

**I. OPENING**

**A. CALL TO ORDER:** The Planning Commission of Lower Saucon Township was called to order on Thursday, January 26, 2023 at 7:00 p.m. in Town Hall at 3700 Old Philadelphia Pike, Bethlehem, PA, with Craig Kologie presiding.

**B. ROLL CALL:** Present: Tom Carocci, Douglas Woosnam, Craig Kologie, Chris Nagy, and Jeffrey Schmehl, Members; Jim Young, Zoning Officer; Linc Treadwell, Solicitor; Kevin Chimics, Engineer; and Nitya Thakkar, Jr. Member. Haz Hijazi was absent; John Noble resigned.

**C. PLEDGE OF ALLEGIANCE**

**II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS**

**MOTION BY:** Craig Kologie moved to move this item after Bethlehem Landfill Conditional Use #CU 01-23.

**SECOND BY:** Doug Woosnam

**ROLL CALL:** 5 ayes – 0 nays – 1 absent (Hijazi)

**III. REORGANIZATION**

A. Election of Chair

**MOTION BY:** Tom Carocci moved to nominate Craig Kologie as Chair.

**SECOND BY:** Doug Woosnam

**ROLL CALL:** 5 ayes – 0 nays – 1 absent (Hijazi)

B. Election of Vice Chair

**MOTION BY:** Craig Kologie moved to nominate Tom Carocci as Vice Chair.

**SECOND BY:** Doug Woosnam

**ROLL CALL:** 5 ayes – 0 nays – 1 absent (Hijazi)

C. Election of Secretary

**MOTION BY:** Tom Carocci moved to nominate Chris Nagy as Secretary.

**SECOND BY:** Craig Kologie

**ROLL CALL:** 5 ayes – 0 nays – 1 absent (Hijazi)

D. Designation of Planning Commission Meeting: Time, Place and Date for 2022

It was agreed to designate the meeting dates for the Planning Commission on the fourth Thursday of each month in 2023 (except November and December which will be the third Thursday of the month) at 7:00 p.m. in Town Hall.

**IV. BUSINESS ITEMS**

**A. DRAVECZ MINOR #MIN 04-22 – Dorothy Dravec – 2388 Apple Street – exp. 04/23/23**

No one was present to represent the Dravec Minor Subdivision.

**MOTION BY:** Craig Kologie moved to table the Dravec Minor Subdivision.

**SECOND BY:** Doug Woosnam

**ROLL CALL:** 5 ayes – 0 nays – 1 absent (Hijazi)

**B. BETHLEHEM LANDFILL CONDITIONAL USE #cu 01-23 – Bethlehem Landfill Company – 2335 Applebutter Road – exp. 03/07/23**

Present were Maryanne Garber, legal counsel for Bethlehem Landfill Company and Joe McDowell, Project Engineer with Martin and Martin.

Maryanne Garber stated we have some things we would like to put up on the screen.

Linc Treadwell stated that I got an email at 3:53 this afternoon from Attorney Asteak who has entered his appearance in the conditional use hearing portion of this proceeding and he asked that I read it and I will and then I'll give you a little bit more of an explanation of what the Planning Commission's role is here this evening. So the email states:

“Linc, I am advised that my clients learned about the placement of the Bethlehem Landfill on the Planning Commission Agenda yesterday afternoon at 2:00 P.M. I was not alerted until your phone call first thing this morning. Since this is a project of such magnitude and impact upon the community, and since, on behalf of the clients that I represent in the Substantive Validity Challenge and Procedural Challenge of Ordinance No. 2022-02, and who will be Objectors, parties with standing in the Conditional Use Hearing, I would respectfully request that the matter be continued from this evening's Planning Commission Agenda to give the public an opportunity to review the Application and provide comment. I take it that there was no public advertisement or posting of the Hearing this evening. I understand that although property owners within 200 feet would normally be notified of the actual Conditional Use Hearing, they were not notified of this evening's Planning Commission Meeting. The lack of notice, late notice, and fast tracked approach to such a monumental project, deprives the citizens of Lower Saucon both substantive and procedural due process by depriving them of a meaningful opportunity to appear before the Planning Commission and provide comment before the Planning Commission submits any recommendation or comments to Township Council. Even if some folks do appear this evening, they will not have had an opportunity to prepare in a meaningful and detailed way, nor will the Planning Commission be given an opportunity to understand the depth and breadth of the objections. As the landfill folds will tell you, this is a multi-year project and this is just the beginning. There is no harm to them, nor harm to the Township, and nor harm to the Planning Commission if the matter were delayed to the next regularly scheduled Meeting. We are saddened by this “rush to judgment” by the Landfill and would hope that more sober minds prevail. Please read this email at the outset of the Planning

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Commission Meeting this evening relative to the Bethlehem Landfill Conditional Use. Thank you for your courtesies.”

Linc Treadwell stated I responded to Attorney Asteak when I got that email and I explained that this project is proceeding just like all other projects proceed in Lower Saucon Township. The Conditional Use application was filed on January 6<sup>th</sup>. The standard procedure for the Planning Commission is that applications that come in are put on the next available Planning Commission agenda. This is the next available Planning Commission agenda. The purpose of that is to allow the Planning Commission enough time when we’re under an MPC deadline, in this case 60 days, to review the application. Sometimes it takes one meeting for the Planning Commission to review and provide comments and recommendations and sometimes it takes more. It’s a case by case basis. So, I don’t think that it’s a good idea to continue tonight’s meeting based on the fact that this is the way that we’ve always done it and it gives you guys as Planning Commission members time and opportunity to consider it in a timely fashion and make your recommendation before any deadlines expire. This is no different than the way we’ve done it before. I would also like to give you a brief comment on the memo that I sent you guys earlier today regarding your role as the Planning Commission in the Conditional Use process. And the MPC states that the governing body may grant or deny Conditional Use applications after Planning Commission recommendations and hearing. So, your recommendations come first, then there’s a hearing. It is not your role this evening to recommend to the governing body either denial or approval of the application. Your role is to review the application, listen to the presentation and then decide if you want to make any comments or recommendation. But not on approving or denying it because you don’t have the opportunity to hear testimony, there’s no cross examination, and there’s no presentation of evidence. So, the hearing issues happen at the hearing, your role tonight is do you have comments, do you have recommendations, and that’s where we go.

Maryanne Garber stated thanks, I appreciate your explanation. As I mentioned, I’m Maryanne Garber and I am outside legal counsel for Bethlehem Landfill Company. So we’re here tonight on a Conditional Use application for an expansion of the Bethlehem Landfill and I thought what we would do tonight was to walk you through our conditional use plans so you can get a better sense of the project. And, also to give you sort of a step back and give you a better sense if you’re not already familiar with the surrounding area. So, I’m going to start off with that and we’ll walk through the conditional use plan and Joe McDowell here from Martin and Martin will talk about the details of that plan. Then we have some photo simulations renderings from different locations that model what the expansion will look like from different points. And then finally or first, however the Planning Commission would like this, we’ve received a review letter from Hanover on the application and Joe and his team has had conversations with Kevin about that letter. And, we’re confident that we can work through all the issues; but, we’re happy to walk through that letter in detail either at the start or when we wrap up our presentation, whatever the Commission would prefer.

Craig Kologie stated I think going through the presentation first, then dealing with the Hanover letter, then we’ll have any questions or comments, and then we’ll open it up to the public for input as well.

Maryanne Garber stated this slide here was put together by the folks at Martin and Martin in collaboration with me to give the Planning Commission and the public a sense of the area surrounding the Bethlehem landfill. So what this aerial shows is existing conditions. And I’m going to point out some landmarks here to give everybody a sense of where they are. So, this is where the existing Bethlehem landfill is right now, it’s along Applebutter Road. Steel City, the

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residential development that's closest to the landfill is right here. That runs along Riverside Drive and the river here, also running along here is the Norfolk Sothern railroad. If you go north of the river, this is an interesting sort of corner of Lower Saucon Township and it's surrounded on many different sides by many different municipalities. In the location map for the renderings, you're going to see where all the various municipalities are. That's not shown on this map so I sort of got ahead of myself. North of the river here is Bethlehem Township; and, we've identified some of the nearby parcels, this one right here is a property that's owned by St. Lukes hospital; this is a property also owned by St. Lukes which has the medical center development which has been partially built out and is continued to be built out. This property here across the river is undeveloped and is owned by PPL as is this small parcel here along Riverside Drive. If you move towards the east here, this is a corner, the top corner of the property that the landfill acquired to be part of this expansion. And you may recall that in the rezoning with the map amendment that the LI district line runs right here and on the other side of what is Bull Run Creek is this little triangular piece that's not part of the landfill expansion, although it's part of the parcel. That piece of land right there historically was leased by the Steel City Gun Club; but, when we exercised our options to purchase these properties from the City of Bethlehem, the City terminated that lease so that they could move their training facility to that corner of the property. So, Bethlehem Landfill Company has a lease with the City of Bethlehem and they're maintaining that facility which was a shooting range by Steel City Gun Club and they're going to do their training there. And just northeast of that corner is a scrap yard, then as you move to the east you can see that 78 runs up here and 33 runs up here.

Moving down, starting back with the landfill property as it exists today or the project that is, the parcels that we're looking to expand upon are to the east and the northeast. This property directly to the east, part of that, you can see that the Columbia gas line runs right through here up to the river. And part of that property historically was used in an industrial fashion for it was a gas tank farm. Those gas tanks are currently inactive and we've noted on our conditional use plans that we're proposing to either reuse those tanks as part of our landfill project, the tanks that are existing there or to replace the tanks in the exact same place. But that's an historic use that, to tell you the truth, I don't know how long those tanks have been there, but that's an industrial use that was formally an R-A property.

Moving south, there's a scrap yard here, there is the UGI natural gas storage tank facility down here the Connectiv Power Plant here, the Majestic Commerce Center here, the innermodel facility is here, the Lehigh Valley Industrial Park is here, there are other LVIP properties up here and here, there is an existing and quite a few existing commercial uses along this corridor and there are proposed uses that are pending currently. So, we've marked that and this area right here is an existing proposed commercial corridor. Right here is the Bethlehem Sewage treatment plant, right here is a garage auto repair and as you move north here is a soil borrow clean fill operation. I missed the Bethlehem Earth Soil borrow supply area right here. So that really was intended to give everybody a sense of what is out there right now.

So, what we've done here is we have overlayed on what is the existing conditions to show where the Phase 5 expansion, which that's what we're calling the expansion in this application, the Phase 5 expansion, the disposal area will be in what is marked as blue right here. As part of that project and what I think this Planning Commission heard in November, as part of this project we are proposing to place some of the land here, everything that you see in this green color, all of this land will be placed in conservation easements, so all of this will go undisturbed as part of the project. There's also conservation easements that we're proposing to put on properties to the west, these are properties that we own, that is. And, there's a property right here owned by the Bushkill Valley

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Motorcycle Club and we've entered into an agreement with them whereby they will agree to place this acreage of their property into a conservation easement to the benefit of the Township upon our instruction. So, this is what it would look like if the Phase 5 expansion is approved and constructed.

What is the project? We submitted a 12 sheet plan set as part of our conditional use application and there's lots of information on there that the Commission has had to review. But what I thought made the most sense, and we can certainly go through the individual sheets of that plan, but I think what is a little more user friendly is this color plan that's entitled Phase 5 Conceptual Final Grading Plan. This is not a sheet that's in the 12 sheet plan, but it contains and sort of consolidates all of what we deem as the material information for purposes of this presentation to make it user friendly. And so, with that, I am going to ask Joe McDowell here to walk everybody through what the project is as it's depicted on this plan.

