes is several hundred feet. (Someone spoke, could not hear; did not give his name and did not go to the microphone). Ms. Stern Goldstein said if you look at the business enterprise, it's not a definition; it's an explanation of the intent. When you look at the business enterprise quote you quoted, you read the section, business enterprise purpose and typical land use activity to accommodate larger scale office, flex space and/or service oriented uses, and it goes on from there. Those uses are the very uses that are permitted in the LI and LM districts in LST, just as a point of reference. Mr. McClarin said it also provides compatibility and transition between surrounding industrial land uses. Ms. Stern Goldstein said she wanted to point out that every item you mentioned that seems to be black and white....Mr. McClarin interrupted and said who wrote the planning issues? The Council and why haven't any of you addressed that? Attorney Treadwell said why don't you let Ms. Stern Goldstein respond to the questions you are asking? You don't want to hear her answers. Mr. McClarin said it said business enterprise was an issue and they gave a nice definition underneath it. Ms. Stern Goldstein said that wasn't the definition that we as staff had created. They were issues with the Comprehensive Plan and when you said small writing, that wasn't small writing that someone wanted to hide, it was asterisks that was in the Comprehensive Plan that elaborated on what the authors and groups that adopted the Comprehensive Plan, a multi municipal comprehensive plan, what their intent was for this enterprise zone, which is something more than just a transition. It really did encompass uses that are currently permitted in both the LI and LM districts in LST. This is the landfill, but what we said many months ago when we first started, when you look at the potential zoning change, as a Planner, she has to look at all potential uses. It's very likely, in that it will be a landfill, if zoning changes, and it's also likely that the landfill can own those properties and use them to accommodate parts of their 900' buffer between residents and they could go to other uses. It's possible. We have to look at all possibilities; all the potentials to give the information to the PC for them to make recommendations to Council who needs information to make an informed decision. We are purveyors of information. We do research; we do analysis; and none of what they wrote is false or misleading and every question you have she can enter into dialogue with him and explain the issues, but she is thrilled you are looking at planning documents and want to understand them. Mr. McClarin said do you think in this enterprise area a landfill, a high density use should be used in that area? Ms. Stern Goldstein said the active cells of a landfill would not be generally consistent but when you look at the setbacks, it's highly unlikely, but not impossible that active cells could be located in that location. That's where the detailed research analysis comes into play. Mr. McClarin said they are going to be blasting the mountain and if you want to change the zoning to LM or whatever you want to out there, leave out the landfill, leave out mineral, anything else, and he doesn't have a worry in the world about it. You destroying that mountain, that's our home, it is the worst thing for all of us.

- Atom Kallen, 4262 Roberts Avenue, said many of the points he wanted to mention have been mentioned by others. He wants to caution the Commission to take any assurances from IESI, no matter how well they maintain the landfill now, they can sell it to anyone else. Don't rely on State or Federal deregulations. Is anyone on the Commission aware of the use for under utilization or any land currently in the LI or LM? The land is currently available for LI or LM. Mr. Maxfield said there are a couple homes there. Some people are doing lumber for firewood, that's about it. Mr. Kallen said in LST, is there currently land zoned for LI or LM that is not being used? Ms. Stern Goldstein said there is land not being used in the highest best use. Mr. Kallen said can you explain that? Ms. Stern Goldstein said highest best use is a real estate term used where land is not being fully utilized to the extent of development or use for which it is zoned. For instance, a parcel could be zoned industrial and have a residential use on it and a parcel could be zoned industrial or manufacturing and have a self storage area on it. Its land not being fully utilized for its full potential. Mr. Kallen said so there is or there is not currently LI or LM planned that is not being used? Ms. Stern Goldstein said there is currently under utilized land in the LM district. Mr. Maxfield said maybe what you are asking is, is there land that could be for sale? There is land that is viable, but he doesn't know if it's for sale, and he's sure there would be people there that would love to sell it. We just haven't had anybody come for that area. Nothing has occurred. Mr. Kallen

said is there any promotional material being used to promote this land? Mr. Maxfield said at one time we were doing an enterprise experiment with Bethlehem in certain areas in the Township, and it really didn't amount to anything. Mr. Kallen said he's been investigating the possibility of using a little video production company which could be distributed through local venues, businesses or through the internet. If he could put together a comprehensive package, is that something the Commission or Council would be willing to entertain? Mr. Maxfield said he thinks Council may entertain it. He would encourage Mr. Kallen to do that.

