

**I. OPENING**

**CALL TO ORDER:** The Planning Commission meeting of Lower Saucon Township Council was called to order on Thursday, September 27, 2012 at 7:00 P.M., at the Saucon Valley High School Auditorium, 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.

**\*The Transcriptionist could not capture every word spoken at this meeting as the recording was inaudible at times and the sound quality was poor and echoing.**

**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 Township staff has prepared a draft of the potential Option “D” Zoning Map Amendment as 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 sign in if you want to speak. Last month we discussed Option C, and wanted an Option D presented to us.

Attorney Treadwell said he will start with a brief summary. What the LST Council has asked the P/C to do is to possibly make some zoning changes to the zoning map and also some text changes to the zoning. The map changes are along Applebutter Road. The P/C is still on step one. What the question the Council has asked, which option does the P/C thinks makes the most sense in a planning perspective. This is the third or fourth meeting we’ve had starting with Option A and B. At the last meeting we discussed Option C; and there was as suggestion we should look into an Option D. The staff has prepared an Option D. What you will see now is the Option D map. He explained where Applebutter Road and Skyline Drive were. He said Option D proposes changing the area from Skyline Drive north to the LI district. It also now shows the property known as the Fox property. This will go from RA to LI. The portion on the bottom of the map is LM and that is proposed to go back to RA. The difference between C and D is the line now comes straight down from Skyline. Option C went over to the left a little more. The area underneath Skyline Drive is currently LM and is proposed to go to LI. The question Council has asked the P/C to look at is if they were to review it and advertise it and send it to other agencies, which option A, B, C, or D does the P/C make the most sense from a zoning and planning perspective. You could also send both A and B, C and D or whichever you prefer. That is the purpose of the P/C. The LST zoning ordinance now states that for the majority of the uses in the LI district, there is a 100 foot buffer. It would now be 100 feet from a property line. Wherever the zoning line or boundary is, there is a 100 foot buffer.

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Mr. Landis said what that means is if you look at a possible zoning change on the north side of the ridge, that it would be from the zoning line. The power line goes across the ridge line on the south side. (**could not hear Mr. Landis**). There would be a 100 foot buffer. This would be the first step and then a site plan would have to come in front of the P/C.

Mr. Landis said he will open up for public comment. If you have concerns about the landfill operations, Council will have a meeting on October 3<sup>rd</sup> and you can express your concerns there.

- Gene Boyer, 2161 Saucon Avenue, said (**could not hear all of what Mr. Boyer said**). The zoning of the property has been a respecting zoning community. We have a Comprehensive Plan. We all question why you should change the zoning from the Comprehensive Plan. The landfill may have potential harm. We are very lucky so far that the landfill has not created any major problems for us. His request and suggestion is to recommend no rezoning at all.
- Priscilla deLeon said she's a Council woman at LST. She's a LST resident and lives at 2140 Saucon Avenue in Steel City. She's lived there since 1985. She wants to ask you to say no to the rezoning, A, B, C, or D of the map changes and the ridiculous text changes. She said we need to respect our zoning and we do not want a zoning change. At the Council meeting last week, she brought to the Township's attention areas on the maps A, B, and C. The Fox property was incorrectly included in the LI zone on the maps. The Township revised Option C and put the revisions on the website; unfortunately when you print out a copy, it does not say it's a revision, so you have to be careful on which map you get. Option D shows the Fox property. Back in 2004 and 2005, Lower Saucon officials opposed a FAA tower, 116' tower on South Mountain near the Star of Bethlehem. Township officials were quoted in various articles "just imagine tour buses coming in at Christmas time, people getting out and staring up and seeing a radar tower". The Township went and testified and we do not have the radar tower now at South Mountain. You can see the star, what a beautiful picture. Now she wants to bring your attention to the dump. In 2009, there was a press release that she read (could not hear). She asked what has changed since 2009? All that has changed is that IESI has come before you and asked for an expansion. We talk about height, what is the height for the landfill? Mr. Maxfield said we're not here to answer questions. Attorney Treadwell said he believes it's 725'. Mrs. deLeon said IESI was given a zoning change years ago and the lines were changed. We need to respect our zoning and do not want a zoning change, and she's here to ask you to vote no to the rezoning and the ridiculous text changes.
- Matt Vrabel said he's from Bethlehem Township. He owns a bed and breakfast. He's not following as close as he should. He hears the bulldozers at the landfill. He requests that you keep the height of the landfill below the ridgeline. That's his main concern. Some of the comments from the previous meeting that he read is that the motorcycle Club said IESI are good neighbors. He has a problem with the motorcycle club as on Sunday's and holidays there's a lot of noise from them. It's 1,000' away, but it's loud. He's concerned about the noise and looking at the dump, so just a restriction on the height is his request. Attorney Treadwell said October 3<sup>rd</sup> there is a Township Council meeting where everyone will have a chance to speak about the operations. DEP, the Landfill consultants, and landfill personnel will be there to discuss any questions you may have. Mr. Landis said we're a planning function. What's being built, we have nothing to do with at this point. We're looking at options and Option D would probably have no affect to you.
- Russ Sutton said he wants to thank you for allowing the taxpayers to be able to speak. The PA Municipal Planning code says the municipal bodies shall protect and preserve open lands and natural resources. This is natural resources as far as he can see from his backyard. He's lived in LST since 1985 and built his dream house there with his own hands. If the landfill is able to expand, he built his home under false pretenses.

