



# **martin and martin, incorporated**

37 south main street • suite A • chambersburg, pennsylvania • 17201-2251

(717) 264-6759  
(717) 264-7339 (fax)  
www.martinandmartininc.com

September 10, 2015



Lower Saucon Township  
Attn: Mr. Chris Garges, Zoning Officer  
3700 Old Philadelphia Pike  
Bethlehem, PA 18015

RE: IESI PA Bethlehem Landfill Corporation  
Southeastern Realignment  
Amended Preliminary/Final  
Land Development Plan and Site Plan  
Our file: b/1162.3/LDP/c

Dear Mr. Garges:

Please find attached twenty-five (25) copies of an amended Land Development Plan Application for the above referenced project. This submittal amends the Application and Supporting documents that were submitted on July 14, 2015 ("Original Application Package"). Revised documents include the following:

1. Revised Preliminary/Final Land Development Plan (Revised August 2015);
2. Amended Lower Saucon Township Planning Application;
3. Fee for Site Plan Submittal (Check for \$75.00);
4. Revised Section 10 Post Construction Stormwater Management Plan;
5. Revised Section 13 Waivers Requested;
6. New Section 14 Environmental Protection Analysis;
7. New Section 15 Community Impact Study;
8. New Section 16 Aerial Mapping; and,
9. Revised Land Development Plan Supporting Documentation Table of Contents.

The revised Preliminary/Final Land Development Plan, Application, Sections 10 and 13, and Table of Contents completely replace those contained in the Original Submittal Package. Sections 14, 15 and 16 are new documents to be added to the Land Development Plan Supporting Documentation binder that was part of the Original Application Package.

**MUNICIPAL • URBAN • REGIONAL • LAND DEVELOPMENT AND ENVIRONMENTAL PLANNERS**

**MUNICIPAL • CIVIL • SANITARY • SOLID WASTE AND ENVIRONMENTAL ENGINEERS**

Mr. Chris Garges, Zoning Officer  
Lower Saucon Township  
September 10, 2015  
Page 2

Per our workshop meetings of August 18<sup>th</sup> and 21<sup>st</sup>, the revised plans have been prepared as an “independent” set of land development plans specific to the Southeastern Realignment, rather than a modification of the Phase IV Land Development Plans. As we also discussed at those workshop meetings, these revised plans and the supporting documentation (both new and revised) will support our request for land development approval, will serve to meet the “Site Plan” requirements of the Lower Saucon Township Zoning Ordinance, and will ultimately be submitted in support of our application to the Lower Saucon Township Zoning Hearing Board for Special Exception Approval, which we expect to submit shortly.

We have made every attempt to address the concerns outlined by Township consultants at our workshop meetings. Specifically:

- An Environmental Protection Analysis was performed as outlined in Section 14 on plan sheet 7 of 17.
- The attached plan as titled is to be used as the “Site Plan” required by the Article XVII of the Township’s Zoning Ordinance, and will also support IESI’s forthcoming Special Exception Application to the Zoning Hearing Board.
- Zoning Data, Setbacks, Buffer Yards and other dimensional data has been provided on plan sheet 8 of 17.
- The previously proposed retaining wall along the eastern property line has been eliminated. Pursuant to Section 180-109.F(2)(a)[4], IESI respectfully requests that Township Council determine that the existing features in this area serve as an acceptable substitute for the berm requirements.
- Section 10 has been revised to include a Post Construction Stormwater Report specific to the Southeastern Realignment. Additionally, a Post Construction Stormwater Plan Set has been prepared as a supplemental set specific to the Southeastern Realignment.

We found the workshop sessions of August 18<sup>th</sup> and 21<sup>st</sup> to be an extremely efficient and effective means of working through the planning and technical issues associated with this project with Township consultants. Therefore, we respectfully request at least one more workshop session with Township consultants, prior to the issuance of formal review letters, so that we may continue to narrow the issues for consideration by the Planning Commission at their September 24, 2015 meeting. Our team is available for a workshop session any time on Thursday September 17<sup>th</sup> or Friday September 18<sup>th</sup>.

