

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY,
PENNSYLVANIA
CIVIL DIVISION

BRUCE PETRIE, GINGER PETRIE,
LAWRENCE OPTHOF, MARGARET
OPTHOF, FRANK PALUMBO, ROBERT
McKELLIN and CYNTHIA McKELLIN,
Appellants

vs.

LOWER SAUCON TOWNSHIP,
Appellee

) NO. C0048CV2023- 335

) LAND USE APPEAL

NOTICE OF APPEAL

Appellants, Bruce Petrie, Ginger Petrie, Lawrence Opthof, Margaret Opthof, Frank Palumbo, Robert McKellin and Cynthia McKellin, by and through their Counsel, Gary Neil Asteak, Esquire, hereby challenge the validity of Lower Saucon Township Ordinance No. 2022-02 amending and revising the Code of the Township of Lower Saucon by revising the Zoning Map and amending the Zoning Ordinance, in accordance with 42 Pa. C.S.A. §5571.1, and in support thereof state the following:

STATEMENT OF FACTS

1. Appellants, Bruce Petrie and Ginger Petrie, are citizens, taxpayers, and owners of certain real estate at 2626 Redington Road, Lower Saucon Township, Hellertown, Northampton County, Pennsylvania 18055.

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COURT OF COMMON PLEAS
NORTHAMPTON COUNTY
ADMINISTRATIVE SERVICES

2. Appellants, Lawrence Opthof and Margaret Opthof, are citizens, taxpayers, and owners of certain real estate at 2700 Redington Road, Lower Saucon Township, Hellertown, Northampton County, Pennsylvania 18055.

3. Appellant, Frank Palumbo, is a citizen, taxpayer, and owner of certain real estate at 2566 Kings Mill Road, Lower Saucon Township, Hellertown, Northampton County, Pennsylvania 18055.

4. Appellants, Robert McKellin and Cynthia McKellin, are citizens, taxpayers, and owners of certain real estate at 2166 Kistler Avenue, Lower Saucon Township, Bethlehem, Northampton County, Pennsylvania 18015.

5. Appellee, Lower Saucon Township, is a township of the second class, organized and existing under the Second Class Township Code, with principal offices located at 3700 Old Philadelphia Pike, Lower Saucon Township, Bethlehem, Northampton County, Pennsylvania 18015.

6. On December 21, 2022, Lower Saucon Township Council conducted a public hearing and adopted Ordinance No. 2022-02 amending and revising the Code of the Township of Lower Saucon Ordinances by amending Chapter 180 of its Code of Ordinances to revise the Zoning Map by changing approximately 275.70 acres of land from RA zoning designation to LI zoning designation, to permit landfills and waste disposal facility use to the list of uses requiring conditional use approval in the LI Zoning District, as well as other amendments to the Zoning Ordinance pertaining to landfills and waste disposal facilities.

7. A copy of the aforesaid Ordinance is attached hereto, made a part hereof, and marked Exhibit "A." (Secured from Northampton County Law Library.)

8. Appellants herein assert that Appellee failed to comply with the procedural requirements for a Zoning Ordinance and Zoning Map adoption as set forth in the Pennsylvania Municipalities Planning Code, to be enumerated and identified herein.

9. This Notice of Appeal is filed within thirty (30) days after the intended effective date of the Ordinance Amendments as required by law. 42 Pa.C.S.A. §5571.1(b).

10. It is well established in the Commonwealth of Pennsylvania that a municipal ordinance is void at its inception if the governing body fails to strictly comply with the procedural requirements of the Pennsylvania Municipalities Planning Code. 42 Pa. C.S.A. §5571.1(e).

11. Section 609(b)(1) of the Pennsylvania Municipalities Planning Code provides that, before voting on the enactment of an amendment, the governing body shall hold a public hearing thereon, pursuant to public notice.

12. "Public notice" is defined in Section 107 of the Pennsylvania Municipalities Planning Code as:

Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

13. Upon diligent investigation (Appellants have not yet received a response to their Right-to-Know Request as of the time of the filing of this pleading), it is averred that Appellee has not complied with the aforesaid mandatory notice requirements.

14. Section 609(b)(1) of the Pennsylvania Municipalities Planning Code provides that if the proposed amendment involves a Zoning Map change, notice of said public hearing shall be conspicuously posted by the municipality at points deemed sufficient by the municipality along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of hearing.

15. Upon diligent investigation (Appellants have not yet received a response to their Right-to-Know Request as of the time of the filing of this pleading), it is averred that Appellee has not complied with the aforesaid mandatory posting requirements.

16. Section 610(a) of the Pennsylvania Municipalities Planning Code provides as follows:

(a) Proposed zoning ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the municipality where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The governing body shall publish the proposed ordinance or amendment once in one newspaper of general circulation in the municipality not more than 60 days nor less than 7 days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the municipal solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

(1) A copy thereof shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published.

(2) An attested copy of the proposed ordinance shall be filed in the county law library or other county office designated by the county commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.

17. Appellee published a legal notice, to the best of Appellants' information and belief after due diligence, in The Express-Times, Lehigh Valley Live, Classified Advertising Section, on November 28, 2022. A copy of said notice, secured from Lehigh Valley Live, is attached hereto, made a part hereof, and marked Exhibit "B."

18. Appellants aver that Appellee failed to strictly comply with the publication and notification requirements of Section 610(a) of the Pennsylvania Municipalities Planning Code in the following respects:

A. The legal notice failed to include the full text of the Zoning Map/ Zoning Ordinance amendment but rather a brief summary that failed to set forth all of the provisions in reasonable detail as required by statute. In particular, the summary fails to identify for the public the location of the 275.70 acres of land being rezoned from Rural Agriculture (RA) zoning to Light Industrial (LI) zoning thereby expanding the areas within which landfills and waste disposal facilities would be permitted as conditional uses. As a matter of law, Appellants aver that the failure to identify the location of the Zoning Map change is a fatal flaw, not in conformance with the statutory requirement that the legal notice shall be drafted **"setting forth all the provisions in reasonable detail."**

B. Appellants aver that a copy of the proposed Ordinance was not supplied to a newspaper of general circulation.

C. Appellants aver that an attested copy of the proposed Ordinance was not filed in the Northampton County Law Library.

D. Appellants aver that the copy of the proposed Ordinance as filed in the Northampton County Law Library did not contain the two (2) exhibits referred to in the body of the Ordinance, i.e. maps identifying the location of rezoning. A copy of the proposed Ordinance secured from the Northampton County Law Library is attached hereto, made a part hereof, and marked Exhibit "C."

E. Appellants aver that the summary of the proposed Ordinance was not prepared by the Township Solicitor.

F. Appellants aver that although the legal notice indicated that a copy of the full text of the Ordinance may be viewed at the Lower Saucon Township municipal building, it failed to specifically provide: "the proposed ordinance or amendment may be examined **without charge** or obtained for a charge not greater than the cost thereof."

G. Appellants aver that although the legal notice indicated that a copy of the full text may be viewed at the Lower Saucon Township municipal building, it failed to specifically identify the address of the Lower Saucon Township municipal building.

19. On December 22, 2022, in an effort to verify, document, and secure records pertaining to the procedures involved in the enactment of the aforesaid Ordinance,

Appellants, by and through their Counsel, submitted a Right-to-Know Law Request with the hopes of securing timely response. Appellee's response was to invoke its right to reply within thirty (30) days, thus preventing Appellants from providing in more detail specific averments pertaining to the procedural flaws in Ordinance enactment. Appellants reserve the right to seek amendment to these pleadings when Appellee fills its Right-to-Know Law obligations. Attached hereto and made a part hereof are Exhibits "D" and "E", the request and reply referred to herein.

20. Appellants have a substantial interest in the adoption of the aforesaid Ordinance, said Ordinance has an adverse and direct effect upon their respective property interests and property rights, including but not limited to their peaceful enjoyment and use of their property.

21. The adoption of the aforesaid Ordinance imposes actual harm to property owners abutting or in close proximity to the 275.7 acres rezoned, affecting health, safety, and welfare of Appellants and the Lower Saucon Township community.

22. Adoption of the aforesaid Ordinance is contrary to the comments and recommendations of the Lower Saucon Township Environmental Advisory Council and Lehigh Valley Planning Commission.

23. Adoption of the aforesaid Ordinance is contrary to the Lower Saucon Township Comprehensive Plan.

24. Adoption of the aforesaid Ordinance deprives Appellants and the residents of the rights conferred by the Environmental Rights Clause of the Pennsylvania Constitution, Article I, Section 27.

25. Appellants aver that adoption of the aforesaid Ordinance is in violation of the Scenic and Conservation Easement between Appellee and the City of Bethlehem as recorded in the Office for the Recording of Deeds in and for Northampton County in Volume 1994-6, Page 012074, said easement "being designed for the purposes of assuring the preservation of the Delaware and Lehigh Canal National Heritage Corridor and State Heritage Park; and, during such operation of the Landfill to as great a degree as possible to preserve the original character and scenic nature of the land." See Exhibit "F" attached hereto.

26. Appellants aver that adoption of the aforesaid Ordinance is in violation of the Scenic and Conservation Easement between Appellee and the City of Bethlehem as recorded in the Office for the Recording of Deeds in and for Northampton County in Volume 1994-6, Page 012081, said easement being a restrictive easement for scenic and conservation purposes and woodlands protection easement. See Exhibit "G" attached hereto.

27. The restrictive easements for scenic and conservation purposes and woodlands protection are imbued and imposed with a public trust under common law and also constitute interests in real property that are dedicated to public use for these purposes and are therefore subject to the Act of Dec. 15, 1959, P.L. 1772, No. 670, the "Property Donated to Political Subdivisions for Public Use" ("Act"). These dedications and public trust are irrevocable or, if revocable, must be altered by an Order of Court of competent jurisdiction in accordance with the Act. Thus, such an Order is a necessary precondition to the Zoning Ordinance amendment which purports to allow

uses contrary to such purposes, dedications, and public trust, and the Ordinance enactment without compliance first with the Act's procedures to obtain an Order allowing such uses involves a "defect in procedures prescribed by statute" as provided by the Municipalities Planning Code, 53 P.S. §11002.1.

28. Where a governing body fails to substantially comply with applicable procedural requirements in the enactment of a municipal zoning or land use ordinance, an unconstitutional deprivation of due process occurs. Appellants aver that they, along with the citizens of Lower Saucon Township, have been deprived of due process as a result of the deficiencies as set forth above.

WHEREFORE, Appellants request that the Court enter an Order finding that the adoption of the Ordinance amendments by the Appellee deprived Appellants of procedural due process, were violative of the requirements of the Pennsylvania Municipalities Planning Code, and for the other legal reasons as set forth above, that Ordinance No. 2022-02 be deemed void ab initio, and grant such any and all other relief as the Court deems just and proper under the circumstances.

Respectfully submitted,



GARY NEIL ASTEAK, ESQUIRE

ID: 19233

726 Walnut Street

Easton, PA 18042

(610) 258-2901

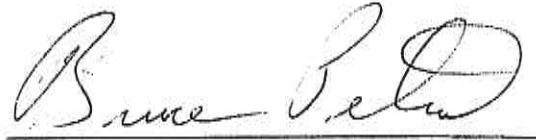
asteaklaw@gmail.com

Attorney for Appellants

VERIFICATION


We, Bruce Petrie and Ginger Petrie, being duly sworn according to law, depose and say that the facts set forth in the foregoing Notice of Appeal are true and correct to the best of our knowledge, information and belief. We understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. 4904 relating to unsworn falsification to authorities.