Joe McDowell stated just to orient everybody on this plan sheet, the top of this page is directly north. So, when we're referencing east, west, south, north is to the top of the page. And then also to get you oriented, on this side over here, this is where the Lehigh River is on the page and at the low end of the site, this is Applebutter Road following my line here. The existing landfill entrance is located here with the existing office, so to get you oriented to everything. Now the existing landfill, as Maryanne was pointing out on the previous sheets, is generally located in this area; and, the proposal here is to expand mostly to the northeast which is this block here that's outlined here in purple but following my line here, this is the extend of the expansion to the northeast. And, there is also a small lateral expansion that is proposed along the west side of the existing landfill parcel. In total, the subject parcel itself will be a 505 acre parcel that begins by fronting on Applebutter Road, is comprised of the existing landfill tract and then adds additionally 6 parcels to that tract. So, it follows this route all the way up here along Riverside Drive down across the north side of Bull Run and then down an existing gas right-of-way easement that was on the drawing that Maryanne was showing. This is the tank farm that was pointed out, then down and then back onto Applebutter Road. So this is the subject parcel of the conditional use application. It is a to be consolidated lot of approximately 505 acres. And, as you can see, this is the area of proposed expansion to the northeast, this is the area of proposed expansion to the west contained within that 505 acre parcel. Also depicted on this plan is the conservation easement that Maryann had referenced on her plan. That runs this gas line easement here to the east all of everything north of Bull Run including the easements associate with Bull Run, across the frontage of Riverside Drive and then this piece of what is the former Helms property. It also includes this area to the west, this is the motorcycle club area here and then the properties currently owned by Bethlehem Landfill to the west of the existing landfill. So, that is the extend of the conservation easement. In addition to that, this hatched area that you see here, it's kind of a series of green circles, in this location and in this location here, the triangular piece in this area are proposed landscape areas. Those areas will be outside the disposal footprint and will be restored with plantings, trees, shrubs and the like.

Maryanne Garber stated and that landscaping plan, the details of that, are on one of the sheets in your plan set.

Joe McDowell stated on sheet 11 of your plan set that was part of the application provided, a number of typical sections along the north and east side that would identify the areas where proposed disturbance is intended, areas where we propose non-disturbance along property lines as well as where landscaping is proposed on what we would call tie-in slopes or fill slopes. Those are the areas identified with that green circle area and the best way to describe that.

Maryanne Garber stated I wanted to also point out unfortunately the variations in the shading of green didn't show up as distinctly as we had hoped on the screen, but there is additional green area on this plan that I'm going to ask Joe to point out that just shows where existing vegetation is going to be maintained. That's not part of the conservation easement area, it's not part of the proposed landscaping; but, it's something that's out there now that we're not going to be disturbing.

Joe McDowell stated those areas that Maryanne is referencing are in this area here on the previous tank farm property that we discussed. So, this darker green area that you see here along Applebutter Road, this vegetation, this existing woodlands would remain as undisturbed. I would point out that on both the conditional use plans and on this plan, there is identified a green line that you can demark that goes around this tank farm area, follows in this area, goes around and is one in the same with the proposed conservation easement. That area is an identification of the area of development or the area of disturbance proposed with the Phase 5 expansion. That area in total, both with the northeast and to the west is in total 189 acres as shown on the plan. These blue areas that you see on the plan here, both in 2 locations, this area here and then to the southeast, those are areas identified where we are proposing development of stormwater management features that would be designed in accordance with State Chapter 102 requirements as well as the Lower Saucon Township Stormwater Management Ordinance. Those facilities would collect stormwater run-off from the expansion and manage that to meet both rate requirements, water quality requirements and volume reduction requirements associated with this landfill expansion.

Lastly, I would point out that the grade lines or the topographic grade lines that you see on this plan, these are the parallel lines that you see running inside the existing landfill area, those lines represent elevation difference. The lines and grades that are shown on the existing landfill represent either existing elevations or proposed approved elevations. So, there's a line here where that is the existing elevations of the proposed landfill. This would be in the Phase 4 area in this location. This would be in the southeastern realignment and then up in the northern realignment, the last 3 plans that were associated with the landfill. In addition to that, we provided on here some conceptual grades associated with the expansion, those are these lines here that follow, so as elevation falls, these are shown at a 100 foot interval following down from the high point which is identified here by this line being the 725 elevation which is the same high point elevation that's in the existing landfill as approved. So, this expansion proposes no additional height beyond what's already approved within the existing landfill footprint.

Maryanne Garber stated just to put it in it's most basic terms and terms of what this grading shows is it shows the high point as you pointed out and then it will slope down at a 3 to 1 slope down to where you see the proposed landscaping and the stormwater management facility area. Is that correct?

Joe McDowell stated yes, that's correct.

Maryanne Garber stated in terms of the Phase 5 expansion, this is the layout, this is what it's going to look like, but in terms of the landfill's operations nothing is going to change. So, the access road that's used to currently get to the facility off of Applebutter Road, that's not going to change. The haul route that the trucks use to access the site is not going to change. The days of operation and the hours of operation are not going to change. The amount of waste that it's permitted to accept, their average daily volume and their maximum daily volume, that's not going to change. The types of waste that they're permitted to accept, that's not going to change. So, essentially what this expansion is going to allow is for the Bethlehem Landfill to continue its existing business operation. Because, right now there is the northern realignment application which is still pending

before DEP and assuming that that gets approved, we have about 6 more years of life left in the landfill.

Chris Nagy asked so the truck traffic will remain the same?

Maryanne Garber answered correct. And, as part of the conditional use hearing, we'll be bringing our traffic expert in to present a traffic impact study that he has prepared in connection with the expansion and so that's something that we will be putting into evidence at the conditional use hearing. But, yes, traffic is not expected to change in any material way because it's going to be the same exact business operation as has been operating at this site for decades.

Tom Carocci asked and the same tonnage limits on a daily basis will be in effect?

Maryanne Garber answered that's correct.

Jeffrey Schmehl asked how much of the water run-off from the expansion will be diverted into the stormwater management area?

Joe McDowell answered so all of the run-off from the expansion area, from the disposal footprint, will be collected and managed within stormwater management BMP's. So, 100 percent of that area will be collected and managed within proposed basins as we've identified here with these blue areas. But there are also existing stormwater management basins that we would utilize as well from this expansion area.

Craig Kologie asked where will those basins discharge?

Joe McDowell stated this basin here would discharge to Bull Run, this basin here will discharge more to the southeast towards this area and then across Applebutter Road, and this basin currently discharges to the south and runs along a path roughly right here that that would continue to be maintained in that way.

Maryanne Garber stated I wanted to make sure, Joe, that you also make the distinction that we're talking here about stormwater run-off, that's not leachate that's generated from the landfill, that's captured in an entirely different way. So, the run-off that Joe is speaking to is true run-off just like stormwater run-off from your roof of your house or from a parking lot or any other developed facility or even undeveloped, just run-off from land.

Craig Kologie asked from a design standpoint, do you consider the entire landfill area impervious?

Joe McDowell answered historically we have not as part of previous expansions. We have reviewed some models associated with that. We've had a number of discussions with Hanover through the years and various expansions that have occurred here and stormwater management plans that have been put in place. So, I don't know that we've evaluated that as yet. I think that's part of the design of the overall expansion, the Phase 5 expansion, which has not been completed yet. So, I think there's some discussions that we need to have with the Township and Township engineer in dealing with that. But I would note that if you look at what was allocated or what was designed for stormwater basins associated with a 1993 expansion which was here. This is the latest expansion on size of stormwater basin. What we're allocating is much more area. I think the trend is to view that as more impervious than non-pervious material. But, again, I think there's a lot of study out there that's been done related to landfills that we just need to look at and get comfortable

with from the Township's perspective. But again it's all part of a design that we haven't really started yet.

Maryanne Garber stated on those conversations and those analyses will be done during the land development piece of the project. So, here we're presenting the conditional use plan. There will be more detail in the land development process and even more detail in the full DEP permit application. So, I know that people want to know the details and we'll present the details during the appropriate time during the appropriate proceedings.

Craig Kologie stated understood. It's just typically the conditional use plan has to be at least generally consistent with the land development plan when that's submitted. So, I'm just asking from a conceptual standpoint, and I know our codes have 3 different definitions of impervious coverage in Zoning, SALDO and the Stormwater Ordinance. The Stormwater Ordinance is the one that actually references impermeable liners which I would assume is what we're facing here.

Maryanne Garber state yeah that's the whole point of having the liner. I guess I would also add that over time as the landfill has built out with every expansion, I know there have always been concerns about stormwater run-off down the slopes towards Riverside Drive and with every expansion and the stormwater management facilities that we put in, those conditions have improved. So, those conditions will improve even more if this project is approved and we put in the stormwater management facilities that are being proposed.

Craig Kologie asked are there any water quality, obviously volume and rate control are one thing, are there any water quality measures BMPs anticipated being incorporated into these stormwater features?

Joe McDowell stated the short answer is yes, we're going to have to address that, not only as part of the Township Ordinances are concerned, but as well as DEP and Chapter 102, post construction stormwater management requirements that we must comply with with this solid waste application.

Chris Nagy asked the waste tanks that you had mentioned, do you know what was in them prior?

Joe McDowell answered I do not know. These facilities here, there are 2 tanks that are currently located there. I do not know what was previously stored in those facilities. I would assume gas; but, that's an assumption on my part since the natural gas line is immediately adjacent but I don't know that for sure.

Craig Kologie asked regarding the height, you said 725 is the maximum design height, what's the current height? Do you know what the highest point is there right now?

Maryanne Garber stated that the 725 elevation has been the maximum elevation imposed since Phase 4; and, so, Joe, are there points in the landfill where we've reached the 725 elevation? It's built out in different areas over time.

Joe McDowell stated that I'm not sure of exact elevations, but I think generally in this area we are pretty close to that 725 elevation that you reference.

Craig Kologie stated for a point of reference, just to see what we might expect, if we can say okay that's the height now what you can see and it's not going to get any higher than that.



Jeffrey Schmehl asked where are you close to 725?

Joe McDowell stated in this area right here. I think generally in this area right here we're close to the maximum elevation.

Jeffrey Schmehl asked in the expansion you're proposing 625?

Joe McDowell answered no, 725 to maintain that same elevation would be roughly along this ridge line that you see I'm tracing now. This would break this way towards Bull Run, this would break this way towards Applebutter Road. So, this would be the approximate ridge line.

Craig Kologie stated you didn't talk about groundwater monitoring at all. I assume you'll have an expanded groundwater monitoring network?

Joe McDowell stated there will be extensive groundwater monitoring; but, really the first step is we need to do some drilling and some testing on this site to be able to even prepare a design. This document, what it outlines is a maximum footprint of what the disposal area is proposed as part of Phase 5. So, it's a horizontal alignment, as far as vertical, both in the ground and out of the ground. The top elevation we discussed is 725, but, we don't know at this point what the below ground elevation or bottom of that would be. That has to be based upon groundwater elevations and a lot of requirements associated with the design of the landfill and the liner system. That is yet to be determined as far as a design for the overall landfill.

Craig Kologie asked do you monitor wells off site also?

Joe McDowell stated there will be an extensive monitoring system that would have to be put in place as part of this expansion. Again, that would be detailed and approved through a solid waste application through the drilling that we have to go through to identify groundwater elevations, which way is groundwater going, where it is at, what are the elevations. All those things would go into where your monitoring points would be and that's all worked through with the Department of Environmental Protection as part of the solid waste application.

Craig Kologie asked and they dictate what things you monitor for?

Joe McDowell answered correct. Currently there are a number of monitoring wells associated with the existing landfill. And there will be those wells and I would assume additional ones as part of this expansion since we're going into a different area.