Mr. Chris Garges, Zoning Officer  
Lower Saucon Township  
September 10, 2015  
Page 3

In the event any questions arise concerning this correspondence please do not hesitate to contact this office at your convenience.

Very truly yours,  
**MARTIN AND MARTIN, INCORPORATED**



Joseph M. McDowell, P.E.

cc: Lehigh Valley Planning Commission  
Vito Galante, IESI  
Allen Schleyer, IESI  
Land Air Water Legal Solutions LLC  
Christopher Della Pietra, Esq.

LOWER SAUCON TOWNSHIP PLANNING APPLICATION  
3700 OLD PHILADELPHIA PIKE  
BETHLEHEM, PA 18015  
(610) 865-3291

File No. \_\_\_\_\_

Type of Application:

Date of Application AMENDED

CONDITIONAL USE

REQUEST TO COUNCIL

**SITE PLAN**

MINOR SUBDIVISION

LAND DEVELOPMENT

MAJOR SUBDIVISION

SKETCH PLAN

Preliminary Plan

Preliminary Plan

Formal Review

Final Plan

Final Plan

Informal Review

OTHER \_\_\_\_\_

Name of Development IESI PA Bethlehem Landfill Southeastern Realignment

Location/Address of Property 2335 Applebutter Road, Bethlehem, PA 18015

Type of Request Land Development Plan Approval

Tax Map P7-5, P8-1, N8-4

Zoning District LI, RA, IM

Number of Lots 1

Total Acreage 224.471

Water Supply: On Lot Public

Sewerage Supply: On Lot Public

Owner IESI Bethlehem Landfill Corporation

Fax No. \_\_\_\_\_

Phone No. (610)317-3200

Owner's Address 2335 Applebutter Road, Bethlehem, PA 18015

Applicant IESI Bethlehem Landfill Corporation

Fax No. \_\_\_\_\_

Phone No. (610)317-3200

Applicant's Address 2335 Applebutter Road, Bethlehem, PA 18015

Fax No. \_\_\_\_\_

Registered Engineer Martin and Martin, Incorporated - Richard M. Bodner, P.E. Phone No. (717)264-6759

Engineer's Address 37 South Main Street, Suite A, Chambersburg, PA 17201

Attorney David Buzzell, Esquire / Land, Air Water Legal Solutions, LLC

Fax No. \_\_\_\_\_

Phone No. (610)898-3860

Attorney's Address 1000 West Lakes Drive, Suite 150, Berwyn, PA 19312

Lower Saucon Township representatives are authorized to enter land for site inspection, if necessary.

Signature of Owner

Date

Allen Schlegel  
Signature of Applicant/OWNER

7-10-2015

Date

For Office Use Only

Fees Received - Application \$ \_\_\_\_\_ Escrow \$ \_\_\_\_\_  
ck# \_\_\_\_\_ ck# \_\_\_\_\_

**IESI PA**  
**Bethlehem Landfill Corporation**  
**Southeastern Realignment**  
**LAND DEVELOPMENT PLAN**  
**SUPPORTING DOCUMENTATION**

**July, 2015 – Revised September 1, 2015**

**TABLE OF CONTENTS**

SECTION 1	Applications & Transmittal
SECTION 2	Project Narrative
SECTION 3	Traffic Study
SECTION 4	Carbonate Geology
SECTION 5	Neighborhood Protection
SECTION 6	PPC Plan
SECTION 7	Reclamation Plan
SECTION 8	Lehigh Valley Planning Commission Applicaton
SECTION 9	Insurance Certificate
SECTION 10	Stormwater Mgmt./E&S Control
SECTION 11	Wetlands Analysis
SECTION 12	Deed/Surrounding Property Notifications
SECTION 13	Waiver Request List
SECTION 14	Environmental Protection Analysis
SECTION 15	Community Impact Study
SECTION 16	Aerial Mapping

**IESI PA BETHLEHEM LANDFILL  
SOUTHEASTERN REALIGNMENT  
LAND DEVELOPMENT PLAN SUPPORTING DOCUMENTATION  
SECTION 13 – LIST OF REQUESTED WAIVERS**

IESI PA Bethlehem seeks the following waivers in association with the Southeastern Realignment Preliminary/Final Land Development Plan. The waivers requested are the minimum modifications necessary, will not be contrary to the public interest, and are consistent with the purpose and intent of the Township's ordinances. Literal enforcement of the provisions for which IESI is seeking waivers is unnecessary and would cause undue hardship on IESI. Waivers identical to those being requested in connection with this application except Section 137-23 M regarding slopes steeper than 3:1 were previously granted by Township Council in connection with the 2011 Land Development Plan Modification for Cell 4F, and other prior approvals.