He was under the impression when he moved to this Township that the landfill was going to stop in 2016. He's concerned about Option D which will allow IESI to use the land above and below them. He said why would IESI spend \$3 million for PPL to move the power lines, there must be something on their agenda. He did research on IESI, but it's over 350 companies that come into this landfill. This is in our backyard. We don't know what's going in that landfill. He and his wife do not want any rezoning. Mr. Landis said the 35 acres is the property line. Mr. Sutton said his major concern is the height. You can see it from everywhere. Mr. Landis said they don't know what IESI is going to do, as they didn't give them any details. What they do know is they can't go any closer than 100' from the property line to the zoning line. When it starts to go up, it's well below the ridgeline. Mr. Suttons said nobody else is going to build anything else up there.

- Dan O'Loughlin, 4235 Lewis Avenue, said he's about 300 yards away from the landfill. They have well water and he's concerned about that and his way of living. Don't tell him that putting garbage closer to his house isn't going to affect his water. His question is would you be willing to build a house next to his and live there for the rest of your life? He's worried about what types of waste could be deposited by IESI at an expanded site in the years to come. The landfill's plan is to make the most amount of money and not care about us and how it affects us. He came from NJ and retired here and worked for the Federal Government and was also involved in the First Aid Squad. This site is problematic. You are putting old garbage next to the new garbage. You should know what's going in there. Attorney Treadwell said what Mr. Landis was saying that we don't know what's going into the landfill from the disposal area, what he was saying was LST doesn't know what their expansion plans may be. Mr. Landis said you have a lot of problems with the operations of the landfill, if we were to have a zoning change, we don't know any of the details of what the physical aspect is. This is a planning function. We are a recommending body. We are trying to look at this land and see what is the best use for it. We've been doing this for the last three or four meetings. Mr. O'Loughlin said how many people do you think would want to build houses in that area. How much economic growth is going to happen to this area once this gets built? Mr. Landis said it is generating revenue. We're talking about industry as well as homes and growth. It's a balance of a whole bunch of things, it's not just one thing. Yes, there is an economic value to that land. **(could not hear what Mr. O'Loughlin's closing statements were).**
- Sandra McClaskie, 1803 Meadows Ridge Court, said she's here this evening to go on record that she's opposed to the rezoning and the expansion of the IESI landfill. Over ten years ago when they were given approval for the parcel of land, it was very clear from the start that this is not going to be forever. The IESI is asking the residents of LST to give up **(could not hear)**. Her father, Ken George, who sat on this very board years ago would strongly oppose this expansion of this landfill. She stood before you two years ago in opposition of changing the residential zoning in another area of the township and the residents sent a very clear message that they did not want rezoning. She believes the message is still the same, the residents don't want to rezone our community. What is a concern to her is the radioactive materials in the landfill site which has been there since January. They are now resolving that issue. Why did it take so long? Why did it take ten months for hazardous material to be removed? Are our residents at risk? How did this even end up at the site as nowhere in the State of Pennsylvania this is allowed to be disposed of, this radioactive material? Who allowed the transport of this hazardous material on the roads? Surely, someone in the demolition of this building should have done its homework and should have known this was present. In the Unites States, since 2005, we had over 8,000 landfills in operation. Since 2005, many of these have closed throughout only the country, leaving only approximately 1,600 open today. If the rest of the country is closing landfills, why are you going in the opposite direction? We take in over 80% of other states debris and only 20% of Pennsylvania. Why should we the LST residents take the trash

