

COPY

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

and

BETHLEHEM LANDFILL COMPANY,
Intervenor

)
) NO. C0048CV2023-335
)
)
)

) LAND USE APPEAL
)
)
)
)
)
)
)
)
)
)

APPELLANTS' BRIEF IN SUPPORT OF LAND USE APPEAL

EXHIBIT APPENDIX

The following exhibits, derived from Appellee's Certification of Record and docketed Transcript for ease of reference:

- Exhibit 1 - Bethlehem Landfill Company (BLC) Application and Attachments
- Exhibit 2 - Testimony of Lisa Mann, Law Librarian
- Exhibit 3 - Law Library Submissions from LST pre-adoption
- Exhibit 4 - Newspaper (Express Times) Submission from LST

Respectfully submitted,



GARY NEIL ASTEAK, ESQUIRE
ID: 19283
726 Walnut Street
Easton, PA 18042
(610) 258-2901
asteaklaw@gmail.com
Attorney for Appellants

2023 MAR 29 11:04
FILED
COURT OF COMMON PLEAS
NORTHAMPTON COUNTY
PENNSYLVANIA

NO. C-48-CV-2023-335

ORDINANCE 2022-02 DOCUMENTS AND SUBMISSIONS

Bethlehem Landfill Company (BLC) Application and Attachments

Exhibit 1

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JOB # -

DATE / /



COURIER SERVICE INC.
P.O. Box 993 • Valley Forge, PA 19482
610-935-1999
FAX 610-935-1904

info@bluestreakcourier.com
bluestreakcourier.com

P I C K U P

NAME _____
ADDRESS _____
CITY _____ STATE _____
PICK-UP TIME _____
PACKAGES _____ WEIGHT _____

D E L I V E R Y

NAME _____
ADDRESS _____
CITY _____ STATE _____
DELIVERY TIME _____
 PRESENT (SIGNATURE) _____
PRESENT NAME _____

COURIER #

D E L I V E R Y R E C E I P T



Land Air Water Legal Solutions LLC

Marynne Starr Garber
mgarber@landairwater.com
610.898.3852

October 5, 2022

VIA HAND DELIVERY

OCT - 5 2022

Attn: Mark Hudson, Township Manager
Lower Saucon Township
3700 Old Philadelphia Pike
Bethlehem, PA 18015

Re: Bethlehem Landfill Company Request for Zoning Ordinance Amendments –
Map Amendment and Text Amendments

Dear Mr. Hudson:

I represent Bethlehem Landfill Company. On my client's behalf, I hereby respectfully
submit an Application for a Request to Council to amend the Lower Saucon Township Zoning
Ordinance to: 1) rezone land that is east, northeast, and a very small portion west, of and
adjacent to the existing Bethlehem Landfill from Rural Agricultural (RA) to Light Industrial
(LI); and 2) adopt text amendments that will create a Natural Resource Mitigation Alternative for
industrial development in the LI Zoning District and exempt landfills and waste disposal
facilities from the Site Plan approval process/requirements of the Zoning Ordinance if the
development will otherwise require Land Development approval under the Township's SALDO
and a permit from the Pennsylvania Department of Environmental Protection ("PADEP").

Including the Northern Realignment project (which received zoning and land
development approvals from the Township in 2020 and which application is currently pending
before PADEP), the Bethlehem Landfill has approximately six (6) years of remaining life. The
Zoning Ordinance Amendments that my client is requesting would be the first of many steps,
approvals, and permits (with and from both the Township and PADEP) required for an
expansion of the Bethlehem Landfill that would allow it to continue its long-standing business
operation in the Township. While that expansion has not yet been fully designed, the proposed
disposal area will not be larger than the conceptual disposal footprint depicted on the drawing
prepared by Martin & Martin entitled "Conceptual Disposal Footprint (maximum)" that is
included in Exhibit A to the Narrative at Attachment 3 of the Application. Such expansion would
extend the life of the landfill by 20-30 years.

S

ROUTING

- Council
Manager
Asst. Mgr.
Zoning Ord.
Finance
Police
P. Works
P/C
P & R
EAC
Engineer
Solicitor
Planner
Landfill
EMC
Other

B0063739

Land Air Water Legal Solutions LLC

Mr. Mark Hudson
October 5, 2022
Page 2


Towards that end, enclosed please find the following:

- Four (4) copies of a completed Lower Saucon Township Planning Application, with three (3) attachments (Hahn Owner Authorization letter, Parcel List, and Narrative);
- A check for the application fee in the amount of \$1,000.00 (made out to Lower Saucon Township)(please redact all account information if copy of check will be posted publicly); and
- A check in the amount of \$5,000.00 for the required escrow (also made out to Lower Saucon Township)(please redact all account information if copy of check will be posted publicly).

We respectfully request that this Application be placed on the Agenda for the October 19, 2022 Township Council meeting for their consideration.

If you have any questions regarding this submittal, please do not hesitate to contact me.

Very truly yours,



Maryanne Starr Garber

Enclosure

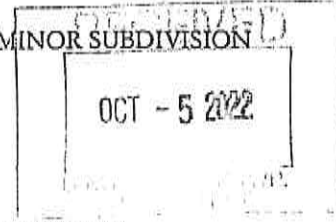
cc: Linc Treadwell, Esq. (w/encs.)
David Pannucci

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

Type of Application:

Date of Application 10/5/2022

- | | | | |
|---|--|--|--|
| <input type="checkbox"/> CONDITIONAL USE | <input checked="" type="checkbox"/> REQUEST TO COUNCIL | <input type="checkbox"/> SITE PLAN | <input type="checkbox"/> MINOR SUBDIVISION |
| <input type="checkbox"/> LAND DEVELOPMENT | <input type="checkbox"/> MAJOR SUBDIVISION | <input type="checkbox"/> SKETCH PLAN | |
| <input type="checkbox"/> Preliminary Plan | <input type="checkbox"/> Preliminary Plan | <input type="checkbox"/> Formal Review | |
| <input type="checkbox"/> Final Plan | <input type="checkbox"/> Final Plan | <input type="checkbox"/> Informal Review | |



OTHER Request for Zoning Ordinance Amendments – Map Amendment and Text Amendments

Name of Development: Bethlehem Landfill

Location/Address of Property: 2335 Applebutter Road, Bethlehem PA 18015 (and see Parcel List at Attachment "2")

Type of Request: Request for Zoning Ordinance Amendment – Map Amendment and Text Amendments (and see Narrative at Attachment "3")

Tax Map: See Attachment "2" Zoning District Change from RA to LI

Number of Lots Seven (7) (See Attachment "2") Total Acreage _____

Water Supply: On Lot Public Sewerage Supply: On Lot Public

Owner: Bethlehem Landfill Company (5 parcels) Fax No. _____
Phone No. 610-317-3200

Owner's Address 2335 Applebutter Road, Bethlehem PA 18015

Owner: Dennis M. and Christine E. Hahn ("Hahn") (2 parcels) Fax No. _____
Phone No. _____

Owner's Address 2396 Riverside Drive, Bethlehem, PA 18015

Applicant Bethlehem Landfill Company (with Hahn permission, see letter at Attachment "1") Fax No. _____
Phone No. 610-898-3852

Applicant's Address 2335 Applebutter Road, Bethlehem PA 18015

Registered Engineer: Martin & Martin, Inc. Fax No. _____
Phone No. (717) 264-6759

Engineer's Address 37 S. Main St., Suite A, Chambersburg, PA 17201

Attorney: Maryanne Garber, Esquire Fax No. _____
Phone No. 610-898-3852

Attorney's Address: 850 Cassatt Rd., Suite 210, Berwyn, PA 19312

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

[Signature] Signature of Owner/Applicant Representative
Date 10/5/22

<i>For Office Use Only</i>	
Fees Received – Application \$ <u>1000.00</u>	Escrow \$ <u>5000.00</u>
ck# <u>00731</u>	ck# <u>18732</u>

ATTACHMENT "1"

October 5, 2022
Lower Saucon Township Council
2700 Old Philadelphia Pike
Bethlehem, PA 18015

Dear Council Members:

We are the owners of two parcels of property located at 2346 Riverside Drive, Bethlehem, PA 18015, TAX PARCEL No. NS-14-B-0719, located in Lower Saucon Township ("Property").

We are aware that Bethlehem Landwell Company is requesting that our Property, along with several other parcels in the vicinity of our Property, be rezoned from R-A to I. We are supporting that rezoning request.

Sincerely,

Christine F. Hahn

CHRISTINE F. HAHN

and

Dennis M. Hahn

DENNIS M. HAHN

ATTACHMENT "2"

Attachment "2"

Parcels to Be Rezoned				
No.	Parcel ID No.	Owner Name	Address	Description
1	N8 14 1 0719E	BETHLEHEM LANDFILL COMPANY (formerly CITY OF BETHLEHEM)	2335 Applebutter Road, Bethlehem, PA 18015	entire parcel
2	N8 14 1A 0719	BETHLEHEM LANDFILL COMPANY (formerly Ryan K. Maas & Desiree A. Reuss-Flowers)	2335 Applebutter Road, Bethlehem, PA 18015	entire parcel
3	N8 14 1B 0719	HAHN DENNIS M & CHRISTINE E	PO BOX 1353 BETHLEHEM, PA, 18016-1353	entire parcel, tract #1, lot #1
4	N8 14 1B 0719	HAHN DENNIS M & CHRISTINE E	PO BOX 1353 BETHLEHEM, PA, 18016-1353	entire parcel, tract #1, lot #2
5	N8 14 2 0719E	BETHLEHEM LANDFILL COMPANY (formerly CITY OF BETHLEHEM)	2335 Applebutter Road, Bethlehem, PA 18015	partial area, south of bull Run
6	N8 14 15 0719	BETHLEHEM LANDFILL COMPANY	2335 Applebutter Road, Bethlehem, PA 18015	entire parcel
7	P7 5 33 0719	BETHLEHEM LANDFILL COMPANY (formerly IESI PA BETHLEHEM LANDFILL CORPORATION)	2335 Applebutter Road, Bethlehem, PA 18015	partial area, eastern portion

ATTACHMENT "3"

ATTACHMENT "3"

NARRATIVE

Introduction:

Bethlehem Landfill Company ("BLC") respectfully requests that Lower Saucon Township Council adopt the Map Amendment and Text Amendments to the Township Zoning Ordinance described herein, as a first step towards an expansion of the existing Bethlehem Landfill ("Landfill").

Including the Northern Realignment project (which received Special Exception Approval from the Township Zoning Hearing Board and Conditional Final Land Development Approval from Township Council in 2020, and which application is currently pending before the Pennsylvania Department of Environmental Protection ("PADEP")), the Landfill has approximately six (6) years of remaining life.

In order to continue its business operations beyond that time, BLC must expand the existing Landfill onto adjacent land. Such an expansion will require multiple steps, approvals, and permits with and from both the Township and PADEP. The first thing BLC needs is the ability to seek zoning approval (currently, Special Exception approval from the Lower Saucon Township Zoning Hearing Board) for the expansion under the Township's Zoning Ordinance. This will require both a Map Amendment and Text Amendments to the Township's Zoning Ordinance.

The Map Amendment

BLC owns acreage to the east and northeast of the Landfill upon which it would like to expand the Landfill. That land is currently zoned Rural Agricultural (RA). BLC is requesting that Council rezone that land to Light Industrial (LI), a zoning district which allows landfills and waste disposal facilities by Special Exception.

Also included in BLC's rezoning request are two small parcels along Riverside Drive (which combined total approx. one (1) acre)) that are currently owned by Dennis and Christine Hahn. The Hahn's have given permission to BLC to include their property in this request for rezoning (see Attachment "1" to Application).

Finally, BLC seeks to rezone a small (less than 6 acre) portion of a parcel adjacent to the Landfill to the west (a portion of the property formerly known as the Fox property) from RA to LI, to enable BLC to complete the disposal area on the west end of Landfill without having to excavate and relocate over 300,000 cubic yards of previously placed waste (which is what is required under previously approved plans), thus eliminating nuisances that would be associated with such excavation and relocation.

Attached hereto as Exhibit A is a four-sheet drawing set prepared by Martin & Martin, which shows the following:

- Sheet 1: Existing Zoning of the Landfill and surrounding area
- Sheet 2: What parcels (or portions thereof) are proposed for rezoning from RA to LI, and their corresponding acreage, which totals approximately 275.7 acres
- Sheet 3: What the map amendment will look like, if adopted
- Sheet 4: The Landfill's current permitted disposal footprint, the footprint for the pending Northern Realignment Project, and the Conceptual Disposal Footprint (maximum) for the required expansion.

Attached hereto as Exhibit B are the deeds for the parcels that are proposed for the rezoning, and legal descriptions of the rezoned area of those parcels that are not being rezoned in their entirety (former Fox Property and Former Redington Property).

The Text Amendments

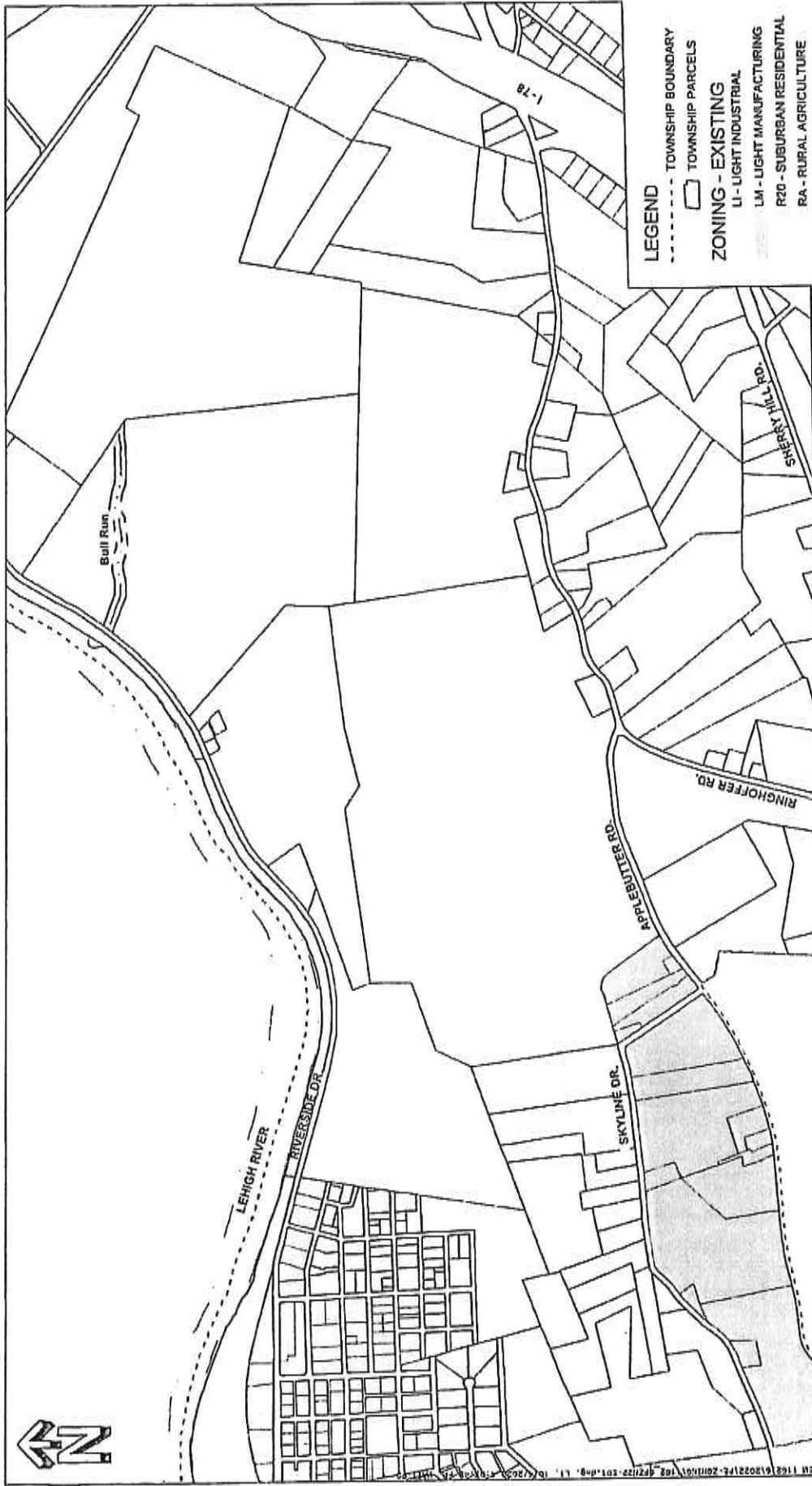
BLC is requesting a text amendment that creates a Natural Resource Mitigation Alternative, which will allow it (and any other applicant proposing an industrial use within the LI District) to utilize a greater area of natural resource protection land than would otherwise be permitted by the Resource Protection Standards in the Zoning Ordinance, provided that the applicant dedicates to the Township for preservation an amount of land equal to that greater area or the payment of a fee-in-lieu of dedication, upon approval by Township Council.