**Stormwater Management Ordinance**

1. Section 137-18.E – Orifice Diameter
2. Section 137-18.H – Basin Fencing
3. Section 137-18.K – Maximum External Basin Slope
4. Section 137-18.L – Maximum basin Depth, Interior Slope, Fencing and 8-Hour Drainage Requirement
5. Sections 137-19.G(8), (10) – Concrete Structure for Outlets
6. Section 137-23.M – Maximum 3:1 Slope
7. Sections 137-26.D, E, 34, 36, 37 and 38 – Easement Legal Agreements
8. Sections 137-37.B, C – Drainage Easements
9. Appendix I – Storm Drainage Easement Maintenance Covenant, Infiltration Notes

**Subdivision and Land Development Ordinance**

1. Section 145-33.A – Preliminary Plan
2. Sections 145-33.C(1) and (2) – Existing Features
3. Section 145-33.F – Standard notes for Drainage Facilities Easements
4. Section 145-34.D(5) – Easement Legal Agreements
5. Sections 145-30 and 34.D(6) – Insurance – Township and Township Engineer as Named Insureds
6. Section 145-45G(2) – Specifications for Driveways
7. Section 145-46.B(3) – Drainage Easements
8. Section 145-52.B – Street Trees

**Stormwater Management Ordinance**

1. **Waiver Requested:** Section 137-18.E – Orifice Diameter  
**Justification:** The minimum circular orifice diameter for controlling discharge rates from detention facilities permitted by this section is 3 inches. Orifices smaller than 3 inches are proposed, which are to be protected (filtered) by a galvanized mesh cage. Cleaning of the mesh over the orifices is included in the maintenance schedule. A waiver of Section 137-18.E is requested.

An identical waiver was granted by Township Council in connection with the Cell 4F/MSE Wall Modification.

2. **Waiver Requested:** Section 137-18.H – Basin Fencing

**Justification:** The landfill property has perimeter security fencing which encompasses the existing basins, thus no additional fencing is necessary. This waiver has been previously granted for all existing basins, including Basin #2 most recently in connection with the Cell 4F/MSE Wall Modification. No new basins are proposed. To the extent Section 137-18.H is applicable, a waiver of this Section is requested.

An identical waiver was granted by Township Council in connection with the Cell 4F/MSE Wall Modification, as well as with prior Landfill Land Development Plans

3. **Waiver Requested:** Section 137-18.K – Maximum External Basin Slope

**Justification:** Basin 2 was previously approved with external side slopes of 3:1 and internal side slopes of 2:1. The side slopes (external and internal) for Basin 2 will not change from the previously approved design. To the extent Section 137-18.K is applicable to the Southeastern Realignment, a waiver is requested.

An identical waiver was granted by Township Council in connection with the Cell 4F/MSE Wall Modification, as well as with prior Landfill Land Development Plans.

4. **Waiver Requested:** Section 137-18.L – Maximum basin Depth, Interior Slope, Fencing and 8-Hour Drainage Requirement

**Justification:** Modification to Basin 2 consists of reconfiguring the basin to allow for MSE Wall development but maintaining the existing Basin 2 berm. The design requirements outlined in Section 137-18L are criteria to seek relief from basin fencing. As the proposed basin is fenced by the landfill perimeter fence these criteria in our view do not apply. However a waiver of Section 137-18.L was previously granted. To the extent a new waiver is required, a waiver is requested.

An identical waiver was granted by Township Council in connection with the Cell 4F/MSE Wall Modification, as well as with prior Landfill Land Development Plans.