and potential toxic waste from other states? Why should we allow the Council to further expand what we the residents don't want or need? When does it end? When do we start to preserve our land, protect our land for future generations? What happens if we have contamination from 40 or 50 years from now? Who will be responsible for the violations? What guarantees do we have? We knew this day would come and that day has come. It's time to close the landfill. We urge the Township Council and this Planning board to find other sources of revenue to attract businesses that are healthy and promote the country rural setting that we wanted in our township. She urges you to make the right decision for all. Send a recommendation to the Council, no, to any further extension of the landfill and no to any rezoning for our community for any project of this nature. Let's all work together to attract businesses that will help our Township prosper for generations. Attorney Treadwell said a lot of people have questions on the operation of IESI, and the Township has Landfill Consultants who monitor these things on a regular basis. There are professionals and they determine if the landfill is exceeding its height. The ultimate question in this rezoning, will be does it make planning and zoning sense to add that land to the LI district. That's the only question. Tonight, the question Council has asked the P/C is there one of these map options you prefer to send through the process. You are not making a decision tonight to recommend that the zoning plan be rezoned. Your decision tonight is to do you have a preference of these options going through the process?

- Laura Mazinski, 2063 Schwab Avenue, said she knows you have A, B, C, or D. She's a teacher. When she first came to Steel City, it was because she was visiting her friends. They fell in love with Steel City. Needless to say, when they got engaged and were ready to purchase a house, they purchased on in Steel City on Schwab Avenue and made it their home. Her husband said to her once, like Jeremiah Johnson, we have a river in the front of us and mountains behind us. These are benefits of a home. If the expansion is approved, we can say we have a contaminated river in front of us and a mountain of trash behind us. Would you want to live here?
- Judy Rudolph, 2172 Mixsell Avenue said she lives in Steel City and her daughter's house on Quincy Avenue is pretty close to the top of the hill. Even though she appreciates you trying to get it rezoned, she's concerned that they will be building the landfill too close to the house on Quincy Avenue. She's concerned about what her grandchildren will be breathing. She thinks she and others who live near the landfill should not have to bear a burden that include decreased air quality, possible property damage and possible health issues on behalf of the Township as a whole. She's trying to keep it to this Option D now. The Township does need money, but why should the residents in Steel City and Applebutter Road be put at risk in order to create revenue to pay down the debt that this Township has. (**could not hear**). They also say in the current year we also assumed an expansion at the Bethlehem Landfill, what does that mean? They've expanded already? Does anybody know? Attorney Treadwell said what are you reading? Ms. Rudolph said she's reading from a report of the shareholders. Attorney Treadwell said he had no idea. He's never seen the report from the shareholders. Ms. Rudolph said they bring trash in from all over the place. They are taking building and construction materials and that's how that radium got to the landfill. Mr. Landis said the DEP will be at the October 3<sup>rd</sup> meeting with Town Council, that would be a question to ask them. Ms. Rudolph said does anyone here believe there should be no Option D? We have to start to be responsible and stop taking all this trash from everyone as they are making tons of money on us. There has to be other ways to raise money for the Township without us sacrificing our community. You should really not rezone.
- Matt McClarin, 2198 Riverside Drive, said he would like to know from the Comprehensive Plan, what you think the business enterprise should be? Ms. Stern Goldstein said it's not part of the Comprehensive Plan. The Business Enterprise area was to bring business into the area, and it was the joint comprehensive plan. The plans are truly in the LI. (**could not hear her**). Mr. McClarin said they should have a say as