BLC is also requesting a text amendment that would exempt landfills and waste disposal facilities from the Township's Site Plan approval process and requirements where such development will require Land Development approval from Township Council under the Township's Subdivision and Land Development Ordinance and a permit from PADEP. This exemption is requested to avoid the confusion, redundancy, and expense associated with duplicative applications, staff reviews, and meetings where the substantive Site Plan requirements are part of the land development and PADEP permit approval processes.

The proposed text amendments are attached hereto as Exhibit C.

Currently, landfills and waste disposal facilities are permitted by Special Exception, which fall under the jurisdiction of the Township's Zoning Hearing Board. In the past, the Township has considered revising the Zoning Ordinance to make landfills and waste disposal facilities a Conditional Use, which fall under the jurisdiction of Township Council. That revision is not included in the proposed text amendments attached hereto as Exhibit C. However, if Council wishes to amend the Zoning Ordinance to make such a change, BLC has no objection.

EXHIBIT "A"



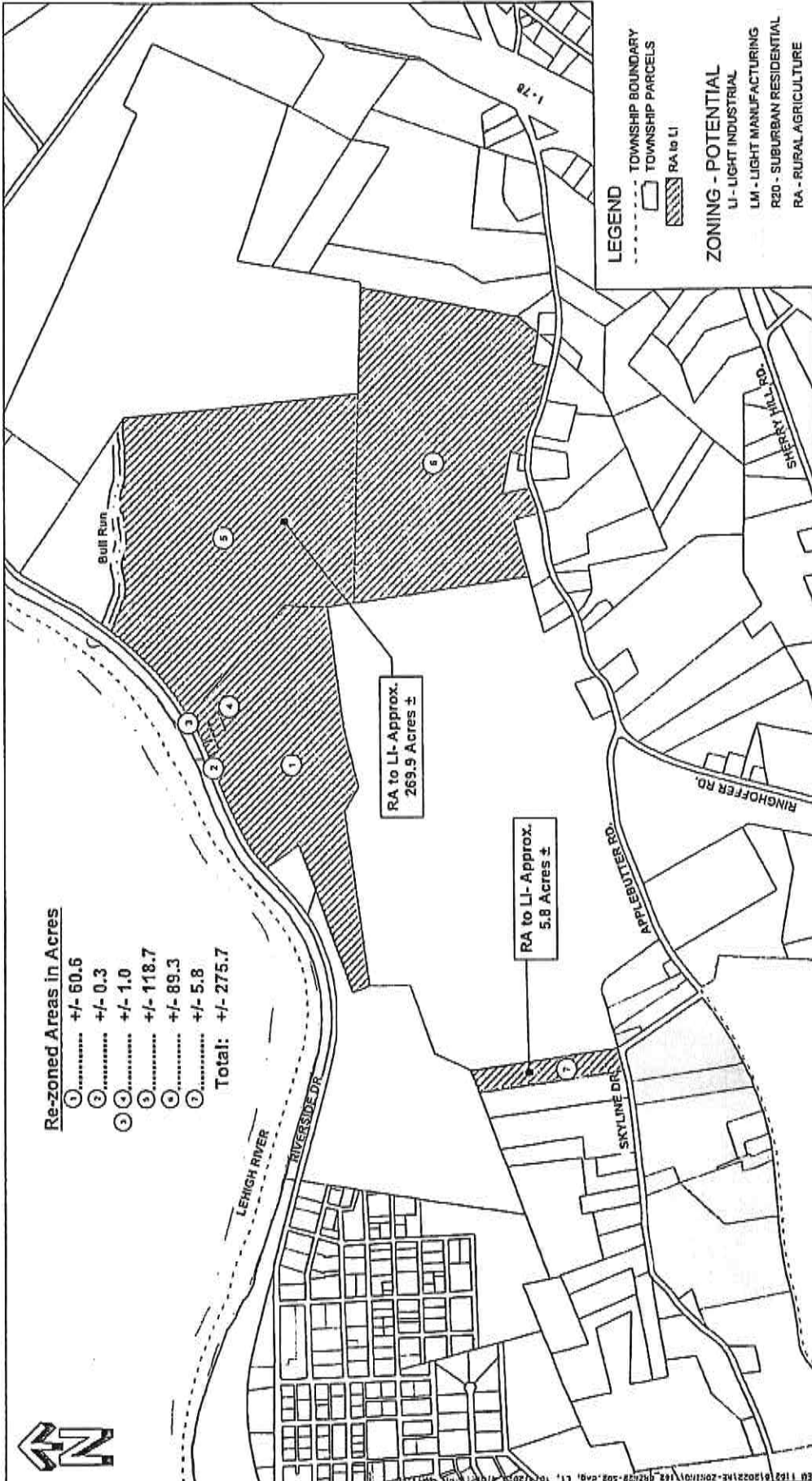
LEGEND
 - - - - - TOWNSHIP BOUNDARY
 □ TOWNSHIP PARCELS
ZONING - EXISTING
 LI - LIGHT INDUSTRIAL
 R20 - SUBURBAN RESIDENTIAL
 RA - RURAL AGRICULTURE

NOTE:
 PARCEL DATA FROM COUNTY OF MONTGOMERY (GIS DATA).
 ZONING DATA FROM LOWER MERION TOWNSHIP.
 800' 0' 800' 1600'

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

Existing Zoning





Re-zoned Areas in Acres

- ① +/- 60.6
- ② +/- 0.3
- ③ +/- 1.0
- ④ +/- 118.7
- ⑤ +/- 89.3
- ⑥ +/- 5.8

Total: +/- 275.7

LEGEND

- TOWNSHIP BOUNDARY
- TOWNSHIP PARCELS
- ▨ RA to LI

ZONING - POTENTIAL

- LI - LIGHT INDUSTRIAL
- LM - LIGHT MANUFACTURING
- R20 - SUBURBAN RESIDENTIAL
- RA - RURAL AGRICULTURE

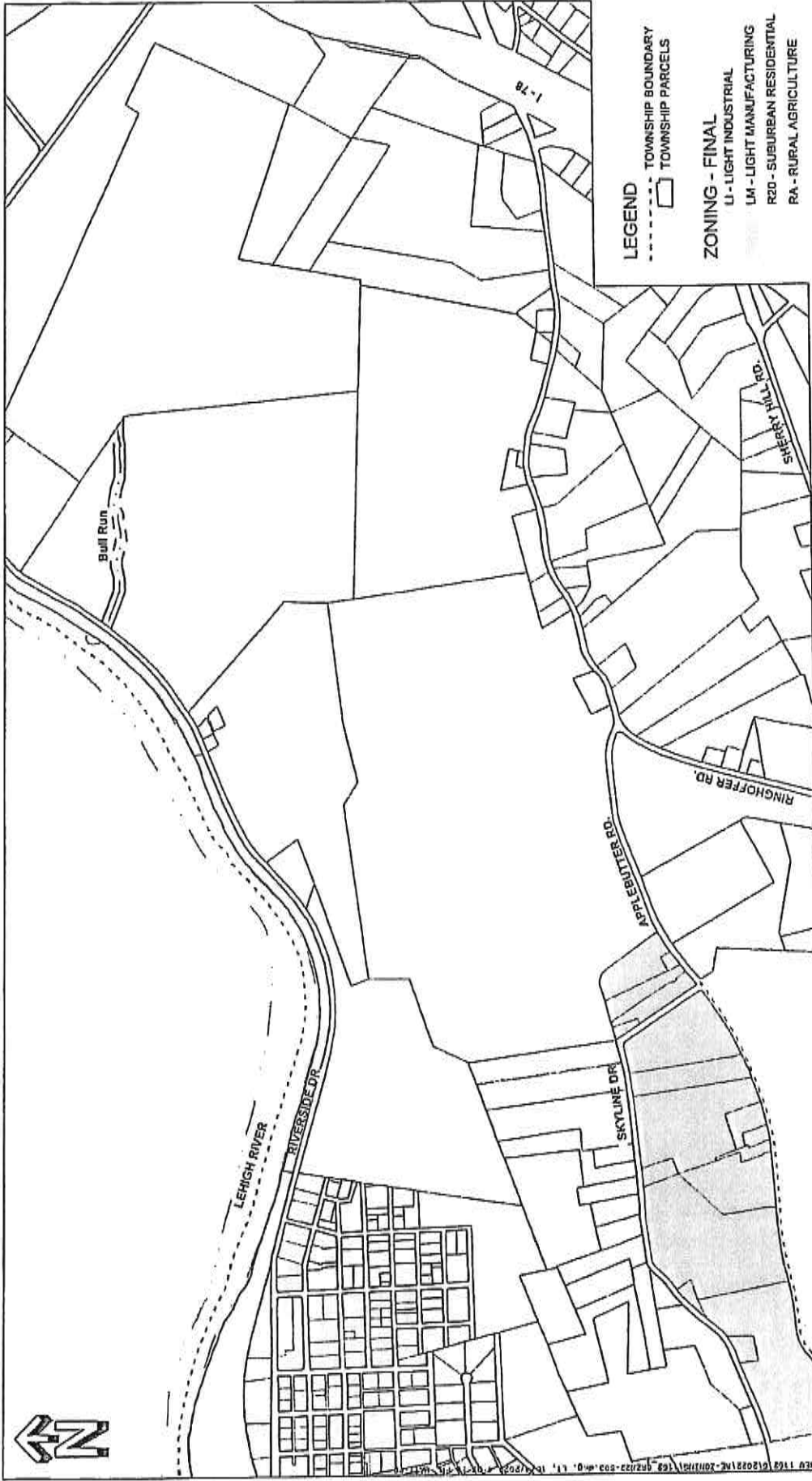
**Map Amendment
Map 1**

NOTE: DATE FROM COUNTY OF NORTHAMPTON (GIS DATA).
ZONING DATA FROM LOWER SAUCON TOWNSHIP.

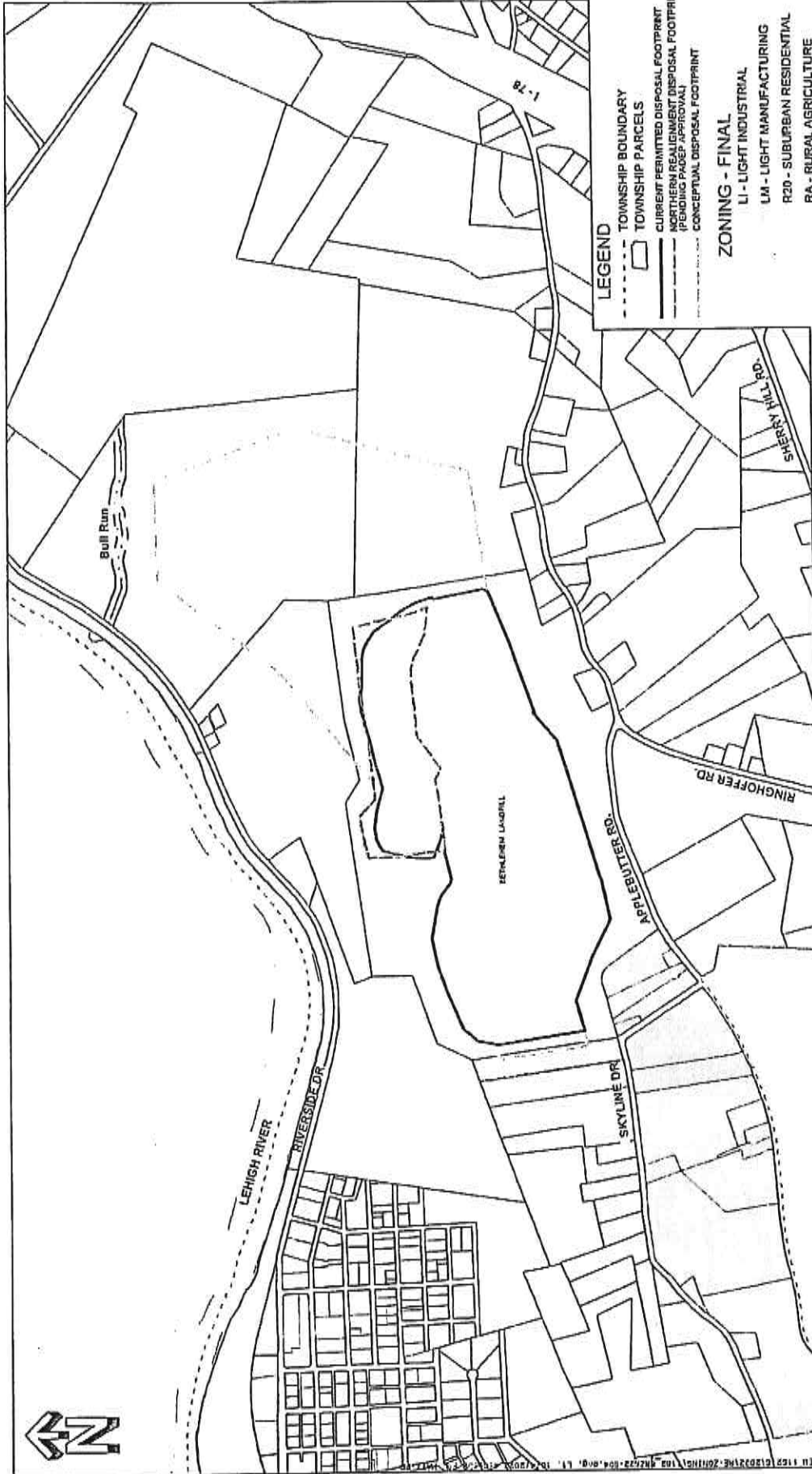


PREPARED BY
MMI
martin and martin incorporated
37 south main street • suite A
chemung, pennsylvania • 17201





Map Amendment Map 2



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

Conceptual Disposal Footprint (maximum)

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

EXHIBIT "B"

COUNTY OF NORTHAMPTON

RECORDER OF DEEDS
NORTHAMPTON COUNTY GOVERNMENT CENTER
669 WASHINGTON STREET
EASTON, PENNSYLVANIA 18042-7486
Area Code (610) 829-6210

Andrea F. Suter - Recorder
Dorothy J. Edelman - Lead Deputy
Barbara L. Manleri - Deputy



Book - 2022-1 Starting Page - 269095
*Total Pages - 7

Instrument Number - 2022031584
Recorded On 9/30/2022 At 11:38:03 AM

NCGIS Registry UPI Certification
On September 29, 2022 By HW

- * Instrument Type - DEED
- Invoice Number - 1044290
- * Grantor - BETHLEHEM CITY
- * Grantee - BETHLEHEM LANDFILL COMPANY
- User - JMKE
- * Customer - COMMONWEALTH LAND TITLE PHILADELPHIA COMMERCIAL - 1700 MARKE

*** FEES**

STATE TRANSFER TAX	\$100.00
STATE WRIT TAX	\$0.50
JCS/ACCESS TO JUSTICE	\$40.25
RECORDING FEES	\$17.00
AFFORDABLE HOUSING	\$14.02
AFFORDABLE HOUSING - ADMIN FEE	\$2.48
COUNTY RECORDS IMPROVEMENT FEE	\$2.00
DEEDS RECORDS IMPROVEMENT FEE	\$3.00
UPI CERTIFICATION FEE	\$20.00
SAUCON VALLEY AREA SCHOOL REALTY TAX	\$50.00
LOWER SAUCON TOWNSHIP	\$50.00
TOTAL PAID	\$299.25

***RECORDED BY:**
COMMONWEALTH LAND TITLE PHILADELPHIA
COMMERCIAL - 1700 MARKE
1700 MARKET ST STE 2110
PHILADELPHIA, PA 19103

I hereby CERTIFY that this document is recorded in the Recorder's Office Of Northampton County, Pennsylvania



Andrea F. Suter

Andrea F. Suter
Recorder of Deeds

THIS IS A CERTIFICATION PAGE

Do Not Detach

THIS PAGE IS NOW THE FIRST PAGE
OF THIS LEGAL DOCUMENT

Book: 2022-1 Page: 269095



* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

**PREPARED BY AND
UPON RECORDING RETURN TO:**
Christine R. Deutsch, Esquire
Deutsch Commercial Real Estate Law LLC
1515 Market Street, Suite 1200
Philadelphia PA 19102-1932
215-854-6338

P.H.E. 2009 ZA

Commonwealth Land Title Insurance Company
1700 Market Street
Suite 2150
Philadelphia, PA 19103

DEED

Parcel Numbers: N8 14 2 0719E ("Property 1")
N8 14 1 0719E ("Property 2")

THIS INDENTURE made the 24th day of September in the year of our Lord two thousand twenty-two (2022), but effective only as of the 29th day of September in the year of our Lord two thousand twenty-two (2022)

BETWEEN CITY OF BETHLEHEM, a Pennsylvania municipal corporation and third class city in the Commonwealth of Pennsylvania (hereinafter called the "**Grantor**"), of the one part, and **BETHLEHEM LANDFILL COMPANY** (f/k/a Eastern Waste of Bethlehem, Inc.), a Delaware corporation (hereinafter called the "**Grantee**"), of the other part,

WHEREAS, Grantor and Eastern Waste of Bethlehem, Inc., a Delaware corporation, are parties to an Option Agreement dated July 17, 1998 (the "**Option Agreement**") recorded in the Office of the Recorder of Deeds of Northampton County, Pennsylvania (the "**Recorder's Office**") on July 20, 1998 as Instrument No. 1998028073 in Miscellaneous Book Volume 1998-1, Page 093410 for certain real property more particularly described therein and known as Parcel Nos. N8 14 2 0719E and N8 14 1 0719E; and

WHEREAS, Eastern Waste of Bethlehem, Inc. changed its name to IESI PA Bethlehem Landfill Corporation on July 12, 1999 by filing with the Secretary of State of Delaware (the "**Secretary**") a Restated Certificate of Incorporation; and

WHEREAS, IESI PA Bethlehem Landfill Corporation changed its name to Bethlehem Landfill Company, *i.e.*, the Grantee, on June 8, 2018 by filing with the Secretary a Certificate of Amendment of Certificate of Incorporation; and

WHEREAS, Grantee has exercised its rights under the Option Agreement, and this conveyance is occurring upon the terms set forth in the Option Agreement;

NOW THEREFORE, WITNESSETH that the said Grantor for and in consideration of the sum of Ten Thousand Dollars (\$10,000.00) lawful money of the United States of America and other good and valuable consideration, unto it well and truly paid by the said Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, has granted, bargained and sold, released and confirmed, and by these presents does grant, bargain and sell, release and confirm unto the said Grantee, its successors and assigns,

ALL THAT CERTAIN lot or piece of ground more particularly described on Exhibit "A" attached hereto and made a part hereof.