Linc Treadwell asked did I miss the disposal area footprint acreage?

Maryanne Garber stated I actually think we didn't put a number on it here tonight.

Joe McDowell stated 117.4 acres is the disposal footprint that is this area to the northeast. So, that's the new horizontal or lateral expansion being proposed and that includes this piece to the west. So, in total, 117.4 acres of lateral expansion is being proposed.

Tom Carocci asked 117.4, what is that part?

Joe McDowell answered that part, the piece to the west, the footprint is 2.85 acres.

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Tom Carocci asked so, you're talking about 114 acres in that rezoned portion of 275. So 114 of the 275 is what you're proposing for disposal?

Joe McDowell answered that's correct.

Tom Carocci asked on that rezoned 275 acres?

Joe McDowell answered yeah. And on the 505 acre parcel, 70 acres is conservation easement, proposed and an additional 24 acres of landscaping. So, 94 acres of either existing trees in that rezoned area or proposed landscaping.

Chris Nagy asked in the conservation area that's not being landscaped, are you doing any disturbance to that area or is it just going to be left as is?

Joe McDowell stated there's no disturbance in the conservation easement area at all.

Chris Nagy asked and even near the drainage, are you going to be making any changes for the run-off to the drainage areas?

Joe McDowell stated there is no changes in grade along Bull Run itself, no impacts to Bull Run. The ordinance requires that a stream protection easement be reserved for Bull Run. We've identified that on the plan set. And in addition to that stream protection easement, there is also an additional buffer easement that's required by ordinance. And we're adhering to both of those requirements with no impacts in those areas.

Craig Kologie asked the landscaping areas that you're showing, when would that happen or when would that take place?

Joe McDowell stated as far as design and phasing of how the expansion would occur, we haven't gotten that far. But, I think generally the intent would be as we reach final cap, final elevations on various sections, we would want to close that off. So, my impression would be that we would place that landscaping as final caps and grades would be reached within the disposal footprint. So, I don't think all at once in my mind. But again, we haven't completed a design, a phasing design, really to know where those things would develop in sequence.

Craig Kologie asked but it's years out?

Joe McDowell stated yes, years out, absolutely. No question about that.

Craig Kologie asked what is the projected life of the landfill with this expansion?

Joe McDowell stated it's difficult to say an exact number; but, we're thinking 25 years, 20-25-28 years.

Tom Carocci asked and that's with the same amount of tonnage coming in every day, the same number of trucks over that time?

Joe McDowell answered correct.

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Craig Kologie stated with just the number of trucks and even though it's the same for a much longer period of time, I would assume much more wear and tear on the road network for getting there, have you given any thoughts to how, are you going to leave that to the Township to maintain those roads or are you going to participate in helping to maintain those roads as probably much of what you're doing is causing the damage?

Maryanne Garber stated that will play out as part of the traffic impact study. So, I don't have that study yet. We're going to be presenting that at the conditional use hearing. Certainly with respect to truck impacts, there are trucks that are going into the Majestic facility that come down Applebutter Road all the time, there are hauling trucks that come up and down Applebutter all the time that aren't associated with us. While I do certainly acknowledge that the trucks coming into our facility have an impact on your roads, we're not the only impact. But that's something that's going to be assessed as part of the traffic impact study.

Tom Carocci asked you do clean Applebutter Road, you send people out there to pick up loose trash and stuff like that? It's my understanding.

Maryanne Garber stated yes, whenever we get a call we try to be as responsive as possible. And, there's obviously also, I mean the trucks coming in and out of the facility are supposed to go through, the go through the tire wash. We don't have 100 percent control over these trucks all the time. But certainly whenever we're advised of any kind of violation, we follow up on that to make sure that our customers are complying with all of the rules that they're supposed to be complying with and we try to be as responsive as possible.

Tom Carocci asked in 20 years will they be delivering that with drones?

Craig Kologie asked one other questions, the conservation easement, is that just to be held by the Township or are you going to try and engage a conservation organization to hold that or to be a party to that as well?

Maryanne Garber stated from our perspective on the land that we own that we are proposing to put conservation easements on, we don't have or I'll be coordinating with Linc on that. It's up to the Township as to who they want to be the beneficiaries of those conservation easements. So, that's something that's going to be discussed.

Linc Treadwell stated if I remember correctly, we did have some discussions at a Council meeting about having third parties involved.

Craig Kologie stated it just adds another layer of safeguard I think.

Tom Carocci stated that could be one of our recommendations at the end all this tonight.

Craig Kologie asked should we open this up to the public?

Maryanne Garber stated that's fine, I'm happy to do that. But, I do think that people probably are wondering what is this going to look like. I know that those have been questions at the Planning Commission as asked in the past with respect to prior expansions. So we wanted to be or wanted to anticipate that that was something that was going to be asked. And so what we've prepared here and this is an analysis or a visibility assessment that was prepared by a company called Saratoga Associates. At the conditional use hearing we're going to be presenting these renderings and

someone from Saratoga is going to come and talk about the methodology that was used to put this together. But for purposes for tonight, I can tell you what they did and what it shows because this is obviously not the evidentiary hearing. This right here, I apologize because this didn't come up great on the screen, so I'm going to do my best to walk you through it. This is a location map and to just orient you here, this is what they're calling the project site. This is the existing Bethlehem landfill right here and this is the property, this is all of the property that is going to be consolidated with the landfill property where my cursor is going is where that disposal area that Joe just described to you, this is the general vicinity of the new disposal area. But this is the property boundary. On this map, these rings, these concentric rings represent distances from the project site. So, this first ring is 1 mile out and the second ring out is 2 miles out from the site. Just again, to sort of orient you, this is where the Majestic warehousing development is and all the things that I showed you before. We picked 10 locations from which to do simulated visuals of what the expansion will look like from 10 different sites. We picked them, so starting here, we picked these 4 along the tow path. Historically, dating all the way back to Phase 4, there were 3 locations along the tow path here that originally it was DEP and then we followed up with the Township with all of our subsequent expansions that we did lines of site from these 3 locations on the tow path. When we came in for the Southeastern realignment, we were asked to do lines of sight or assess the visual impact from Steel City. So, there were 2 locations in Steel City that we measured from, it's the Steel City Church and the Steel City park right here. And then what we decided to do is, because I know in the past there have been questions, even though, and this is something where I think the, well you can't really see it very well here; but, this is like a sort of a, the northern sort of corner of Lower Saucon Township and it's surrounded on all sides here by several different municipalities. And if you give me a minute on my notes here, I can sort of point out that right up here is Palmer Township, the City of Easton is right here, Williams Township is right here, this is all Lower Saucon right here, but you've got Hellertown down here, you've got the City of Bethlehem in here, you've got Freemansburg in here and then you've got Bethlehem Township up here. So Lower Saucon is sort of like right here in the middle and it comes down in this. If you look at the Zoning map, it's a really interesting shape.

In any event, we looked at, even though it's outside of Lower Saucon Township and Freemansburg and Bethlehem and here in Williams Township, we tried to pick 4 different locations to do a point of view towards the project site. You know locations, you can't pick a location or every location that everybody wants, so we tried to do sort of a 180 arc here. Then what Saratoga did was they take a photo of existing conditions and then they use a model to simulate what the view will be of the landfill built out as currently permitted without the Phase 5 expansion. And then there's a second model that shows what that same view would be modeling what it will look like with the Phase 5 expansion.

The first location number 1 is right here. So, it's going to go 1, 2, 3, 4, these are the tow path locations that you're first going to see. This is the existing conditions view from point 1, it's the Delaware and Lehigh Trail at Farmersville Road. So this is you see if you're looking at the landfill from this location. You can see at each of those locations there's sort of a dot and then a "v". So the "v" is to represent, if you're standing here, then this what your scope of view is. This is the existing view from that location. This is the view with the landfill as built out as currently permitted and that white line represents what you would see from behind the trees is obviously blocked. And then the third one, this would be the view with the Phase 5 expansion from that first location.

Just to remind you, now we're at 2 which is immediately sort of to the left of 1. This location again along the Delaware and Lehigh trail. This is the existing view and this just by the way, also on

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these you can see the distance of the location from the project area. So this one is almost a half a mile. So existing conditions, this is as currently permitted. And then this would be with the Phase 5 expansion.

Now the 3<sup>rd</sup> location also along the tow path here is this one. This is also along the trail, this is existing conditions looking at the landfill. This is as currently permitted; and then this is with the Phase 5 expansion.

We're at 4 now, the last one along the tow path. This is existing conditions. This is with landfill as currently permitted; and then this is with the Phase 5 expansion.

Now we're off the tow path and this is Steel City. So this is number 5 and this is from the southeast corner of Steel City church property. So this is existing conditions, this is as currently permitted and then this is with the Phase 5 expansion.

The next location is Steel City park. This is existing conditions, this is as currently permitted and then this is with the Phase 5 expansion. So you can see here this will be the visibility of the Phase 5 expansion from the park.

So now we're starting with sort of the arc here. So this next one is number 7 and this is from the Freemansburg municipal park. This is the existing view, this is as currently permitted. This is hard to see the difference here. The area that Joe just pointed out is the area will you'll be able to see some small portion of Phase 5.

Now we're on 8. Eight is right up here and eight is the Miller Heights Elementary School. So this is existing conditions, this is as currently permitted and then this is with the Phase 5 expansion. So this is what you will see as modeled.

Then we are at location number 9 which is right here. This is from Freemansburg Avenue at Emerick Boulevard. This is existing conditions, this is what's currently permitted and this is what the final Phase 5 will look like from this location.

The final location sort of finishing this arc is location number 10, this is from Williams Township, this is the existing view. This is Texas Road near number 880, it's just we were trying to find a location, there's not a whole lot out there. This is existing, this is as currently permitted and this is with the Phase 5 expansion, so you can see this piece of it right here.

A comment from the audience could not be heard.

Tom Carocci reminded the audience that there will be a time for the public comment but it's not now.

Maryanne Garber stated that's our last slide. This was just in case we needed to refer to any of the 12 sheets of the conditional use plan on the screen, but I think you have them all in front of you. With that, if you have any additional questions, we're happy to answer them.

Craig Kologie stated now we'll open it up to public comments and questions.

Tom Carocci stated I do want to say something before the public comment. I'm going to ask that the public comment be just that – comments- and it be respectful. We do have a 3 minute rule at

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Council meetings. We don't have one at Planning, this is our reorganization meeting. So, I'm going to ask you to keep it to 3 minutes so that everybody has a chance to speak. If not, we'll have to institute a 3 minute rule. I'm hoping to not have to do that so people can have a little bit more than 3 minutes; but, I'd ask you just be respectful to others who want to speak and be respectful with your comments.

Maryanne Garber stated I wanted to make sure that we didn't forget about the Hanover letter before we open it up to public comment. I'm happy to walk through it, but I know that Joe and Kevin have spoken about the letter. I think that largely the comments that Kevin raised fall into 1 of 3 categories. I think 1 is noted because there are sort of statements about what may be required, it's sort of more of a statement than a comment.

Kevin Chimics stated more informational for the Township to use, both the Planning Commission and then the Council to use during their hearing.

Maryanne Garber stated there are others where we've been asked to confirm a couple of things which we'll certainly confirm and if we need to make any revisions to the plans then we'll obviously do that and we'll have a conversation with Kevin about that. There are others that are appropriate as a condition to conditional use approval. So for example the traffic study, well we're going to be presenting a traffic study at the conditional use hearing so that won't even be a condition of the conditional use approval.

Craig Kologie stated I think there was something about noise as well, the noise study was from 2001 or something.

Kevin Chimics stated yeah, there is noise study information on the plan; but we noted it's 22 years old. So we don't know if locations have moved. There's obviously been improvements in equipment and whether that has changed the noise at all. It was something to consider if the Township wants to have them look at doing a new noise study just because it's 22 years old and things could have changed.