- Carl Berger, 2241 Riverside Drive, said he's a member of the Bushkill Motorcycle Club. He's the owner of the hill climb property along Riverside Drive. Their property borders IESI by approximately 2,000'. They consider Bethlehem Landfill as good neighbors. That's all he has to say.
- Donna Louder, 2145 Johnson Avenue, said this afternoon she spent her day at the landfill. She was with Mrs. deLeon, Al, and Chris Taylor from Hanover Engineering. Today, these are some of the things she learned. BRE is the company at the entrance to the landfill. That company is out of commission. That company is not recycling the gases from the landfill at this time. The landfill is burning them off. The methane is being burned. The last thing she read in one of the notes is that BRE had to refurbish an engine that did the separating of the oil/water condensation. She doesn't know what it is, but it makes toxic material. The second thing she did was they traveled in a company van and went all the way down and around and there were some fences that have been knocked down from water taking the dirt and the rock and pushing the fences down. Al had promised that will be taken care of. There was a fence company dragging its feet so he looked into getting a second company out and promised that it would be taken care of. They went to the very top, and she believes this property was capped. The very top of the landfill was 535' and it's going up another 10'. (Someone was answering Ms. Louder, did not get a name, nor did they come to the microphone). Ms. Louder said again, on these maps if we're talking in general, about where the back of your chair would be the top of the mountain used to be, and the ceiling would be where the top of the mountain is now. Just to get the image of what she saw. There was a run off during a storm on Saturday, and there was a discrepancy when the 9-1-1 call went out and it ended up going to BRE when it in fact should have gone to the landfill. The problem has been addressed by Chris Taylor from Hanover and Al and they were out looking at it and doing their landscaping or excavating talk and they determined what needed to be done and Al again promised them that would be taken care of. Pretty much, that's about it. The uranium is still sitting there from Brandenburg. They dropped it off from Allentown. Unfortunately, the landfill took it in and aren't able to take it back out as nobody wants it. We decided it would be housed in LST with all of us. The landfill's hands are tied with this. They can't put it back out on the street. They have it quarantined in a back corner in a little container and that's where it's at. There were 39 overloaded tractor trailers coming through. There was a complaint that the route the trash trucks are coming is questionable if it's a weekly pickup or somebody who belongs to the landfill. The rainfall was low back in July so the leachate from Cell 8 was low. As soon as the rainfall increases, the leachate increases. BRE is dragging their feet and if you think the landfill in our side, BRE needs to be checked into please. They need to be looked at. That is the company that poisoned and made the evacuation of Bethlehem Sewage Treatment. They are the ones that are creating a major toxin. Right now they are down and promising and promising to get themselves up and running. It's not them, it's BRE, but don't forget, they are sisters.
- Jim Bouchard, 2678 Quincy Avenue, said he is here to speak out in opposition to the rezoning of Applebutter Road region and the subsequent expansion of the landfill. He does support a lot of what's been said. Starting with Bob Wells with his overall summary, he said it best. He would like to highlight the odor. The odor that comes out of this landfill and any landfill is not contained to its own property lines. What that means is it goes onto neighboring properties on the landfill and the odor comes off of it. With us looking at a potential expansion of that landfill, what's going to come with that is the expansion of a number of properties that would potentially be affected by this odor. He is a resident of Steel City and he considers him one of those neighbors who could potentially be affected. The problem is he doesn't know how anyone can really know where this odor is going to go until it's already done. When it's already done, it's too late. You can't take it back. He doesn't want to see us get to that point. The second thing is he'd like to get discussion

and clarification, as he thinks he heard two different things tonight. One is he heard from the landfill Counsel directly that the landfill has no intention of crossing the ridge line of the mountain. Every option we've put up here is in support of that. He heard someone say that the landfill has no intention of going above the elevation of the current ridge line, and he doesn't believe that's true. Can anyone clarify that? Mary Ann Garber said that representation was made by IESI. He heard tonight that there was discussion of a possible Option D. Are we at a situation now where we have to go and develop this option and then we'll come back at a subsequent meeting and talk about it some more? Mr. Landis said they haven't decided that yet. Mr. Bouchard said okay. To close out, he loves Steel City and it's a great place to live, it's rural, close to everything. You have a beautiful green back drop. Why some of them feel so strongly about this is they feel threatened it's going to be taken away. He doesn't want to see that happen.