UNDER AND SUBJECT, nevertheless, to restrictions, covenants, easements and conditions of record, to the extent valid and enforceable and still applicable to the above described premises.

TOGETHER with all and singular the improvements, ways, streets, alleys, passages, driveways, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in any wise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of it, the said Grantor, as well at law as in equity, of, in, and to the same.

TO HAVE AND TO HOLD the said lots or pieces of ground above described, with the hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, to and for the only proper use and behoof of the said Grantee, its successors and assigns forever.

UNDER AND SUBJECT, as aforesaid.

AND the said Grantor, for itself, its successors and assigns, does covenant, promise and agree, to and with the said Grantee, its successors and assigns, by these presents, that it, the said Grantor and its successors, all and singular the hereditaments and premises hereby granted or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, against it, the said Grantor and its successors, and against all and every person and persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under them or any of them, shall and will, subject as aforesaid, WARRANT and forever DEFEND.

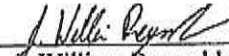
[Signature page follows]

IN WITNESS WHEREOF, the party of the first part hereunto has caused these presents to be duly executed by its authorized officers, with its corporate seal hereunto affixed, the day and year first above written.

ATTEST:

CITY OF BETHLEHEM


George H. Yasso, Controller *9/26/22*

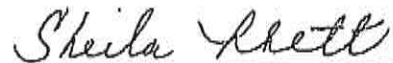
BY: 
J. William Reynolds, Mayor

(SEAL)

COMMONWEALTH OF PENNSYLVANIA :
:SS
COUNTY OF NORTHAMPTON :

On this, the 26th day of September 2022, before me, a Notary Public in and for the State and County aforesaid, the undersigned officer, personally appeared J. William Reynolds, who acknowledged himself to be the Mayor of City of Bethlehem, a Pennsylvania municipal corporation and City of the Third Class, and that he, as such officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the City by himself as such officer.

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


NOTARY PUBLIC

My Commission Expires: *MAY 7, 2025*

The address of the above named Grantee is:

Bethlehem Landfill Company
Attn: Tax Department
3 Waterway Square Place, Suite 110
The Woodlands, Texas 77380 - ~~3488~~

Commonwealth of Pennsylvania - Notary Seal
Sheila Rhett, Notary Public
Northampton County
My commission expires May 7, 2025
Commission number 1276529
Member, Pennsylvania Association of Notaries

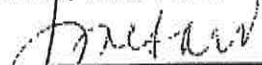

On behalf of the Grantee

EXHIBIT "A"

LEGAL DESCRIPTION FOR FORMER REDINGTON PROPERTY (PROPERTY 1)

ALL THAT CERTAIN tract of land situate in Lower Saucon Township, Northampton County, Pennsylvania, bounded and described in accordance with Boundary Survey of the Bethlehem Landfill prepared by Martin and Martin Incorporated dated 7/26/21 and last revised 9/18/21, as follows, to wit:

Beginning at an existing iron pin along the North side of Riverside Drive; thence along the North side of Riverside Drive N 60°36'18" E a distance of 337.57' to an existing rail monument; thence along the North side of Riverside Drive thence N 50°55'57" E a distance of 367.66' to an existing rail monument; thence across Riverside Drive N 46°43'43" E a distance of 418.47' to an existing iron pin on the South side of Riverside Drive; thence along the South side of Riverside Drive N 36°59'17" E a distance of 302.24' to an existing iron pin; thence continuing along the South side of Riverside Drive N 33°49'44" E a distance of 678.55' to a point along lands now or formerly of RZB, LLC; thence along lands now or formerly of RZB, LLC S 57°50'45" E a distance of 941.41' to an existing iron pin at lands now or formerly of Bruce & Ginger Petrie; thence along lands now or formerly of Bruce & Ginger Petrie S 56°42'20" E a distance of 736.81' to an existing rail monument; thence continuing along said lands S 07°48'00" E a distance of 2188.25' to an existing iron pin along lands now or formerly of Bethlehem Landfill Company; thence along lands now or formerly of Bethlehem Landfill Company S 89°58'54" W a distance of 1981.45' to a point along lands now or formerly of IESI PA Bethlehem Landfill Corporation; thence along lands now or formerly of IESI PA Bethlehem Landfill Corporation N 10°24'59" W a distance of 256.01' to an existing iron pin at lands now or formerly of the City of Bethlehem; thence along lands now or formerly of the City of Bethlehem N 02°13'49" W a distance of 395.81' to a point; thence continuing along lands now or formerly of the City of Bethlehem N 49°49'52" W a distance of 1453.37' to an existing iron pin; which is the point of beginning, having an area of 5,940,137 square feet, 136.3668 acres.

BEING, as to Property 1, the same premises that were conveyed to City of Bethlehem by Bethlehem Steel Corporation by Deed dated April 24, 1991 and recorded in the Recorder's Office on May 30, 1991 in Deed Book 830 Page 479 et seq.

AND

LEGAL DESCRIPTION FOR FORMER HELMS PROPERTY (PROPERTY 2)

ALL THAT CERTAIN tract of land situate in Lower Saucon Township, Northampton County, Pennsylvania, bounded and described in accordance with Boundary Survey of the Bethlehem Landfill prepared by Martin and Martin Incorporated dated 7/26/21 and last revised 9/18/21, as follows, to wit:

Beginning at an existing iron pin along the North side of Riverside Drive; thence crossing Riverside Drive and along lands now or formerly of the City of Bethlehem S 49°49'52" E a distance of 1453.37' to a point; thence continuing along lands now or formerly of the City of Bethlehem S

02°13'49" E a distance of 395.81' to an existing iron pin; thence along lands now or formerly of IESI PA Bethlehem Landfill Corporation S 82°57'22" W a distance of 1708.03' to an existing iron pin; thence continuing along lands now or formerly of IESI PA Bethlehem Landfill Corporation N 47°07'42" W a distance of 231.00' to an existing iron pin; thence along said lands S 77°07'49" W a distance of 676.45' to an existing iron pin; thence continuing along said lands S 77°33'27" W a distance of 808.25' to an existing P.K. Nail in Rock along lands now or formerly of Bushkill Valley Motorcycle Club, Inc.; thence along lands now or formerly of Bushkill Valley Motorcycle Club, Inc. N 07°27'46" W a distance of 165.06' to an existing iron pin; thence continuing along said lands N 66°29'46" E a distance of 1249.01' to a point in a stone row at lands now or formerly of Pennsylvania Power and Light Company; thence along lands now or formerly of Pennsylvania Power and Light Company N 37°25'29" W a distance of 341.22' to an existing iron pin along the South side of Riverside Drive; thence along Riverside Drive N 46°19'02" E a distance of 206.72' to an existing iron pin; thence along said road with a curve turning to the right with an arc length of 457.45', with a radius of 1339.70', with a chord bearing of N 56°19'26" E, with a chord length of 455.23' to an existing iron pin; thence continuing along said road N 63°19'21" E a distance of 550.40' to an existing iron pin; thence crossing over Riverside Drive N 24°23'55" W a distance of 20.56' to an existing iron pin; thence along the North side of Riverside Drive N 65°48'45" E a distance of 283.86' to an existing iron pin; which is the point of beginning, having an area of 2,695,959 square feet, 61.8907 acres.

EXCEPTING FROM THE ABOVE DESCRIPTION OF PROPERTY 2:

DENNIS M. & CHRISTINE E. HAHN, TRACT 1, LOT 1

Beginning at an existing iron pin along the South side of Riverside Drive; thence along the South side of Riverside Drive N 68°17'36" E a distance of 119.97' to an existing iron pin along the Western side of Chestnut Street; thence along the Western side of Chestnut Street S 49°10'05" E a distance of 134.60' to an existing iron pin; thence S 68°18'39" W a distance of 182.24' to an existing iron pin along lands now or formerly of Ryan X. Mass & Desiree A. Reuss-Flowers; thence along lands now or formerly of Ryan X. Mass & Desiree A. Reuss-Flowers N 21°36'52" W a distance of 119.38' to an existing iron pin along the South side of Riverside Drive; which is the point of beginning, having an area of 18,042 square feet, 0.4142 acres.

DENNIS M. & CHRISTINE E. HAHN, TRACT 1, LOT 2

Beginning at an existing iron pin along the Western side of Chestnut Street; thence S 49°16'53" E a distance of 135.13' to an existing iron pin along the Northern side of Centre Street; thence along the Northern side of Centre Street S 68°13'44" W a distance of 250.86' to an existing iron pin; thence leaving the Northern side of Centre Street N 21°40'32" W a distance of 119.94' to an existing iron pin; thence N 68°15'16" E a distance of 188.24' to an existing iron pin along the Western side of Chestnut Street; which is the point of beginning, having an area of 26,321 square feet, 0.6043 acres.

RYAN X. MASS & DESIREE A. REUSS-FLOWERS

Beginning at an existing iron pin along the South side of Riverside Drive; thence along lands now or formerly of Dennis M. & Christine E. Hahn S 21°36'52" E a distance of 119.38' to an existing iron pin; thence S 68°07'00" W a distance of 119.57' to an existing iron pin; thence N 21°33'30" W a distance of 119.47' to an existing iron pin along the South side of Riverside Drive; thence

along the South side of Riverside Drive N 68°09'39" E a distance of 119.45' to an existing iron pin along the South side of Riverside Drive; which is the point of beginning, having an area of 14,272 square feet, 0.3276 acres.

BEING, as to Property 2, the same premises that were conveyed to City of Bethlehem by Michael L. Helms, David L. Helms, Mary W. Helms VanStone and Deborah E. Helms by Deed dated December 31, 1991 and recorded in the Recorder's Office on August 17, 1992 in Deed Book 871 Page 479 et seq.

Premises: 2390 Riverside Drive, Bethlehem
Lower Saucon Township
Northampton County, PA
Parcel No. N8 14 1A 0719

SPECIAL WARRANTY DEED

This Indenture, made the 18 th day of *MGJ* in the year of our Lord
Two Thousand Twenty-Two (2022)

Between Ryan K. Maas and Desiree A. Reuss-Flowers

(hereinafter called the Grantors), parties of the first part,

And Bethlehem Landfill Company, a Delaware corporation

(hereinafter called the Grantee), party of the other part,

Witnesseth that in consideration of the sum of Two Hundred Eighty Thousand and
00/100-----(\$280,000.00) Dollars, in hand paid, the receipt
whereof is hereby acknowledged, the said grantors do hereby grant and convey to the said
grantee, its successors and assigns forever,

ALL THAT CERTAIN lot or piece of ground situate in Lower Saucon Township, County of
Northampton, Commonwealth of Pennsylvania.

BEGINNING at the northwest corner of Lot No. 2 on the General Plan laid out by Abraham
S. Shimer (near Redington); thence, along said Lot 2, South 16 degrees East, 120 feet to a
corner on the north side of a 12 feet wide alley; thence, along said alley, South 74 degrees
West, 120 feet to a corner on Lot No. 5 on said plan; thence, along said Lot No. 5, North 16
degrees West, 120 feet to a corner on the south side of Railroad Street; thence, along said
Railroad Street, North 74 degrees East, 120 feet to the place of Beginning.

THE above-described lot or piece of ground consists of Lots No. 3 and 4, on the above-
mentioned Plan of Lots as laid out by the said Abraham S. Shimer.

BEING KNOWN as 2390 Riverside Drive, Bethlehem, Lower Saucon Township,
Pennsylvania.

BEING Tax Parcel No. N8 14 1A 0719

First American Title Insurance
National Commercial Services
NCS-1125324-CO

BEING THE SAME PREMISES which Patti D. Wagner, by Deed dated August 20, 2015, and recorded on August 26, 2015, in the Office of the Recorder of Deeds of Northampton County, Commonwealth of Pennsylvania, in Record Book Volume 2015-1, page 164460, Instrument No. 2015021917, granted and conveyed unto Ryan K. Maas and Desiree A. Reuss-Flowers, in fee.

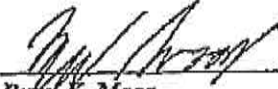
Together with all and singular the improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in anywise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest property, claim and demand whatsoever of the said Grantors, as well at law as in equity of the said Parties of the First Part of, in and to or out of the said premises, and every part and parcel thereof.


To have and to hold the said above-described lot or piece of ground, together with the hereditaments and premises hereby granted, or mentioned and intended so to be. with the appurtenances, unto the said Grantee, its successors and assigns, to and for the only proper use and behoof of the said Grantee, its successors and assigns,

And the said Grantors for themselves and their heirs and assigns, do by these presents covenant, grant and agree to and with the said Grantee, and its successors and assigns, that they, the said Grantors, and their heirs and assigns, all and singular the hereditaments and premises hereinabove described and granted, or mentioned, and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, against them, the said Grantors and their heirs and assigns, and against all and every other person or persons whomsoever, lawfully claiming or to claim the same, or any part thereof, **SHALL AND WILL SPECIALLY WARRANT AND FOREVER DEFEND.**

In witness whereof, the said Grantors have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered
In the presence of:



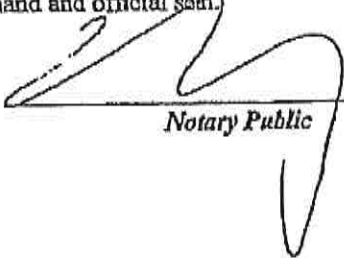
Ryan K. Maas


Desiree A. Reuss-Flowers

Commonwealth of Pennsylvania }
County of Northampton } ss.:

On this, the 17 day of May, 2022, before me, the undersigned officer, personally appeared Ryan K. Maas and Desiree A. Reuss-Flowers, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purpose therein contained.

In witness whereof I have hereunto set my hand and official seal.

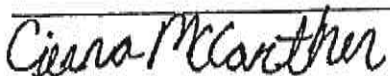


Notary Public

Commonwealth of Pennsylvania - Notary Seal
ROBERT H. JACOBS, Notary Public
Northampton County
My Commission Expires October 11, 2025
Commission Number 1270871

I hereby certify that the precise address of the Grantee herein is:

2335 Applebutter Rd
Bethlehem, PA 18015-6004



Chris Green, MAGISTRATE

Between, DAVIS J. CROWELL, III, and YVETTE M. CROWELL, husband and wife

707
ENTERED
JUN 13 PM 12 21

AND (hereinafter called the Grantor B),

DENNIS M. HAHN and CHRISTINE E. HAHN, husband and wife,
Lower Saucon Township Tax \$76.50
Saucon Valley School District \$76.50 (hereinafter called the Grantee A),
Affidavit filed

Witnesseth, That in consideration of One and 00/100 (\$1.00) DOLLAR

in hand paid, the receipt whereof is hereby acknowledged, the said Grantors do hereby grant and convey to the said Grantee A their heirs and assigns,

ALL THOSE CERTAIN two lots or pieces of ground situate, lying and being in the Township of Lower Saucon in the County and State aforesaid being Lot Nos. 1, 2, 19 and 20 on the general plan of Lots laid out by the said Abraham S. Shimer, bounded and described as follows, to wit:

Lot No. 1 - consisting of Lots Nos. 1 and 2 on the said plan, BEGINNING at the southwest corner of Rail Road and Chestnut Streets; thence along Chestnut Street, South sixteen degrees east, one hundred and twenty feet to a corner, thence along a public alley, south seventy-four degrees west, one hundred and twenty feet to a corner on Lot No. 3, thence along said Lot No. 3, north sixteen degrees west, one hundred and twenty feet to Rail Road Street, thence along said Rail Road Street, North seventy-four degrees east, one hundred and twenty feet to the place of beginning. CONTAINING fourteen thousand four hundred square feet of ground.