Joe McDowell stated what we've provided on the plan was consistent with what we've done since really the Phase 4 expansion where we performed the noise study. We think it's still valid, the same equipment is being used. But, in the past we've offered supplements that we've provided with each application; so, maybe there's an opportunity to that as well if the Township reused that if necessary.

Tom Carocci asked isn't that also something, Linc, that we can recommend at this meeting?

Linc Treadwell answered absolutely.

Tom Carocci stated so we can put that as a possible recommendation to discuss after all the comments.

Maryanne Garber stated one example of a comment that I think is a good example of what would be a condition would be a notation that we should be reaching out to PennDOT to see if an updated HOP would be required as part of the Phase 5 expansion. The access isn't changing but we'll certainly reach to PennDOT to confirm that we don't need a new HOP. So that's the kind of thing that would be appropriate as a condition. And then, answer to the third bucket of things, there's one thing in particular or two things that we just need to have some further discussion with

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Hanover on. I'm confident, and Joe and Kevin can speak to this, that there aren't any issues that I don't expect that we'll sort of come to an agreement on before the conditional use hearing.

Kevin Chimics stated that if the Planning Commission would like we can go over the letter, if you just want me to touch on some of the major comments or however you guys want to proceed.

Craig Kologie stated I think it would be helpful to go over the letter and see what kind of issues that you've identified.

Kevin Chimics stated for those of you who have it, we'll begin on page 2, number 1. I would just preface this, we reviewed this submission according to the Zoning Ordinance requirements for a conditional use for the general requirements and then the requirements for industrial uses. Obviously, there will be a much more detailed review once the applicant submits a land development plan and we're able to go through their design and detail.

Our first comment suggests that during the conditional use hearing there are specific requirements that they need to address. They did touch on them in their narrative, but again they're going to provide additional testimony at the conditional use hearing.

The second comment just deals with the zoning district boundaries that they show on their plan. In two areas the plans are not consistent with the most recent map revision that was done on their ordinance 2022-02 and then there's also one area we're just asking them to clarify it on the plan. I think there's just too many different lines and shading where the zoning boundaries kind of got blocked out.

I'll combine comments numbers 3 and 5, those are just showing some of the required setbacks around the property lines that should be shown on the plan.

Number 4 just confirms that a landfill use is a conditional use and there has to be a conditional use hearing by the Council.

Number 6 addresses the Riverside Drive. Riverside Drive is classified as a collector road, so they're required to show what is the ultimate right-of-way which is a 60 foot right-of-way. On their plan they only show or account for a 50 foot right-of-way.

Number 7 and I believe there's another comment later in the letter, they're talking about buildings on the site and the building height. Their plan does mention that they may be proposing an additional scale house and a wash house location. Their plans say there are no new buildings. So there is just a discrepancy of what they're actually proposing and what they're listing in some of their site data information.

Maryanne Garber stated we'll clarify that.

Kevin Chimics stated comment number 8 addresses whether they will need additional water and sewer capacity. In speaking with the applicant they do not believe there's going to be any additional water because there's no new employees, the process is basically going to remain the same except there is a potential for some additional sewer flows based on the leachate and other things they have to determine as they go through the land development and further design. But we will need documentation on whether there is an increase and if there is particularly in the sewer or the water, we'll need confirmation that the City or the Township can service those.

Maryanne Garber stated that's another one of those that I think would be an appropriate condition.

Kevin Chimics stated going on to page 3, comment 9 addresses some of the wetlands. They do identify several wetlands throughout the property. In one area there was just an error in the area of the wetland. And then they do acknowledge that the US Army Corps of Engineers will need to do a determination on the wetlands to confirm that they are wetlands and then the sizes and locations.

Comment number 10, the ordinance does require them to do a carbonate geology, a portion of the site is within the carbonate geology area of the Township. And they do acknowledge on the plan that this is something that will be done during the land development process.

Comment number 11 just addresses some of the natural resource protections. On their chart they just have 2 of the required preservation percentages are just reversed. Again that's something that just needs to be clarified and corrected on the plan.

Number 12 addresses that noise issue where we do note that there's a noise study done on the plan; but, it was done in January of 2001. So again we're looking at 22 years old.

Comment number 13 addresses the requirement to do a traffic impact study. They have done traffic impact studies with the previous expansions. And again they will have to update that information both for our office and for PennDOT for Applebutter Road.

Following up on that, comment number 14, we requested that they approach PennDOT to confirm that their HOP for the driveway access along Applebutter Road is still applicable for the expansion project.

Number 15, we asked that they provide a parking calculation on the plan based on the number of employees on the site.

Number 16 is just under the industrial use requirements, they're required to do a project narrative which was included in the conditional use narrative; but, there is some additional information that's needed on the project narrative.

Number 17 addresses the building height and that has to be clarified based on any new buildings.

Number 18, in their site data they say that they will be adding 6.75 acres of impervious cover with new driveways and other improvements around the site. The plan included with the project was done at a 300 scale so it was very difficult to confirm that number. So again as they go through the land development process and give us more detailed information, we'll just need to confirm that impervious cover and make sure it's accounted for in stormwater management calculations.

Number 19 addresses the requirement for an earthen berm around the site. In this case they are requesting the Township determine whether the existing natural features provide a sufficient screening of the property. One additional item that could be a conditional use is that they provide supplemental plantings to further screen the site. And again I think that's something that we can look at doing as we further develop the site and get more accurate aerials and photos of what the site's going to look like.



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Number 20 just addresses the setback requirements and that there is a 100 foot setback from all property lines. We just ask that that be shown clearly on the plans.

Number 21 deals with the 2 streams. There are actually 2 streams within the area that they propose to expand the landfill. The ordinance prohibits them from disturbing streams. So, that's going to have to be addressed through the land development review process and the conditional use process.

Craig Kologie asked is that a zoning requirement?

Kevin Chimics answered it is a zoning requirement. They do identify streams and you're supposed to provide easements and then under the landfill it says that you cannot conduct and landfill facilities within 100 feet of a stream. Well these streams are right in the middle of the landfill.

Joe McDowell stated I can add maybe a little bit to that. When the environmental engineer was on site and did his wetland delineation, as part of that he's looking for anything with a defined bed and banks. And so they identified 2 areas within the disposal footprint that are potential streams. Now we've listed them as streams, taking the most conservative approach in presenting this plan. Ultimately we'll have some interaction with DEP and the Corps as to whether they are jurisdictional in terms of is it indeed waters of the Commonwealth regulated by the State. So, the determination as to a stream has not been quantified as yet, but we've wanted to identify it to take the most conservative approach that it could be. If it is determined to be jurisdictional there would be an application filed with the State in order to remove those areas from the disposal area so that we don't want to be disposing obviously waste within a stream bed. So, those would be mitigated.

Craig Kologie asked so if it is found that it is a stream, you're going to comply with the ordinance rather than to seek a variance, is that correct?

Maryanne Garber stated if it is determined to be in the jurisdiction of DEP and the Army Corps, then we would apply for a permit to remove that stream so then there wouldn't be the stream subject to the easement requirement.

Tom Carocci asked that permit would be with the DEP?

Maryanne Garber stated with the DEP and the Army Corps of Engineers, that's not an unusual situation.

Kevin Chimics stated comment 22 addresses the natural resource mitigation. The applicant is required to address all the natural resources that need to be preserved. The newly adopted ordinances does allow them to exceed that and the applicant is requesting to do that. As part of that and as they develop their plan, we will need to identify the proposed buildable site area so we can determine the difference and then what's required for them to either dedicate land or pay a fee to the Township.

And then just under our general comments, the plans do note that there are existing woodlands protection easement and a scenic conservation easement which prohibit landfill activities; and, the applicant is requesting that Lower Saucon to release or terminate those easements. The applicant notes that on the plan and that's something the Township will need to make a determination on.

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Comment number 2 just addresses information that's going to be provided during the land development process, grading, how they're going to handle stormwater, E&S controls, DEP protection and also ground monitoring.

Those are the comments in our review letter. If you have any specific questions, I'll be more than happy to answer them.

Tom Carocci asked now Linc as another recommendation, we can recommend to Council that there's compliance with the Hanover letter dated January 24, 2023 to the satisfaction of our Township Engineer?

Linc Treadwell answered yes.

Craig Kologie stated now, we can have the public comments.

Tom Carocci stated that you need to come to the podium and state your name for the record. Let's try to keep the comments to 3 minutes so that everybody has a chance to speak.

Craig Kologie stated just recognize to that there will be much more information presented during the conditional use hearing. There will be testimony by experts and you'll have the opportunity to question those experts as well. Tonight if you have any comments for anything that we should maybe consider with our list of conditions and recommendations would be helpful.

Linc Treadwell stated just to clarify one thing Craig, the parties to the conditional use hearing have the opportunity to question, not everybody in the room.

Tom Carocci called Russ Sutton.

Russ Sutton stated I'm Russ Sutton, I live on 2133 Saucon Avenue. I saw the pictures they presented, these are the pictures that I've taken. It's easy to take a picture from the ground and not up. I would appreciate all you gentleman take a look at this and see where these are actually taken at. Some are from Route 33, some are from St. Lukes, some are from Lehigh University. These are the actual pictures of what the dump actually look like, not the pictures they showed you. The took pictures behind trees which you couldn't see the landfill. These are the real pictures. That's what the forest looks like and that's what they're going to turn into over there. I have pictures from all over from like 20 or 30 different sites. I'd like to know why Waste Management still resorts to using methods from 17<sup>th</sup> and 18<sup>th</sup> centuries when there's new methods that can be used to incinerate this stuff to actually generate power and litigate the problems of our environment. They don't really know what goes in this stuff, there's no inspection, they have no clue what are in those containers that go in there. There's currently 1.5 million gallons of leachate a month going to the waste site. You double this, that's going to be 3 million gallons a month going in there and it's going to end up in the Lehigh. The Lehigh goes to the Delaware, the Delaware goes into the Chesapeake. To me that's a definition of the economic ecological nightmare. Representative Freeman was against this, the Lehigh Valley Planning Commission is against this thing. We did this 7 years ago and we had it voted down. I don't understand, we in Steel City are taking the brunt of this. What's the urgency of this matter? It seems like we had a change of political views and this thing had a fire put underneath it for some unknown reason. Somebody's benefitting from this, I don't know who. Another thing is, have you notified the other municipalities in this area because it affects Bethlehem Township, Hellertown? I don't think anybody, nobody even knows about that. I went door to door canvassing people, they didn't even know this. This thing wasn't even posted.

It was in the paper somewhere and most people don't even get the paper or look at it. Most people aren't even aware this is happening. It's a shame because more people should be involved with this. I still don't know why Steel City still has to take the blunt of this. Another thing is this is a desecration of the environment and reduction of our property values as well and also our health. Now when you put this stuff on the dump, you're pushing it around with a spreader, it becomes airborne, we're down hill from this, down wind, this is a mountain. This thing, they said about the D&L Trail, you can see the dump from the D&L Trail, it was supposed to be below the tree line, it is not. You can see it is above it; and, I have pictures to prove where it is, I have pictures to prove what it looks like. Anybody can take a picture of the ground and say oh look at the mountain over there, it's this big. This is what it really looks like. So, I would really encourage you to come and take a look at my pictures that I took from an independent source, myself, okay. So I would appreciate it if you could look that afterwards and see what the actual picture looks like, not something on a map or a graph that you can't really see. And they always say a picture is worth a thousand words, so please take a look at these pictures.

Tom Carocci called Janine Bonham.

Janine Bonham asked are you going to start that timer because you didn't start it last time?