- Judy Rudolph, 2172 Mixsell Avenue, said she addressed the Commission before. Her son lives at 2164 Quincy which is pretty far up the hill. She remembers asking the Commission members and Sam to go up and check the area out. What she really wanted them to see was the location of those homes that are sitting so close to the top of where the landfill would be. You probably can't really understand that as you can't see that when you have these wonderful woods, but if you would go down to where the hill climb is located and just look up where the berm is and the landfill area, you'd know what she means. They built their split level home in 1979 on Quincy Avenue, and put a swimming pool and some fish ponds, and it's a really nice place. They had to drill a well and it's 400' down. They don't use that for drinking anymore, but it can be used to fill the pool and do water gardens. What's going to happen if IESI is around to expand and they start to blast. It will damage the home's foundations and the homes above, homes below. They shouldn't be put into that position. That wasn't addressed by IESI Counsel. If you do change this rezoning, it's really going to affect their property values. They will plummet. Nobody will want to live on a house on Quincy Avenue. She's been doing some numbers. Since 1988 and June 2012, 5,620,387 tons of garbage has been put into that dump. It's more staggering than she even thought. There are 38,000 tons of asbestos and 570,000 tons of construction material among other things. In 2003, IESI began to accept asbestos, so the Counties like Wayne, York, and Centre County had begun to bring only asbestos to the site. A half a dozen other counties have brought construction materials. There's no indication that there is asbestos in that tonnage. Then Delaware starting hauling their construction and hazardous materials, along with Connecticut, and New Hampshire. New Hampshire brought a half of ton of construction materials to this site in PA. NJ and NY top the charts with 28,132 tons of asbestos and 134,000 tons of construction materials. Besides asbestos, there will always be the uncaring people who are throwing everything they can in the trash including hazardous materials. IESI has no knowledge. They won't know what's being thrown as everything is bagged. With the elimination of the incandescent light bulbs and luminous cfl bulbs, that means more hazardous waste in the form of mercury that will be dumped at the site also. It is dumped, a bulldozer runs over the trash, rips the bag open, the bulbs are smashed and the mercury is now in the ground or in the dump. That's a health concern as all the diesel fuel emissions from the heavy duty equipment and the trucks that are all bringing the garbage. After taking over 5.6 million tons of trash and toxic waste, the mountain thrived on Applebutter Road has done its share. The Township has done its share in this particular piece of PA land by accepting the trash. That 5.6 million tons of trash is a sad thing to see. Not a tree will ever grow again on that mountain. We entrust the Commission to make the right decision for the families who reside in the areas that will be directly impacted by the landfill expansion. We do not expect you to vote for the rich company, IESI. It's a fact in this day and age that companies fail too. We've all been impacted by that one way or another. What would happen if IESI goes bankrupt? The taxpayers will be footing the money for the dump in its entirety and no money coming from the company. What if with all these toxic wastes that are being put there unknowing, one day that becomes the superfund site, what then? Please don't turn your back on the residents in the Steel City and Applebutter Road part of the Township because it will set in motion the expansion of the landfill which will affect the residents in many, many ways. At the May 24<sup>th</sup> meeting she asked if the Committee was going to make a recommendation and Mr. Landis said the Committee can make a recommendation not to do anything. This is what the residents need the Commission to do – don't do anything. Please no rezoning.