Lot No. 2 - consists of Lots No. 19 and 20, on the said plan, BEGINNING at the northeast corner of Lot No. 20, thence along Chestnut Street, south sixteen degrees east, one hundred and twenty feet to a corner on Centre Street, thence along said Centre Street, south seventy-four degrees west, one hundred and twenty feet to a corner on Lot No. 18, thence along said Lot No. 18 North sixteen degrees west one hundred and twenty feet to the aforesaid alley, thence along said alley, north seventy-four degrees east one hundred and twenty feet to the place of beginning. CONTAINING fourteen thousand four hundred square feet of ground.

TRACE NO. 2
ALL THOSE CERTAIN two building lots situate lying and being in the Township of Lower Saucon in the County and State aforesaid, bounded and described as follows, to wit:

Lot No. 1 - BEGINNING at a corner on the south side of Rail Road Street on the plot or draft of building lots laid out by Abraham S. Shimer; thence along Chestnut Street south forty-three degrees and a half East one hundred and thirty-six feet to a public alley; thence along the north side of said public alley South seventy-four degrees West forty-eight feet to a corner on Lot No. 1; thence along said Lot No. 1 north sixteen degrees West one hundred and twenty feet to the place of beginning. CONTAINING two thousand eight hundred and eighty square feet of ground more or less.

Lot No. 2 - BEGINNING at a corner of said Chestnut Street and the aforesaid public alley thence along the south side of said alley South seventy-four degrees West fifty-two feet to a corner on Lot No. 20, thence along said Lot No. 20 South sixteen degrees East one hundred and twenty feet to a corner on Centre Street; thence along the North side of said Centre Street North seventy-four degrees East one hundred feet to a corner on said Chestnut Street; thence along the west side of said Chestnut Street North forty-three degrees and a half West one hundred and thirty-six feet to the place of beginning. CONTAINING nine thousand one hundred and twenty square feet of ground, more or less.

BEING THE SAME PREMISES which Charles A. Fagan, Administrator of the Estate of Katherine Skelly a/k/a Katharine Skelly a/k/a Katharine M. Skelly, deceased, by deed dated March 27, 1975 and recorded at Deed Book Volume 510, Page 420, Northampton County Records, granted and conveyed unto Davis J. Crowell, III, single.

TOGETHER WITH a perpetual easement to draw water from a well on an adjoining property, as appears more specifically by reference to a Deed of Easement from Davis J. Crowell, Jr. and Elizabeth V. Crowell, husband and wife, to Dennis M. Hahn and Christine E. Hahn, husband and wife, grantees herein; said Deed of Easement dated even date herewith and intended to be forthwith recorded in the Recorder of Deeds Office in and for Northampton County, Pa.

COMMONWEALTH OF PENNSYLVANIA
RECORDS & DEEDS
JUN 13 1986
163.00

And the said Grantors hereby covenant and agree that they will specially warrant the premises hereby conveyed.

VOL 694 PAGE 784

In Witness Whereof, the said Grantors have executed or caused these presents to be duly executed the day and year first above written.

Sealed and Delivered

In the Presence of:

WITNESS:

Hugh M. Berlin
Thomas Hendon

Davis J. Crowell III (SEAL)
Davis J. Crowell, III

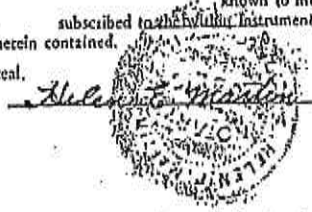
Yvette M. Crowell (SEAL)
Yvette M. Crowell

STATE OF ILLINOIS)
COUNTY OF COOK) SS:

On this, the 7th day of October, 19 85, before me, the undersigned officer, personally appeared DAVIS J. CROWELL, III, and YVETTE M. CROWELL, husband and wife,

(or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and official seal.



STATE OF
COUNTY OF

On this, the _____ day of _____, 19 _____, before me, the undersigned officer, personally appeared _____, who acknowledged himself to be the _____ of _____, a corporation, and that he as such, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as

In Witness Whereof, I hereunto set my hand and official seal.

707 1-05-153.00 57-153.00

Deed

TO
DAVIS J. CROWELL, III, and
YVETTE M. CROWELL, husband and
wife

DENNIS M. BRINN and CHRISTINE E.
BRINN, husband and wife
Premises: Riverside Drive, Lower
Saucon Township,
Northampton County, PA.

The address of the within

named Grantee is:

R.D.#5 Bellefonte, Pa 18015

[Signature]
On behalf of Grantee

COHN AND MAYROSH
LAW OFFICES
612 Main Street
P.O. Box T
HELLETTOWN, PA. 18045

STATE OF PENNSYLVANIA,
COUNTY OF

RECORDED on this _____ day of _____, A.D. 19 _____
in the Recorder's Office of the said County in Deed Book _____ Vol. _____
page _____

GIVEN under my hand the seal of the said office, the date above written.

[Faint stamp]

Recorder

COUNTY OF NORTHAMPTON

RECORDER OF DEEDS
 NORTHAMPTON COUNTY GOVERNMENT CENTER
 669 WASHINGTON STREET
 EASTON, PENNSYLVANIA 18042-7486
 Area Code (610) 829-6210

Andrea F. Suter - Recorder
 Dorothy J. Edelman - Lead Deputy
 Barbara L. Manleri - Deputy



Book - 2020-1 Starting Page - 93296
 *Total Pages - 6

Instrument Number - 2020011044
 Recorded On 4/30/2020 At 2:51:22 PM

NCGIS Registry UPI Certification
 On April 30, 2020 By KW

- * Instrument Type - DEED
- Invoice Number - 950202
- * Grantor - GENON REMA LLC
- * Grantee - BETHLEHEM LANDFILL COMPANY
- User - KSKKE
- * Customer - FIDELITY NATIONAL TITLE PHILADELPHIA COMMERCIAL - 1515 MARKE

*** FEES**

STATE TRANSFER TAX	\$85,000.00
STATE WRIT TAX	\$0.50
JCS/ACCESS TO JUSTICE	\$40.25
RECORDING FEES	\$15.00
AFFORDABLE HOUSING	\$14.02
AFFORDABLE HOUSING -	\$2.48
ADMIN FEE	
COUNTY RECORDS	\$2.00
IMPROVEMENT FEE	
DEEDS RECORDS	\$3.00
IMPROVEMENT FEE	
UPI CERTIFICATION FEE	\$30.00
SAUCON VALLEY AREA	\$42,500.00
SCHOOL REALTY TAX	
LOWER SAUCON	\$42,500.00
TOWNSHIP	
TOTAL PAID	\$170,107.25

*** RECORDED BY:**
 FIDELITY NATIONAL TITLE PHILADELPHIA
 COMMERCIAL - 1515 MARKE
 1700 MARKET ST STE 2100
 PHILADELPHIA, PA 19103-3919

I hereby CERTIFY that this document is recorded in the
 Recorder's Office Of Northampton County, Pennsylvania



Andrea F. Suter

Andrea F. Suter
 Recorder of Deeds

THIS IS A CERTIFICATION PAGE

Do Not Detach

THIS PAGE IS NOW THE FIRST PAGE
 OF THIS LEGAL DOCUMENT

Book: 2020-1 Page: 93296



* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

For APN/Parcel ID(s): N8 14 15 0719, P8 1 7 0719, and P8 1 7B 0719

SPECIAL WARRANTY DEED

THIS DEED,

MADE the 27th day of April, 2020, effective as of April 30, 2020

BETWEEN

GENON REMA, LLC, a Delaware Limited Liability Company, formerly known as NRG REMA, LLC, a Delaware Limited Liability Company, formerly known as Site New Jersey Holdings, LLC, having an address of c/o GenOn Holdings, Inc., 1360 Post Oak Blvd., Houston, TX 77056, herein designated as the GRANTOR,

AND

BETHLEHEM LANDFILL COMPANY, a Delaware corporation, having an address of 3 Waterway Square Place, Suite 110, The Woodlands, TX 77389, herein designated as the GRANTEE;

WITNESSETH, that the said Grantor, for and in consideration of the sum of **EIGHT MILLION FIVE HUNDRED THOUSAND AND 00/100 DOLLARS (\$8,500,000)** in-hand paid, lawful money of the United States of America, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant and convey to the Grantee, its successors and assigns:

ALL THAT CERTAIN TRACT OR PARCEL OF LAND with any and all improvements thereon, situate in the Township of Lower Saucon, County of Northampton, Commonwealth of Pennsylvania (the "Property"), more particularly described as follows:

All that certain piece or parcel of land with improvements located thereon, situated in the Township of Lower Saucon, County of Northampton and Commonwealth of Pennsylvania and described in accordance with a survey prepared by McTish, Kunkel & Associates dated 2/17/99, as revised, drawing number 06230-A, and more particularly bounded and described as follows, to wit:

BEGINNING at a railroad spike found in the centerline of Applebutter Road, S.R. 2012, (50 feet wide), at the Southwesterly corner of land now or late of Timothy L. and Lisa M. Walters, thence along said centerline of S.R. 2012, South 80 degrees 25 minutes 20 seconds West, 184.09 feet to a railroad spike found;

Thence along lands now or late of Robert J. and Linda Romig, the following 3 courses and distances:

1. Crossing S.R. 2012, North 04 degrees 26 minutes 05 seconds East, 200.00 feet to an iron pin set;
2. North 85 degrees 33 minutes 55 seconds West, 200.02 feet to an iron pin set;
3. South 04 degrees 26 minutes 05 seconds West, 200.00 feet to a railroad spike found in the aforementioned S.R. 2012;

Thence along said centerline of S.R. 2012, North 75 degrees 39 minutes 53 seconds West, 154.94 feet to a bolt found;

Thence along lands now or late of Manufacturers Light and Heat Company the following 3 courses and distances:

1. Crossing S.R. 2012, North 43 degrees 17 minutes 12 seconds East, 232.63 feet to a rebar found; passing through a rebar found a distance of 24.96 feet from the beginning of this line;
2. North 72 degrees 54 minutes 55 seconds West, 263.12 feet to a rebar found;
3. South 17 degrees 05 minutes 05 seconds West, 208.71 feet to a railroad spike found in the aforementioned S.R. 2012; passing through a rebar found a distance of 24.96 feet from the end of this line;

Thence in and along the centerline of S.R. 2012 the following 4 courses and distances:

1. North 72 degrees 54 minutes 55 seconds West, 139.55 feet to a railroad spike found;
2. North 71 degrees 57 minutes 18 seconds West, 83.99 feet to a railroad spike found;
3. North 70 degrees 14 minutes 08 seconds West, 435.24 feet to a railroad spike found;
4. North 82 degrees 39 minutes 04 seconds West, 107.16 feet to a railroad spike set;

Thence crossing S.R. 2012, along lands now or late of Todd and Tina Marie Seifert and Ricky K. Steely, North 06 degrees 26 minutes 14 seconds East, 200.01 feet to an iron pipe found; passing through a iron pipe found a distance of 80.16 feet from the beginning of this line;

Thence along said lands now or late of Ricky K. Steely the following 2 courses and distances:

1. North 83 degrees 27 minutes 22 seconds West, 376.26 feet to an axle found;
2. South 15 degrees 30 minutes 24 seconds East, 269.55 feet to a railroad spike set in the centerline of S.R. 2012; passing through an iron pipe found a distance of 24.43 feet from the end of this line;

Thence along said centerline of S.R. 2012, South 74 degrees 06 minutes 16 seconds West, 264.30 feet to a railroad spike set;

Thence along lands now or late of Andrew L. Nuss the following 2 courses and distances:

1. Crossing S.R. 2012, North 08 degrees 48 minutes 31 seconds West, 242.68 feet to a rebar found; passing through an iron pipe found a distance of 19.97 feet from the beginning of this line;
2. South 79 degrees 03 minutes 42 seconds West, 522.71 feet to a rebar found;

Thence along lands now or late of Eastern Waste of Bethlehem, Inc., North 08 degrees 51 minutes 41 seconds West, 1499.66 feet to a rebar found;

Thence along lands now or late of the City of Bethlehem, South 88 degrees 38 minutes 17 seconds East, 1982.20 feet to a rebar found;

Thence along lands now or late of Bruce and Ginger Petrie, South 89 degrees 06 minutes 09 seconds East, 839.78 feet to a rebar found;

Thence along lands now or late of Timothy L. and Lisa M. Walters the following 3 courses and distances:

1. South 11 degrees 51 minutes 13 seconds West, 1427.57 feet to a rebar found; passing through a rebar found a distance of 1066.48 feet from the beginning of this line;
2. South 31 degrees 19 minutes 23 seconds East, 412.00 feet to a rebar found;
3. South 33 degrees 38 minutes 09 seconds West, 24.97 feet to a railroad spike found in the centerline of Applebutter Road, S.R. 2012; the PLACE OF BEGINNING.

Being the same premises which Jersey Central Power and Light Company, a New Jersey corporation by Deed dated 11/19/1999 and recorded 12/6/1999 in Northampton County in Record Book Volume 1991-1 Page 180264 conveyed unto Sithe New Jersey Holdings, LLC, a Delaware limited liability company, in fee.

AND THE SAID Sithe New Jersey Holdings, LLC is now known as NRG REMA LLC, a Delaware limited liability company.

AND THE SAID NRG REMA LLC, a Delaware limited liability company, is now known as GenOn REMA, LLC, a Delaware limited liability company.

UNDER AND SUBJECT to the same rights, privileges, agreements, rights of way, easements, conditions, exceptions, restrictions and reservations as exist by virtue of prior recorded instruments, plans, deeds of conveyances, or visible on the ground.

TOGETHER with all and singular the buildings, improvements, ways, streets, alleys, passages, woods, waters, watercourses, rights, liberties, privileges, hereditaments and appurtenances to the same belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and of every part and parcel thereof.

AND ALSO all the estate right, title, interest, use, possession, claim and demand whatsoever of the Grantor both in law and in equity, of, in and to the Property herein described and every part and parcel thereof with the appurtenances.

TO HAVE AND TO HOLD all and singular the Property herein described together with the hereditaments and appurtenances unto the Grantee, its successors and assigns, and to the Grantee's proper use and benefit forever.

AND the said Grantor will **SPECIALLY WARRANT AND FOREVER DEFEND** the Property herein conveyed.

[This page ends here. Signature Page to Follow]

14
AFFIDAVIT FILED

DEED OF CONSOLIDATION

2000
THIS INDENTURE made the 13th day of July in the year of our Lord Two Thousand (2000) between IESI PA BETHLEHEM LANDFILL CORPORATION, a Delaware corporation, formerly known as Eastern Waste of Bethlehem, Inc. (hereinafter called the "Grantor"), of the one part, and IESI PA BETHLEHEM LANDFILL CORPORATION, a Delaware corporation (hereinafter called the "Grantee"), of the other part,

WHEREAS, The City of Bethlehem, a municipal corporation and political subdivision of the Commonwealth of Pennsylvania, by Deed dated July 17, 1998, and recorded in the Office for the Recording of Deeds In and for Northampton County, Pennsylvania (the "Recorder of Deeds Office") in DBV 1998-1, page 093368, granted and conveyed unto Eastern Waste of Bethlehem, Inc. ("Eastern Waste") the property identified as Premises "A" on Schedule "1" attached hereto and made a part hereof, containing approximately 206.455 acres on Applebutter Road, Lower Saucon Township, Northampton County, Pennsylvania and identified as Northampton County Uniform Parcel Identification Nos.: Map P7, Block 5, Lots 31, 33 and 34; Map P8, Block 1, Lot 1; and Map N8, Block 14, Lot 16.

WHEREAS, Randy Dalrymple and Dianne Lynn Dalrymple, husband and wife, by Deed dated August 18, 1998, and recorded in the Recorder of Deeds Office, in DBV 1998-1, page 110131, granted and conveyed unto Eastern Waste the property identified as Premises "B" on Schedule "1" attached hereto and made a part hereof, being designated as Northampton County Uniform Parcel Identification No.: Map P7, Block 5, Lot 32 and known as 2305 Applebutter Road, Lower Saucon Township, Northampton County, Pennsylvania.

WHEREAS, Richard C. Fox, by Deed dated December 18, 1998, and recorded in the Recorder of Deeds Office, in DBV 1998-1, page 176936, granted and conveyed unto Eastern Waste, the property identified as Premises "C" on Schedule "1" attached hereto and made a part hereof, being designated as Northampton County Uniform Parcel Identification No.: Map P7, Block 5, Lot 29, located on the north side of Easton Road, Lower Saucon Township, Northampton County, Pennsylvania.

WHEREAS, IESI PA Corporation, a Delaware corporation, acquired all of the stock of Eastern Waste and changed the name of Eastern Waste to IESI PA Bethlehem Landfill Corporation.