Tom Carocci answered no, we're not starting that one tonight. We're keeping it up here and we'll let you know.

Janine Bonham stated okay. My name is Janine Bonham, I live one 4303 Jefferson Avenue. I am about 3 or 4 houses down from the Steel City hill climb. I walk out my back door and the landfill is higher than the tree line. I remember when I first moved back into the area and I had to explain to my daughters what that was; and they were disgusted with it. I'd first like to say that 3 minutes is not enough time to express the concerns about the landfill conditional use application. I also want to express my frustration at the late notification of this agenda, giving us barely any time to prepare an adequate statement. Once again this urgent matter has taken me away from my family and it looks like it's gonna continue to do so. It seems like the reason this is being pushed through is because of any actual independent evaluations were being done, the data would show that the landfill expansion is not the right move. A study was done in 1988 by the United States Environmental Protection Agency; and, they concluded, I have this cited, that all landfills leak eventually. I learned this in college, that's 35 years ago in 1988 they determined this, all landfills leak. From my research, representatives from the landfill have recently admitted that equipment such as flare tips need to be replaced and are on back order, It seems like this is something that should be on hand to deal with the constant odor complaints that I smell often and constantly have to call DEP for. This company has already shown negligence in terms of dealing with the constant odors emulating from the landfill. Why would we allow the landfill to expand when they can't even deal with the current problems they have? It's already being mismanaged. Applebutter Road is not built to handle the traffic it currently has with waste trucks going in and out. Expanding the landfill is a mistake. I speak with the members of my community and many are not even aware what the magnitude of this project is. I can smell farms and fertilizer at times from across the river, it's going to happen in reverse, those surrounding Townships don't know about this. Why aren't we looking at different solutions. Landfills are old technology. Can't we put our resources into looking at better forms of technology to deal with this? And finally what is most disturbing is how fast this is being pushed through. Why are we rushing this when many people don't know what's going on. I'm also going door to door and people don't know. It doesn't seem like the legitimate concerns of Lower Saucon residents are being addressed. They're paving the way for the landfill company to expand by fast tracking this process.

Tom Carocci stated it's been 3 minutes, can you wrap this up?

Janine Bonham stated I'm gonna finish it up, yes. Tom Carocci stated thank you.

Janine Bonham stated why is a project this big and monumental not being careful consideration and evaluation of the long lasting environmental impacts that have impacts for generations, hundreds of years. Where are the impact assessments, where are the wind direction evaluations, ground studies, health evaluations, the list goes on and on.

Tom Carocci stated thank you Miss Bonham, you said you were going to finish up.

Janine Bonham stated also Martin and Martin Incorporated, I go to their website, they have a defunct website, who are they? Who has a defunct website in 2023? There's so many questions. This is unacceptable.

Tom Carrocci stated thank you. Mr. Mark Ozimek.

Mark Ozimek stated I live on Redington Road. I was thinking of a few things while the garbage dump attorney was and I don't know if I remember them all. Number 1, she points out around the vicinity of the dump, every business that's there, she fails to point out the residents. She fails to point out the neighbors that put up with the smell and the garbage. And that's the problem. We don't want it. Our entire life, and I've been my house for almost 22 years, has been evolved around that dump. Well if they got 6 years till they max out, there's no rush in doing this. And as far as 20 years of being a long time, it's not. Twenty years is a life sentence in state prison, bud. Think about that. And when you make that dump and you grow it and you expand it and you take away them trees that are refreshing all the air, there ain't no replacing it. And, I believe the liners do leak after a while. I got no proof of it, but I would imagine they do, common sense. All's you got to do is deal with some common sense in looking at this issue and this issue should not happen at all. I hope you really take it into consideration. I hope you go back to Council and tell them no because I already know what their answer is. We all know what their answer is and that's part of the reason we're all hear to keep telling you no.

Tom Carocci stated thank you Mr. Ozimek. Brit Kondravy.

Brittany Kondravy stated my name is Brittany Kondravy, I live at 2022 Springtown Hill Road. I'm speaking on behalf of the Delaware and Lehigh National Heritage Corridor. Our organization is directly named in point 6 and point 8 on the scenic conservation easements for both the form Helms and Bethlehem Steel properties. This is the area shown on the maps under the proposed landfill expansion. We have been contacted by Lower Saucon Township residents and multiple regional partners related to our standing as a party cited in these easements. I'm here to express our objection to reducing the zoning requirements from Rural Agricultural to Light Industrial and our objection to Bethlehem Landfill's conditional use application. The Delaware and Lehigh National Heritage Corridor was designated by United States Congress in 1988 under President Reagan to preserve, protect and celebrate the nationally significant industrial heritage of our 5 county region. That being Bucks, Northampton, Lehigh, Carbon and Luzerne. This is our 35<sup>th</sup> year making connections focused around the following four pillars, industrial heritage, nature and environment, health and wellness and economic development. We believe considering either of these parcels for landfill expansion in any capacity be it through rezoning or conditional use approval is a mistake for the whole region and generations to come. We say region because we maintain the 165 mile

trail, the D&L trail referred to as the tow path in some of those renderings, so it does affect the whole region. And, I'd like to detail the ways that it affects each of those mission pillars. The Redington Historic district within this land area supported the work force of the coal ring furnace in 1800's before Bethlehem Steel used it as an armament testing area and shell filling plant through World War I. This relates to the strong industrial heritage of the region. Secondly, this land is within the view shed of the D&L trail built along the former Lehigh navigation tow path. And, already there have been odor complaints on the D&L trail in Freemansburg regarding the landfill reported to DEP. So, it's already affecting the trail experience. Pillar number 3, health and wellness, I think it's clear when you look at the maps that have been shown tonight and that of tree coverage that's there, that when you take away that amount of trees, there's going to be a negative impact on the air and water quality. I really want to thank the committee for asking really intelligent questions tonight, I appreciated hearing that thoughtful feedback and consideration. I do wish that the landfill had been able to provide more knowledgeable answers about how the expansion will affect stormwater management, ground water, traffic, I would have liked to hear more about that. Again, because this process is being pushed so quickly, we need as much information as possible. But what we do know is very telling. We know that the landfill will be built on carbonate geology, that it will affect wetlands and the streams. And we know that the landfills, clearly their intention, if there is a natural resource, will not be to protect it, it will be to eliminate it. That's been made clear tonight and I think that's going to be important to remember as you're considering whether or not this is something the Township needs to do. And I just want to add that these parcels are too precious to waste, literally; and, that's why they feature so predominantly on the own Lower Saucon Township's open space plan, because the need for them is so critical and so clear. Thank you.

Tom Carocci stated thank you. Miss Hilary Jebitsch.

Hilary Jebitsch stated good evening, my name is Hilary Jebitsch, I live at 2528 King's Mill Road. I also serve on the Board of Directors of the Delaware and Lehigh National Heritage Corridor and I'll be addressing Number Pillar 4, following up on Brit. The Pillar Number 4 is economic development. The D&L trail is on its way to being one of the longest used trails in Pennsylvania, longer than the great Allegheny passage. The trail brings in tremendous economic growth for small businesses, hospitality, outfitters and retail in communities around and surrounding the trail, including all of the communities that were shown on the maps there. The D&L is activity supported by the Department of Conservation and Natural Resources who just approved \$5 million in funding for the trail. Senator Pat Brown who just approved \$2 million to invest in the trail. And the counties of Northampton, Bucks, Lehigh, Carbon and Luzerne. You are discussing clearing the wooded areas within the view shed of the trail that goes through Bethlehem and Freemansburg by expanding the Landfill. I'd like you to think about the impact of that on all of the people who use the trail. This can be your local constituents, anyone with families and children, as well as people who look at this trail as a destination point, people who decide we're gonna do a 3 day through hike or a 3 day bicycle hike. And as they go along this trail and they come to Bethlehem and Freemansburg, what they will remember is the landfill, the visual of it, the smell of it and the sound of it. Is that what you want our communities to be remembered for? The Township holds these easements that were placed in perpetuity and were supported by the residents and Council at the time of their placement. Those residents and those Council of Lower Saucon Township, for these reasons aforementioned, the Delaware Lehigh National Heritage Corridor objects to reducing zoning, granting conditional use approvals, and weakening the conservation protections placed on these parcels. When you remove historic areas, heritage areas, environmental resources including waterways, you are doing irreparable damage that cannot be repaired. Those things just don't come back. As a resident who lives within that 1 mile circle, I'm very concerned about water

monitoring. I would like to know if you are going to be monitoring the quality and the water in our wells. We drink this water every day. Thank you for your consideration.

Tom Carocci stated Ms. Jebitsch. Sean Hartnett.

Sean Hartnett stated Sean Hartnett, 4210 Lower Saucon Road. I'm just gonna speak about some observations that I've noticed tonight. First is that, Tom, I guess you drew the short straw, because the rest of your Council members are cowering in the corners, because they clearly don't want to be a part of this or at least they're ashamed to. Let me first state and point out the obvious, there's a lawyer here that's doing this presentation. We're supposed to believe a lawyer is in our best interest and can provide us all the data as to what this is actually gonna do for us. They said this dump is going to be 725 feet tall and 120 something acres. Just for reference for everyone in this room, that's half the size of the empire state building. You're gonna produce a dump that's half the size of the empire state building for 125 acres. They took 10 spots in photos of what this is gonna look like. This is a farce. If you believe that this isn't gonna be an eyesore for everybody around us and it's gonna crush the property value of us, your voters, is crazy. They also said they're gonna do some random testing of the water around this site, are you either gonna drill like 10 holes. They have no idea what's going underneath the water in the land here. I work for a tech company that does this stuff, it's virtually impossible to understand the waterways underneath us and how that impacts the wells around us and the other systems. This is utterly nuts. If they were in court and had to prove to us that this isn't affecting or will affect our drinking water, they wouldn't be able to do it. This is crazy. So what, so we're gonna get they account for 25 percent of our revenue? Who cares. Who cares. You work for us, not them. They're not based here, they don't provide jobs for us here; and they're gonna go and crush the value of our properties for the next 20 plus years with this half an empire state building size dump. They can plant a million trees in between my house and that dump and you're still gonna see it because trees don't grow that high. This is insane. My God.

Tom Carocci stated thank you Mr. Hartnett. Ms. Pamela Hartnett.

Pamela Hartnett stated hello, Pamela Hartnett, 4210 Lower Saucon Road. I think we have a lot of knowledgeable people in this room and I'm not gonna reiterate everything they've said. But, I will say as a Bio major in college and a professional working person right now. If I had to take a project proposal to my boss or committee, I better have everything lined up and buttoned up and ready to talk to it on a dime before I even take it to the next level for formal approval or to go anywhere. So, I do, I want to see more up to date air studies, I want to see water studies, I want to see well studies. Years ago when we moved into the area, I was interested in the kind of soil composition on our property and I found out that there's a huge swath of land, particularly in this area that's limestone ridden. That's prone to sinkholes, also we don't know what waterways. You can't eliminate a stream, you can get rid of the topographical part of it; but underground, we don't know what's under there. That could go very easily leachate, stormwater, general water, I also worry about the rain water that just picks up from the dirt from there. If you ever drive Applebutter Road after it rains, your car reeks, it reeks. Noise studies, traffic studies, don't just study Applebutter Road, please go to the intersection of Lower Saucon and Applebuter and go down to Island Park Road. There are boat loads of trucks that we keep reporting that continue to drive that route, that's going to continue. No one comes and picks up that garbage for us and now that we know its all radioactive potentially, it's a little scary to go pick up random garbage sitting on your property when you don't know where its been or where its coming from. Just do your homework. We don't need to make this a fast decision, this is something that's going to impact us, not just for the next 30 years, this is hundreds of years that we're looking at. I just ask that we really really

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really consider what the economic impact is because long gone, the dollars will dry up and we're still going to be dealing with the ramifications of clean up and cleaning up what can potentially be a superfund site. Thank you.