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- Cyndee Hill, 2138 Mixsell Avenue, said she just wanted to comment on earlier this evening it was said the decision on whether or not to go forward with rezoning cannot be based solely on economic reasons, but must include sound zoning and planning considerations. Basically the majority of us are here to offer sound considerations against the rezoning. She wants to echo the many of the sentiments regarding smell, health, noise, destroying our environment, property values going down, all of those things that have been said numerous times by other residents. She would like to add that she's a 4<sup>th</sup> generation resident of Steel City. Her children are 5<sup>th</sup> generation. She would like to preserve the natural resources of Steel City for generations to come. She would like to know if you have a long term vision here or are you simply looking at the short term potential economic gain? Could anyone comment on what the sound zoning and planning considerations would be if this rezoning moved forward?
- Jason Rosati, 2083 Ivywood Avenue, said the gentlemen before introduced himself as the Bushkill Township Motorcycle Club has said he's glad IESI is a good neighbor. He remembers at 6 years old playing in the retention pond where the water would run off the mountain coming from the dump, shooting rats coming from the dump. He notices the great friends of IESI also put a new retention pond to gather all that runoff water that comes off the mountain and runs down on their property, the good neighbors they are. He's sure it didn't come out of their pockets and someone built it for them. He thinks about that water coming off the mountain. A couple of years ago he tried to buy property over by Sherry hill and a gentlemen named Forest Witcock, who was a professor at Lehigh University, his field was geology, told him the mountain he was trying to buy property on was a clay mountain and that the water would not reciprocate through the ground and he couldn't build on there because in case he needed a septic system or cess pool. He said any person who lives on Saucon Avenue, when it rains, the water runs off the mountain down Saucon Avenue, almost makes it to Ivywood and floods out all his neighbors and fills their basins with water. He's wondering what will happen if IESI pushes their landfill over further. You might think if I stay off the ridgeline, the possibility of not running over to the other side might not happen. He wonders if this was even discussed or talked about. He can tell you the geology of that mountain and what would happen if you dug any further into that mountain. He said you try not to make your decision on budgeting and what it would cost the Township if we didn't have this money here to cover our budgeting. For some reason, one of the Board members made it as part of his idea of how he might come to a decision based on the budgeting as now he's looking at what it would cost the Township in order to make the budget meet if we didn't have this landfill. He noticed when he drives home from Applebutter Road coming from Easton Road that he sees trains sitting on the top of the mountainside putting power lines up there and he's wondering why they are putting power lines up closer to the mountain to the top of the ridgeline if we didn't propose to put a landfill there already. That takes time to budget and plan and why are they doing that if we weren't thinking of putting a landfill there. He's not making any suggestions that anyone here on this panel has made a decision, but it just looks a little shady in everyone's eyes here that steps are being taken and you are all saying no, no, no, you haven't made a decision when yes, yes, yes, things are being done for it to be built.
- Dave Spirk, 1731 Erin Lane, said he's lived in this area his whole life. He grew up in Bethlehem Township right near Freemansburg. He moved into LST in 1986 and he loves it here and doesn't think he's ever going to move. He's been going to the dump for forty (40) years. He can tell you 40 years ago it was a dump. What it's like now is completely different than what it was then. What IESI has done is completely different than what was being done. He's in the construction industry development and he's been to a lot of landfills. IESI is one of the better ones he's been to. They do the right thing. What happens if they leave? We have a federal government. We have a state government. Nobody is going to do anything substantially different. First, the dump is completely different than it was, and he commends IESI on that. Secondly, IESI has had their name on the back of many soccer teams, baseball teams, they support the wrestling program, many things like that. They are a contributor to our community. Many of the employees, contractors, and in fact, the Manager here, are, were, have been, will be, continue to be residents of LST and the area here in the Lehigh Valley. They have their children in our schools, just like the rest of us and are concerned about all the problems we're all concerned about and have their families just like he has. The final thing he would like to say is he really doesn't want his taxes to double because if you

take away an equal amount of the EIT right now, the only way to make that up is from other miscellaneous income is de-transfers, and the like. We're going to have to make that up. He doesn't want to make it up personally. If the landfill doesn't go there, something will eventually be put on that space. The question was asked Mr. Landis, do you want to see something different, do you want to not see trees there? If he can live in the center of LST and nothing else around him other than trees in the woods, that would be a pretty good thing. It's not going to be that way. Something is going to go there. If they are allowed to expand, how many years will they get out of the landfill? Someone said an additional ten. Mr. Spirk said let's say 20 years from now. Mr. Landis said that's dependent upon particular things, A, B, C, D, E, F, whatever. Mr. Spirk said he'll play devil's advocate, and he'll say 20. After those 20 years, and maybe Judy can help, there are going to be growing trees and grass, things like that. Ms. Stern Goldstein said it depends on the reclamation plan. It depends on many variables. She cannot say trees will grow there; she cannot say trees will never grow there. Mr. Spirk said his point is we can fill that with industry and have industry there forever. We could have a landfill there for the next 20 years and have open space thereafter. Attorney Treadwell said please let Mr. Spirk speak. He didn't hear him making any comments or laughing from Mr. Spirk when you were talking. Mr. Spirk said he's the Chairman of the Parks & Recreation Board. He's involved with the school. He does a lot of stuff. He's been to countless PC meetings throughout the Lehigh Valley. He got to commend everyone sitting here volunteering, unpaid, for the good of the community. Typically, at these meetings, there are a handful of people. He commends everyone else for coming here. He commends the 100 people for being here as you are now being part of the process. He thinks that's a great thing. What decisions are made, how they are made, in this particular case, depends on the citizen's input and that's the American way. He appreciates everyone for the work here. Everyone is here doing what they can do for the benefit of our community and he thanks everyone.