WHEREAS, CitiFinancial Services, Inc., a Pennsylvania corporation, by Deed dated July 13, 2000, intended to be recorded in the Recorder of Deeds Office immediately prior to the recording of this Deed of Consolidation, granted and conveyed unto IESI PA Bethlehem Landfill Corporation the property identified as Premises "D" on Schedule "1" attached hereto and made a part hereof, being designated as Northampton County Uniform Parcel Identification No.: Map P7, Block 5, Lot 31B and known as 2297 Applebutter Road, Lower Saucon Township, Northampton County, Pennsylvania.

WHEREAS, Premises "A", "B", "C" and "D" abut each other.

BE28508211

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PAGE:

088738

SCHEDULE "1"

PREMISES "A"

DESCRIPTION OF LANDS
NOW OR FORMERLY OF THE CITY OF BETHLEHEM
"LANDFILL TRACT"

ALL THAT CERTAIN tract or parcel of land with improvements thereon located along the northerly side of Applebutter Road (SR 2012) east of the Borough of Freemansburg in the Township of Lower Saucon, County of Northampton and Commonwealth of Pennsylvania, bounded and described in accordance with a survey conducted by Keystone Consulting Engineers, Inc. as shown as the "Landfill Tract" on the plan entitled, "Plan Showing Boundary Survey - Along Lands Now or Formerly of City of Bethlehem," Drawing No. CB-98-012, dated: March 31, 1998, last revised: July 16, 1998, as follows to wit;

BEGINNING at an iron pin set in the ultimate northerly right-of-way of Applebutter Road (SR 2012 - 60 feet wide), said point being the southeasterly corner of lands now or formerly of Ronald E. and Rhoda J. Mullikin, distant 30.00 feet from the centerline of the aforesaid Applebutter Road, and located approximately 1896 feet west of the intersection of Applebutter Road and Ringhoffer Road (TR 400);

thence along said Mullikin lands the following three (3) courses and distances: 1) North 25° 23' 58" West, 155.79 feet to an iron pin set; 2) North 34° 40' 01" West, 409.17 feet to an iron pin found; 3) along the arc of a curve to the left having a radius of 150.00 feet and a central angle of 71° 42' 30", an arc length of 187.73 feet to an iron pin found;

thence continuing along said Mullikin lands and further along lands now or formerly of Joseph M. and Margaret L. Milan and lands now or formerly of Joseph P. and Mary Ann Mosiado, South 73° 37' 29" West, 376.87 feet to an iron pin found;

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thence along lands now or formerly of Richard D. and Cynthia S. Gardner South $68^{\circ} 20' 51''$ West, 123.21 feet to an iron pin found in the center of the 33.00 feet wide right-of-way of Green Hill Road (TR 399);

thence crossing the northerly side of said Green Hill Road, along lands now or formerly of Richard C. Fox, the following two (2) courses and distances: 1) North $07^{\circ} 18' 18''$ West, 395.14 feet to an iron pin found; 2) North $08^{\circ} 05' 04''$ West, 874.29 feet to an iron pin found at a corner of lands now or formerly of Bushkill Valley Motorcycle Club, Inc.;

thence along said Motorcycle Club lands, the following three (3) courses and distances: 1) North $35^{\circ} 59' 56''$ East, 327.50 feet to an iron pin set; 2) North $69^{\circ} 31' 56''$ East, 545.05 feet to an iron pin found; 3) North $04^{\circ} 35' 26''$ East, 462.72 feet to a PK nail set in a stone corner found at a corner of other lands, formerly of Michael L. Helms, et. al., now of the City of Bethlehem;

thence along the "Old Helms Tract," now of the City of Bethlehem, the following four (4) courses and distances: 1) North $77^{\circ} 33' 48''$ East, 808.42 feet to an iron pin found; 2) North $77^{\circ} 06' 37''$ East, 676.45 feet to an iron pin set along the south side of a dirt road; 3) South $46^{\circ} 53' 23''$ East, 231.00 feet to an iron pipe found; 4) North $82^{\circ} 57' 18''$ East, 1708.69 feet to an iron pin set at a corner of lands formerly of Bethlehem Steel Corporation now of the City of Bethlehem;

thence along the "Old Bethlehem Steel Corporation Tract," now of the City of Bethlehem, South $10^{\circ} 18' 22''$ East, 255.75 feet to an iron pin set at a corner of lands now or formerly of Jersey Central Power and Light Company;

thence along said Jersey Central Power and Light Company lands, South $10^{\circ} 17' 49''$ East, 1497.80 feet to an iron pipe found in the line of lands now or formerly of Andrew I. Nuss;

thence along said Nuss lands, South $71^{\circ} 31' 29''$ West, 139.17 feet to an iron pipe found at a corner of lands now or formerly of Bronius and Elena Sudzinskas;

thence along said Sudzinskas lands, South $71^{\circ} 35' 06''$ West, 240.74 feet to an iron pin found at a corner of lands now or formerly of Virginia A. MacDonald;

thence along said MacDonald lands the following two (2) courses and distances: 1) South $71^{\circ} 15' 06''$ West, 142.59 feet to an iron pin set; 2) South $30^{\circ} 43' 54''$ East, 293.47 feet to an iron pin set in the ultimate northerly right-of-way of Applebutter Road (SR 2012), said point being distant 30.00 feet from the centerline of said road;

thence along the ultimate northerly right-of-way of Applebutter road (SR 2012), parallel and 30.00 feet distant from the centerline thereof, the following three (3) courses and distances: 1) along the arc of a curve to the right having a radius of 404.09 feet, a central angle of $10^{\circ} 26' 22''$, an arc length of 73.63 feet and a chord bearing south $72^{\circ} 07' 54''$ West, a chord length of 73.52 feet to an iron pipe found; 2) South $77^{\circ} 21' 06''$ West, 197.15 feet to an iron pipe found; 3) along the arc of a curve to the left having a radius of 665.70 feet and a central angle of $19^{\circ} 13' 43''$, an arc length of 223.41 feet to an iron pin set in the line of lands now or formerly of Charles F. Folk;

thence along said Folk lands the following three (3) courses and distances: 1) North $24^{\circ} 48' 15''$ West, 204.85 feet to an iron pin set; 2) South $58^{\circ} 11' 45''$ West, 407.75 feet to an iron pin set; 3) South $38^{\circ} 03' 15''$ East, 198.55 feet to an iron pin set in the aforementioned ultimate northerly right-of-way of Applebutter Road (SR 2012);

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thence along the ultimate northerly right-of-way of Applebutter Road (SR 2012), parallel and 30.00 feet distant from the centerline thereof, the following ten (10) courses and distances: 1) South 73° 28' 59" West, 175.13 feet to an iron pipe found; 2) along the arc of a curve to the right having a radius of 173.43 feet and a central angle of 42° 56' 08", an arc length of 129.96 feet to an iron pipe found; 3) North 63° 34' 53" West, 42.99 feet to an iron pipe found; 4) along the arc of a curve to the left having a radius of 430.00 feet and a central angle of 33° 07' 53", an arc length of 248.65 feet to an iron pipe found; 5) South 83° 17' 15" West, 196.06 feet to an iron pipe found; 6) along the arc of a curve to the right having a radius of 3970.00 feet and a central angle of 02° 25' 30", an arc length of 168.03 feet to an iron pipe found; 7) South 85° 42' 45" West, 103.75 feet to an unmarked point within an historical structure; 8) along the arc of a curve to the left having a radius of 480.00 feet and a central angle of 16° 43' 41", an arc length of 140.14 feet to an iron pipe found; 9) South 68° 59' 04" West, 219.28 feet to an iron pin set; 10) South 67° 42' 43" West, 580.59 feet to an iron pipe found in the line of lands now or formerly of Randy and Dianne Lynn Dalrymple;

thence along said Dalrymple lands the following three (3) courses and distances: 1) North 25° 59' 15" West, 139.03 feet to an iron pipe found; 2) South 70° 25' 44" West, passing through an iron pipe found on line at 61.34 feet, a total distance of 183.83 feet to a PK nail set in concrete; 3) South 25° 23' 58" East, 156.57 feet to an iron pin set in the ultimate northerly right-of-way of Applebutter Road (SR 2012);

thence along the said ultimate northerly right-of-way of Applebutter Road (SR 2012), parallel and 30.00 feet distant from the centerline thereof, along the arc of a curve to the left having a radius of 1630.00

feet, a central angle of $01^{\circ} 45' 40''$, a chord bearing South $60^{\circ} 50' 57''$ West and a chord distance of 50.10 feet, an arc length of 50.11 feet to an iron pin set at the point and place of BEGINNING.

CONTAINING 206.455 acres of land, more or less.

SUBJECT to the easements, restrictions and rights-of-way of record.

As amended by Quit-Claim Deed by and between the Township of Lower Saucon and the City of Bethlehem dated July 15, 1998, and recorded in the Office for the Recorder of Deeds in and for Northampton County, Pennsylvania, on July 17, 1998 in DBV 1998-1, page 093364.

And as further amended by Quit-Claim Deed by and between the City of Bethlehem and Eastern Waste of Bethlehem, Inc. dated May 27, 1999 and recorded in the Office for the Recorder of Deeds in and for Northampton County, Pennsylvania, on _____ in DBV _____, page _____.

BEING KNOWN AS Northampton County Uniform Parcel Identification Nos.:
Map P7, Block 5, Lots 31, 33 and 34; Map P8, Block 1, Lot 1; and Map N8, Block 14,
Lot 16.

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SCHEDULE "1"

PREMISES "B"

ALL THAT CERTAIN message or tenement and piece or parcel of land situate in the Township of Lower Saucon, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a post in a public road along lands now or formerly of Amandus Uhler; thence northwardly along lands now or late of William P. Lerch one hundred eighty-six (186) feet to lands now or formerly of said William P. Lerch and William Swartz; thence along lands of said William P. Lerch and William Swartz eastwardly one hundred eighty-three (183) feet to lands of the said William A. Swartz; thence southwardly one hundred eighty-six (186) feet to the aforesaid public road and land now or late of Amandus Uhler; thence westwardly one hundred eighty-three (183) feet to the place of beginning.

ALSO KNOWN AS NORTHAMPTON COUNTY PARCEL IDENTIFIER:
MAP: P7 BLOCK: 5 LOT: 32

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SCHEDULE "1"

PREMISES "C"

ALL THAT CERTAIN Lot or piece of ground situate, lying and being in Lower Saucon Township, Northampton County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in Green Hill Road in line of land now or late of Charles Lerch; thence leaving said Green Hill Road and running along land now or late of said Charles Lerch, North four degrees fifteen minutes West (N 4° 15' W) one thousand two hundred twelve and seventy-five hundredths (1212.75) feet to a point; thence along line of land now or late of Erwin Freeman North seventy-two degrees thirty minutes East (N 72° 30' E) four hundred and thirty-seven and twenty-five hundredths (437.25) feet to a point; thence partly along land now or late of Charles Swartz and partly along land now or late of Charles Lerch south four degrees East (S 4° E) twelve hundred forty-two and forty-five hundredths (1242.45) feet to a point in Green Hill Road; thence along said road in a southwesterly direction five hundred and thirty feet, more or less, to the place of beginning.

BOUNDED on the North by land now or late of Erwin Freeman, on the South by Green Hill Road, on the East partly by land now or late of Charles Swartz and partly by land now or late of Charles Lerch, and on the West by land now or late of Charles Lerch.

BEING KNOWN AS Northampton County Uniform Parcel Identification No.:
Map P7, Block 5, Lot 29.

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SCHEDULE "I"

PREMISES "D"

ALL THAT CERTAIN tract or parcel of land with improvements thereon located along the northerly side of Applebutter Road (SR 2012) east of the Borough of Freemansburg in the Township of Lower Saucon, County of Northampton and Commonwealth of Pennsylvania, bounded and described in accordance with a survey conducted by Keystone Consulting Engineers, Inc. and shown as Lot 2 on the plan entitled, "Plan Showing Property Boundaries To Be Consolidated By IESI PA Bethlehem Landfill Corp.," Drawing No. CB-00-090, dated: June 30, 2000, revised: July 11, 2000, as follows to wit:

BEGINNING at an iron pin set in the northerly right-of-way of Applebutter Road (SR 2012 - 60 feet wide), said point being the southeasterly corner of lands now or formerly of Ronald E. and Rhoda J. Mullikin (lot 2 of lands indicated to be consolidated on the above mentioned plan), distant 30.00 feet from the centerline of the aforesaid Applebutter Road, and located approximately 1896 feet west of the intersection of Applebutter Road and Ringhoffer Road (TR 400);

thence along the northerly right-of-way of said Applebutter Road, parallel and offset 30.00 feet north of the centerline thereof, along the arc of a curve to the left having a radius of 1630.00 feet, a central angle of $06^{\circ} 50' 40''$, a chord bearing of South $56^{\circ} 32' 48''$ West, a chord distance of 194.59 feet an arc length of 194.71 feet to an iron pin to be set in the line of lands now or formerly of Carlos H. Cordova;

thence along said Cordova lands the following two (2) courses and distances: 1) North $28^{\circ} 30' 24''$ West, 90.54 feet to an iron pin found; 2) South $57^{\circ} 59' 39''$ West, 136.51 feet to an iron pin found at a corner of lands now or formerly of Joseph M. and Margaret L. Milan;

thence along said Milan lands, North $25^{\circ} 41' 41''$ West, 659.40 feet to an iron pin found in the line of lands now or formerly of Eastern Waste of Bethlehem, Inc.;

thence along said Eastern Waste lands, the following four (4) courses and distances: 1) North $73^{\circ} 37' 29''$ East, 148.00 feet to an iron pin found; 2) along the arc of a curve to the right having a radius of 150.00 feet and a central angle of $71^{\circ} 42' 30''$, an arc length of 187.73 feet to an iron pin found; 3) South $34^{\circ} 40' 01''$ East, 409.17 feet to an iron pin set; 4) South $25^{\circ} 23' 58''$ East, 155.79 feet to the iron pin set in the northerly right-of-way of Applebutter Road at the point and place of BEGINNING.;

CONTAINING 4.577 acres of land, more or less.

SUBJECT to any easements, restrictions, rights-of-way or other pertinent facts of record.

BEING THE SAME PREMISES as previously conveyed to Ronald E. and Rhoda J. Mullikin on the 27th day of November, 1989 and recorded in Northampton County Deed Book Volume 787, page 94.

BEING KNOWN AS Northampton County Uniform Parcel Identification No.: Map P7, Block 5, Lot 31B.

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THIS IS THE CONSOLIDATED DESCRIPTION OF SCHEDULE #1
PREMISES A, B, C, & D

ALL THAT CERTAIN tract or parcel of land with improvements thereon located along the northerly side of Applebutter Road (SR 2012) east of the Borough of Freemansburg in the Township of Lower Saucon, County of Northampton and Commonwealth of Pennsylvania, bounded and described in accordance with a survey conducted by Keystone Consulting Engineers, Inc. as shown on the plan entitled, "Plan Showing Property Boundaries To Be Consolidated By IESI PA Bethlehem Landfill Corp.," Drawing No. CB-00-090, dated: June 30, 2000, revised: July 11, 2000, as follows to wit:

BEGINNING at an iron pin set in the northerly right-of-way of Applebutter Road (SR 2012 - 60 feet wide), said point being the southeasterly corner of lands now or formerly of Ronald E. and Rhoda J. Mullikin (lot 2 of lands indicated to be consolidated on the above mentioned plan), distant 30.00 feet from the centerline of the aforesaid Applebutter Road, and located approximately 1896 feet west of the intersection of Applebutter Road and Ringhoffer Road (TR 400);

thence along the northerly right-of-way of said Applebutter Road, parallel and offset 30.00 feet north of the centerline thereof, along the arc of a curve to the left having a radius of 1630.00 feet, a central angle of $06^{\circ} 50' 40''$, a chord bearing of South $56^{\circ} 32' 48''$ West, a chord distance of 194.59 feet an arc length of 194.71 feet to an iron pin to be set in the line of lands now or formerly of Carlos H. Cordova;

thence along said Cordova lands the following two (2) courses and distances: 1) North $28^{\circ} 30' 24''$ West, 90.54 feet to an iron pin found; 2) South $57^{\circ} 59' 39''$ West, 136.51 feet to an iron pin found at a corner of lands now or formerly of Joseph M. and Margaret L. Milan;

thence along said Milan lands the following two (2) courses and distances: 1) North $25^{\circ} 41' 41''$ West, 659.40 feet to an iron pin found; 2) South $73^{\circ} 37' 29''$ West, 191.82 feet to an iron pin to be set at a corner of lands now or formerly of Joseph P. and Mary Ann Masiado, said point being North $31^{\circ} 55' 40''$ West, 3.92 feet from an iron pipe found in the line of said Masiado lands;

thence along said Masiado lands the following two (2) courses and distances: 1) South $73^{\circ} 37' 29''$ West, 37.04 feet to an iron pin found; 2) South $68^{\circ} 20' 51''$ West, 4.08 feet to a corner of lands now or formerly of Richard D. and Cynthia S. Gardner, said point being North $17^{\circ} 50' 15''$ West, 3.77 feet from an iron pipe found in the line of said Gardner lands;

thence along said Gardner lands, South $68^{\circ} 20' 51''$ West, 119.13 feet to an iron pin found in the extended centerline of Green Hill Road (TR 399 - 33 feet wide);

thence continuing along said Gardner lands, and along the center of said Green Hill Road, the following four (4) courses and distances: 1) South $68^{\circ} 48' 32''$ West, 68.88 feet to a point; 2) South $72^{\circ} 52' 06''$ West, 115.94 feet to a point; 3) South $76^{\circ} 49' 07''$ West, 81.57 feet to a point; 4) South $79^{\circ} 42' 41''$ West, 49.77 feet to a railroad spike found burried 0.4 feet in the pavement at a corner of lands now or formerly of James O. and Sandra G. Gardner;

