

MINUTES

The meeting was called to order at 7:00 p.m. by Chairman Jason Banonis.

Roll Call

Present at the meeting were Chairman Jason Banonis, Vice Chairman Lachlan Peeke, Secretary Keith Easley and Board Members Austin Kunsman and Jay Lazar. Special Solicitor Joseph J. Piperato, III, was present.

Minutes

The Board had before it for approval the minutes of the meeting of November 16, 2015. Mr. Peeke moved to accept the minutes as submitted. The motion was seconded by Mr. Kunsman and passed by a vote of 5 to 0

Bills

The Board had before it for approval a bill from the Morning Call for advertising the meeting of November 16, 2015, the Court Reporter's bill for attendance at the meeting of November 16, 2015, and the Solicitor's invoice for the month of November 2015. Mr. Lachlan Peeke moved to pay the bills as submitted. The motion was seconded by Keith Easley and passed by a vote of 5 to 0.

Variance Appeal of Martin R. and Felicia Wallach – Variance 22-15

Zoning Officer, Chris Garges announced that the Wallach Appeal has been continued until the January 2016 Zoning Hearing Board Meeting.

Variance Appeal of Travis and Sally Ward - Variance 18-15

Chris Garges, Zoning Officer, having previously been sworn, testified that the Applicant is seeking a variance to Section 180-136.A.(13)(h) of the Zoning Ordinance to conduct an automotive body repair use as a home occupation accessory use on Applicant's property at 1950 Leithsville Road, Lower Saucon Township. The property is located in the R-40 Zoning District and consists of approximately 1.9 acres, a single family dwelling, and a pole barn with dimensions of 30' x 60'. The pole barn was constructed pursuant to a permit obtained by the Applicant in 2010 to allow construction of an accessory structure to house farm equipment for a non-conforming agriculture use. A previous variance was granted for this parcel on July 18, 1977.

Mr. Garges testified that the property had been properly posted and the hearing had been property advertised. He further testified that Lower Saucon Township Council took no official action on this application.

Applicant will require a variance from Section 180-136.A.(13)(h) to permit an auto repair use as a home base business in the pole barn. Gavin Laboski, Esquire, represented Applicant at the hearing. Mr. Laboski presented on behalf of Applicant that Mr. Ward resides at the property with his son. He has been operating in the automotive repair business his entire adult life and is considered locally as an expert in the field. Mr. Ward performs auto repair at his property and also at other garages in the community. Attorney Laboski represented that Mr. Ward misunderstood the permit granted by the Township for the construction of the pole barn and believed said permit allowed him to perform auto body work on the property. The pole barn is located a distance from the nearest public road. Mr. Laboski represented to the Board that the Applicant agreed to the eight (8) conditions set forth in Mr. Laboski's letter dated December 9, 2015 to the Lower Saucon Township Zoning Officer.

There was no one in the audience who wished to be heard concerning the matter.

Mr. Jay Lazar moved, seconded by Mr. Ken Kunsman to approve the requested variance specifically contingent upon the eight (8) conditions set forth in the letter of Gavin R. Laboski, Esquire, dated December 9, 2015, with the additional conditions that the Deed Restriction referenced in paragraph 1 thereof be prepared by the Applicant, and submitted to the Township Solicitor, Zoning Officer and /or Zoning Hearing Board Solicitor for approval, and that proof of filing said Deed Restriction shall be forwarded to the Township to become part of the file. The requested variance and the motion passed by a vote of 5 to 0.

Applicant, by and through his counsel, Gavin R. Laboski, Esquire, specifically withdrew Applicant's Appeal of the Notice of Violation /Enforcement Notice dated August 25, 2015.

Special Exception Application of IESI PA Bethlehem Landfill Corporation – SE 01-15

Chris Garges, having previously been sworn, testified that Applicant is seeking a favorable interpretation from the Zoning Hearing Board that a new special exception approval is not required in light of the Lower Saucon Township Zoning Hearing Board's ("Board") 1993 and 2001 special exception approvals. Mr. Garges further testified that in the alternative, Applicant seeks a special exception use approval for what is known as the "Southeastern Realignment" and additional variances. Mr. Garges presented to the Board a previous variance request at variance 09-10 and previous special exception approvals granted in 2000, and further in SE-01-05, SE 03-05 and SE 01-13. Applicant has been before Lower Saucon Township Council, however, no action has been taken at

this time. However, Applicant will continue to meet with representatives of the Township and appear before Council in the future. Council has retained Charles Elliott, Esquire, as Special Counsel in this matter.