DATED: January 12, 2023



BRUCE PETRIE

DATED: January 12, 2023



GINGER PETRIE

VERIFICATION

We, Lawrence Opthof and Margaret Opthof, being duly sworn according to law, depose and say that the facts set forth in the foregoing Notice of Appeal are true and correct to the best of our knowledge, information and belief. We understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. 4904 relating to unsworn falsification to authorities.

DATED: January 12, 2023


LAWRENCE OPTHOF

DATED: January 12, 2023


MARGARET OPTHOF

VERIFICATION

I, Frank Palumbo, being duly sworn according to law, depose and say that the facts set forth in the foregoing Notice of Appeal are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. 4904 relating to unsworn falsification to authorities.

DATED: January 12, 2023



FRANK PALUMBO

VERIFICATION

We, Robert McKellin and Cynthia McKellin, being duly sworn according to law, depose and say that the facts set forth in the foregoing Notice of Appeal are true and correct to the best of our knowledge, information and belief. We understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. 4904 relating to unsworn falsification to authorities.

DATED: January 12, 2023


ROBERT McKELLIN

DATED: January 12, 2023


CYNTHIA McKELLIN

ENACTED 12/21/22

LOWER SAUCON TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 2022-02

AMENDMENTS TO THE CODE OF THE TOWNSHIP OF LOWER SAUCON

AN ORDINANCE OF THE TOWNSHIP OF LOWER SAUCON, NORTHAMPTON COUNTY, PENNSYLVANIA, AMENDING AND REVISING THE CODE OF THE TOWNSHIP OF LOWER SAUCON BY AMENDING CHAPTER 180 (ZONING) TO REVISE THE ZONING MAP BY CHANGING APPROXIMATELY 275.70 ACRES OF LAND FROM AN RA ZONING DESIGNATION TO AN LI ZONING DESIGNATION, REVISING SECTION 180-79.1 TO ADD "LANDFILLS AND WASTE DISPOSAL FACILITIES USE TO THE LIST OF USES REQUIRING CONDITIONAL USE APPROVAL IN THE LI ZONING DISTRICT, REVISING SECTION 180-80B TO REMOVE THE LANDFILLS AND WASTE DISPOSAL FACILITIES USES FROM THE LIST OF USES REQUIRING SPECIAL EXCEPTION APPROVAL, REVISING SECTIONS 180-101 AND 180-109F TO EXEMPT LANDFILLS AND WASTE DISPOSAL FACILITIES FROM THE SITE PLAN APPROVAL PROCESS AND REQUIREMENTS IF THE USE WILL REQUIRE LAND DEVELOPMENT APPROVAL UNDER THE LOWER SAUCON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE AND A PERMIT FROM THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND ADDING SECTION 180-109G TO PROVIDE FOR A NATURAL RESOURCE MITIGATION ALTERNATIVE IN THE LI DISTRICT WHEN APPROVED IN WRITING BY THE COUNCIL OF LOWER SAUCON TOWNSHIP; AND REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THE PROVISIONS CONTAINED HEREIN. THIS ORDINANCE CONTAINS SIGNIFICANT, SUBSTANTIVE CHANGES TO THE LOWER SAUCON TOWNSHIP ZONING MAP AND ZONING REGULATIONS, AND SHOULD BE REVIEWED IN ITS ENTIRETY FOR A COMPREHENSIVE UNDERSTANDING OF ITS PROVISIONS.

WHEREAS, Lower Saucon Township is a Township of the Second Class, Optional Plan of Government, located in Northampton County, Commonwealth of Pennsylvania; and

WHEREAS, the Township of Lower Saucon adopted Ordinance # 98-17 on May 20, 1998, enacting the Code of the Township of Lower Saucon (hereinafter referred to as the "Code"); and

WHEREAS, the Council of Lower Saucon Township desires to amend the Code of the Township of Lower Saucon to revise the Township Zoning Map, to require that landfills and waste disposal facilities obtain conditional use approval instead of special exception approval, to exempt landfills and waste disposal facilities from the site plan approval process and requirements if the use will require land development approval under the Lower Saucon Township Subdivision and Land Development Ordinance and a permit from the Pennsylvania Department of Environmental Protection, and create a natural resource mitigation alternative for industrial users requesting to disturb natural resources in the Light Industrial District; and

WHEREAS, the Council of Lower Saucon Township has determined that the adoption of this Ordinance containing the described amendments to the Zoning Map and text of the Zoning Chapter of the Code is in the best interest of the public health, safety, and welfare of the citizens of Lower Saucon Township.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Council of the Township of Lower Saucon, Northampton County, Commonwealth of Pennsylvania, that the provisions of the Code of the Township of Lower Saucon are hereby amended and revised as follows:

Section 1. Amendment to Chapter 180 (Zoning), Section 180-15 (Zoning Map), subsection A

The Zoning Map of the Township of Lower Saucon is amended in accordance with the revisions noted on the Map attached hereto and incorporated herein by reference as Exhibit "A". Specifically, the lands located in and around the Applebutter Road and Riverside Drive areas of the Township, consisting of approximately 275.70 acres of land currently zoned RA is changed to LI. The Township Manager is hereby directed to prepare a revised Zoning Map dated December 21, 2022 in accordance with the provisions of this Section.

Chapter 180, Section 180-15(A) of the Code is amended in its entirety as follows:

A map entitled "Zoning Map for the Township of Lower Saucon, Northampton County, PA, adopted: December 21, 2022 by Ordinance No. 2022- 02 as amended," attached hereto and incorporated herein by reference as Exhibit "B" accompanies this chapter and is declared a part of this chapter.

Section 2. Amendment to Chapter 180 (Zoning), Section 180-79.1 (Conditional uses)

Chapter 180, Section 180-79.1 of the Code is amended to add a new subsection B as follows:

"B. Landfills and Waste Disposal Facilities (see §180-109)."

Section 3. Amendment to Chapter 180 (Zoning), Section 180-80 (Special exception uses), subsection B (Industrial uses)

Chapter 180, Section 180-80(B) of the Code is amended to replace subsection (3) "Landfills and waste disposal facilities (see §180-109)" with the term "RESERVED".

Section 4. Amendment to Chapter 180 (Zoning), Section 180-101 (Purpose)

Chapter 180, Section 180-101 of the Code is amended to replace the first sentence therein with the following sentence: "This article requires that, unless a use is otherwise specifically exempted from this requirement elsewhere in this Article XVII, before any zoning permit is granted for the use of land or building for certain permitted, conditional and special exception uses, a site plan shall be reviewed by the Planning Commission and reviewed and approved by the Township Council."

Section 5. Amendment to Chapter 180 (Zoning), Section 180-109, subsection F (Additional requirements applying to extraction and processing of natural resources, landfills and waste disposal facilities and waste transfer and recycling facilities)

Chapter 180, Section 180-109(F) of the Code is amended to change existing Section 180-109(F)(1) (Additional site plan requirements) from 180-109(F)(1) to 180-109(F)(2), change existing 180-109(F)(2) (Standards) to 180-109(F)(3), and to add a new Section 180-109(F)(1) as follows:

"(1) If a landfill or waste disposal facility will require Land Development approval under the Lower Saucon Township Subdivision and Land Development Ordinance, and a permit from the Pennsylvania Department of Environmental Protection, it is not subject to the site plan approval process and requirements of this Article XVII."

Section 6. Amendment to Chapter 180 (Zoning), Section 180-109 (Industrial uses)

Chapter 180, Section 180-109 of the Code is amended to add the following subsection (G):

"G. Natural Resource Mitigation Alternative

An applicant proposing to develop an industrial use within the Light Industrial Zoning District shall be permitted, with the written approval of the Lower Saucon Township Council, to exceed the net buildable site area permitted by Section 180-95(C)(2)(c) ("Permitted Net Buildable Site Area"), utilizing a greater area of natural resource protection land than would be otherwise permitted by the Resource Protection Standards contained in Section 180-95 herein ("Excess Resource Utilization"), provided the Applicant dedicates to the Township for preservation an amount of land equal to the Excess Resource Utilization in accordance with the following requirements:

- (1) The Excess Resource Utilization shall be the difference between the resource protection land calculated by the Resource Protection Land formulas in Section 180-95.C(2)(b) ("Resource Protection Land") and the Applicant's proposed resource protection land (which is the difference between the Base Site Area pursuant to Section 180-95(C)(2)(a) and Applicant's proposed buildable site area) ("Proposed Resource Protection Land"). The Applicant shall be permitted to dedicate land in excess of what is required if accepted by the Township.
- (2) The Applicant shall provide drawings and calculations clearly showing the Resource Protection Land, the Proposed Resource Protection Land, Applicant's proposed buildable site area, and the Excess Resource Utilization, and noting that it proposes to develop the use in accordance with this Subsection (G).
 - (a) An additional plan sheet showing the limits of proposed buildable area and total acreage of existing environmentally protected lands is required.
 - (b) Calculations shall be included on the plans that accurately reflect the Permitted Net Buildable Site Area, the Resource Protection Land, the Base Site Area, the Proposed Resource Protection Land, the Excess Resource Utilization, and the minimum amount of land that is required to be dedicated pursuant to this Subsection (G).
- (3) The land proposed for dedication does not need to contain the same environmental resources as those resource protection lands on the subject property.
- (4) The land proposed for dedication shall be located within the

municipal boundaries of Lower Saucon Township, shall not be within an industrial or commercially zoned area, and shall not contain any natural or man-made features that are inconsistent with the Township's Open Space Action Plan and Policies.

- (5) The land shall be offered for dedication to the Township in either fee simple or via a conservation easement that is acceptable to the Township Council.
- (6) With the approval of the Township Council, land that is currently occupied by a use but that contains significant natural or historic resources, may be also considered for dedication to the Township.
- (7) In the event that the Applicant demonstrates, to the satisfaction of the Township Council, that it was unable to obtain any or enough property for dedication pursuant to this subsection, the Applicant may meet the requirements of this Subsection (G) by submitting a fee-in-lieu of dedication in accordance with the calculations in the Lower Saucon Township Subdivision and Land Development Ordinance, Section 145-51(E), with the "tract" referenced in Section 145-15(E) therein to mean, for purposes of this Section 180-109(G), the number of acres required to be dedicated pursuant to the calculation in Section 109(G)(1). The applicable calculated fee-in lieu of dedication shall only be used by the Township for the purposes authorized by the Township's Open Space plan.
- (8) An applicant choosing to develop an industrial use in accordance with this Subsection (G) shall demonstrate and make the required dedication and/or fee-in-lieu of dedication payment prior to final land development approval by the Township Council.

Section 7. Violations and Penalties.

The Violation and Penalty provisions of the Code, where not revised herein, shall remain unchanged.

Section 8. Severability.

The provisions of this Ordinance are severable. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, illegal, or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The Council of Lower Saucon Township hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional, illegal, or otherwise invalid.