SCHEDULE "2"

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thence continuing in said Green Hill Road, along said James Gardner lands, South 79° 26' 48" West, 135.91 feet to a railroad spike found buried 0.4 feet in the pavement at a corner of lands now or formerly of Frederick R. and Linda Klotz;

thence along said Klotz lands, following in and substantially along the easterly side of an 8 feet wide stone row, the following two (2) courses and distances: 1) North 07° 44' 25" West, passing through an iron pipe found at 269.51 feet, a total distance of 273.98 feet to an iron pin to be set, said pin being North 83° 31' 12" East, 0.61 feet from an iron pin found in the tract line between two "Klotz" tracts; 2) North 06° 44' 56" West, 941.28 feet to an iron pin to be set at a corner of lands of the Bushkill Valley Motorcycle Club, Inc.;

thence along said Motorcycle Club lands, the following four (4) courses and distances: 1) following approximately parallel and 14 feet more or less to the north of an existing stone wall, North 68° 24' 56" East, 442.37 feet to an iron pin found; 2) North 35° 59' 56" East, 327.50 feet to an iron pin set; 3) North 69° 31' 56" East, 545.05 feet to an iron pin found; 4) North 04° 35' 26" East, 462.72 feet to a PK nail set in a stone corner found at a corner of other lands, formerly of Michael L. Helms, et. al., now of the City of Bethlehem;

thence along the "Old Helms Tract," now of the City of Bethlehem, the following four (4) courses and distances: 1) North 77° 33' 48" East, 808.42 feet to an iron pin found; 2) North 77° 06' 37" East, 676.45 feet to an iron pin set along the south side of a dirt road; 3) South 46° 53' 23" East, 231.00 feet to an iron pipe found; 4) North 82° 57' 18" East, 1708.69 feet to an iron pin set at a corner of lands formerly of Bethlehem Steel Corporation now of the City of Bethlehem;

thence along the "Old Bethlehem Steel Corporation Tract," now of the City of Bethlehem, South 10° 18' 22" East, 255.75 feet to an iron pin set at a corner of lands now or formerly of Jersey Central Power and Light Company;

thence along said Jersey Central Power and Light Company lands, South 10° 17' 49" East, 1497.80 feet to an iron pipe found in the line of lands now or formerly of Andrew I. Nuss;

thence along said Nuss lands, South 71° 31' 29" West, 139.17 feet to an iron pipe found at a corner of lands now or formerly of Bronius and Elena Sudzinskas;

thence along said Sudzinskas lands, South 71° 35' 06" West, 240.74 feet to an iron pin found at a corner of lands now or formerly of Virginia A. MacDonald;

thence along said MacDonald lands the following two (2) courses and distances: 1) South 71° 15' 06" West, 142.59 feet to an iron pin set; 2) South 30° 43' 54" East, 293.47 feet to an iron pin set in the northerly right-of-way of Applebutter Road (SR 2012), said point being distant 30.00 feet from the centerline of said road;

thence along the northerly right-of-way of Applebutter road (SR 2012), parallel and 30.00 feet distant from the centerline thereof, the following three (3) courses and distances: 1) along the arc of a curve to the right having a radius of 404.09 feet, a central angle of 10° 26' 22", an arc length of 73.63 feet and a chord bearing South 72° 07' 54" West, a chord length of 73.52 feet to an iron pipe found; 2) South

77° 21' 06" West, 197.15 feet to an iron pipe found; 3) along the arc of a curve to the left having a radius of 665.70 feet and a central angle of 19° 13' 43", an arc length of 223.41 feet to an iron pin set in the line of lands now or formerly of Charles F. Folk;

thence along said Folk lands the following three (3) courses and distances: 1) North 24° 48' 15" West, 204.85 feet to an iron pin set; 2) South 58° 11' 45" West, 407.75 feet to an iron pin set; 3) South 38° 03' 15" East, 198.55 feet to an iron pin set in the aforementioned northerly right-of-way of Applebutter Road (SR 2012);

thence along the northerly right-of-way of Applebutter Road (SR 2012), parallel and 30.00 feet distant from the centerline thereof, the following ten (10) courses and distances: 1) South 73° 28' 59" West, 175.13 feet to an iron pipe found; 2) along the arc of a curve to the right having a radius of 173.43 feet and a central angle of 42° 56' 08", an arc length of 129.96 feet to an iron pipe found; 3) North 63° 34' 53" West, 42.99 feet to an iron pipe found; 4) along the arc of a curve to the left having a radius of 430.00 feet and a central angle of 33° 07' 53", an arc length of 248.65 feet to an iron pipe found; 5) South 83° 17' 15" West, 196.06 feet to an iron pipe found; 6) along the arc of a curve to the right having a radius of 3970.00 feet and a central angle of 02° 25' 30", an arc length of 168.03 feet to an iron pipe found; 7) South 85° 42' 45" West, 103.75 feet to an unmarked point within an historical structure; 8) along the arc of a curve to the left having a radius of 480.00 feet and a central angle of 16° 43' 41", an arc length of 140.14 feet to an iron pipe found; 9) South 68° 59' 04" West, 219.28 feet to an iron pin set; 10) South 67° 42' 43" West, 580.59 feet to an iron pipe found in the line of lands formerly of Randy and Dianne Lynn Dalrymple, now of Eastern Waste of Bethlehem, Inc. (lot 1 of lands indicated to be consolidated on the above mentioned plan) and a corner of lands previously dedicated as right-of-way for Applebutter Road;

thence along said lands dedicated as right-of-way for right-of-way for Applebutter road, the following four (4) courses and distances: 1) South 25° 59' 15" East 30.06 feet to a railroad spike to be set at a corner of lands formerly of Bethlehem Steel Corporation; 2) along said lands formerly of Bethlehem Steel, South 67° 42' 43" West, 80.78 feet to an iron pin found buried in the pavement; 3) further along said lands formerly of Bethlehem Steel, South 60° 52' 38" West, 104.17 feet to a railroad spike to be set; 4) North 25° 23' 58" West, passing through an iron pipe found at 28.40 feet, a total distance of 33.57 feet to an iron pin set in the northerly right-of-way of said Applebutter Road (SR 2012 - 60 feet wide);

thence along the northerly right-of-way of Applebutter Road, parallel and 30.00 feet north of the centerline thereof, along the arc of a curve to the left having a radius of 1630.00 feet, a central angle of 01° 45' 40", a chord bearing South 60° 50' 57" West and a chord distance of 50.10 feet, an arc length of 50.11 feet to an iron pin set at the point and place of BEGINNING.

CONTAINING 224.471 acres of land, more or less.

BEING NORTHAMPTON COUNTY UNIFORM PARCEL IDENTIFICATION NUMBERS:
N8-1446-0719, P7-5-29-0719, P7-5-31-0719, P7-5-32-0719, P7-5-33-0719, P7-5-34-0719,
P8-1-1-0719, P7-5-31B

WHEREAS, IESI PA Bethlehem Landfill Corporation, as owner of Premises "A", "B", "C" and "D", now desires to consolidate the Premises into one parcel.

WITNESSETH, that the said Grantor, for and in consideration of the above-recited premises, does hereby grant, sell and convey unto Grantee, its successors and assigns,

ALL THAT CERTAIN tract or parcel of ground, with the buildings and improvements erected thereon, SITUATE in the Township of Lower Saucon, County of Northampton, Commonwealth of Pennsylvania, as shown on a plan of property for IESI PA Bethlehem Landfill Corporation prepared by Keystone Consulting Engineers, Inc. and dated June 30, 2000, being bounded and described as follows:

See Schedule "2" attached and made a part hereof.

TOGETHER with all and singular the buildings, improvements, ways, streets, alleys, passages, waters, watercourses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever thereunto belonging, or in any wise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of it, the said Grantor, in law or in equity, or otherwise howsoever, of, in, and to the same and every party thereof.


TO HAVE AND TO HOLD the said lot or parcel of ground with the improvements erected thereon, hereditaments and premises hereby granted, or mentioned, and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, to and for the only proper use and behoof of the said Grantee, its successors and assigns, forever.

AND the said Grantor, for itself, its successors and assigns, does by these presents, covenant, grant and agree to and with the said Grantee, its successors and assigns, that it the said Grantor, all and singular the hereditaments and promises herein above described and granted, or mentioned and intended so to be, with the appurtenances, unto said Grantee, its successors and assigns, against it, the said Grantor, its successors and assigns, and against all and every person and persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under it, them, or any of them shall and will WARRANT and forever DEFEND.

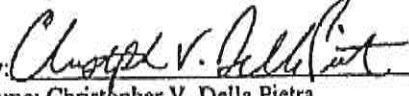
IN WITNESS WHEREOF, the Grantor has caused these presents to be executed the day and year first above written.

(CORPORATE SEAL)

ATTEST:


Name: Edward J. Apuzzi
Title: Assistant Secretary

IESI PA BETHLEHEM LANDFILL CORPORATION

By: 
Name: Christopher V. Della Pietra
Title: Vice President

BEA2850821

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STATE OF NEW JERSEY :
 : SS.
COUNTY OF HUDSON :

On this 13th day of July, 2000, before me, the undersigned officer, personally appeared Christopher V. Della Pietra, who acknowledged himself to be the Vice President of IESI PA Bethlehem Landfill Corporation, and that he as such Vice President, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the Corporation by himself as Vice President.

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

RECORDER OF DEEDS
NORTHAMPTON COUNTY
PENNSYLVANIA

INSTRUMENT NUMBER
2000025510
RECORDED ON
Jul 14, 2000
1:55:18 PM

AFFORDABLE HOUSING	\$11.05
AFFORDABLE HOUSING	\$1.95
- ADMIN FEE	
RECORDING FEES	\$33.00
STATE WRIT TAX	\$0.50
COUNTY RECORDS	\$1.00
IMPROVEMENT FEE	
DEEDS RECORDS	\$1.00
IMPROVEMENT FEE	
TOTAL	\$43.50

Amy N. Figiel
Notary Public

AMY N. FIGIEL
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 4/18/2005

The address of the above named Grantee is:

2335 Applebutter Road
Bethlehem, PA 18015-7004

Christopher V. Della Pietra



I hereby CERTIFY that this document is recorded in the Recorder's Office of Northampton County, Pennsylvania.

Amy L. Achary

REN2850824

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AREA TO BE REZONED PARCEL ID: P7 5 33 0719
(EASTERN PORTION OF OLD FOX PROPERTY)

Beginning at a point at the end of Skyline Drive; thence in Skyline Drive S $68^{\circ}46'06''$ W a distance of 68.88' to an existing parker kalon nail; thence continuing in Skyline Drive S $72^{\circ}49'40''$ W a distance of 116.04' to an existing parker kalon nail; thence continuing in Skyline Drive S $76^{\circ}45'41''$ W a distance of 18.68' to a point; thence along lands now or formerly of IESI PA Bethlehem Landfill Corporation N $07^{\circ}51'52''$ W a distance of 1256.46' to a point along lands now or formerly of Bushkill Val Motorcycle Club; thence along lands now or formerly of Bushkill Val Motorcycle Club N $68^{\circ}17'47''$ E a distance of 205.99' to an existing rebar; thence through land now for formerly of IESI PA Bethlehem Landfill Corporation S $07^{\circ}52'10''$ E a distance of 1269.29' to a point; which is the point of beginning, having an area of 253,109 square feet, 5.8106 acres.

AREA TO BE REZONED PARCEL ID: N8 14 2 0719E
(FORMER REDINGTON PARCEL)

Beginning at an existing iron pin at the corner of lands now or formerly of Bruce & Ginger Petrie; thence along lands now or formerly of Bethlehem Landfill Company S 89°58'54" W a distance of 1981.45' to a point at lands now or formerly of IESI PA Bethlehem Landfill Corporation; thence along lands now or formerly of IESI PA Bethlehem Landfill Corporation N 10°24'59" W a distance of 256.01' to an existing iron pin at the corner of lands now or formerly of Bethlehem Landfill Corporation; thence continuing along lands now or formerly of Bethlehem Landfill Corporation N 02°13'49" W a distance of 395.81' to a point; thence continuing along said lands and across Riverside Drive N 49°49'52" W a distance of 1453.37' to an existing iron pin; thence along the Northern side of Riverside Drive N 60°36'18" E a distance of 337.57' to an existing rail monument; thence continuing along the Northern side of Riverside Drive N 50°55'57" E a distance of 367.66' to an existing rail monument; thence across Riverside Drive N 46°43'43" E a distance of 418.47' to an existing iron pin on the Southern Side of Riverside Drive; thence along the Southern Side of Riverside Drive N 36°59'17" E a distance of 113.47' to a point on the Southern easement line of Bull Run; thence along the Southern easement line of Bull Run the following nineteen courses S 69°00'06" E a distance of 362.35' to a point; thence N 89°47'42" E a distance of 144.32' to a point; thence N 75°32'17" E a distance of 98.63' to a point; thence N 89°27'06" E a distance of 36.43' to a point; thence S 81°54'45" E a distance of 39.43' to a point; thence S 71°18'09" E a distance of 93.20' to a point; thence S 81°52'14" E a distance of 51.09' to a point; thence N 86°38'01" E a distance of 70.15' to a point; thence N 79°03'03" E a distance of 104.19' to a point; thence N 87°32'24" E a distance of 74.02' to a point; thence N 65°49'07" E a distance of 95.32' to a point; thence S 80°21'59" E a distance of 119.23' to a point; thence S 71°00'06" E a distance of 103.67' to a point; thence S 87°38'58" E a distance of 104.04' to a point; thence N 88°22'10" E a distance of 128.06' to a point; thence N 82°08'47" E a distance of 30.93' to a point; thence S 80°38'38" E a distance of 45.84' to a point; thence N 78°24'18" E a distance of 85.41' to a point; thence N 89°21'48" E a distance of 64.14' to a point along lands now or formerly of Bruce & Ginger Petrie; thence along lands now or formerly of Bruce & Ginger Petrie S 56°42'20" E a distance of 128.40' to an existing rail monument; thence continuing along lands now or formerly of Bruce & Ginger Petrie S 07°48'00" E a distance of 2188.25' to an existing iron pin; which is the point of beginning, having an area of 5,172,429 square feet, 118.7426 acres.

EXHIBIT "C"

PROPOSED MAP AMENDMENT

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, Applebutter Road and Riverside Drive areas of the Township, approximately 275.70 acres of land zoned RA is changed to LI. The Township Manager is hereby directed to prepare a revised Zoning Map dated 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: _____, 2022 by Ordinance No. 2022-_____ as amended," accompanies this chapter and is declared as part of this chapter.

PROPOSED TEXT AMENDMENTS

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(C) 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).
- (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 Township Council.

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."

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."

COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY
COMMONWEALTH OF PENNSYLVANIA
CIVIL DIVISION

BRUCE PETRIE, et al. : CV 2023-00335
 :
 Plaintiffs :
 :
 vs. :
 :
 LOWER SAUCON TOWNSHIP, et al. :
 :
 Defendants :

TESTIMONY OF LISA MANN

Heard by THE HONORABLE EDWARD D. REIBMAN, Senior Judge presiding in the Court of Common Pleas of Northampton County, Third Judicial District, Easton, Pennsylvania, on Wednesday, February 8, 2023.

A P P E A R A N C E S:

GARY NEIL ASTEAK, ESQ.
-- on behalf of the Plaintiffs

MARYANNE GARBER, ESQ.
B. LINCOLN TREADWELL, JR., ESQ.
GEORGE A. HEITCZMAN, ESQ.
-- on behalf of the Defendants

Proceedings stenographically recorded by
Nicole Candelino, RPR, Official Court Reporter.

Exhibit 2

I N D E X

WITNESSES

ALL WITNESSES: PAGE:

For Appellants:

LISA MANN:

Direct Examination by MR. ASTEAK 3:6

Cross-Examination by MS. GARBER 9:7

EXHIBITS

NO.: DESCRIPTION: PAGE:

For Appellants:

1 email and ordinance: 5:17
For Identification

2 email and ordinance: 7:15
For Identification

* * *

LISA MANN, having been duly sworn according to law, was examined and testified as follows:

THE COURT: Mr. Asteak.

DIRECT EXAMINATION

BY MR. ASTEAK:

Q. Your full name, please.

A. Lisa Mann, M-a-n-n.

Q. And with whom are you employed?

A. Northampton County.

Q. In what capacity are you employed by Northampton County?

A. I am the law librarian.

Q. And what is your responsibility as the Northampton County law librarian with regard to ordinances and proposed ordinances from municipalities located within the county?