- Stacie Mischenski, 4231 Roberts Avenue, said IESI wants to bring an additional 9.2 million cubic yards of trash to our community, create unhealthy retention ponds, and relocate a water tank with no regard to residents living near the landfill. A simple map change is how IESI would analyze the situation. That simple map change affects the livelihood of the members of our community. Their properties are being singled out. Their welfare is of no concern to IESI. What does concern IESI is the life of the existing dump, which as of January 12, 2012 has approximately 4.1 years of life remaining. They want their DEP permits to be issued without delay and they don't want to abide by the terms of the agreement they signed. The proposed rezoned plan serves their interest alone. The community can never be made whole when the landfill lays with articulates that harms us and the underground water is contaminated twelve to sixteen years from now. No amount of money can restore a superfund site. We have a Comprehensive Plan. We have the Lehigh Valley Greenway Plan and an Open Space Action Plan that identify land use goals, preservation and conservation, which direct the use and development of the property which will protect the health, and welfare of the community. This rezoning request does not reflect the goals of the existing Comprehensive Plan. Rezoning will not protect the health and safety of the community. This Canadian company is not a steward to our likelihood. Some may argue that the properties in immediate relation to the landfill should be rezoned because they are compatible with the surrounding zoning. The residents of Applebutter Road, Skyline Drive, Sherry Hill Road and the community of Steel City, will be directly affected by the increased air, water and noise pollution generated by IESI. Pollutants cannot be confined to a line drawn on a map. Compliance does not mandate compatibility. These parties cannot combine and remain together without undesirable effects. Option C is unacceptable. We as a community say no to rezoning.
- Joseph Mischenski, 4231 Roberts Avenue, said this is a no brainer and you have a chance to stop this cancer and contain it. He's heard the argument that this is the best place for such needed rezoning because of the immediate neighboring properties which are compatible. Where do you draw a line on this compatibility? Who deems the compatibility? He doesn't see where local cultures have any say in this. The landfill has a right to do business. We respect that. However, when the hole is full, it doesn't mandate the neighbors give more land to them. You only need to take a ride across Staten Island to experience the fruit of that policy. On a map you say it's only this much, but that map can't tell you how far the stench reaches. You can't represent the loss of the aesthetics of the community. The bottom line is that no one wants it in their backyard. Option