Section 9. Repealer

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

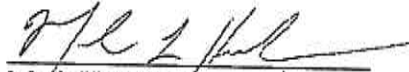
Section 10. Effective Date.

The provisions of this Ordinance shall become effective ten (10) days after adoption.

ENACTED and ORDAINED this 21 day of Dec. 2022.

ATTEST:

LOWER SAUCON TOWNSHIP



Mark Hudson
Township Manager



Jason Banonis
Council President

Exhibit A – Zoning Map showing parcels proposed to be changed from RA to LI
Exhibit B – December 21, 2022 new Zoning Map showing adopted changes



- LEGEND**
- TOWNSHIP BOUNDARY
 - TOWNSHIP PARCELS
- ZONING - FINAL ADOPTED**
- LI - LIGHT INDUSTRIAL
 - LM - LIGHT MANUFACTURING
 - R20 - SUBURBAN RESIDENTIAL
 - RA - RURAL AGRICULTURE

NOTE:
 PARCEL DATA FROM COUNTY OF NORTHAMPTON (GIS DATA).
 ZONING DATA FROM LOWER SAUCONY TOWNSHIP.

800' 0' 800' 1600'

PREPARED BY:
MIMI
 martin and martin incorporated
 37 south main street • suite A
 chambersburg, pennsylvania • 17201

Map Amendment Exhibit B

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Lower Saucon Township
Public Notice

Lower Saucon Township
Public Notice

The Lower Saucon Township Council will hold a public hearing for the consideration of and possible adoption and enactment of Ordinance No. 2022-02, "AN ORDINANCE OF THE TOWNSHIP OF LOWER SAUCON, NORTHAMPTON COUNTY, PENNSYLVANIA, AMENDING AND REVISING THE CODE OF THE TOWNSHIP OF LOWER SAUCON BY AMENDING CHAPTER 180 (ZONING) TO REVISE THE ZONING MAP BY CHANGING APPROXIMATELY 275.70 ACRES OF LAND FROM AN RA ZONING DESIGNATION TO AN LI ZONING DESIGNATION, REVISING SECTION 180-79.1 TO ADD "LANDFILLS AND WASTE DISPOSAL FACILITIES USE TO THE LIST OF USES REQUIRING CONDITIONAL USE APPROVAL IN THE LI ZONING DISTRICT, REVISING SECTION 180-80B TO REMOVE THE LANDFILLS AND WASTE DISPOSAL FACILITIES USES FROM THE LIST OF USES REQUIRING SPECIAL EXCEPTION APPROVAL, REVISING SECTIONS 180-101 AND 180-109F TO EXEMPT LANDFILLS AND WASTE DISPOSAL FACILITIES FROM THE SITE PLAN APPROVAL PROCESS AND REQUIREMENTS IF THE USE WILL REQUIRE LAND DEVELOPMENT APPROVAL UNDER THE LOWER SAUCON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE AND A PERMIT FROM THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND ADDING SECTION 180-109G TO PROVIDE FOR A NATURAL RESOURCE MITIGATION ALTERNATIVE IN THE LI DISTRICT WHEN APPROVED IN WRITING BY THE COUNCIL OF LOWER SAUCON TOWNSHIP; AND REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THE PROVISIONS CONTAINED HEREIN. THIS ORDINANCE CONTAINS SIGNIFICANT, SUBSTANTIVE CHANGES TO THE LOWER SAUCON TOWNSHIP ZONING MAP AND ZONING REGULATIONS, AND SHOULD BE REVIEWED IN ITS ENTIRETY FOR A COMPREHENSIVE UNDERSTANDING OF ITS PROVISIONS."

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on Wednesday, December 21, 2022 at 6:30 p.m. at Council's regular business meeting to be held at Town Hall, 3700 Old Philadelphia Pike, Bethlehem, PA 18015. A copy of the full text may be viewed at the Lower Saucon Township municipal building during normal business hours.

on Wednesday, December 21, 2022 at 6:30 p.m. at Council's regular business meeting to be held at Town Hall, 3700 Old Philadelphia Pike, Bethlehem, PA 18015. A copy of the full text may be viewed at the Lower Saucon Township municipal building during normal business hours.

Mark Hudson
Township Manager

Mark Hudson
Township Manager

Post Date: 11/28 Updated: 12/05 02:07 AM

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ORDINANCE NO. 303 NOTICE IS HEREBY GIVEN BY the Board of S [Show more »](#)

ORDINANCE NO. 303
NOTICE IS HEREBY GIVEN BY the Board of Supervisors of Washington Township, Northampton County, Pennsylvania, of its intention to hold a public hearing and consider adoption of Ordinance No. 303. This Ordinance will be considered at the Board's Wednesday, December 21, 2022, meeting to be held at 7:00 p.m. at the Washington Township Municipal Building, 1021 Washington Boulevard, Bangor, Pa. Said Ordinance, if enacted, will regulate lawn, yard, garage and big sales, indoors or outdoors in the Township of Washington, and shall provide permits therefor and prescribe penalties for violations thereof.
A copy of the full text of the proposed Ordinance is available at the Township offices and the Northampton County Law Library during normal business hours.
Any interested citizen is invited to attend the aforementioned meeting to offer any comments or questions.
DAVID J. CERAUL
Solicitor to the Board of Supervisors
of Washington Township
22 Market Street, P.O. Box 19
Bangor, PA 18013
610-589-0376

P #3152

10/27/2022 – Advertisement Version

LOWER SAUCON TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AMENDMENTS TO THE CODE OF THE TOWNSHIP OF LOWER SAUCON

AN ORDINANCE OF THE TOWNSHIP OF LOWER SAUCON, NORTHAMPTON COUNTY, PENNSYLVANIA, AMENDING AND REVISING THE CODE OF THE TOWNSHIP OF LOWER SAUCON BY AMENDING CHAPTER 180 (ZONING) TO REVISE THE ZONING MAP BY CHANGING APPROXIMATELY 275.70 ACRES OF LAND FROM AN RA ZONING DESIGNATION TO AN LI ZONING DESIGNATION, REVISING SECTION 180-79.1 TO ADD "LANDFILLS AND WASTE DISPOSAL FACILITIES USE TO THE LIST OF USES REQUIRING CONDITIONAL USE APPROVAL IN THE LI ZONING DISTRICT, REVISING SECTION 180-80B TO REMOVE THE LANDFILLS AND WASTE DISPOSAL FACILITIES USES FROM THE LIST OF USES REQUIRING SPECIAL EXCEPTION APPROVAL, REVISING SECTIONS 180-101 AND 180-109F TO EXEMPT LANDFILLS AND WASTE DISPOSAL FACILITIES FROM THE SITE PLAN APPROVAL PROCESS AND REQUIREMENTS IF THE USE WILL REQUIRE LAND DEVELOPMENT APPROVAL UNDER THE LOWER SAUCON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE AND A PERMIT FROM THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND ADDING SECTION 180-109G TO PROVIDE FOR A NATURAL RESOURCE MITIGATION ALTERNATIVE IN THE LI DISTRICT WHEN APPROVED IN WRITING BY THE COUNCIL OF LOWER SAUCON TOWNSHIP; AND REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THE PROVISIONS CONTAINED HEREIN. THIS ORDINANCE CONTAINS SIGNIFICANT, SUBSTANTIVE CHANGES TO THE LOWER SAUCON TOWNSHIP ZONING MAP AND ZONING REGULATIONS, AND SHOULD BE REVIEWED IN ITS ENTIRETY FOR A COMPREHENSIVE UNDERSTANDING OF ITS PROVISIONS.

WHEREAS, Lower Saucon Township is a Township of the Second Class, Optional Plan of Government, located in Northampton County, Commonwealth of Pennsylvania; and

WHEREAS, the Township of Lower Saucon adopted Ordinance # 98-17 on May 20, 1998, enacting the Code of the Township of Lower Saucon (hereinafter referred to as the "Code"); and

WHEREAS, the Council of Lower Saucon Township desires to amend the Code of the Township of Lower Saucon to revise the Township Zoning Map, to require that landfills and waste disposal facilities obtain conditional use approval instead of special exception approval, to exempt landfills and waste disposal facilities from the site plan approval process and requirements if the use will require land development approval under the Lower Saucon Township Subdivision and Land Development Ordinance and a permit from the Pennsylvania Department of Environmental Protection, and create a natural resource mitigation alternative for industrial users requesting to disturb natural resources in the Light Industrial District; and

WHEREAS, the Council of Lower Saucon Township has determined that the adoption of this Ordinance containing the described amendments to the Zoning Map and text of the Zoning Chapter of the Code is in the best interest of the public health, safety, and welfare of the citizens of Lower Saucon Township.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Council of the Township of Lower Saucon, Northampton County, Commonwealth of Pennsylvania, that the provisions of the Code of the Township of Lower Saucon are hereby amended and revised as follows:

Section 1. Amendment to Chapter 180 (Zoning), Section 180-15 (Zoning Map), subsection A

The Zoning Map of the Township of Lower Saucon is amended in accordance with the revisions noted on the Map attached hereto and incorporated herein by reference as Exhibit "A". Specifically, the lands located in and around the Applebutter Road and Riverside Drive areas of the Township, consisting of approximately 275.70 acres of land currently zoned RA is changed to LI. The Township Manager is hereby directed to prepare a revised Zoning Map dated December 7, 2022 in accordance with the provisions of this Section.

Chapter 180, Section 180-15(A) of the Code is amended in its entirety as follows:

A map entitled "Zoning Map for the Township of Lower Saucon, Northampton County, PA, adopted: December 7, 2022 by Ordinance No. 2022- _____ as amended," attached hereto and incorporated herein by reference as Exhibit "B" accompanies this chapter and is declared a part of this chapter.

Section 2. Amendment to Chapter 180 (Zoning), Section 180-79.1 (Conditional uses)

Chapter 180, Section 180-79.1 of the Code is amended to add a new subsection B as follows:

"B. Landfills and Waste Disposal Facilities (see §180-109)."

Section 3. Amendment to Chapter 180 (Zoning), Section 180-80 (Special exception uses), subsection B (Industrial uses)

Chapter 180, Section 180-80(B) of the Code is amended to replace subsection (3) "Landfills and waste disposal facilities (see §180-109)" with the term "RESERVED".

Section 4. Amendment to Chapter 180 (Zoning), Section 180-101 (Purpose)

Chapter 180, Section 180-101 of the Code is amended to replace the first sentence therein with the following sentence: "This article requires that, unless a use is otherwise specifically exempted from this requirement elsewhere in this Article XVII, before any zoning permit is granted for the use of land or building for certain permitted, conditional and special exception uses, a site plan shall be reviewed by the Planning Commission and reviewed and approved by the Township Council."

Section 5. Amendment to Chapter 180 (Zoning), Section 180-109, subsection F (Additional requirements applying to extraction and processing of natural resources, landfills and waste disposal facilities and waste transfer and recycling facilities)

Chapter 180, Section 180-109(F) of the Code is amended to change existing Section 180-109(F)(1) (Additional site plan requirements) from 180-109(F)(1) to 180-109(F)(2), change existing 180-109(F)(2) (Standards) to 180-109(F)(3), and to add a new Section 180-109(F)(1) as follows:

"(1) If a landfill or waste disposal facility will require Land Development approval under the Lower Saucon Township Subdivision and Land Development Ordinance, and a permit from the Pennsylvania Department of Environmental Protection, it is not subject to the site plan approval process and requirements of this Article XVII."