Tom Carocci stated thank you Mrs. Hartnett. Lynn Hill.

Lynn Hill stated hi, I'm Lynn Hill, I live on Wassergass Road in Hellertown. What we didn't see on the maps that Maryanne showed us were all the homes on Applebutter Road and on Redington Road. Some of these are historic homes going back to the 19<sup>th</sup> century and even the 18<sup>th</sup> century. This is a historic area, the Redington historic district is there. And, as other people have mentioned, 208 acres of this land is in a scenic conservation easement. And, what is the purpose of having a covenant like that if it can be broken only 30 years later. It would mean that nothing is credible in our Township if we get rid of that. And, they're talking about going from 208 acres in the conservation easement to 70 acres. And, then they're trying to say that well we're gonna landscape so that makes more acreage. Well that landscaping is no the same as an old growth forest. We need the trees because they keep us alive. It is just so astonishingly ridiculous to me to think that we would actually clear what 100 acres, 200 acres of forest to put in a trash dump. This dump goes back to either the 1940's or the 1960's, I've heard different things. When they put this in, there wasn't the knowledge about the environment. I don't even think people talked about ecology in the 1940's, you know. They would not have put a dump near a river, you know they wouldn't do that today. There's wetlands there, 2 streams, wetlands, watershed area for the Saucon Creek and the Lehigh River and the Bull Run. So, that's 3 watershed areas that this mountain is on. The Saratoga Associates visibility assessment, the first slide on that, it showed us how many homes are in that area; and this doesn't affect just Lower Saucon, it affects all those other neighboring communities who really have no idea this landfill is even here yet. When I was driving around this area on Sunday, Sunday morning I drove down Applebutter Road and I suggest that all of you do the same thing, drive around this landfill and see that it is right in the middle of neighborhoods. There are people whose properties adjoin the landfill property now and that's only going to get worse. When I driving down Applebutter Road on Sunday morning, I was getting out of my car periodically to take pictures of these old homes that are there.

Tom Carocci asked can you wrap up please?

Lynn Hill stated I'm wrapping it up. Every I get out of my car to take a picture, I could not stand to breathe the air, the fumes from the gas are so bad there. I was also over a D&L trail on Sunday afternoon and the same thing. The smell is horrendous and we've talked about the view, no one's addressing the odors.

Tom Carocci stated thank you Miss Hill. Bob Blasko.

Bob Blasko stated I have to admit I'm impressed. I'm impressed with the man that sits here in front of us this evening and seems to hold the very hand of God. He can remove streams. He came in and introduced himself as the top engineer; and yet when asked questions to very many of them he answered I'm not sure. The lady mentioned washing truck tires when they get a complaint, yet the road runs right up to the yard and they can't do a self-inspection on the road. Do they fly to work every day or do they use these roads that they only act upon washing truck tires when they get a complaint? That was her statement, not mine. No mention of property devaluation. We had a real estate person here in December and he told everybody that was here, including Council, property values within a five mile radius of any part of yard will go down. That includes a lot of places other than Lower Saucon Township. When they brought up the maps and she showed the

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map with her laser pointer, there was a lot of white area on that map; but, I bet you when you fly over that area in a helicopter, as was done a couple days ago, you don't see white area down there, you see forested lands, fields, wetlands, streams. Yep, that's 4, let me see, I didn't have the time to prepare that these people did, so you'll have to excuse me. They talk about run-off water, they talk about leachate. But actually they don't hold the hand of God because they cannot tell us how much water will come with another hurricane can they? Not like we had in '05, '06, '07 and even after that. We moved here after '07 and we went for a week without power because of a hurricane. We had a washout down over onto the narrows which was closed for quite a long time because of those types of waters. They're not all collected and don't let anybody kid you into thinking that they are. And I have one question, it's most likely a rhetorical question.

Tom Carocci stated please wrap up.

Bob Blasko continued how many of you sitting on this panel in front of me, to my left and right are planning on buying property in this area and moving in?

Tom Carocci stated thank you Mr. Blasko. Kevin McMurtrie.

Kevin McMurtrie stated I'm Kevin McMurtrie, I live at 2116 Snyder Avenue and I didn't really prepare anything. But, I travel to work every morning on Shimersville Road and Applebutter Road and I start my day about 7:30 every morning. So, I have to leave my house before 7 o'clock. And by that time of the day, there is multiple dump garbage trucks lined up along Shimersville Road in front of the sewage treatment plant that goes for miles, that cars coming towards Steel City and Freemansburg have to go around and create a dangerous situation. Why are these trucks allowed to just sit there on a roadway idling for who knows how long? And if someone gets killed doing that because these trucks are sitting there, because they try to drive around them, are these people going to be responsible for that? They allow those trucks to sit there for hours on end as they jockey to go into the dump. I just didn't that was right. And to address like the water that they treat at the sewage treatment plant that comes from the dump, I believe that the sewage treatment plant is designed to handle biological materials, correct? I work in a chemical industry, what about the benzene that goes into the dump, what about the phosphines that go into that dump? That water treatment plant isn't designed to break down those molecules. The dump is actually designed to break down biological, you know what we put in there as they call it sanitary sewers. So, what about that other material that is then going to that water treatment plant then it's going directly into the waterways because I don't believe they're designed to break down that sort of material. That's all I really have to say. I thought it was a sign in sheet; but since my name was on there I figured I'd say something. But I'm concerned about the safety and I'm very much against the conditional use plannage.

Tom Carocci stated thank you. Laura Ray.

Laura Ray stated I'm Laura Ray. I found it alarming and disturbing that the Board here spent only 58 minutes at the October 27<sup>th</sup> meeting discussing the zoning map and text changes, 58 minutes for these major impactful project. The former Chair, John Noble, said that you did not have enough time to review the information thoroughly, which is true. Rather than discuss again by holding a November meeting which could have been done, you voted to recommend these zoning changes. Somebody said they felt comfortable seeing that there's a covenant on the land that the Township has control over. But, hopefully you're all aware that they plan to throw that all out the window. The open space property donation that they've been proposing is pretty ludicrous. A lot of that land that's listed on there is degraded land that's been already developed, it has a direct view of the



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power plant, it's been built on, it's over the pipeline, it's not something that we would normally consider as open space. I was trying to look at the materials here, but again like everybody else we just got them. I couldn't make out the writing on the sheet number 7 where it looks like they do their calculations. I would love to be able to blow that up and see that. But items that I could see of concern is on page 8 whatever it was, Phase 5 shows that we're destroying 154.2 acres of environmentally sensitive woodlands. And on another map it shows your disturbing very steep slopes, 54.9 acres of 8 to 15 percent, 69.7 acres of 15 to 25 percent slopes and 41.8 acres of greater than 25 percent slopes. Now, how many plans would you look at that you would even consider allowing anybody to build on any of that or work on that. I noticed the same thing as the engineer pointed out on the protection analysis that they just did cut and paste, we don't care. The noise level numbers from 2001, the wind rows is from 1970, maybe things have changed. I looked in the Planning Commission manual and members of the Planning Commission

Tom Carocci stated Ms. Ray can you please finish up, it's been 3 minutes, thank you.

Laura Ray stated play a crucial role in identifying, analyzing and balancing environmental economic and human resources and interests. All of these resources are important to the welfare of our community and affect our quality of life.

Tom Carocci stated thank you.

Laura Ray stated I have another sentence.

Tom Carocci stated you need to wrap up.

Laura Ray stated you're not the Chair either, as far as I know.

Tom Carocci stated that's right.

Laura Ray stated we just elected somebody else.

Craig Kologie stated please finish.

Laura Ray stated I'm trying to say my sentences. So, public participation in your manual is noted as one of the most critical elements of a successful plan. To date, our Council has turned a deaf ear to the hundreds of public comments that have been provided and hopefully you are aware of these concerns. And I ask can you honestly sit there and recommend that the best use of this beautiful wooded land complete with conservation easements on it is to wipe out thousands of trees and pile trash on it.

Craig Kologie stated okay, thank you.

Tom Carocci stated thank you Ms. Ray. Claudia Markellos.

Claudia Markellos stated I am very happy that I could be here tonight. I'm lucky that I wasn't scheduled to work. What I heard here tonight is information. I was very happy to hear also from the representatives of the landfill company. I heard a lot of vague talk from them and I know we need more information; and I would like to see more information be on – that we can hear in more meetings like this before things progress. I agree that they should not progress so quickly. We need more information so that we can be aware of what's happening in our Township.

Tom Carocci stated thank you. Priscilla deLeon.

Priscilla deLeon stated hi, Priscilla deLeon. I hope everybody can hear me because it is very difficult to hear in the back. I'm here tonight to thank everybody for coming and making your comments. They were very well taken by me any way listening. I want to apologize though for the notice, late yesterday of this meeting. That's just totally disrespectful to the residents that they found out yesterday that this was going to be on tonight's meeting. I will have my opportunity to speak more at the hearing coming up. So, I hope you guys do the right thing tonight. Thank you.

Tom Carocci stated thank you Ms. deLeon. Victoria OC.

Victoria Opthof-Cordero stated good evening, Victoria Opthof-Cordero, Woodfield Drive. First and foremost I want to say the 3 minute limit is a little bit disrespectful to the residents at this point and time especially since we just heard that one of your pillars in your Planning Commission is to take public comment and to consider that thoughtfully and thoroughly. If we have various members on this board that are telling people they need to wrap it up and move it forward, I think it's a number one piece of evidence you should use as a basis to say we have nothing before us that we can meaningfully consider to make any kind of comment or recommendation to Township Council. There are two environmental easements already on this property. So irrespective of what Attorney Garber has identified as something new. You don't need to put something new on something that's already there. And, this process is in violation of those easements as we stand here this evening. So, I don't think that this body should be making any comments or recommendations to move forward because it would be violating our own Township's easements. The other very important thing is our multi municipal plan. Our multi municipal plan, which I believe you have to review and determine if this is in conformity with at least in concept. There are multiple maps that indicate these parcels are protected woodland areas. That's our multi municipal plan. Irrespective of the zoning that took place on December 21<sup>st</sup> which is being challenged in 2 separate appeals. So, that's not a done deal; but, irrespective of that, you have 2, you have multiple maps that indicate that this project would be in contradiction to what your own Township planning documents have indicated. So, I don't, again, think you have the ability to make any recommendations. We are standing here tonight with maybe a little bit more than 24 hours notice. There has been no testimony, I shouldn't say testimony because again we're at a meeting, so I'm sorry Linc, it's not a hearing, it's a meeting. But, I don't see that this board has made any recommendations to ask Township where's the studies. We've heard all of air, water, the particulate, one thing I didn't hear people talk about is those trucks that idle and stand on Shimersville Road and Applebutter Road. What do you think that comes out of those pipes on either side of the truck? Because it's not clean air, the trees are breathing clean air but not the trucks. And, I haven't heard anybody request or comment that maybe you should be looking at the air quality not just produced by the methane, but by all the truck traffic that comes forward. So, I know I've got my buzzer and I guess that means that there's so much more information you can't hear from me because the public comment period is being stifled. I will appreciate if you move forward this evening and make no comments, request that you have additional meetings, request that Township not pursue the conditional use application because you can't make a thoughtful and thorough investigation. Thank you.

Tom Carocci stated thank you. Bruce Troetschel.