Applicant was represented by MaryAnn Garber, Esquire, who presented on behalf of Applicant that it was Applicant's position it does not require special exception approval for the Southeastern Realignment for the reason that the Southeastern Realignment involves the same 206 acres which was the subject of the special exception approval by the Board in 1993 and 2001. Attorney Garber indicated that Applicant is seeking a special exception as a protective measure in the event the Board does not grant a favorable interpretation. Attorney Garber noted that as part of the Phase IV expansion in 2001, the Board denied a favorable interpretation and granted Applicant a special exception.

Applicant has also filed a Land Development Plan which is proceeding through the Township simultaneously with the Zoning Application. Applicant has appeared before Lower Saucon Township Council and is working through various review letters by Township staff. Attorney Garber presented Richard Bodner who was accepted by the Board as an expert in civil engineering, and in particular, solid waste management. Mr. Bodner is licensed in the Commonwealth of Pennsylvania as well as a number of other states and has spent much of his professional career in the solid waste management field. Mr. Bodner testified that in the mid-1980's he was retained by the Joint Planning Commission (now known as the Lehigh Valley Planning Commission) to assist in preparation of a Two-County Solid Waste Management Plan. The existing site was purchased in the 1990's by Eastern Waste Management from the City of Bethlehem, and Mr. Bodner has acted as a Solid Waste Management Consultant pertaining to the subject property since that time. Mr. Bodner testified before the Board in 2001 pertaining to the Phase IV expansion of the landfill for a change of use for the western 46 acre portion of the 206 acre tract. For the reason that the 46-acres constituted a new disposal area, Applicant was required to pursue a major modification to its Solid Waste Permit No. 100020. Mr. Bodner explained the difference between a major modification and a minor modification. Any increase in disposal capacity requires a major modification to the DEP Permit. Accordingly, the Southeastern Realignment Plan is a major modification in that it proposes additional disposal capacity.

Mr. Bodner explained the 2-step process for a major modification before DEP which includes an Environmental Assessment/Phase I Study and thereafter, a Phase II Technical Review. The Phase I Environmental Assessment involves general classifications such as site setting, as well as identification of adjoining properties. The Phase I further accounts for the characterization of the site such as ground water depth, soil types, geology, etc. Finally, the Phase I Environmental Assessment requires a harms/benefits assessment. The identified benefits must out way the identified harms in order to proceed to a Phase II Study. The Phase II Study involves a "nitty gritty review of engineering aspects of the project" such as storm water. Mr. Bodner testified that the local municipality, in this case Lower Saucon Township, has an opportunity to make

comments to the Application for Environmental Assessment and the Applicant will respond to those comments.

Mr. Bodner reviewed the historical aspects of the Phase IV expansion and identified various exhibits which contained approvals by the PA Department of Environmental Protection and Lower Saucon Township. Mr. Bodner explained that DEP Permit No. 100020 includes 201 acres and not 206 acres. The DEP Permit does not cover approximately 5 acres of wetlands.

Mr. Bodner explained in detail the modifications involved in the Southeastern Realignment. In referring to Applicant's Exhibit No. 24, Mr. Bodner identified approximately 6 acres to the far eastern side of the site. This area currently does not have solid waste. Applicant is proposing a triple liner system pursuant to DEP regulations for a lateral extension of disposal area in this virgin area. Second, Mr. Bodner identified a red cross-hatched area of approximately 22.5 acres. This area contains old waste on a non-compliant liner upon which a "piggyback" liner system will be installed with geo grid reinforcement. Finally, Mr. Bodner identified a blue cross-hatched area of approximately 29 acres which currently has waste on top of a DEP compliant liner system. Applicant intends to place more waste on top of the liners. The three aforementioned areas represent the Southeastern Realignment for additional disposal capacity. The Plan also includes the realignment of an access road to preserve trees along the east property line, and to relocate the access road further north from existing property owners.

Attorney Garber requested that the meeting conclude and that the matter be continued until the January 2016 Zoning Hearing Board Meeting.

Old Business

There was no old business.

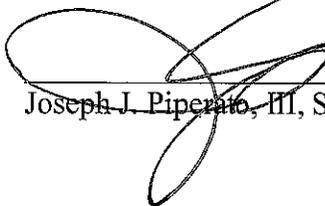
New Business

There was no new business.

Adjournment

There being no further business before the Board, Mr. Peeke moved, seconded by Mr. Easley, to adjourn the meeting. The motion passed by a vote of 5 to 0 and the meeting adjourned at 9:30 p.m.

Respectfully submitted,



Joseph J. Piperno, III, Special Solicitor