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- C does not embody the needs of the community or the will of the people. Will you consider a future LST is growing a nuisance really a necessity and in the future, when people ask you about it, do you want to tell them that you made this mess possible or did you save that community.
- Priscilla deLeon said she's a Council woman in LST. She's here tonight to speak as a resident in a PC public meeting and not as a Council woman. She currently resides with her husband at 2140 Saucon Avenue in LST. She wants to remind everybody that as you enter the Township, you are greeted by blue signs, Welcome to LST, a Zoned Community. She can't tell you how many residents she talked to that love where we live and they respect the zoning and they want to keep the intent there. We approved that plan in 2009, and she can't think of anything that has changed that prompted us to change the zoning we currently have. For the record, IESI did ask the Township to change the zoning. That is a fact. In her opinion, approving the natural resource mitigation alternative, which no one is really talking about, goes against everything we have worked for, for preserving open space and natural resources, along with Map C, it splits properties into different zones. We can't speak about Map D as she didn't know about that till this evening, and that might not even happen. When IESI acquired the property, the zoning was clearly established. They knew the boundaries. Now they want the Township to expand out of their box to forever change it. Is there a use for that land after it's filled? The answer is no, unless somebody can come up with something. As far as planting trees on top of a landfill, no, that'll never happen. You can't go into the cap. She thanked Mary Ann for paying so much to her comments at the last meeting. She's so glad. She will be addressing your comments as she does want further information for the record. The Township recently wrote a letter to DEP regarding the leachate chambers and really that talks about the regional liner system, so the little protective layers is really not what it is. There is a breach in the system. As far as the height of the landfill, she doesn't think we have a regulation that addresses the top of the height of the landfill. She thinks it has to do with the slope and it can only be so high per the slope. There is no regulations that would limit the height. There's no reason to change the zoning, the map and the ridiculous text changes.
  - Janet (did not sign in – didn't get her last name) said she doesn't know much about the facts, or the land lines or the zoning, but she will speak to the fact that when they found this house it was in Saucon Valley and she was really proud. She was excited that her kids would get to go to this school at an amazing school district. Just to hear about the chemicals and toxins, she can see this from her yard. She has a great yard. It's about an acre and we go outside and play every day. The thought of the fact that they put three years into their brand new home is really sad because if it were to expand, she doesn't want her kids to live there and to grow up there. She would have to move. She understands a lot of people who have spoken live in Lower Saucon, and if she had to get a new job to pay for the taxes, she would do that. She doesn't want to live in garbage.
  - Keri Maxfield, 2595 Dairy Lane, said she wishes there was this much enthusiasm about the garbage we create. She works at teaching children about environmental risk, and she tells them every time you throw away a bottle, you are making a life decision. She always asks them to point where they would start a new landfill, and what new community it would then affect the landfill, so you call it a cancer, but she wants everybody to realize we created this cancer, and she's on the fence about the expansion. She is very familiar with Steel City. She worked in Steel City. The point she would like to make is there are many, many other considerations that need to be made in a landfill expansion. She heard a lot of good things about IESI. She deals with the smell and the traffic. There's a lot of people here thinking only Steel City is affected, but other people are affected too, but times change. She was up here at the last expansion, talking very much like you, we put BRE in with a glowing recommendation of Priscilla deLeon and things and times change and we can only hope for the best for the future. She also wants people to be aware that if you shut this landfill down, your garbage going to have to go somewhere else. Your construction material is going to have to go somewhere else. It's going to affect someone else.
  - John (did not sign in) said he and his wife Amy live in a house at 2277 Applebutter Road. They moved there in October 1998. Her step father was diagnosed with a brain tumor September 2004. He died in August 2005. Amy had a baby; she had a miscarriage in September 2005. She got pregnant again and had another miscarriage in November 2007. Her mom said it could have something to do with the landfill. He doesn't know if it does or doesn't. They moved to 2122

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Saucon Avenue in November 2008. They had a little boy Jacob and he's autistic. From then, they just had a baby girl June 20<sup>th</sup> of this year.

Mr. Landis said we were discussing to have staff explore Option D which we talked about tonight. Mr. Kologie said the things we discussed here tonight he would like to further investigate. There were a lot of good points by the speakers tonight. It's also considering the other impacts that were raised. As Linc said, this is a process. This is a once and done decision, so we have to spend some time and consider what the options are. There is a landfill there now. That's a given. There may be environmental impacts, but we can't do anything about that. What we can do is look to see what these other issues are that were brought up and the best thing to do.

**MOTION BY:** Mr. Maxfield moved for the staff to explore Option D.  
**SECOND BY:** (do not know who it was)  
**ROLL CALL:** 7-0

**V. MISCELLANEOUS BUSINESS ITEMS**

**A. APPROVAL OF MINUTES – JUNE 28, 2012**

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

**MOTION BY:** Mr. Noble approval of the June 28, 2012 minutes.  
**SECOND BY:** Mr. Maxfield  
**ROLL CALL:** 7-0

**VI. PUBLIC COMMENT/NON-AGENDA ITEMS**

Mr. Landis asked if there were any other agenda items?

**VII. ADJOURNMENT**

**MOTION BY:** Mr. Maxfield moved for adjournment. The time was (no time given) PM.  
**SECOND BY:** (do not know who the second was)  
**ROLL CALL:** 7-0

Submitted by:

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Mr. John Landis  
Chair