Section 6. Amendment to Chapter 180 (Zoning), Section 180-109 (Industrial uses)

Chapter 180, Section 180-109 of the Code is amended to add the following subsection (G):

"G. Natural Resource Mitigation Alternative

An applicant proposing to develop an industrial use within the Light Industrial Zoning District shall be permitted, with the written approval of the Lower Saucon Township Council, to exceed the net buildable site area permitted by Section 180-95(C)(2)(c) ("Permitted Net Buildable Site Area"), utilizing a greater area of natural resource protection land than would be otherwise permitted by the Resource Protection Standards contained in Section 180-95 herein ("Excess Resource Utilization"), provided the Applicant dedicates to the Township for preservation an amount of land equal to the Excess Resource Utilization in accordance with the following requirements:

- (1) The Excess Resource Utilization shall be the difference between the resource protection land calculated by the Resource Protection Land formulas in Section 180-95.C(2)(b) ("Resource Protection Land") and the Applicant's proposed resource protection land (which is the difference between the Base Site Area pursuant to Section 180-95(C)(2)(a) and Applicant's proposed buildable site area) ("Proposed Resource Protection Land"). The Applicant shall be permitted to dedicate land in excess of what is required if accepted by the Township.
- (2) The Applicant shall provide drawings and calculations clearly showing the Resource Protection Land, the Proposed Resource Protection Land, Applicant's proposed buildable site area, and the Excess Resource Utilization, and noting that it proposes to develop the use in accordance with this Subsection (G).
 - (a) An additional plan sheet showing the limits of proposed buildable area and total acreage of existing environmentally protected lands is required.
 - (b) Calculations shall be included on the plans that accurately reflect the Permitted Net Buildable Site Area, the Resource Protection Land, the Base Site Area, the Proposed Resource Protection Land, the Excess Resource Utilization, and the minimum amount of land that is required to be dedicated pursuant to this Subsection (G).
- (3) The land proposed for dedication does not need to contain the same environmental resources as those resource protection lands on the subject property.
- (4) The land proposed for dedication shall be located within the

municipal boundaries of Lower Saucon Township, shall not be within an industrial or commercially zoned area, and shall not contain any natural or man-made features that are inconsistent with the Township's Open Space Action Plan and Policies.

- (5) The land shall be offered for dedication to the Township in either fee simple or via a conservation easement that is acceptable to the Township Council.
- (6) With the approval of the Township Council, land that is currently occupied by a use but that contains significant natural or historic resources, may be also considered for dedication to the Township.
- (7) In the event that the Applicant demonstrates, to the satisfaction of the Township Council, that it was unable to obtain any or enough property for dedication pursuant to this subsection, the Applicant may meet the requirements of this Subsection (G) by submitting a fee-in-lieu of dedication in accordance with the calculations in the Lower Saucon Township Subdivision and Land Development Ordinance, Section 145-51(E), with the "tract" referenced in Section 145-15(E) therein to mean, for purposes of this Section 180-109(G), the number of acres required to be dedicated pursuant to the calculation in Section 109(G)(1). The applicable calculated fee-in lieu of dedication shall only be used by the Township for the purposes authorized by the Township's Open Space plan.
- (8) An applicant choosing to develop an industrial use in accordance with this Subsection (G) shall demonstrate and make the required dedication and/or fee-in-lieu of dedication payment prior to final land development approval by the Township Council.

Section 7. Violations and Penalties.

The Violation and Penalty provisions of the Code, where not revised herein, shall remain unchanged.

Section 8. Severability.

The provisions of this Ordinance are severable. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, illegal, or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The Council of Lower Saucon Township hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional, illegal, or otherwise invalid.

Section 9. Repealer

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

10/27/2022 – Advertisement Version

Section 10. Effective Date.

The provisions of this Ordinance shall become effective ten (10) days after adoption.

ENACTED and ORDAINED this ____ day of ____ 202_.

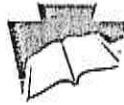
ATTEST:

LOWER SAUCON TOWNSHIP

Mark Hudson
Township Manager

Jason Banonis
Council President

Exhibit A – Zoning Map showing parcels proposed to be changed from RA to LI
Exhibit B – December 7, 2022 new Zoning Map showing adopted changes



pennsylvania

OFFICE OF OPEN RECORDS

Standard Right-to-Know Law Request Form

Good communication is vital in the RTKL process. Complete this form thoroughly and retain a copy; it may be required if an appeal is filed. You have 15 business days to appeal after a request is denied or deemed denied.

SUBMITTED TO AGENCY NAME: Lower Saucon Township (Attn: AORO)

Date of Request: 12/22/2022 Submitted via: Email U.S. Mail Fax In Person

PERSON MAKING REQUEST:

Name: Gary Neil Asteak, Esquire Company (if applicable): _____

Mailing Address: 726 Walnut Street

City: Easton State: PA Zip: 18042 Email: asteaklaw@gmail.com

Telephone: 610-258-2901 Fax: 610-258-0185

How do you prefer to be contacted if the agency has questions? Telephone Email U.S. Mail

RECORDS REQUESTED: *Be clear and concise. Provide as much specific detail as possible, ideally including subject matter, time frame, and type of record or party names. RTKL requests should seek records, not ask questions. Requesters are not required to explain why the records are sought or the intended use of the records unless otherwise required by law. Use additional pages if necessary.*

All correspondence by and between Township, Township Elected Officials, Township Zoning Officer, Township Manager, and Bethlehem Landfill Company relative to rezoning and Zoning Ordinance Amendment of lands owned by Bethlehem Landfill Company; copies of all correspondence, review letters, and documents in possession and control of the Township, Elected Officials, Zoning Officer, and Township Manager pertaining to consideration and adoption of Ordinance No. 2022-02 (Zoning Ordinance and Zoning Map Amendment); copies of all advertisements, Proofs of Publication, Proofs of Posting, Posting Notices pertaining to consideration of and adoption of Ordinance No. 2022-02; copies of Minutes of Council Meeting on December 21, 2022; copies of any Transcripts of Council Meeting of December 21, 2022; copy of Lower Saucon Township Comprehensive Plan; and copy of any Easement Agreements or other Agreements pertaining to or affecting the lands owned by Bethlehem Landfill Company within Lower Saucon Township.

DO YOU WANT COPIES? Yes, printed copies (default if none are checked)
 Yes, electronic copies preferred if available
 No, in-person inspection of records preferred (may request copies later)

Do you want certified copies? Yes (may be subject to additional costs) No
RTKL requests may require payment or prepayment of fees. See the Official RTKL Fee Schedule for more details.
Please notify me if fees associated with this request will be more than \$100 (or) \$_____.

ITEMS BELOW THIS LINE FOR AGENCY USE ONLY

Tracking: _____ Date Received: _____ Response Due (5 bus. days): _____

30-Day Ext.? Yes No (If Yes, Final Due Date: _____) Actual Response Date: _____

Request was: Granted Partially Granted & Denied Denied Cost to Requester: \$_____

Appropriate third parties notified and given an opportunity to object to the release of requested records.

NOTE: In most cases, a completed RTKL request form is a public record.
More information about the RTKL is available at <https://www.openrecords.pa.gov>

Form updated Feb. 3, 2020

ASTEAK LAW OFFICES

GARY NEIL ASTEAK
STEVEN R. MILLS

726 WALNUT STREET
EASTON, PENNSYLVANIA 18042
610-258-2901
FAX 610-258-0185

December 22, 2022

FAX: 610-867-3580
and info@lowersaucontownship.org
manager@lowersaucontownship.org

Lower Saucon Township Open Records Officers
Lower Saucon Township
3700 Old Philadelphia Pike
Bethlehem, PA 18015

RE: Open Records Request

Dear Open Records Officers:

Enclosed herewith please find Open Records Request for records pertaining to your recent adoption of Ordinance No. 2022-02. You may transmit the records electronically to my office email: asteaklaw@gmail.com.

Thank you for your kind and prompt attention and cooperation in connection with this matter.

Very truly yours,



GARY NEIL ASTEAK, ESQUIRE

GNA:dym
Enclosure

VIA FAX AND EMAIL

TRANSMISSION VERIFICATION REPORT

TIME : 12/22/2022 15:50
NAME : ASTEAK LAW OFFICES
FAX : 6102580185
TEL : 6102582901
SER.# : 000A1N716440

DATE, TIME	12/22 15:49
FAX NO./NAME	6108673580
DURATION	00:00:43
PAGE(S)	02
RESULT	OK
MODE	STANDARD ECM

Open Records Request

1 message

Asteak Law <asteaklaw@gmail.com>

Thu, Dec 22, 2022 at 3:47 PM

To: info@lowersaucontownship.org, manager@lowersaucontownship.org

Attached please find correspondence from Attorney Asteak along with Standard Right-to-Know Law Request Form.

- Denise -

GARY NEIL ASTEAK, ESQ.
Asteak Law Offices
726 Walnut Street
Easton, PA 18042

PH: 610-258-2901
FX: 610-258-0185

2 attachments



ASTEAK 12-22-22.pdf
269K



RTK REQUEST FORM.pdf
504K



Lower Saucon Township

3700 Old Philadelphia Pike, Bethlehem, PA 18015 610-865-3291 Fax 610-867-3580

Right-To-Know Law Extension Notice

December 29, 2022

Mr. Gary Neil Asteak, Esquire
726 Walnut Street
Easton, PA 18042

Re: Right-to-Know Request #1639

Dear Mr. Asteak:

Thank you for writing to Lower Saucon Township to request records pursuant to Pennsylvania's Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq.* On December 22, 2022, you requested records as described on the Right-to-Know Request Form (see attached).

Pursuant to Section 902(a) of the RTKL, an additional 30 days are required to respond because:

- The request requires redaction in accordance with Section 706 of the RTKL.
- The request requires the retrieval of a record stored in a remote location.
- A timely response cannot be accomplished due to bona fide staffing limitations.
- A legal review is needed to determine whether the record is subject to access.
- The requester has not complied with the Agency's policies regarding access to records.
- The requester refuses to pay applicable fees authorized by the RTKL.
- The extent or nature of the request precludes a response within the required time period.

Lower Saucon Township expects to respond to your request on or before *January 27, 2022*.

Respectfully,

Mark L. Hudson
Right-to-Know Officer

MLH/cs

Enclosure

Exhibit "E"

RECORDERS OFFICE
NORTHAMPTON COUNTY
PENNSYLVANIA

INSTRUMENT NUMBER
1994016325

RECORDED ON
Apr 22, 1994
2:50:52 PM

STATE EXCISE TAX \$ 0.50
RECORDING FEES \$ 19.00
TOTAL \$19.50



This document is recorded in the
Recorder's Office of Northampton County, Pennsylvania.