5. **Waiver Requested:** Sections 137-19.G(8), (10) – Concrete Structure for Outlets

**Justification:** The riser within Basin 2 is an existing riser and will be utilized “as is” to minimize disturbance to the existing berm at this time. Basin 2 will ultimately be converted to a Detention Basin, at which time a new concrete structure, per PennDOT’s standards, will be installed. Additionally throughout the landfill, piping with end walls/sections have been approved and installed which do not have foundations. Since all stormwater facilities shall be owned and maintained by IESI, we seek a waiver of this requirement. To the extent a waiver to permit

construction of stormwater facilities which do not meet PennDOT specifications is required, IESI requests that waiver.

An identical waiver was granted by Township Council in connection with the Cell 4F/MSE Wall Modification, as well as with prior Landfill Land Development Plans.

6. **Waiver Requested:** Section 137-23.M – Maximum 3:1 Slope  
**Justification:** A waiver of this section is requested to permit proposed grading to exceed a 1 vertical to 3 horizontal slope. Due to site constraints and existing steep slopes along the perimeter of the site, slopes steeper than the prescribed 3:1 maximum are required. Appropriate erosion control blankets and land cover are provided within the Erosion and Sediment Control Plan for the site. Additionally, as slopes steeper than 3:1 exist onsite, IESI has adequate equipment and knowledge to successfully maintain a slope steeper than 3:1.
  
7. **Waiver Requested:** Sections 137-26.D, E, 34, 36, 37 and 38 – Easement Legal Agreements  
**Justification:** A waiver of this Section is requested regarding easements for the stormwater facilities. There are no stormwater maintenance agreements or easements associated with the Southeastern Realignment. As outlined in connection with the Cell 4F/MSE Wall Modification, PaDEP has a perpetual right-of-entry access to the site. Pursuant to its PaDEP Solid Waste Permit, IESI is obligated to maintain the site, including all stormwater management facilities contained within the PaDEP permit boundary, throughout the life of the landfill and during the bonded post closure period, during which time PaDEP will be inspecting the site regularly and IESI will be required to monitor and report regularly. This ensures that the stormwater management facilities will be maintained, making Township easements unnecessary.

Identical waiver requests were granted by Township Council in connection with the Cell 4F/MSE Wall Modification, as well as with prior Landfill Land Development Plans.

8. **Waiver Requested:** Sections 137-37.B, C – Drainage Easements  
**Justification:** Drainage easements have not been depicted on the plans for modified stormwater facilities. As outlined in connection with the Cell 4F/MSE Wall Modification, PaDEP has perpetual access to the site to inspect all facilities within the property including the stormwater facilities. Pursuant to its PaDEP Solid Waste Permit, IESI is obligated to maintain the site, including all stormwater management facilities contained within the PaDEP permit boundary, throughout the life of the landfill and during the bonded post closure period, during which time PaDEP will be inspecting the site regularly and IESI will be required to monitor and report regularly. This ensures that the stormwater management facilities will be maintained, making Township easements unnecessary.

Identical waiver requests were granted by Township Council in connection with the Cell 4F/MSE Wall Modification, as well as with prior Landfill Land Development Plans.

9. **Waiver Requested:** Appendix I – Storm Drainage Easement Maintenance Covenant, Infiltration Notes

**Justification:** No drainage easements are proposed thus no agreement is necessary. IESI requests a waiver from this Section for the same reasons it seeks a waiver from Sections 137-37.B, C, above. An identical waiver request was granted by Township Council in connection with the Cell 4F/MSE Wall Modification, as well as with prior Landfill Land Development Plans.

### **Subdivision and Land Development Ordinance**

1. **Waiver Requested:** Section 145-33.A – Preliminary Plan

**Justification:** A waiver from this Section to allow a Final Plan review and approval without preceding Preliminary Plan Approval is requested.

An identical waiver request was granted by Township Council in connection with the Cell 4F/MSE Wall Modification approval and other prior modifications, as well as with prior Landfill Land Development Plans.

2. **Waiver Requested:** Sections 145-33.C(1) and (2) – Existing Features

**Justification:** Plan Sheet 1-7 of 18 along with the aerial mapping in Section 16 provide the most up-to-date existing conditions for the site. This represents the 2013 aerial photometric mapping. We request a waiver from the requirement to depict any further existing features.