their houses are there. Why can't they build a zone there that weeds out mineral attractions, hazardous waste storage, and landfills? It's right on top of a very heavy populated area of LST. Is there a rule that says we can't create a new zone on the Applebutter Road Enterprise zone and ask your taxpayers what they would like in that zone? Can we do that? Attorney Treadwell said if the Township voted into creating a zone, that could be done. Mr. McClarin said they are going to be blasting away on that mountain and their foundations are going to crack, their wells, their homes, everything. The landfill is to the right, and our houses are to the left. There's no sense to bring that line to the left. What is the reason for taking away the business area in the far left corner as a RA and putting it on top of the section of LI? Why are you taking away business when we need more business? Mr. Landis said that land is not good for any business because of the nature of the land. Mr. McClarin said what's wrong with the property across the street? **(could not hear)** Mr. Maxfield answered, could not hear his answer. Mr. McClarin said he also wants to bring up the natural resources. If anyone develops in the natural resource areas, they are responsible for buying open space somewhere else in the township. Can you tell me anywhere that is similar to anything in those two plans? We should zone the land to protect it. Up by the ridgeline, we should keep it untouched. The residents don't care if there's a business in, we just don't want the high intensities. Give them a tax break, that's what your taxpayers want. There were almost 200 people at the last meeting. You guys just won't listen, he doesn't what the deal is. Mr. Maxfield said most of what is residents are talking about are Council issues. The Enterprise zone is sad. Why doesn't the Chamber of Commerce do something to that area? Mr. McClarin said if there's another meeting, could we tell you this is what the residents want, and this is what they don't want. He doesn't think it's right to go and change the zoning just because IESI wants it. That's not fair. Mr. Maxfield said we are not conferring with them and have not spoken to them. Mr. Landis said our function here is try to find the best use for that land. Mr. McClarin said all they came back with was Option D, with a line change, does that make any sense? We're making assumptions that things are going to go a certain way. Who says that once they are on that mountain, they can just go as high as they want to. We do not want an LI zone at Skyline Drive. Let's follow the Comprehensive Plan and do what your residents want. You don't want an LI zone right next to those homes. **(could not hear – everyone was talking at one time)**. Mr. McClarin said why won't you listen to your residents? Mr. Maxfield asked for some order. Mr. McClarin said you totally ignore him like he's crazy. Attorney Treadwell said this is the fourth meeting the P/C has had on this issue. It's unfair to say they don't listen to you. They listen to you at four straight meetings. Mr. Landis said they haven't even made a decision yet and you are already telling us what it is. Mr. McClarin said he wants you to work with them. Mr. Landis said we have listened to you and thought about it and have had many meetings. We didn't take a vote on a recommendation at this point and we are still listening. Mr. Noble said as far as everything that's been said about the impact, he's against the rezoning. He said none of the changes to the current zoning restrictions is necessary, and he personally feels it's an inappropriate rezoning of a perfectly zoned area. He'd done a lot of homework and disagrees with the entire expansion.

- Ms. Stacie Misizenski, 4231 Roberts Avenue, said she has a clipper magazine and there's a picture of Lehigh University in it with an ad, and what do you think you see in the back of it? It's the landfill. That's a really great to promote a local business. You have to see a landfill, that's wonderful. She noticed in their discussion of operations in IESI shareholders book, it says in the third year they also anticipate an expansion. They have the money put aside. Is this really a done deal? She has to wonder as they are telling their shareholders one thing, they are moving the PPL pipe and the power line. We all want thing, we don't want to rezone, leave it alone. We appreciate it the way it is.