Ann L. O'Leary

SCENIC AND CONSERVATION EASEMENT

FORMER BETHLEHEM STEEL PROPERTY

ADJACENT TO CITY OF BETHLEHEM LANDFILL

WHEREAS, the City of Bethlehem ("City") and the Township of Lower Saucon ("Township") desire to cooperate in the proper expansion of the City of Bethlehem Landfill ("Landfill") located on Applebutter Road in the Township; and

WHEREAS, the City and Township have agreed in Section III - Intergovernmental Issues, Item 4, that the City buffer land purchased on the North side of the Landfill, i.e., the former Bethlehem Steel property, should be protected with a conservation and scenic easement; and

WHEREAS, the City and Township have agreed that the City is allowed ingress, egress and regress over the easement area to perform groundwater testing and pollution abatement projects.

NOW, THEREFORE, IT IS AGREED:

1. That the consideration for this agreement is the mutual covenants and promises contained herein.
2. That the City grants to the Township a restrictive easement for scenic and conservation purposes on the tract of approximately one hundred forty-two (142) acres as more fully described in the exhibits attached hereto and marked as Exhibits "1" and "2."
3. The City recognizes the area as identified above is zoned "RA" and will only perform those activities permitted in such zoning, and in accordance with any amendments by which the City or its successors are obligated to comply in accordance with the provisions of the Municipalities Planning Code and applicable state law. The City further agrees it will not engage in any landfill activities on the property. The City and the Township recognize, however, that the City retains the right and permission to undertake groundwater testing activities and water pollution abatement activities on this property.

Also Known As Northampton County
Uniform Parcel Identifier:

Map NA Block 14 Lot 2

VOL: 1994-8

012074

Exhibit "F"

4. The Township recognizes that the City police department operates a firing range and training facility on a portion of the parcel and that there further exists a gun club on a portion of the parcel. The Township agrees that such facilities and operations may continue in their present form and condition. In the event anyone wishes to modify the operations or facilities, such modification shall be undertaken in accordance with the Township ordinances. In the event the Township ordinances require approval of the modification, such approval shall not be unreasonably withheld.

5. Surface mining and other extractive activities are strictly prohibited on the easement area.

6. The City of Bethlehem shall not perform any activity other than those stated in this easement agreement or any activity that may in any way be in contradiction to the guidelines and rules of the Delaware and Lehigh Canal National Heritage Corridor and State Heritage Park.

7. The City shall retain the right to exclude any member of the public from trespassing on the easement area.

8. The restrictions and easements shall constitute a covenant running with all of the property described herein and shall be binding upon the City and all other persons and parties claiming through the City herein, and for the benefit of and limitation upon all future owners of said land and premises, this declaration of restrictions being designed for the purposes of assuring the preservation of the Delaware and Lehigh Canal National Heritage Corridor and State Heritage Park; and, during such operation of the Landfill to as great a degree as possible, to preserve the original character and scenic nature of the land.

9. The Township shall have the right to assign this restrictive easement with the prior written approval of the City, which said approval shall not be unreasonably withheld.

IN WITNESS WHEREOF, the undersigned have executed this

Easement on behalf of the City and the Township, intending to legally bind the parties to its terms.

William J. Rice
Controller
MAR 16 1994

CITY OF BETHLEHEM

By: Kenneth R. Smith
Kenneth R. Smith
Mayor

Robert S. Arditto
Secretary

TOWNSHIP OF LOWER SAUCON

By: Priscilla deLeon
Priscilla deLeon
President of Council

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF Northampton) : SS:

On this 16th day of March, 1994, before me,
Cynthia A. Schick, the undersigned officer,
personally appeared KENNETH R. SMITH, Mayor of the City of
Bethlehem, Pennsylvania, known to me to be the person described
in the foregoing instrument, and acknowledged that he executed
the same in his official capacity therein stated and for the
purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official
seal.

Cynthia A. Schick

Notarial Seal
Cynthia A. Schick, Notary Public
Bethlehem, Northampton County, PA
My Commission Expires Aug. 1, 1994

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF) : SS:

On this 16th day of March, 1994, before me,
MARtha L. Chase, the undersigned officer,
personally appeared PRISCILLA deLEON, President of Council of the
Township of Lower Saucon, Pennsylvania, known to me to be the
person described in the foregoing instrument, and acknowledged
that she executed the same in her official capacity therein
stated and for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official
seal.

Martha L. Chase

Notarial Seal
Martha L. Chase, Notary Public
Lower Saucon Twp., Northampton County
My Commission Expires Jan. 23, 1995
Member, Pennsylvania Association of Notaries

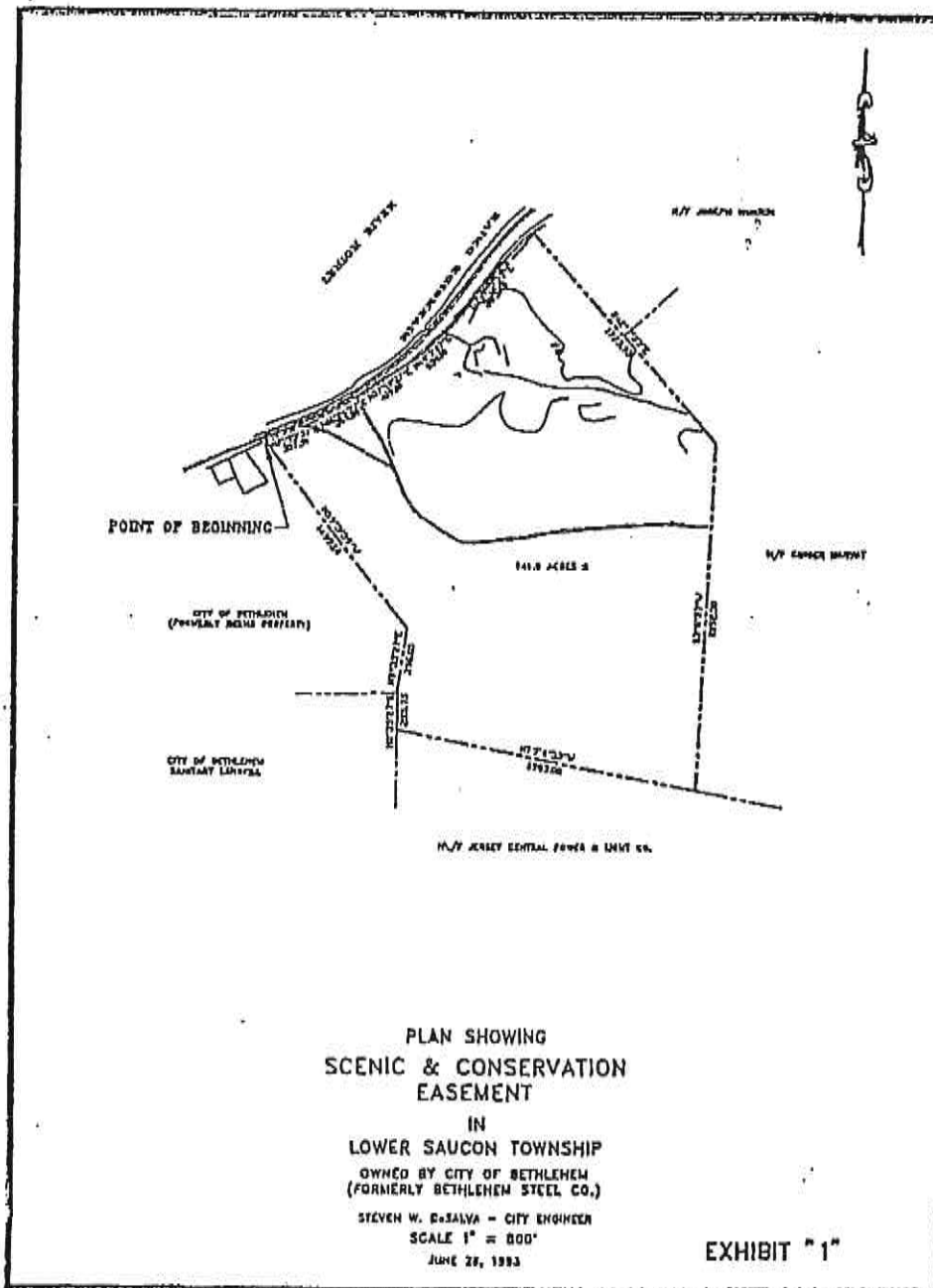


EXHIBIT "2"

DESCRIPTION OF
SCENIC & CONSERVATION EASEMENT
ON PROPERTY OF CITY OF BETHLEHEM
(FORMERLY KNOWN AS BETHLEHEM STEEL COMPANY PROPERTY)

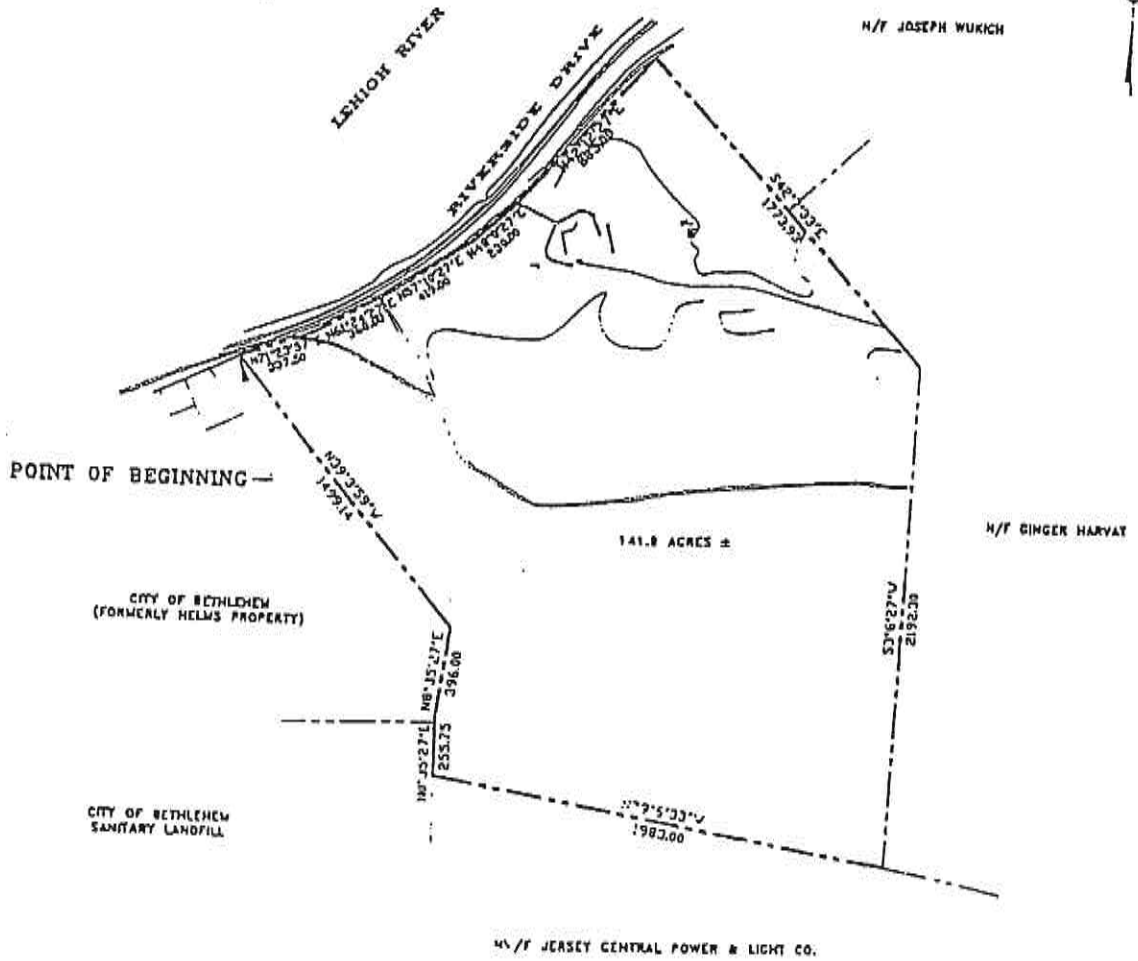
All that certain lot or parcel of land to be dedicated as a Scenic & Conservation Easement, situate along the south side of Riverside Drive, in Lower Saucon Township, County of Northampton, Commonwealth of Pennsylvania, bounded and described as follows to wit:

Beginning at a point, said point being the common point between the northeast corner of property of the City of Bethlehem (formerly known as Samuel Helms property) and the northwest corner of property of the City of Bethlehem (formerly known as Bethlehem Steel Company property) the property described herein, thence in an eastwardly direction by the five (5) following courses and distances: 1) North Seventy-one degrees Twenty-three minutes Fifty-seven seconds East (N 71°23'57"E) Three hundred Thirty-seven and Fifty one-hundredths feet (337.50') to a point, 2) North Sixty-one degrees Twenty-four minutes Twenty-seven seconds East (N 61°24'27"E) Three hundred sixty eight feet (368.00') to a point, 3) North Fifty-seven degrees Ten minutes Twenty-seven seconds East (N 57°10'27"E) Four hundred nineteen feet (419.00') to a point, 4) North Forty-eight degrees Zero minutes Twenty-seven seconds East (N 48°00'27"E) Two hundred thirty feet (230.00') to a point, 5) North Forty-two degrees Twelve minutes Twenty-seven seconds East (N 42°12'27"E) Eight Hundred eighty-three feet (883.00') to a point, said point being on the common property line of Joseph Wukich, thence in an southwardly direction along property of Joseph Wukich South Forty-two degrees Seven minutes Thirty-three seconds East (S 42°07'33"E) One thousand Seven hundred Seventy-three and Ninety-three one-hundredths feet (1,773.93') to a point, thence continuing in a southwardly direction along lands of Ginger Harvat South Three degrees Six minutes Twenty-seven seconds West (S 3°06'27"W) Two thousand one hundred Ninety-two and Thirty one-hundredths feet (2,192.30') to a point on the common property line of Ginger Harvat and Jersey Central Power and Light Company, thence in a westwardly direction along property of Jersey Central Power and Light Company North Seventy-nine degrees Six minutes Thirty-three seconds West (N 79°06'33"W) One thousand Nine hundred Eighty-three feet (1,983.00') to a point on the common property line of the City of Bethlehem Landfill, thence in a northwardly direction along property of the City of Bethlehem Landfill North Zero degrees Thirty-five minutes Twenty-seven seconds East (N 0°35'27"E) Two hundred Fifty-five and

Seventy-five one-hundredths feet (255.75') to a point, thence continuing in a northwardly direction along property of City of Bethlehem (formerly Samuel Helms property) North Eight degrees Thirty-five minutes Twenty-seven seconds East (N 8°35'27"E) Three hundred Ninety-six feet (396.00') to a point, thence continuing in a northwardly direction along property of City of Bethlehem (formerly Samuel Helms property) North Thirty-nine degrees Three minutes Fifty-nine seconds West (N 39°03'59"W) One-thousand Four hundred Ninety-nine and Fourteen one-hundredths feet (1,499.14') to a point, said point being the place of beginning, containing 141.9 Acres ±.

Bounded on the north by Riverside Drive, on the east by lands of Joseph Wukich and lands of Ginger Harvat, on the south by lands of Jersey Central Power and Light Company, on the west by lands of the City of Bethlehem Landfill and City of Bethlehem (formerly Samuel Helms property).

All of which is more fully shown upon the map or plan entitled "PLAN SHOWING SCENIC & CONSERVATION EASEMENT IN LOWER SAUCON TOWNSHIP OWNED BY THE CITY OF BETHLEHEM (FORMERLY BETHLEHEM STEEL PROPERTY) STEVEN W. DESALVA - CITY ENGINEER SCALE 1" = 800' JUNE 28, 1993 EXHIBIT "1", a copy of which is on file in the office of the City Engineer of Bethlehem, Pennsylvania.



PLAN SHOWING
SCENIC & CONSERVATION
EASEMENT

IN
LOWER SAUCON TOWNSHIP

OWNED BY CITY OF BETHLEHEM
(FORMERLY BETHLEHEM STEEL CO.)

EDWARD W. CASALVA - CITY ENGINEER

SCALE 1" = 800'

JUNE 28, 1993

EXHIBIT "1"

DESCRIPTION OF
SCENIC & CONSERVATION EASEMENT
ON PROPERTY OF CITY OF BETHLEHEM
(FORMERLY KNOWN AS BETHLEHEM STEEL COMPANY PROPERTY)

All that certain lot or parcel of land to be dedicated as a Scenic & Conservation Easement, situate along the south side of Riverside Drive, in Lower Saucon Township, County of Northampton, Commonwealth of Pennsylvania, bounded and described as follows to wit:

Beginning at a point, said point being the common point between the northeast corner of property of the City of Bethlehem (formerly known as Samuel Helms property) and the northwest corner of property of the City of Bethlehem (formerly known as Bethlehem Steel Company property) the property described herein, thence in an eastwardly direction by the five (5) following courses and distances: 1) North Seventy-one degrees Twenty-three minutes Fifty-seven seconds East (N 71°23'57"E) Three hundred Thirty-seven and Fifty one-hundredths feet (337.50') to a point, 2) North Sixty-one degrees Twenty-four minutes Twenty-seven seconds East (N 61°24'27"E) Three hundred sixty eight feet (368.00') to a point, 3) North Fifty-seven degrees Ten minutes Twenty-seven seconds East (N 57°10'27"E) Four hundred nineteen feet (419.00') to a point, 4) North Forty-eight degrees Zero minutes Twenty-seven seconds East (N 48°00'27"E) Two hundred thirty feet (230.00') to a point, 5) North Forty-two degrees Twelve minutes Twenty-seven seconds East (N 42°12'27"E) Eight Hundred eighty-three feet (883.30') to a point, said point being on the common property line of Joseph Wukich, thence in an southwardly direction along property of Joseph Wukich South Forty-two degrees Seven minutes Thirty-three seconds East (S 42°07'33"E) One thousand Seven hundred Seventy-three and Ninety-three one-hundredths feet (1,773.93') to a point, thence continuing in a southwardly direction along lands of Ginger Harvat South Three degrees Six minutes Twenty-seven seconds West (S 3°06'27"W) Two thousand one hundred Ninety-two and Thirty one-hundredths feet (2,192.30') to a point on the common property line of Ginger Harvat and Jersey Central Power and Light Company, thence in a westwardly direction along property of Jersey Central Power and Light Company North Seventy-nine degrees Six minutes Thirty-three seconds West (N 79°06'33"W) One thousand Nine hundred Eighty-three feet (1,983.00') to a point on the common property line of the City of Bethlehem Landfill, thence in a northwardly direction along property of the City of Bethlehem Landfill North Zero degrees Thirty-five minutes Twenty-seven seconds East (N 0°35'27"E) Two hundred Fifty-five and

Seventy-five one-hundredths feet (255.75') to a point, thence continuing in a northwardly direction along property of City of Bethlehem (formerly Samuel Helms property) North Eight degrees Thirty-five minutes Twenty-seven seconds East (N 8°35'27"E) Three hundred Ninety-six feet (396.00') to a point, thence continuing in a northwardly direction along property of City of Bethlehem (formerly Samuel Helms property) North Thirty-nine degrees Three minutes Fifty-nine seconds West (N 39°03'59"W) One-thousand Four hundred Ninety-nine and Fourteen one-hundredths feet (1,499.14') to a point, said point being the place of beginning, containing 141.9 Acres ±.

Bounded on the north by Riverside Drive, on the east by lands of Joseph Wukich and lands of Ginger Harvat, on the south by lands of Jersey Central Power and Light Company, on the west by lands of the City of Bethlehem Landfill and City of Bethlehem (formerly Samuel Helms property).

All of which is more fully shown upon the map or plan entitled "PLAN SHOWING SCENIC & CONSERVATION EASEMENT IN LOWER SAUCON TOWNSHIP OWNED BY THE CITY OF BETHLEHEM (FORMERLY BETHLEHEM STEEL PROPERTY) STEVEN W. DESALVA - CITY ENGINEER SCALE 1" = 800' JUNE 28, 1993 EXHIBIT "1", a copy of which is on file in the office of the City Engineer of Bethlehem, Pennsylvania.



RECORDERS OFFICE
 NORTHAMPTON COUNTY
 PENNSYLVANIA

INSTRUMENT NUMBER
 1994016328

RECORDED ON
 Apr 22, 1994
 2:52:30 PM

STATE WRIT TAX \$ 0.50
 RECORDING FEES \$ 21.00
 TOTAL \$21.50

SCENIC AND CONSERVATION EASEMENT
 FORMER HELMS PROPERTY

ADJACENT TO CITY OF BETHLEHEM LANDFILL

WHEREAS, the City of Bethlehem ("City") and the Township of Lower Saucon ("Township") desire to cooperate in the proper expansion of the City of Bethlehem Landfill ("Landfill") located on Applebutter Road in the Township; and

WHEREAS, the City and Township have agreed in Section III - Intergovernmental Issues, Item 4, that the City buffer land purchased on the North side of the Landfill, i.e., the former Helms property, should be protected with a conservation and scenic easement; and

WHEREAS, the City and Township have agreed that the City is allowed ingress, egress and regress over the easement area to perform groundwater testing and pollution abatement projects.

NOW, THEREFORE, IT IS AGREED:

1. That the consideration for this agreement is the mutual covenants and promises contained herein.
2. That the City grants to the Township a restrictive easement for scenic and conservation purposes on the tract of approximately sixty-six (66) acres as more fully described in the exhibits attached hereto and marked as Exhibits "3" and "4."
3. The City recognizes the area as identified above is zoned "RA" and will only perform those activities permitted in such zoning, and in accordance with any amendments by which the City or its successors are obligated to comply in accordance with the provisions of the Municipalities Planning Code and applicable state law. The City further agrees it will not engage in any landfill activities on the property. The City and the Township recognize, however, that the City retains the right and permission to undertake groundwater testing activities and water pollution abatement activities on this property.

Also Known As Northampton County
 Uniform Parcel Identifier:

Map NB Block 14 Lot 1

VOL: 1994-6

Exhibit "G"

4. The City has granted (Supplemental Agreement, City and Township, Item 14) a woodlands protection easement for approximately eight (8) acre area as attached as Exhibits "1" and "2," hereto. The woodlands protection easement provides that the woodlands shall be preserved as undisturbed woodlands, except for the removal of dead or diseased trees, and/or except for normal removal of trees for prudent forest management to allow for proper tree growth. The City shall retain the rights of ingress, egress and regress over the easement area, and the further right to perform groundwater testing and abatement in the easement area.