Bruce Troetschel stated Bruce Troetschel, Kevin Drive. I hope you can hear me well because we're having a really hard time hearing you guys which is a problem. Apparently this is Phase 5 of

the landfill is developed over time. And there's been a few tweaks along the way. I'm wondering what's going to happen when there's Phase 6, Phase 7, Phase 8. Because those are inevitably going to come. As long as there's money to be made and any place they can throw garbage, they will do it. It may not be this year, but eventually there will be more phases. And those easements that are sitting there and being proposed to throw away and they're replacing with other "easements", those will get thrown away too. So, that's a problem. Right now, as the landfill currently exists, the downhill slope where stuff is going to go if the landfill overflows is down onto Applebutter Road. The area that they're proposing to add to it, everything dumps into Bull Run and the Lehigh River. And if it dumps into Bull Run, it's going to dump into the Lehigh River which is going to dump into the Delaware, etcetera, etcetera, etcetera. The stormwater catchment areas that they're proposing, they're saying oh that's just stormwater, that's not leachate. They don't know that. They can't guarantee that. But it doesn't make any difference because that water is going to end up in the river. The water's that currently 1.5 million gallons or whatever it is that they're currently throwing out a month, that they want to double is going to the wastewater treatment plant which is kind of a waste because the wastewater treatment plant isn't designed to deal with the stuff that's coming out of that landfill anyways. So, bottom line is everything that comes out of that dump goes into the river. They keep talking about deferring decisions until the land development process. In other words, we'll think about it, yeah 10 years from now, 20 years from now, you know after we've already gotten all the approvals and nobody's paying attention anymore. And, yeah we're going to plant some trees eventually, whenever the landfill grows to the point where you know they're down to those trees. You know, that's 20 years from now, that's not now. The last thing I have to say is I live, I don't live in Steel City. I live in the other part of the Township. I spent a lot of money to buy the house I bought. I would like to keep my property values and they are going to be trashed by what you're doing. As long as there are people going up and down the D&L, as long as there are people on the other side of the river who can see that dump and smell that dump, my property values are hurting too. As is every one of the rest of you people sitting here. Thank you.

Tom Carocci stated thank you. Mr. Jay Palos.

Jay Palos stated hello everyone, Jay Palos, 2596 Redington Road. I'm just finding out about this meeting so I'm kind of a little unprepared. I just brought my heart on a sleeve. But, I felt it was my duty to let you know that I do oppose of this. And just like most the people in this room, I'm angry and personally I'm scared. I'm scared for my family that I just moved literally a couple hundred feet from this new proposal. And looking at the proposal, I don't know who you're trying to fool here because when I look at it I see a graveyard, I see more cases of cancer, I see contaminated waters, wells, I see contaminated Lehigh River and everything that goes downstream with it, I see properties devalued, and more importantly I see the integrity of Lower Saucon quite literally in the dump. That's really all I have to say to you guys.

Tom Carocci stated thank you Mr. Palos, Kathy McGovern.

Kathy Pichel McGovern stated I'm Kathy Pichel McGovern of 4260 Lower Saucon Road. Mr. Kologie thank you for asking very intelligent questions and looking out for our welfare. I appreciate it. I'm very disappointed. I was on the Planning Commission for many years, Mr. Noble and Mr. Hijazi isn't here and it's very upsetting to me, I wonder why. We were able to quickly get a resolution of opposition for the PennEast pipeline, why, because they were worried about the water source. It took me literally a minute to get a resolution of opposition from the Township, from the Planning Commission, from the Zoning Board and from the Environmental Advisory Committee. Now, this is, it's a total 180, it's really, it's sad is what it is. The property

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values of these people, you have to be very concerned about. When I was on the Planning Commission, the hoops that we made people go through to make sure whatever it was that they were building, the rainwater, the stormwater, the egress, the this, the that, how it's gonna impact on everybody else around them. The person that wanted to put the methane gas, Mr. Kologie, if you remember, the – he was gonna have a business and we weren't gonna let him do it because it was gonna impact on everybody else's homes. It was right next to the dump and we said no. So, it's really kind of sad, I hope you really consider what you're doing. Thank you.

Tom Carocci stated thank you. Stacie Misczenski.

Stacie Misczenski stated good evening. The half hearted attempt of notifying your Township of this meeting tonight needs to be noted for the record. So adding 6 parcels to the existing landfill is 1 parcel to many. Green circles, cute triangles of landscaping can quickly turn into trash circles with the submission of another application. In any event, here is my proposal, you leave our unique slopes, our forests, our wildlife and our environment in their current state. Reject this conditional use application. No alignment is necessary. Keep this landfill in its current box. As approved, 6 more years of this stench is still 6 years to many. In other words, instead of a 3 to 1 slope, let's say goodbye to all slopes of trash. Stop conditional use application, stop land development process, stop the DEP process. There would be no need to monitor their destruction of 144 acres of our land, our water if we simply stop Mr. Yuck, stop planning to poison our land. This proposal is in direct conflict with the Lehigh Valley Planning Commission plan. It's obviously vehemently objected by the Heritage Corridor which spoke tonight. It's a detriment to our environment. It was objected by Mr. Freedman. The perpetual environmental easements that were placed on certain parcels were put in place by your previous administration to speak to you sitting in your seats today. Preserve our land. Don't remove our streams. Stop the expansion. Stop the review of this heinous expansion. Thank you.

Tom Carocci stated thank you. That's everybody who signed up for public comment.

Kareen Bleam stated my name's Kareen Bleam. I live by the Steel City Mennonite Church. I'm supposed to live on Fritz Avenue, but there is no Fritz Avenue where I live, it's a private drive. They're talking about heights. I don't know too much about height because I'm not even 5 foot. But 775 feet tall and you got a lot of water coming down there. Go over to Steel City when it rains and see what the water's like coming from the top of the mountain down. Sometimes when it rains, because we have to maintain our driveway which is 300 feet up hill, when it rains and it freezes, we can't get up our driveway. We have to come down from the top road next to Mennonite Church so that we can get in to our property. Because the Township, when we built our house in 1970, they told us the dump would not expand. We didn't have to worry about it. Then we were told things were gonna change, the Township was gonna do this and the Township was gonna do that, they were gonna put the road through. Mr. Linc knows about this, don't you Linc? They even sent a letter to the mortgage company saying that they would put the road through and they never did. It's because the Township tells you you're gonna do this and the next group of people come in and they say something different. Now they told this in 1968 that that landfill was not going to expand and already expanded once. And they told us then it's not gonna expand again, they only wanted to go that far is what they had; and now all of a sudden they're back again. So, they're gonna do this expansion and in four years they're gonna come back or in six years they're gonna come back and say can we expand again. What about the Indian preservation that's up there on the hill? The kids, my daughters, when they were growing up, they were up there. The neighbor kids, all the Steel City kids, including Linc's wife, I'm sure, was one of them that was up there and there is an Indian preservation up at the top of Steel City by the dump. There's a cave up there, there's cemeteries up

there. I thought that was important to the society and what we have. Steel City was an Indian place before it became Steel City. And, now youse are gonna let them expand again if you say yes; and then in six years they're gonna come back and ask to expand again. Why is this keep going on and on? New people are on the Council and they don't take into consideration what the other people told us. When we bought our property you only needed 4 lots, before you know it, before we built, we had to buy 2 more lots before we could build because they changed the ordinance or they changed the zoning or they changed this. And, it just, it never stops. When is it gonna stop? You have to stop it. They just can't keep well we're gonna do it this far. What was 4 years? When did we come back here the last time to fight for it? They weren't gonna do anything else. That's all the farther they were gonna expand, before you know it they're expanding. The water washes Riverside Drive down when it rains. What's it gonna do when the dump's there. You can see it from Wind Gap. Do ya ever come down 33 from Wind Gap and see the dump, the landfill behind St. Lukes Hospital? It's a real nice thing to look at. Thank you.

Tom Carocci stated thank you. Is there anybody else?

Ginger Petrie stated my name is Ginger Petrie, my property parallels the proposed dump expansion. I didn't know ahead of time about this meeting that they were going to discuss the landfill or I would have prepared more information. I've been in front of not all of you on this Board. I've been in front of the Council quite a few times trying to state my position. And, I have to tell you most of the people here are feeling that our positions do not matter at all. So, I'm appealing to those of you sitting here that haven't heard us before, please extend the period of time that you take before you make this decision. And one of the most important things I think you should consider doing, I'm going to invite you right now to our property. Now, we have a beautiful 200 and some acre piece of property that we have with you, we have a conservation easement as well. And, we do have a 3<sup>rd</sup> party agreement. The reason we did that was so that no one could buy the property from us or our children sell the property while we're dead and then have 200 houses come in. While we were worried about the building, we were worried about developments, we were worried about houses ruining this absolutely beautiful land and woods. Now, we don't have to worry about that, we don't have to worry about a development with nice people and nice houses. Now, we have to worry about trash. Now, I really suggest, and the reason I'm saying this is because when we went into conservation and we take it very seriously, we had everyone from the EAC come, we had everyone from the Council come, we also had the Heritage come and everybody walked the property, they walked the fields, they walked the woods. We had people, experts, that wrote down the animals, the trees and the plants, rare plants. Now, what is next to us in a parallel side of the mountain is the landfill expansion. It's all beautiful forest. Mark has a You Tube video done with a drone. If you want to see what it looks like and you don't have time to come to our property look at the video. It's on video. You need to get a visual, not a map, not a proposed little green spot. You need to come there yourselves and you need to see it. And, you need to be able to understand why all these people are here and why that we need to respect this earth. I am not a democrat, I am not necessarily a tree hugger; but, you can bet I'm out there hugging the trees. Thank you for your time.

Tom Carocci stated thank you. Anyone else?

Gary Asteak stated good evening, I'm Gary Asteak and I represent a few folks who are opposed to this landfill expansion. I could never be as articulate as they. However, I believe you owe them the respect of listening to them. I think you owe them the respect of listening to them for more than 3 minutes; and, I think you owe them the respect of giving them more than 36 hours notice of this proceeding. Now, you have a sacred duty. Each and every one of you, Mr. Carocci, I would

appreciate it if you would look at the people who are speaking to you or don't you even respect us enough to do that? You owe us a duty to follow the Pennsylvania Municipalities Planning Code, if nothing else. And, you're familiar with it, I am sure each and every one of you, because you've been working on it, working with it for years. And, you owe us and you owe the people of your community the obligation to carefully review, like Hanover did, this application before you make comments or any recommendations. Otherwise, you would be demeaning your work, you would be demeaning your position and you would be disrespecting the folks who are in this room. So, let me make a couple of suggestions. This first suggestion is that we not rush to judgement, as others have said what's the hurry? Why are we in such a hurry to move this? Your Council approved this on Christmas Eve and within weeks now you have this application in front of you while there are pending two legal proceedings challenging the underlying ordinance. There's a serious proceeding pending before the Court on the procedural aspects of the adoption; and, there is also another action pending before your Zoning Hearing Board challenging the substantive proceedings with regard to the ordinance. So, why are you in a hurry? The ordinance hasn't even passed judicial scrutiny yet. The various challenges that have been made, and I assure you they are legitimate, haven't even been examined yet. Why are you rushing? And, then also why are you rushing to get comments to your Council when you've heard from your own engineer that there are so many deficiencies? Now, how many times you know through your experiences as planners have you required developers to come back and explain things? I represent many municipalities, as you well know, it is the rare developer who gets one shot, one hour in front of the Planning Commission and gets it passed off to the governing body. They're asked to come back and come back and come back. So, why don't you ask for the traffic study? Why don't you ask for stormwater study? Why don't you ask for all of the studies that you're being promised that are preconditions for this approval? Now, I brought with me just as a crib, what are the conditions?

Tom Carocci asked can you move on?