A. When I receive a proposed ordinance, whether it be through the UPS Post Office or email, I date stamp them, I give them a number that's generated by the computer, I put them in the file that is available to the public and then when the ordinance is enacted I stamp that, but it already has a number, and that goes, also, in a file that the public has access to.

Q. And you have two separate files, one file for proposed ordinances and one file for adopted ordinances; is

that correct?

A. Yes.

Q. Now specifically were you asked to look into your records to determine whether or not Lower Saucon Township submitted an ordinance to you as a proposed ordinance with regard to an amendment to the zoning ordinance?

A. Yes.

Q. And could you please tell us what you received and what you have in your files and in your records.

A. On November 14th I received an email from Stacy Werkheiser from the Lower Saucon Township municipal office with a cover letter and then an attached proposed ordinance, which I date stamped and gave it the number 3452.

Q. Do you have a copy of that?

A. Yes.

Q. Do you have a copy of the email and the ordinance?

A. Yes.

Q. May I see that, please. This is the original?

A. Uh-huh.

MS. GARBER: Excuse me. Can you clarify whether the document that Ms. Mann just provided to you is the same document that's in the packet that you just provided to us.

MR. ASTEAK: Why don't you clarify it, because

I'm going to show you what she brought to court with her.

MS. GARBER: What did you ask her to bring to court with her today? Can I get a list of the document request?

MR. ASTEAK: I asked her to bring the proposed ordinance that was on file and the adopted ordinance that was on file.

MS. GARBER: Did you ask her to bring the communications from Lower Saucon Township to her?

MR. ASTEAK: Am I --

THE COURT: It's direct examination. You may proceed.

MR. ASTEAK: Thank you.

Can we mark this as an exhibit?

THE COURT: Yes.

(Appellants' Exhibit No. 1, email and ordinance, was marked for identification purposes.)

BY MR. ASTEAK:

Q. I'm going to show you what we now marked Appellants' Exhibit Number 1. Is this a true and correct copy of the printout of the email from Stacy Werkheiser?

A. Uh-huh.

Q. And attached to that, is this a true and correct copy of the ordinance that was attached to the email for filing?

A. Yes.

Q. And at the top of this there's certain handwriting. And what does that say?

A. P -- with a number, 3452. P stands for proposed.

Q. And that's the number that you gave to Ms. Werkheiser?

A. Yes.

Q. And what did you then do with this proposed ordinance?

A. It went into the file for the public to view as the proposed ordinance.

Q. Does this Exhibit 1 proposed ordinance contain copies of maps?

A. No, it does not.

Q. Does this proposed ordinance contain an attestation that this is a true and correct copy of a proposed ordinance?

A. No.

Q. Did you then later receive from the township and did you file any other proposed ordinances in connection with Lower Saucon Township?

A. For the year?

Q. For this particular ordinance.

A. No.

Q. Did you file any other proposed copies of that

ordinance as a proposed ordinance?

A. No.

Q. Did you then receive from the township an adopted ordinance?

A. Yes.

Q. And when did you receive that, if you have any records?

A. From Stacy Werkheiser again on January 3rd I received the enacted ordinance which was enacted on December 21, 2022.

THE COURT: This is Appellants' Exhibit Number 2?

MR. ASTEAK: Exhibit Number 2, please.

(Appellants' Exhibit No. 2, email and ordinance, was marked for identification purposes.)

BY MR. ASTEAK:

Q. On the top of the ordinance -- this is now numbered ordinance number 2022-02 -- there's handwriting?

A. Yes.

Q. Is that your handwriting?

A. That is my handwriting.

Q. What does that say?

A. Enacted 12/21/22.

Q. And it looks like there's a timestamp there?

A. That's the date I got it in the mail -- received

the email, so 12/21/22.

Q. And does this -- does this ordinance contain maps?

A. Yes.

Q. Does this ordinance contain an attestation?

A. No.

THE COURT: Did you say it did or did not contain maps?

THE WITNESS: It did.

MR. ASTEAK: It did.

THE COURT: It did?

BY MR. ASTEAK:

Q. It did contain two maps but did not contain an attestation that this is a true and correct copy of the ordinance that was adopted by the Lower Saucon Township Council, correct?

A. Yes.

Q. Are these the only two records that you have in your files as the Northampton County law librarian pertaining to proposed and adopted ordinance?

A. For that particular ordinance, yes.

MR. ASTEAK: Thank you. I have no further questions.

THE COURT: Cross-examination.

MS. GARBER: Yes. Sorry, did you say the township first or me?

THE COURT: I don't care.

MS. GARBER: Thank you, Your Honor.

THE COURT: Let's just keep it in the same order.

MS. GARBER: Okay.

CROSS-EXAMINATION

BY MS. GARBER:

Q. Ms. Werkheiser, I'm sorry --

A. Lisa. Lisa Mann.

Q. Oh, Ms. Mann. Sorry. That's Stacy Werkheiser.
Ms. Mann.

MS. GARBER: Is it okay if I approach?

THE COURT: It is as long as you don't intimidate her.

THE WITNESS: Thank you.

MS. GARBER: I don't think I will do that.

BY MS. GARBER:

Q. Ms. Mann, can I ask you to please take a look at this email dated Wednesday, November 23rd that's in the packet that Mr. Asteak distributed before he started the line of questioning for you. Can you look at this email dated Wednesday, November 23, 2022. And do you recognize this?

A. No.

Q. Is it -- is this your email address,

lmann@northamptoncounty.org?

A. Yes.

Q. Okay. So are you testifying here today that you did not receive this email?

A. I did not. I don't have it with my ordinances.

Q. Okay. Well, I would like --

MS. GARBER: I mean the document speaks for itself. It's an email dated Wednesday, November 23, 2022, 3:30 p.m. to Ms. Mann from -- it's from the township manager with a CC to a list of people at Lower Saucon Township. The subject line is Proposed Ordinance For Your Records Update. The attachments are noted as November 17, 2022, ordinance to amend zoning map and text advertisement version Applebutter Road/Riverside Drive areas with Exhibits A and B.

BY MS. GARBER:

Q. And it says here -- it's addressed to you, Lynn [sic] -- we noticed that we have the additional hearing date December 7th in the draft ordinance that we had sent you. We updated the draft ordinance to say December 21 of attached the updated draft ordinance to this email. Please let me know if you have any questions. And it's signed from the township manager; is that correct?

A. Yes.

Q. Okay. And attached to that email is a copy of the

text in the proposed ordinance with the November 17, 2022, draft at the top; is that correct?

A. Yes.

Q. Okay. And if you page through that email and the attachments, also attached to that email is something entitled Map Amendment Exhibit A; is that correct?

A. Uh-huh.

Q. Okay. Second thing attached to that was Map Amendment Exhibit B; is that correct?

A. Uh-huh.

Q. Okay. So what you're testifying to today is that, despite the fact that this is your email address and that this attaches the full proposed ordinance with text and exhibits, you're testifying here that you did not receive it?

A. Did not receive it.

Q. But it looks like it was sent to you; is that correct?

A. Correct.

Q. Okay.

MS. GARBER: Mr. Asteak, can I get a copy of the enacted ordinance that was provided to the law librarian -- I think that's Hearing Exhibit 2.

THE COURT: Yes.

BY MS. GARBER:

Q. So Ms. Mann, this is an email to you dated January 3rd from Stacy Werkheiser; is that correct?

A. Uh-huh.

Q. Okay. And it says: See the attached ordinance adopted on December 21, 2022. Correct?

A. Uh-huh.

Q. And that's sent from Stacy Werkheiser?

A. Uh-huh.

Q. In her capacity as the administrative assistant of Lower Saucon Township; is that correct?

A. Uh-huh. Yes.

Q. And is this ordinance note number 2022-02 that's stamped received the thing that you received?

A. Uh-huh.

Q. And is it -- is this the full text of the proposed ordinance that was attached?

A. That's what I got in the mail, yes -- email, yes.

Q. And these are the maps that are attached?

A. Yes.

Q. And I'm going to turn to the last page, page 6. It says: Enacted and ordained on this 1st day of December, 2022. Correct?

A. Yes.

Q. It's signed by Lower Saucon Township Council President, correct?

A. Yes.

Q. And it's attested here by Mark Hudson; is that correct?

A. Yes.

Q. So it's attested?

A. Yes.

MS. GARBER: Thank you. That's all I have for this witness, Your Honor.

THE COURT: Mr. Treadwell, any cross-examination?

MR. TREADWELL: My line of inquiry was adequately addressed, Your Honor.

THE COURT: Mr. Heitzman?

MR. HEITZMAN: No, Your Honor.

THE COURT: Any redirect?

MR. ASTEAK: None.

THE COURT: You may step down. Thank you.

(The proceedings concluded.)

* * *

CERTIFICATION

I.

I HEREBY CERTIFY that the proceedings are contained fully and accurately in the notes taken by me in the hearing of the above cause and that this copy is a correct transcript of the same.

DATE: _____, 2023

Nicole Candelino, RPR
Official Court Reporter

II.

I HEREBY DIRECT that the foregoing record of the proceedings in the above cause is directed to be filed.

DATE: _____, 2023

Edward D. Reibman, Senior Judge

Lisa Mann

From: Stacy Werkheiser <swerkheiser@lowersaucontownship.org>
Sent: Monday, November 14, 2022 11:37 AM
To: Lisa Mann
Cc: Manager; Cathy Gorman
Subject: Proposed Ordinance for Your Records
Attachments: LST 2022 Ordinance to Amend Zoning Map and Text Advertisement version-Applebutter Road & Riverside Drive Areas.pdf

WARNING: This email message is from an external sender! Please exercise caution when clicking links or opening attachments.

Hello,

There will be a hearing on December 7th for the attached proposed ordinance.

Thank you,

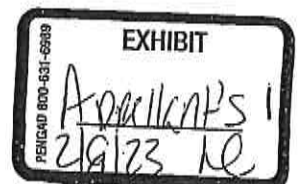
Stacy Werkheiser

Administrative Assistant
Lower Saucon Township
3700 Old Philadelphia Pike
Bethlehem, PA 18015
Office: (610) 865-3291 / Fax: (610) 867-3580



[Lower Saucon Township](#)
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P #3452

10/27/2022 – Advertisement Version

NORTHAMPTON COUNTY
LAW LIBRARY

NOV 14 2022

Received

LOWER SAUCON TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AMENDMENTS TO THE CODE OF THE TOWNSHP 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):

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

Lisa Mann

From: Stacy Werkheiser <swerkheiser@lowersaucontownship.org>
Sent: Tuesday, January 3, 2023 2:42 PM
To: Lisa Mann; ezsupp@generalcode.com
Cc: Carol Schneider; Cathy Gorman; Manager
Subject: Ord. No. 2022-02 Amendment to Chapter 180 (Zoning)
Attachments: Ord. No. 2022-02 Amendment to Chapter 180 (Zoning).pdf

WARNING: This email message is from an external sender. Please exercise caution when clicking links or opening attachments.

Hello,

Please see the attached ordinance adopted on December 21, 2022.

Please feel free to contact us with any questions.

Thank you,

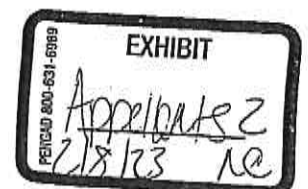
Stacy Werkheiser

Administrative Assistant
Lower Saucon Township
3700 Old Philadelphia Pike
Bethlehem, PA 18015
Office: (610) 865-3291 / Fax: (610) 867-3580



[Lower Saucon Township](#)
[Lower Saucon Township Facebook](#)

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ENACTED 12/21/22

NORTHAMPTON COUNTY
LAW LIBRARY

JAN 3 - 2023

Received

LOWER SAUCON TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 2022-02

AMENDMENTS TO THE CODE OF THE TOWNSHP 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.

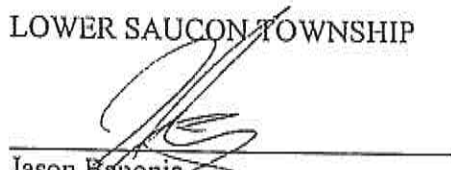
ENACTED and ORDAINED this 21 day of Dec. 2022

ATTEST:

LOWER SAUCON TOWNSHIP



Mark Hudson
Township Manager



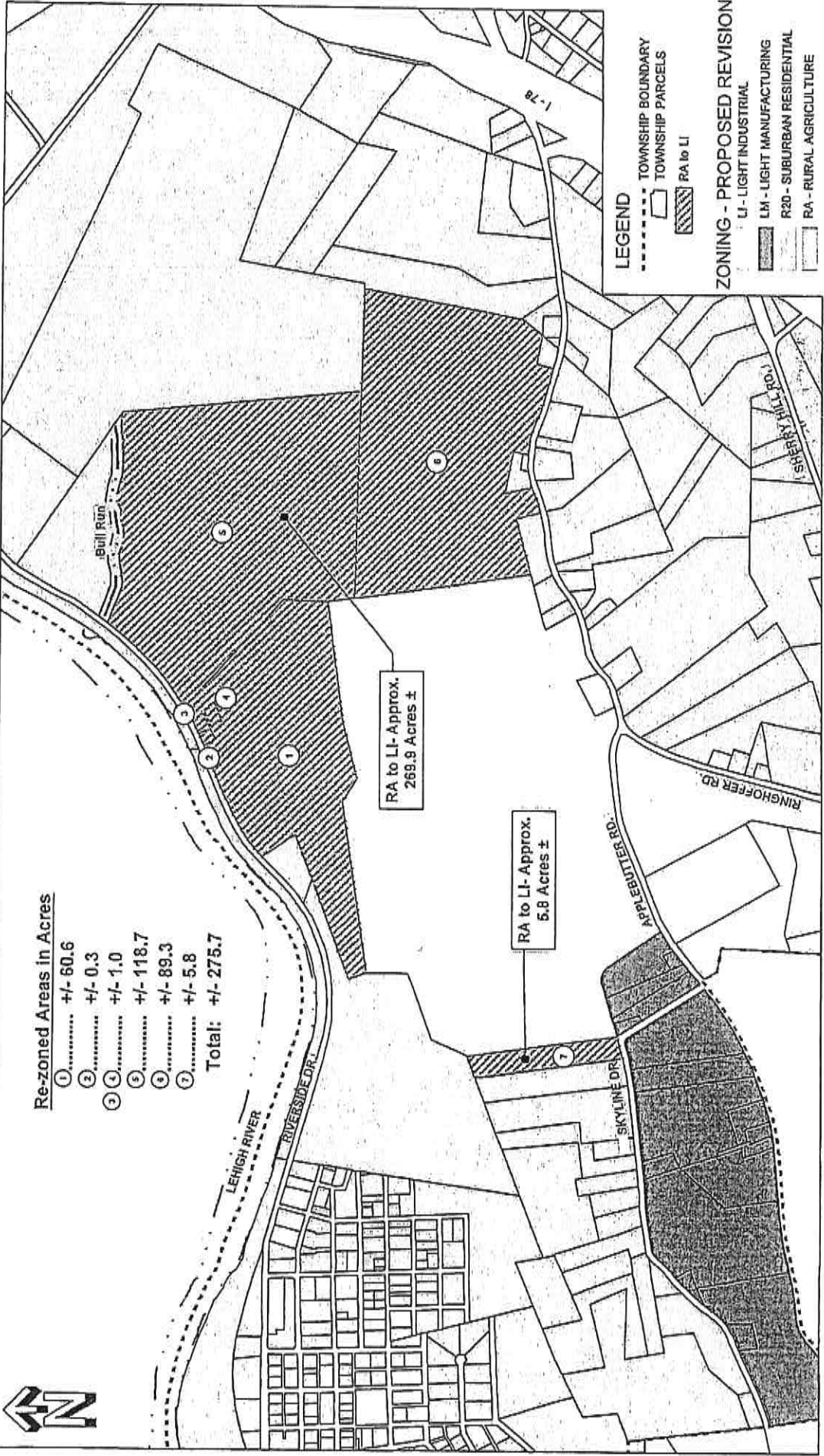
Jason Bahonis
Council President

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



Re-zoned Areas in Acres

- ① +/- 60.6
- ② +/- 0.3
- ③ +/- 1.0
- ④ +/- 118.7
- ⑤ +/- 89.3
- ⑥ +/- 5.8
- Total: +/- 275.7**



NOTE: AREA FROM COUNTY OF HUNTERDON (CS DATA)
 ZONING DATA FROM LOWER SAUCUN TOWNSHIP.