5. Surface mining and other extractive activities are strictly prohibited on the easement area.

6. The City of Bethlehem shall not perform any activity other than those stated in this easement agreement or any activity that may in any way be in contradiction to the guidelines and rules of the Delaware and Lehigh Canal National Heritage Corridor and State Heritage Park.

7. The City shall retain the right to exclude any member of the public from trespassing on the easement area.

8. The restrictions and easements shall constitute a covenant running with all of the property described herein and shall be binding upon the City and all other persons and parties claiming through the City herein, and for the benefit of and limitation upon all future owners of said land and premises, this declaration of restrictions being designed for the purposes of assuring the preservation of the Delaware and Lehigh Canal National Heritage Corridor and State Heritage Park; and, during such operation of the Landfill to as great a degree as possible, to preserve the original character and scenic nature of the land.

9. The Township shall have the right to assign this restrictive easement with the prior written approval of the City, which said approval shall not be unreasonably withheld.

IN WITNESS WHEREOF, the undersigned have executed this

Easement on behalf of the City and the Township, intending to legally bind the parties to its terms.

CITY OF BETHLEHEM

William J. Delivato
Controller
MAR 16 1994

By: Kenneth R. Smith
Kenneth R. Smith
Mayor

TOWNSHIP OF LOWER SAUCON

Robert B. Cucchiato
Secretary

By: Priscilla deLeon
Priscilla deLeon
President of Council

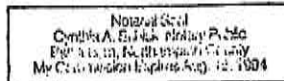
COMMONWEALTH OF PENNSYLVANIA)

) SS:
COUNTY OF Northampton)

On this 16th day of March, 1994, before me,
Cynthia A. Schick, the undersigned officer,
personally appeared KENNETH R. SMITH, Mayor of the City of
Bethlehem, Pennsylvania, known to me to be the person described
in the foregoing instrument, and acknowledged that he executed
the same in his official capacity therein stated and for the
purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official
seal.

Cynthia A. Schick



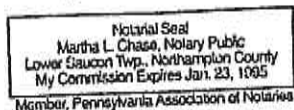
COMMONWEALTH OF PENNSYLVANIA)

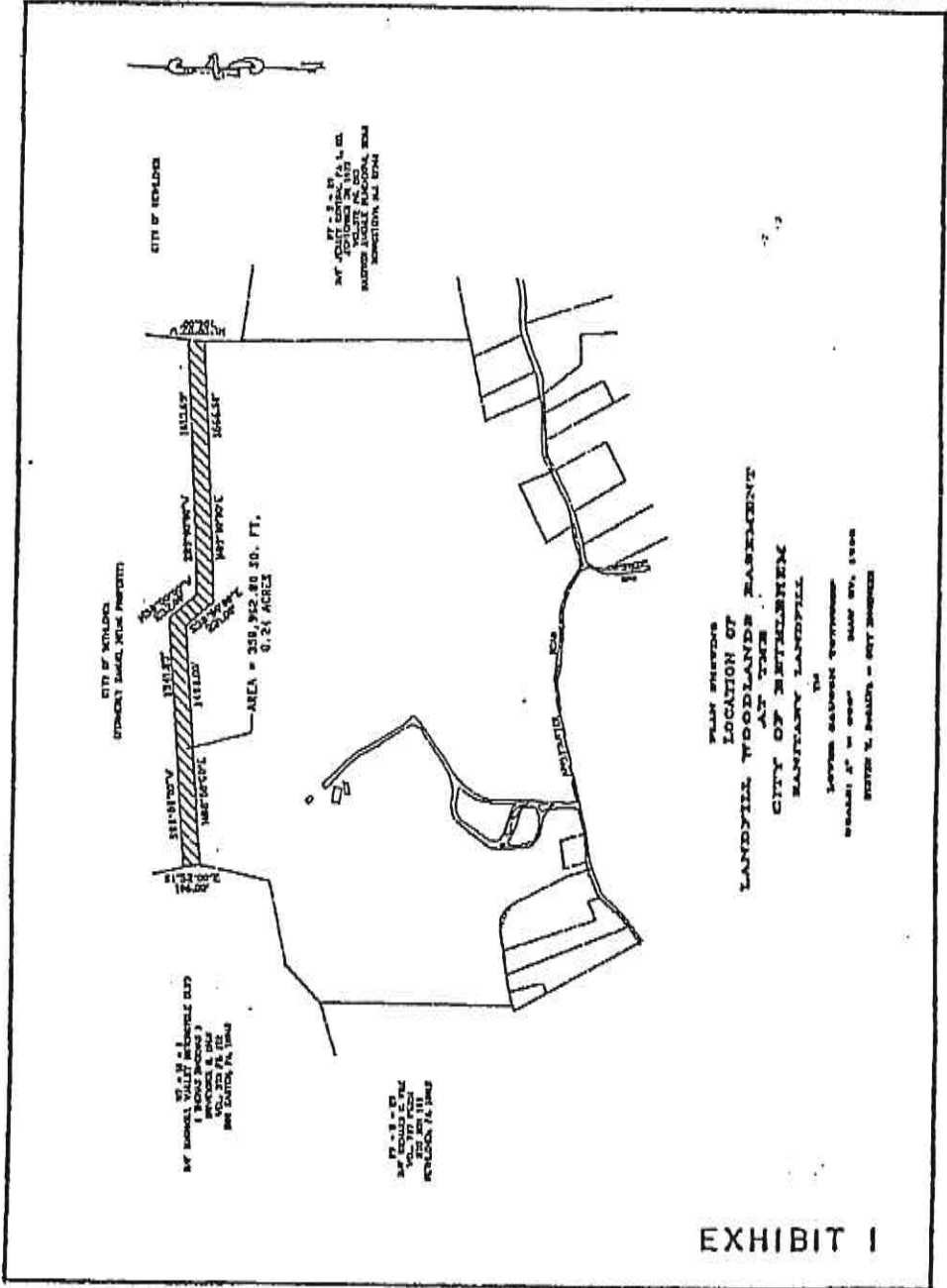
) SS:
COUNTY OF)

On this 16th day of March, 1994, before me,
Martha L. Chase, the undersigned officer,
personally appeared PRISCILLA deLEON, President of Council of the
Township of Lower Saucon, Pennsylvania, known to me to be the
person described in the foregoing instrument, and acknowledged
that she executed the same in her official capacity therein
stated and for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official
seal.

Martha L. Chase





FULLY SETBACK
 LOCATION OF
 LANDFILL WOODLANDS MARKING
 AT THE
 CITY OF MEMPHIS
 SANITARY LANDFILL
 THE
 LOWER SANITARY TREATMENT
 PLANT
 1968
 1970
 1972

EXHIBIT I

DESCRIPTION OF
LANDFILL WOODLANDS EASEMENT

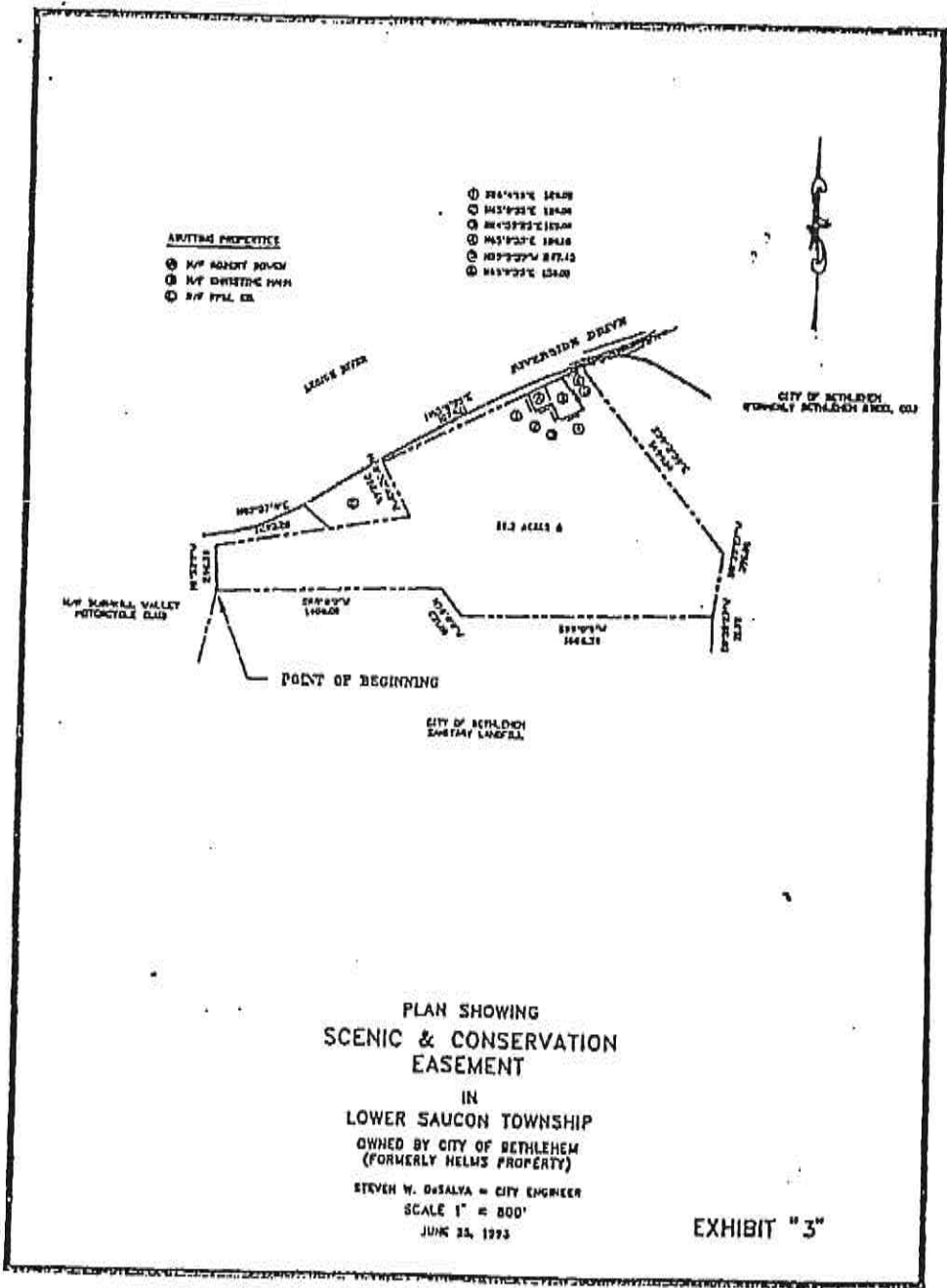
All that certain portion of lot or parcel to be dedicated as a Landfill Woodlands Easement, located in Lower Saucon Township, County of Northampton, Commonwealth of Pennsylvania, bounded and described as follows to wit:

Beginning at a point along the northwardly property line of the original City of Bethlehem Landfill, being a common point between the Bushkill Valley Motorcycle Club, the former Samuel Helms property (now City of Bethlehem) and the original City of Bethlehem Landfill, thence in an eastwardly direction along the northwardly property line of the original City of Bethlehem Landfill, North Eighty-Eight Degrees Eight Minutes East (N 88°-08'-00"E) One Thousand Four Hundred Eighty-Eight Feet (1,488.00') to a point, thence South Thirty-Eight Degrees East (S 38°-00'-00" E) Two Hundred Thirty-One Feet (231.00') to a point, thence North Eighty-Nine Degrees East (N 89°-00'-00" E) One Thousand Six Hundred Sixty-Six and Fifty One-Hundredths Feet (1,666.50') to a point, thence North One Degree West (N 01°-00'-00" W) One Hundred and Six Feet (106.00') to a point, thence South Eighty-Nine Degrees West (S 89°-00'-00" W) One Thousand Six Hundred Thirteen and Sixty-Five One-Hundredths Feet (1,613.65') to a point, thence North Thirty-Eight Degrees West (N 38°-00'-00" W) Two Hundred Thirty-Two Feet (232.00') to a point, thence South Eighty-Eight Degrees Eight Minutes West (S 88°-08'-00" W) One Thousand Five Hundred Forty-One and Eighty-Five One-Hundredths Feet (1,541.85') to a point, thence South One Degree Fifty-Two Minutes East (S 01°-52'-00" E) One Hundred Six Feet (106.00') to a point, said point being the point the place of beginning; containing 358,962.80 Sq. Ft. or 8.24 Acres.