Gary Asteak stated I would hope that you would give me the respect of speaking for more than three minutes when you gave them one hour. Okay, so are you going to give me the respect of more than 3 minutes? Mr. Treadwell, do you think I ought to be permitted to speak for more than 3 minutes? Do you believe I should be allowed to speak for more than 3 minutes? We have a room full of people who all they want to be is heard.

Linc Treadwell stated Attorney Asteak we –

Gary Asteak stated I mean as a lawyer, do you believe that I ought to be shut off in mid sentence when

Linc Treadwell stated Attorney Asteak –

Gary Asteak continued I'm speaking on behalf of a community whose health, safety and welfare are at stake?

Linc Treadwell asked we're not having a hearing, correct?

Gary Asteak answered no.

Linc Treadwell stated we're having a public meeting –

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Gary Asteak stated but, I have the right to speak to these folks and you're depriving them by cutting them off after 3 minutes. And, I counted more than half of the people were cut off before they completed their full comments. Their lives, their fortunes, their health is at stake and you don't want to listen the them. You don't want to listen to their spokesperson. Well, you know, it shows how much respect you have; and, I don't believe you voted on a 3 minute rule. I wasn't here at 7 o'clock, but I think Mr. Carocci made this up, okay?

Tom Carocci stated it's not a matter of –

Gary Asteak continued speaking like he's made up many other things. We are not going to stand here Mr. Carocci and allow you to shut us down.

Craig Kologie banged the gavel and stated excuse me –

Gary Asteak continued speaking let's have a vote.

Craig Kologie continued speaking you asked me for respect, I'm asking for respect as well.

Gary Asteak stated very well.

Craig Kologie stated so we've heard everybody. I appreciate the comments that everybody's made. Everybody was very respectful in making their comments; and, I think that that was returned.

Gary Asteak asked can I finish my thoughts?

Craig Kologie stated I'll give you one more minute to wrap it up.

Gary Asteak stated I can't talk that fast. So, let's just close with this. Have you read your ordinance lately? Have your Comprehensive Plan lately? Have you read the conservation easements lately? Because it said this must be in accordance with the Lower Saucon Township Comprehensive Plan and consistent with the spirit, purposes and intent. Can you say that this plan is consistent with the Comprehensive Plan having read it and probably even approved it. Number 2, is this in the interest of community?

Craig Kologie stated okay, Mr. Asteak –

Gary Asteak continued speaking the convenience of the community, the public welfare and-

Craig Kologie banged the gavel and stated excuse me please, we gave everybody the same amount of time. I appreciate your comments, you'll have the opportunity at the conditional use hearing to make your statements.

Gary Asteak stated it is so noted that the citizens have not been permitted to give a full presentation to you on 36 hours notice. I would ask this matter be continued to your next Commission meeting, certainly timely to allow all the people who didn't get notice to come and provide you with comment. I believe it's a deprivation of due process under the Pennsylvania Municipalities Planning Code for the Commission when it's providing comment, statutory comment, to the governing body to deprive us of the opportunity to provide full comment.

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Craig Kologie stated thank you. Are there any follow up questions as a result of the comments we heard? Any responses that the applicant would like to make?

Maryanne Garber answered no.

Craig Kologie stated we have a couple options then tonight. We can talk about what types of recommendations or conditions we might like the Council to consider at the conditional use hearing.

Tom Carocci stated I'm ready to make a motion to do that.

Craig Kologie stated okay, do we have a second?

**MOTION BY:** Tom Carocci moved to start discussions on what recommendations or comments the Planning Commission might decide to make to Council.

**SECOND BY:** Doug Woosnam

**ROLL CALL:** 5 ayes – 0 nays – 1 absent (Hijazi)

Craig Kologie stated I have written a few things down based on our discussions. The first is that the applicants address all items as identified in the January 24<sup>th</sup> Hanover review letter.

We'd also talked about recommending that a 3<sup>rd</sup> party conservation organization be a party to any conservation easements that are placed on the property. A comment that I had made with regards to long term road improvements that consideration be given to long term impacts to the roads and that the applicant be somehow obligated to partake in those repairs when necessary.

There were some themes to the comments that we heard from the public with regards to air quality, water quality, wells, odors, noise. I would like that during the conditional use hearing that studies be presented addressing all of those items. In particular that there be some, unfortunately there are DEP, there are state standards with regards to how landfills are designed but unfortunately many times those are of minimum standards. So, if there are things that can go beyond some of those minimums particularly with water quality issues, I would like to see those things implemented.

Chris Nagy stated in addition to that I'd like to have a comprehensive plan for the proposal of water quality moving forward that they can share with the public.

Craig Kologie stated and both surface and ground water.

Chris Nagy stated and air quality.

Craig Kologie stated there were comments about trucks idling and leachate and concerns over that. I know that in prior presentations, that's been addressed; but, I would like that to be discussed in somewhat detail at the hearing as well. Those are the notes that I took.

Tom Carocci asked do we do this all at once or you want to do it separately?

Linc Treadwell stated no, if those are the comments and/or recommendation of conditions that you want to make, you can do it all at once.



Tom Carocci asked does anybody have anything else?

Jeff Schmehl stated I heard some comments tonight about the waste water treatment doubling. Is that accurate? Some of the residents made comments about the waste water treatment doubling. That the waste water that's leaving that site, is that accurate?

Maryanne Garber stated Joe and I will sort of tag on the answer to this. But, the leachate that's collected from the existing landfill and the leachate that will be collected from the expansion will go to the POTW. We have permits that give us a specific amount, a certain amount of capacity for that. So, the plant has the capacity to treat what we currently send there. Obviously, if we're sending additional capacity to the plant, then we would have to have a permit for that additional capacity. And, there are parameters that we have to meet in terms of the leachate that we sent there in order for us to be able to send it there. In terms of the specific amounts of leachate that will be generated from the expansion, those are calculations that are put together as the sort of highly engineered design of the landfill as put together as part of the DEP permit application. And those calculations, we don't have those calculations yet because we're still going through the sort of the very specific design that's required as part of the DEP permitting process. So, if I had to sort of, and Linc chime in here if you disagree, but in terms of the level of information that we're required to provide at each step of the way, it gets more and more and more detailed. So, we're here on a conditional use application which is a zoning approval to approve the use. There's a lot more specific information that's required as part of the land development approval process. And that is an approval process that's going to follow on the tails of a zoning approval. So, the way that it works is if need a rezoning, you get the rezoning and that gives you the ability to get a zoning approval. Then you get the zoning approval and that zoning approval then gives you the ability to submit a DEP application. So we can't even submit an application to DEP unless and until we have a zoning approval. And in the interim, we prepare a very detailed land development application where things like stormwater –

Joe McDowell stated yeah, I think stormwater and traffic and as we've been before this Commission before as part of those land development plans. We review all of those systems that are designed and managing the landfill itself.

Maryanne Garber stated I think maybe for some of you like I know Mr. Kologie that you've been on the Planning Commission for awhile and you were on the Planning Commission when we came in for our last expansion which was the northern realignment. The difference between then and now is when we went in for the northern realignment, it was a special exception at the time which was also reviewed by the Planning Commission. And that was done and the land development was being done at the same time. They were sort of running on parallel tracks at the same time that we were submitting the DEP application. So, all of this work and all of these studies, they were all sort of being done because all that was being done on a parallel track which is kind of A-typical actually. Normally, the way these things work is you get your zoning approval first and then you take that next step and you do your land development and then you prepare your DEP application. So that's why, you know, I can understand the frustration, I think from people who think my gosh like there's so much more information to be shared. Right, and I can appreciate that and I just want people to understand that, you know, we are still in the very basic stages of this project. And, there's a whole lot of information that's going to be required as part of land development and a whole lot more information that's required as part of the DEP permit application.

Craig Kologie stated I think we understand that. I think this is the opportunity to if there are particular things that we're concerned about that we really need to see addressed, maybe not

necessarily having the studies done now, but at least the parameters of what those studies should include, that should be done.

Maryanne Garber stated absolutely.

Craig Kologie stated so that's the things that would go beyond what we could typically require as part of the code. That's the purpose of a conditional use, so there are special conditions that might assign to this land use because of the unique nature of it. So, that's my point is getting whatever controls or whatever criteria we can establish now to get that made part of that conditional use process.

Tom Carocci stated these recommendations, I think, that's what we're supposed to be doing tonight and I think the go a long way.

Chris Nagy asked are you testing the waste water that goes to the water treatment plant or is that being done by them?

Joe McDowell stated that there's reporting requirements that testing is done. And there's an agreement that's outlined on what the parameters can be.

Chris Nagy asked is that guided by the DEP guidelines as well? The testing.

Joe McDowell stated that it's guided by the agreement that we have with the POTW. So, they have requirements that they have to meet to meet DEP standards for their criteria for their plant. And, we have to then meet the standards imposed by the City of Bethlehem on what we're discharging.

Chris Nagy stated okay.

Craig Kologie asked you don't have a pre-treatment plant at the landfill?

Joe McDowell answered correct.

Tom Carocci asked the City of Bethlehem doesn't require you to have one?

Joe McDowell stated that's correct.

Chris Nagy stated I just wanted to make sure then that the plant is testing all discharge and they're designed to handle certain types of biological waste. Are they testing for their discharge for other types of waste?

Maryanne Garber stated what we can do is at the conditional use hearing, we'll certainly put this into evidence that we can put into evidence what our current agreement with the POTW is , what the parameters are, what we're allowed to do, what we're not allowed to do and then I suppose we can probably get the permit for the POTW so you can see what their limits are going out the other side of their plant. So that you can see exactly what the parameters are. Obviously, it's highly regulated. We're happy to provide that information.

Tom Carocci asked how do we want to proceed?

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Linc Treadwell stated it's up to the Planning Commission whether at this time you want to make any recommendations or comments to Council or how you want to proceed.

Tom Carocci stated I think Craig just read them.

Linc Treadwell stated there's six of them, right. But your motion was to start discussing them. So, if you're going to go ahead with it, then you would need to make a motion to make those recommendations and comments to Council.

Tom Carocci asked do you want to make a motion with all your recommendations?

**MOTION BY:** Craig Kologie moved to forward the following six (6) comments and recommendations to Council prior to the conditional use hearing:

1. Recommend that the Applicant discuss and address, to the satisfaction of the Township Engineer, the engineering comments contained in the HEA Conditional Use review letter dated January 24, 2023.
2. Recommend that the Council of Lower Saucon Township (LST) consider adding a third party to any conservation easements offered by the Applicant.
3. Recommend that the Council of LST consider the long term impacts on roadways used by the Applicant, and consider conditions to address those impacts.
4. Recommend that the Council of LST consider air quality, water quality, stormwater, and other environmental issues during the conditional use and land development process.
5. Recommend that the Applicant provide studies, or other evidence, as well as comprehensive plans for the future that address air quality, water quality, stormwater, and groundwater issues.
6. Recommend that the Applicant provide detailed explanation of operational issues including leachate collection and disposal, as well as noise, dust, and odor abatement procedures.

**SECOND BY:** Tom Carocci

**ROLL CALL:** 5 ayes – 0 nays – 1 absent (Hijazi)

**V. MICELLANEOUS BUSINESS ITEMS**

**A. APPROVAL OF MINUTES – OCTOBER 27, 2022**

**MOTION BY:** Chris Nagy moved to approve the October 27, 2022 Planning Commission minutes.

**SECOND BY:** Tom Carocci

**ROLL CALL:** 5 ayes – 0 nays – 1 absent (Hijazi)

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

None.

**VII. ADJOURNMENT**

**MOTION BY:** Tom Carocci moved to adjourn the meeting at 9:47 p.m.

**SECOND BY:** Doug Woosnam

**ROLL CALL:** 5 ayes – 0 nays – 1 absent (Hijazi)

Submitted by:

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Craig Kologie, Chairman