3. **Waiver Requested:** Section 145-33.F – Standard notes for Drainage Facilities Easements

**Justification:** Drainage easements have not been depicted on the plan for modified stormwater facilities. As outlined in connection with the Cell 4F/MSE Wall Modification, PaDEP has perpetual access to the site to inspect all facilities within the property including the stormwater facilities. Pursuant to its PaDEP Solid Waste Permit, IESI is obligated to maintain the site, including all stormwater management facilities contained within the PaDEP permit boundary, throughout the life of the landfill and during the bonded post closure period, during which time PaDEP will be inspecting the site regularly and IESI will be required to monitor and report regularly. This ensures that the stormwater management facilities will be maintained, making Township easements unnecessary.

Identical waiver requests were granted by Township Council in connection with the Cell 4F/MSE Wall Modification, as well as with prior Landfill Land Development Plans.

4. **Waiver Requested:** Section 145-34.D(5) – Easement Legal Agreements

**Justification:** Drainage easements have not been depicted on the plan for stormwater facilities. As outlined in connection with the Cell 4F/MSE Wall Modification, PaDEP has perpetual access to the site to inspect all facilities within the property including the stormwater facilities. Pursuant to its PaDEP Solid Waste Permit, IESI is obligated to maintain the site, including all stormwater management facilities contained within the PaDEP permit boundary, throughout the life of the landfill and during the bonded post closure period, during which time PaDEP will be inspecting the site regularly and IESI will be required to monitor and report regularly. This ensures that the stormwater management facilities will be maintained, making Township easements unnecessary.

Identical waiver requests were granted by Township Council in connection with the Cell 4F/MSE Wall Modification, as well as with prior Landfill Land Development Plans..

5. **Waiver Requested:** Sections 145-30 and 34.D(6) – Insurance – Township and Township Engineer as Named Insureds

**Justification:** Insurance is required by PaDEP regulations. Enclosed with the Land Development Submission is proof of insurance that has been provide to PaDEP in connection with the Solid Waste Permit. To the extent the SALDO requires the Township and Township Engineer to be named insureds, IESI requests a waiver form this requirement.

An identical waiver request was granted by Township Council in connection with the Cell 4F/MSE Wall Modification, as well as with prior Landfill Land Development Plans.

6. **Waiver Requested:** Section 145-45G(2) – Specifications for Driveways

**Justification:** The Plan does not show internal circulation drive(s). During landfill operations such drives are temporary – they are located within the disposal footprint and are used as ‘haul roads’ to the working face. The location changes frequently, making compliance with these provisions unnecessary and onerous.

An identical waiver request was granted by Township Council in connection with the Cell 4F/MSE Wall Modification, as well as with prior Landfill Land Development Plans.

7. **Waiver Requested:** Section 145-46.B(3) – Drainage Easements

**Justification:** Drainage easements have not been depicted on the plan for stormwater facilities. As outlined in connection with the Cell 4F/MSE Wall Modification, PaDEP has perpetual access to the site to inspect all facilities within the property including the stormwater facilities. Pursuant to its PaDEP Solid Waste Permit, IESI is obligated to maintain the site, including all stormwater management facilities contained within the PaDEP permit boundary, throughout the life of the

landfill and during the bonded post closure period, during which time PaDEP will be inspecting the site regularly and IESI will be required to monitor and report regularly. This ensures that the stormwater management facilities will be maintained, making Township easements unnecessary.

Identical waiver requests were granted by Township Council in connection with the Cell 4F/MSE Wall Modification, as well as with prior Landfill Land Development Plans.

8. **Waiver Requested:** Section 145-52.B – Street Trees

**Justification:** No streets are proposed as part of the Land Development Plan. As shown on the plans the Southeastern Realignment area of development is more than 400 feet from the rights-of-way of any public street and there are already numerous trees along the street (Applebutter Road) on the site perimeter, which trees will remain. Placement of street trees would serve no purpose associated with this project. To the extent this Section is applicable, IESI requests a waiver of Section 145-52.B regarding street trees.

An identical waiver was granted by Township Council in connection with the Cell 4F/MSE Wall Modification as well as with prior Landfill Land Development Plans.