The entire One hundred and Six (106.00') Foot wide Woodland Easement is being Dedicated from the former Samuel Helms Property.

All of which is more fully shown upon the map or plan entitled " Plan Showing Location of Woodlands Easement at the City of Bethlehem Sanitary Landfill in Lower Saucon Township Scale 1" = 800' May 27, 1993 Steven H. DeSalva - City Engineer", a copy of which is on file in the office of the City Engineer of Bethlehem, Pennsylvania.

EXHIBIT 2



PLAN SHOWING
SCENIC & CONSERVATION
EASEMENT

IN
LOWER SAUCON TOWNSHIP
OWNED BY CITY OF BETHLEHEM
(FORMERLY HELMS PROPERTY)

STEVEN W. DASALYA - CITY ENGINEER
SCALE 1" = 800'
JUNE 25, 1993

EXHIBIT "3"

EXHIBIT "4"

DESCRIPTION OF
SCENIC & CONSERVATION EASEMENT
ON PROPERTY OF CITY OF BETHLEHEM
(FORMERLY KNOWN AS THE SAMUEL HELMS PROPERTY)

All that certain lot or parcel of land to be dedicated as a Scenic & Conservation Easement, situate along the south side of Riverside Drive, in Lower Saucon Township, County of Northampton, Commonwealth of Pennsylvania, bounded and described as follows to wit:

Beginning at a point, said point being the northwest corner of the original City of Bethlehem Landfill, also being a common point between the Bushkill Valley Motorcycle Club, the original City of Bethlehem Landfill, and the southwest corner of the former Samuel Helms property (now the City of Bethlehem) the property described herein, thence in a northwardly direction North One Degree Fifty-two Minutes Zero Seconds West (N 01°52'00" W) Two Hundred Ninety-six and Fifty-eight One-Hundredths Feet (296.58') to a point, thence North Eighty Degrees Thirty-seven Minutes Four Seconds East (N 80°37'04" E) One Thousand Two Hundred Ninety-three and Twenty-eight One-Hundredths Feet (1,293.28') to a point, thence North Twenty-eight Degrees Thirty-two Minutes Forty-three Seconds West (N 28°32'43" W) Three Hundred Ninety-two and Sixty-six One-Hundredths Feet (392.66') to a point, thence North Sixty-five Degrees Zero Minutes Thirty-five Seconds East (N 65°00'35" E) One Thousand Seventy-nine and Eleven Hundredths Feet (1,079.11') to a point, thence South Twenty-six Degrees Four Minutes Fifteen Seconds East (S 26°04'15" E) One Hundred Twenty and Two One-Hundredths Feet (120.02') to a point, thence North Sixty-five Degrees Zero Minutes Twenty-five Seconds East (N 65°00'25" E) One Hundred Twenty Feet (120.00') to a point, thence South Twenty-four Degrees Fifty-nine Minutes Twenty-five Seconds East (S 24°59'25" E) One Hundred Twenty Feet (120.00') to a point, thence North Sixty-five Degrees Zero Minutes Thirty-five Seconds East (N 65°00'35" E) One Hundred Eighty and Eighteen One-Hundredths Feet (180.18') to a point, thence North Thirty-nine Degrees Three Minutes Fifty-nine Seconds West (N 39°03'59" W) Two Hundred Forty-seven and Forty-three One-Hundredths Feet (247.43') to a point, thence North Sixty-five Degrees Zero Minutes Thirty-five Seconds East (N 65°00'35" E) One Hundred Fifty Feet (150.00') to a point, thence South Thirty-nine Degrees Three Minutes Fifty-nine Seconds East (S 39°03'59" E) One Thousand Four Hundred Ninety-nine and Fourteen One-Hundredths Feet (1,499.14') to a point, thence South Eight Degrees Thirty-five Minutes Twenty-seven Seconds West (S 08°35'27" W) Three Hundred Ninety-six Feet (396.00') to a point, thence South Zero Degrees Thirty-five Minutes Twenty-seven Seconds West (S 00°35'27" W) Twenty-one and Seventy-

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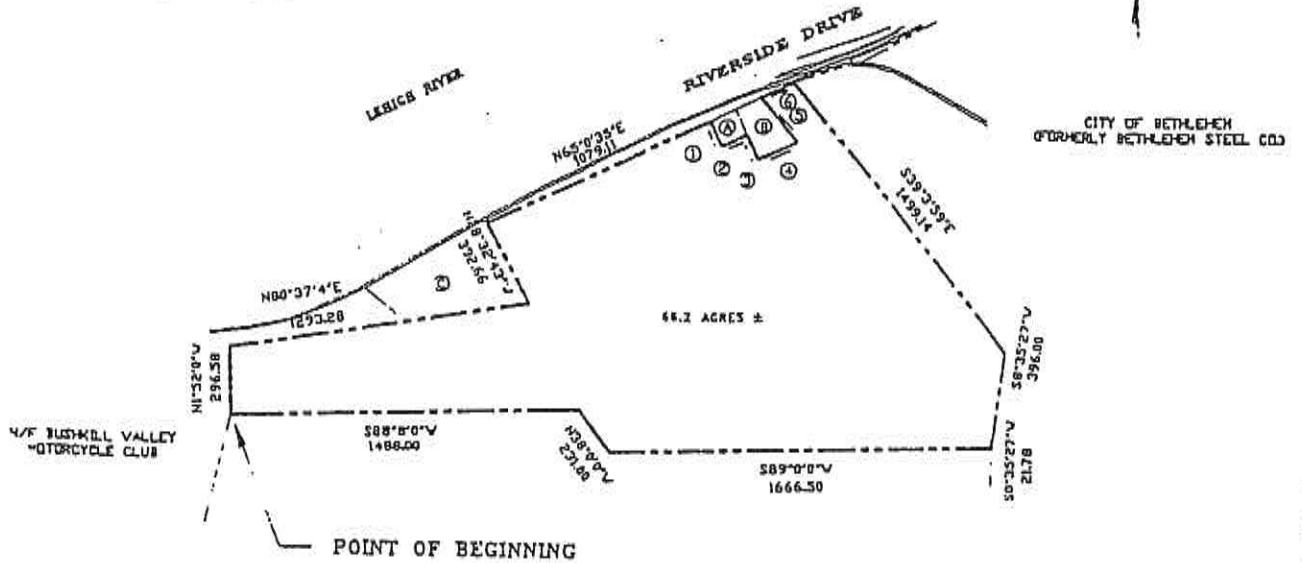
Bounded on the north by Riverside Drive, on the east by lands of City of Bethlehem (formerly Bethlehem Steel Co.), on the south by the City of Bethlehem Landfill and on the west by Bushkill Valley Motorcycle Club.

All of which is more fully shown upon the map or plan entitled "PLAN SHOWING SCENIC & CONSERVATION EASEMENT IN LOWER SAUCON TOWNSHIP OWNED BY THE CITY OF BETHLEHEM (FORMERLY HELMS PROPERTY) STEVEN W. DESALVA - CITY ENGINEER SCALE 1" = 800' JUNE 28, 1993 EXHIBIT "3", a copy of which is on file in the office of the City Engineer of Bethlehem, Pennsylvania.

ADJUTING PROPERTIES

- A N/F ROBERT BOVEN
- B N/F CHRISTINE HANN
- C N/F PPL CO.

- ① S26°41'3"E 120.00
- ② N65°0'33"E 120.00
- ③ S24°59'23"E 120.00
- ④ N65°0'33"E 180.18
- ⑤ N39°3'59"W 247.43
- ⑥ N65°0'33"E 150.00



PLAN SHOWING
SCENIC & CONSERVATION
EASEMENT

IN
LOWER SAUCON TOWNSHIP

OWNED BY CITY OF BETHLEHEM
(FORMERLY HELMS PROPERTY)

STEVEN W. DeSALVA - CITY ENGINEER

SCALE 1" = 800'

JUNE 28, 1993

EXHIBIT "3"

DESCRIPTION OF
SCENIC & CONSERVATION EASEMENT
ON PROPERTY OF CITY OF BETHLEHEM
(FORMERLY KNOWN AS THE SAMUEL HELMS PROPERTY)

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Bounded on the north by Riverside Drive, on the east by lands of City of Bethlehem (formerly Bethlehem Steel Co.), on the south by the City of Bethlehem Landfill and on the west by Bushkill Valley Motorcycle Club.

All of which is more fully shown upon the map or plan entitled "PLAN SHOWING SCENIC & CONSERVATION EASEMENT IN LOWER SAUCON TOWNSHIP OWNED BY THE CITY OF BETHLEHEM (FORMERLY HELMS PROPERTY) STEVEN W. DESALVA - CITY ENGINEER SCALE 1" = 800' JUNE 28, 1993 EXHIBIT "3", a copy of which is on file in the office of the City Engineer of Bethlehem, Pennsylvania.

COMMONWEALTH OF PENNSYLVANIA)

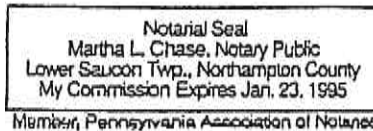
COUNTY OF)

: SS:

On this 12th day of November, 1993, before me, Martha L. Chase, a Notary Public, personally appeared Neil J. Ortwein who duly acknowledged himself to be the Acting President (title) of Lower Saucon Twp., and that he, as such Acting President (title), being authorized to do so, executed the foregoing instrument for the purpose therein contained, by signing the name of the Corporation by himself as Acting President (title).

WITNESS my hand and official seal.

Martha L. Chase



COMMONWEALTH OF PENNSYLVANIA)

COUNTY OF NORTHAMPTON)

: SS:

On this 12th day of November, 1993, before me, Cynthia A. Schick, the undersigned officer, personally appeared KENNETH R. SMITH, Mayor of the City of Bethlehem, Pennsylvania, known to me to be the person described in the foregoing instrument, and acknowledged that he executed the same in his official capacity therein stated and for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Cynthia A. Schick