- Hugh Dugan, 1958 Springwood Road, said he hasn't heard the text amendment even been talked about. He would like to hear what you have to say about the text amendments? (**could not hear answer**).
- David Shosh, 2181 Mixsell Avenue, said his question is what are your feelings on it? Mr. Landis said gong to Plan A, B, and C. Mr. Shosh said he's not talking about that. Mr. Landis said there were discussions about what they think, if anything, about a change, and that's what they discussed at the last meeting. Mr. Shosh said it seems like you are representing the expansion. Mr. Landis said that's absolutely wrong.
- Mr. Walter Zagowski, 2904 Ivywood Avenue, said one of the concerns the whole Township has is the revenues we are receiving from the landfill. We can't keep a shopping center over here at Route 378, the economy is so bad. You are talking about moving into a raw area. There's so much land already that is development and it's not being used. That small amount of money you are making, a lot of people don't have jobs and they are still maintaining their houses. If we have lower income, he's sure the Council should be able to figure out how to manage the Township with that little bit of money we're getting. We have to preserve that open land. There are a lot of people not working right now and still struggling and you just have to tighten up your belts and don't worry about that money. It's going to stop in five more years anyway, so we have to figure out something in five years. The land that is there has been there for 100 years, it's not making any money and not losing any money. We can't keep a grocery store on Route 378. Once it's a landfill, we're done. That land won't be worth anything. If it's a money issue, he thinks we can tighten up our belts. Everyone else is.
- Bob Wells, 2134 Saucon Avenue, said in the beginning of the discussion about proposed zoning changes, he guesses IESI brought on the request because of their expansion. He was present when the P/C was presented Option A, and there was a majority of people at that meeting who were opposed to Option A. Then there was Plan B, and the residents were even more opposed to Plan B. Plan C also (**could not hear him**). Yesterday Plan D was unveiled before the meeting and he was having a hard time finding a difference between Plan C and D. He sees no difference between Plan A, B, C, or D. He's opposed to every single one of those plans and would ask each of you to vote no for any zoning changes whatsoever and move this on to Council.
- Jen McClarin, 2198 Riverside Drive, said what would be the reasons for rezoning if it's not for the money. What would be the pros? Mr. Landis said the pros of rezoning would be to make use of land that can't be used for anything else. We are a planning function. We are only a recommending body. Mr. Maxfield said there should be State Representatives at the Council meeting next week if you have any questions.(**could not hear**).
- Richard Weichert, 2122 Saucon Avenue, said he's been at all these meetings, and he doesn't understand to the west, you have all these homes. They can smell that stuff coming over the mountain. Why would you want to come further west? There are too many homes there. He built his home 26 years ago. He's not going to let go of his house without a fight. He doesn't see any people from IESI living in Steel City. We don't want it.
- Robert Ferraro, 2093 Ivywood Drive, said he's lived there for 45 years. He grew up in Steel City. You've been talking about different things, but they live there. They don't want the rezoning. It's got to end now.

Mr. Landis said we have two issues to discuss. We have Plan A, B, C, or D. John Noble has expressed himself earlier. Attorney Treadwell said the question that Council had asked the P/C was to give Council the P/C's input on possible zoning changes in the Applebutter Road area. We started with A and B, then we went to C, and now we have D. The text change is part of that. Council is asking if Council decides to proceed with the zoning ordinances and process, which one of these options would you like.

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Mr. Noble said rezoning that area is inappropriate. It's not how the landfill runs their business, I personally feel it's because it's an inappropriate rezoning of a perfectly zoned area.

Mr. Lychak said our directive from Council is specific. They want to know what option we would recommend.

Mr. Kennedy said he wishes the landfill wasn't there. Unfortunately, our garbage goes there. If it doesn't go there, it would go to another landfill. **(could not hear Mr. Kennedy)**.

Mr. Kologie said it's already largely industrial in nature rezoning it and merits at least further consideration.

Mr. Maxfield said we're been all checking out that area. It's not the most beautiful place in the Township, but it's got a charm to it. Some of the homes can't be more than a few years old. When he thinks of the PPL relocation coming down along Applebutter Road and the setbacks and destruction on the mountain, that's a nasty situation and he doesn't want to see that happen. He thinks Craig had a good point in that Council asked us a specific thing. He felt that the directive was to give them something to consider. He had a conversation with a man who lives up there and has already sold their property. It was sad as they said they had to move between the rumbling from Conectiv and the odor from the landfill. It was a beautiful property. They had just given up and he felt bad for them.

Mr. Landis said in his observation, it was like Mr. Maxfield's on what the Township Council asked us to do. The staff came up with an Option A, B, C and D. He's not in favor of any of the options.

**(Did not get the wording of the motion – do not know who gave the second)**

**MOTION BY:** Mr. Noble moved that the P/C recommends to Council that there be no zoning change.

**SECOND BY:**

**ROLL CALL:** 5-1 (Mr. Kologie – No)

Mr. Landis said the vote is they recommend to Council that there be no zoning change.

**IV. MISCELLANEOUS BUSINESS ITEMS**

**A. APPROVAL OF AUGUST 23, 2012 MINUTES**

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

**MOTION BY:** Mr. Lychak approval of the August 23, 2012 minutes.

**SECOND BY:** Mr. Maxfield

**ROLL CALL:** 7-0

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

Mr. Landis asked if there were any other agenda items? (Could not hear what anyone was saying).

**VI. ADJOURNMENT **(Do not know who adjourned the meeting or the time)****

**MOTION BY:** moved for adjournment. The time was PM.

**SECOND BY:**

**ROLL CALL:**

Submitted by:

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Mr. John Landis, Chair