PREPARED BY:
MMI martin and martin incorporated
 37 south main street, suite A
 charlottesville, pennsylvania 17201

Map Amendment Exhibit A



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

800' 0' 800' 1600'

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

Map Amendment Exhibit B

NO. C-48-CV-2023-335

ORDINANCE 2022-02 DOCUMENTS AND SUBMISSIONS

Law Library Submissions from LST pre-adoption

Exhibit 3

**** Page Left Intentionally Blank ****

Manager

From: Manager
Sent: Wednesday, November 23, 2022 3:30 PM
To: 'lmann@northamptoncounty.org'
Cc: Stacy Werkheiser; Carol Schneider (c.schneider@lowersaucontownship.org); Jim Young (zoning@lowersaucontownship.org); Cathy Gorman (dirfin@lowersaucontownship.org)
Subject: RE: Proposed Ordinance for Your Records Update
Attachments: 11-17-2022 Ordinance to Amend Zoning Map and Text Advertisement version-Applebutter Road Riverside Drive Areas with Exhibit A & B.pdf

Lynn, we noticed that we had the original hearing date (December 7) in the draft ordinance that we had sent you. We updated the draft ordinance to say December 21 and have attached the updated draft ordinance to this email. Please let me know if you have any questions.

Happy Thanksgiving.

Mark Hudson
Township Manager
Lower Saucon Township
Office: 610-865-3291

From: Manager
Sent: Thursday, November 17, 2022 4:05 PM
To: 'lmann@northamptoncounty.org' <lmann@northamptoncounty.org>
Cc: Stacy Werkheiser <swerkheiser@lowersaucontownship.org>; Carol Schneider (c.schneider@lowersaucontownship.org) <c.schneider@lowersaucontownship.org>; Jim Young (zoning@lowersaucontownship.org) <zoning@lowersaucontownship.org>; Cathy Gorman (dirfin@lowersaucontownship.org) <dirfin@lowersaucontownship.org>
Subject: FW: Proposed Ordinance for Your Records Update

Lynn, I wanted to let you know that our council meeting last evening the council moved the hearing on this ordinance to December 21, 2022.

Best Regards,

Mark Hudson
Township Manager
Lower Saucon Township
Office: 610-865-3291

From: Stacy Werkheiser <swerkheiser@lowersaucontownship.org>
Sent: Monday, November 14, 2022 11:37 AM
To: Lynn Mann (LMann@northamptoncounty.org) <LMann@northamptoncounty.org>
Cc: Manager <manager@lowersaucontownship.org>; Cathy Gorman <dirfin@lowersaucontownship.org>
Subject: Proposed Ordinance for Your Records

Hello,

There will be a hearing on December 7th for the attached proposed ordinance.

Thank you,

Stacy Werkheiser

Administrative Assistant
Lower Saucon Township
3700 Old Philadelphia Pike
Bethlehem, PA 18015
Office: (610) 865-3291 / Fax: (610) 867-3580



Lower Saucon Township

Lower Saucon Township Facebook

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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 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-_____ 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.

11/17/2022 – DRAFT

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

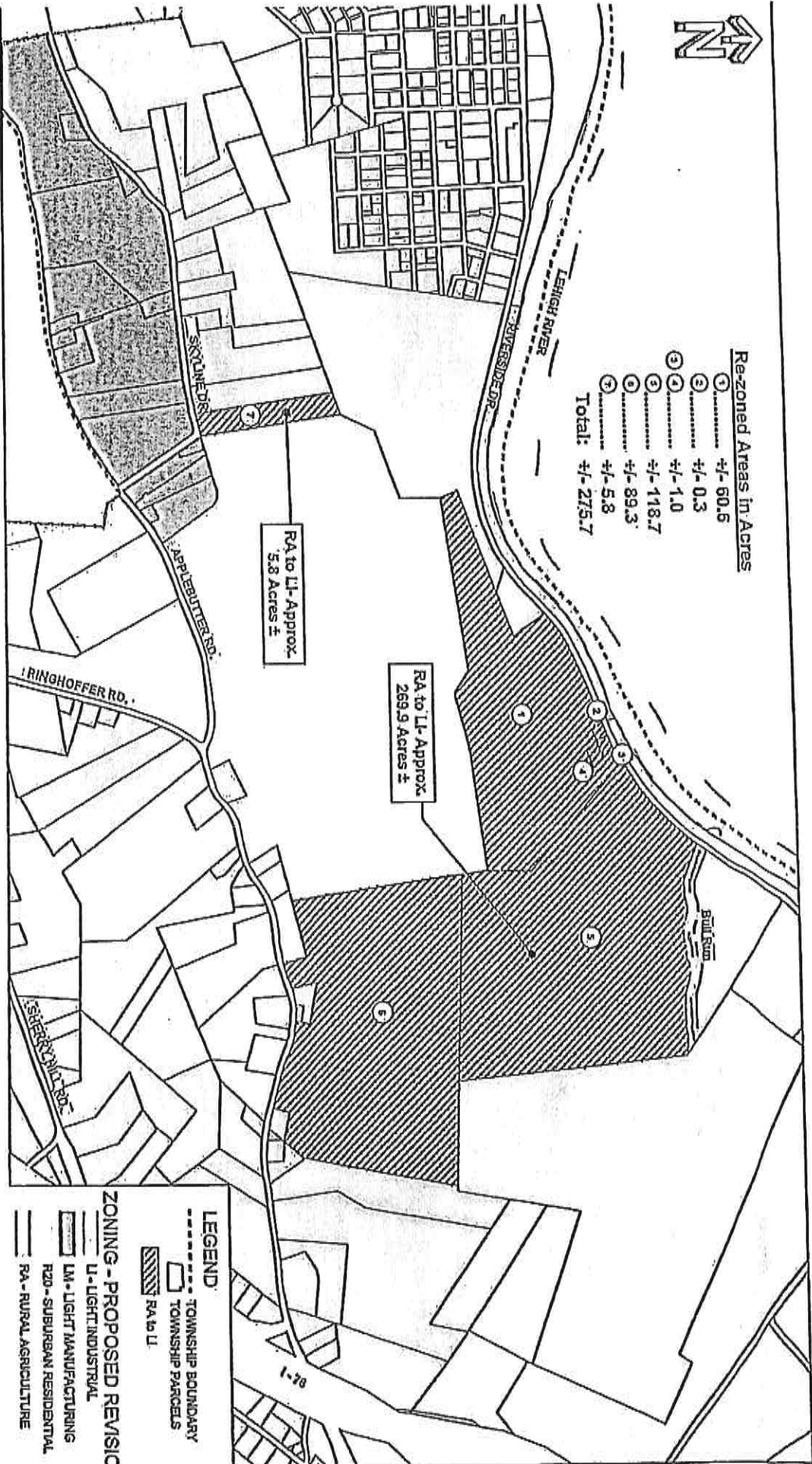
Jason Banonis
Council President

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



Re-zoned Areas in Acres

1	+/- 60.6
2	+/- 0.3
3	+/- 1.0
4	+/- 118.7
5	+/- 89.3
6	+/- 5.8
Total:	+/- 275.7



NOTE:
 PARCEL DATA FROM COUNTY OF HORNSPRUNG GIS DATA.
 ZONING DATA FROM LOWER SAUNDER TOWNSHIP.
 0' 800' 1600'
 3200'

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

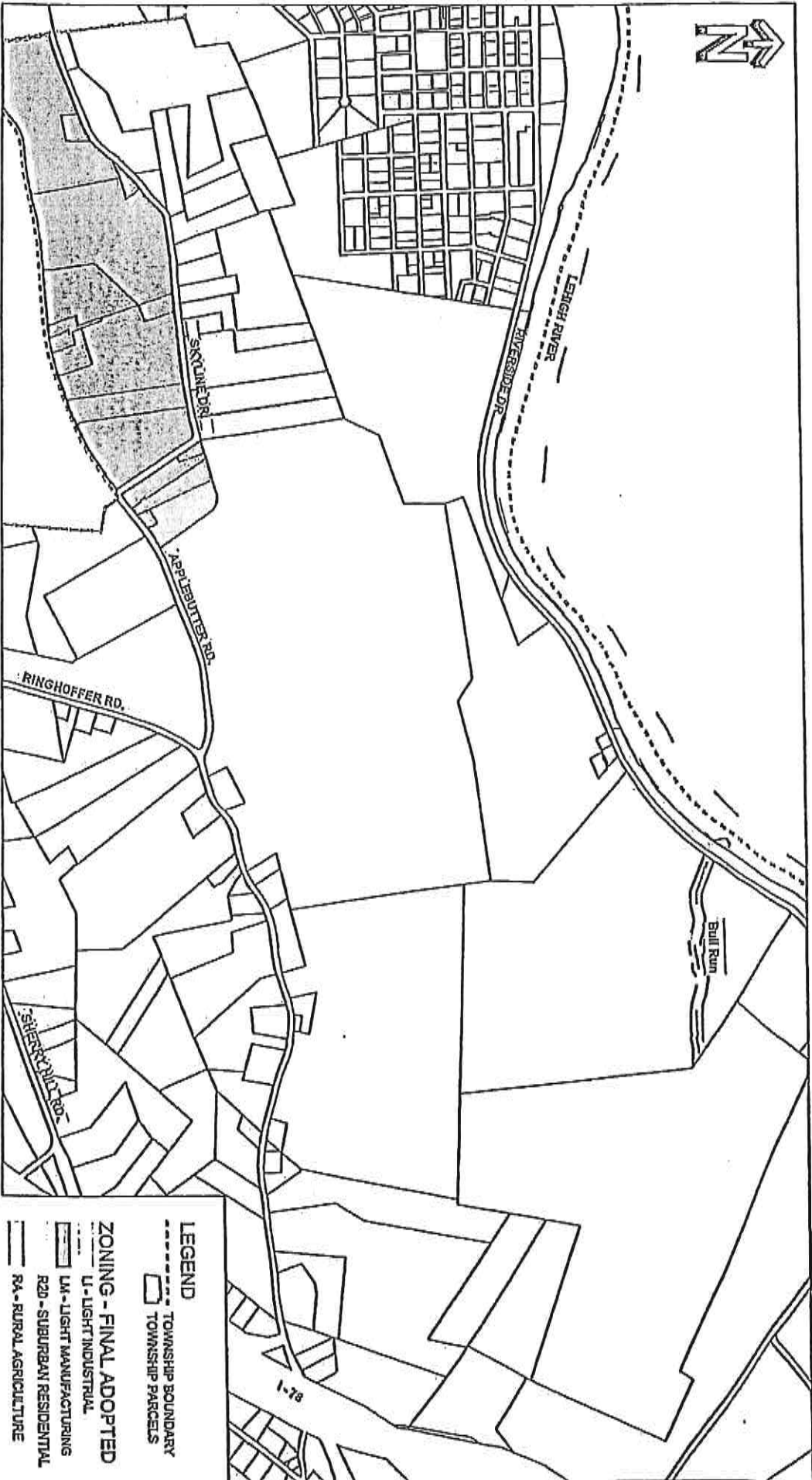
LEGEND

- TOWNSHIP BOUNDARY
- TOWNSHIP PARCELS
- ▨ RA to U

ZONING - PROPOSED REVISION

- U - LIGHT INDUSTRIAL
- LM - LIGHT MANUFACTURING
- R20 - SUBURBAN RESIDENTIAL
- RA - RURAL AGRICULTURE

Map Amendment
Exhibit A



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

NOTE:
 PARCEL DATA FROM COUNTY OF NORTHAMPTON (AS DATA)
 ZONING DATA FROM LOWER SAUNDER TOWNSHIP.
 500' 0' 800' 1600'

Map Amendment
Exhibit B

- LEGEND**
- TOWNSHIP BOUNDARY
 - TOWNSHIP PARCELS
 - ZONING - FINAL ADOPTED**
 - U - LIGHT INDUSTRIAL
 - LM - LIGHT MANUFACTURING
 - R2D - SUBURBAN RESIDENTIAL
 - RA - RURAL AGRICULTURE

Manager

From: Manager
Sent: Thursday, November 17, 2022 4:05 PM
To: 'lmann@northamptoncounty.org'
Cc: Stacy Werkheiser; Carol Schneider (c.schneider@lowersaucontownship.org); Jim Young (zoning@lowersaucontownship.org); Cathy Gorman (dirfin@lowersaucontownship.org)
Subject: FW: Proposed Ordinance for Your Records Update
Attachments: LST 2022 Ordinance to Amend Zoning Map and Text Advertisement version-Applebutter Road & Riverside Drive Areas.pdf

Lynn, I wanted to let you know that our council meeting last evening the council moved the hearing on this ordinance to December 21, 2022.

Best Regards,

Mark Hudson
Township Manager
Lower Saucon Township
Office: 610-865-3291

From: Stacy Werkheiser <swerkheiser@lowersaucontownship.org>
Sent: Monday, November 14, 2022 11:37 AM
To: Lynn Mann (LMann@northamptoncounty.org) <LMann@northamptoncounty.org>
Cc: Manager <manager@lowersaucontownship.org>; Cathy Gorman <dirfin@lowersaucontownship.org>
Subject: Proposed Ordinance for Your Records

Hello,

There will be a hearing on December 7th for the attached proposed ordinance.

Thank you,

Stacy Werkheiser

Administrative Assistant
Lower Saucon Township
3700 Old Philadelphia Pike
Bethlehem, PA 18015
Office: (610) 865-3291 / Fax: (610) 867-3580



Lower Saucon Township
Lower Saucon Township Facebook

This message contains confidential information and is intended for the above recipient. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

LOWER SAUCON TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AMENDMENTS TO THE CODE OF THE TOWNSHP 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.

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

Stacy Werkheiser

From: Stacy Werkheiser
Sent: Monday, November 14, 2022 11:37 AM
To: Lynn Mann (LMann@northamptoncounty.org)
Cc: Mark Hudson (manager@lowersaucontownship.org); Cathy Gorman (dirfin@lowersaucontownship.org)
Subject: Proposed Ordinance for Your Records
Attachments: LST 2022 Ordinance to Amend Zoning Map and Text Advertisement version- Applebutter Road & Riverside Drive Areas.pdf

Hello,

There will be a hearing on December 7th for the attached proposed ordinance.

Thank you,

Stacy Werkheiser

Administrative Assistant
Lower Saucon Township
3700 Old Philadelphia Pike
Bethlehem, PA 18015
Office: (610) 865-3291 / Fax: (610) 867-3580



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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

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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

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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".

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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)

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"(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."

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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.
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 - (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.
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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

NO. C-48-CV-2023-335

ORDINANCE 2022-02 DOCUMENTS AND SUBMISSIONS

Newspaper (Express Times) Submission from LST

Exhibit 4

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State of Pennsylvania,) ss
County of Northampton)

Susan Myers being duly sworn, deposes that he/she is principal clerk of NJ Advance Media; that Express Times is a public newspaper, with general circulation in Lehigh and Northampton Counties, and this notice is an accurate and true copy of this notice as printed in said newspaper, was printed and published in the regular edition and issue of said newspaper on the following date(s):
Express Times 11/28, 12/05/2022

Susan Myers
Principal Clerk of the Publisher

Commonwealth of Pennsylvania - Notary Seal
Jeanette KryzmalSKI, Notary Public
Northampton County
My commission expires June 17, 2025
Commission number 1398723
Member, Pennsylvania Association of Notaries

Sworn to and subscribed before me this 6th day of December 2022

Jeanette KryzmalSKI
Notary Public

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 275,700 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."

meeting to be held at Town Hall, 3/00 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

on Wednesday, December 21, 2022 at 6:30 p.m. at Council's regular business

COPY

Manager

From: Carol Schneider
Sent: Thursday, November 17, 2022 3:52 PM
To: etlegalads@lehighvalleylive.com
Cc: Manager; Cathy Gorman; James Young; Stacy Werkheiser; Rachelle Markovic
Subject: 11/28 & 12/5 EPC Lower Saucon Township Request for Advertisement/Ordinance 2022-02/Two Dates Requested
Attachments: Revised 2022-11-17 Proposed Ordinance 2022-02 BL Zoning Hearing and Advertisement to Press.docx; LST 2022 Ordinance to Amend Zoning Map and Text Advertisement version- Applebutter Road & Riverside Drive Areas.pdf
Importance: High

To who it may concern;

Please see the attached ad to be placed in the paper on both Monday, November 28, 2022 and Monday, December 5, 2022. The verbiage is also being provided below. I have also attached a copy of the Ordinance for you to have for your files.

Please contact me with any questions.

Thank you!

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."

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

Kind Regards,

Carol Schneider

Administrative Assistant
Lower Saucon Township
3700 Old Philadelphia Pike
Bethlehem, PA 18015
Office: (610) 865-3291 / Fax: (610) 867-3580



www.lowersaucontownship.org

<https://www.facebook.com/lowersaucon/>

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Lower Saucon Township

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

November 17, 2022

The Express Times
Attn: Legal Ads

Dear Sir or Madam:

Please place the following ad in the Legal Section of The Express Times on both Monday, November 28, 2022 and Monday, December 5, 2022:

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."

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

If you have any questions, please contact me at 610-865-3291. A full copy of the ordinance is being sent to you with this letter. Please send invoice and proof of publication to: Lower Saucon Township, 3700 Old Philadelphia Pike, Bethlehem, PA 18015.

Sincerely,

Carol Schneider
Administrative Assistant

Carol Schneider

From: Carol Schneider <c.schneider@lowersaucontownship.org>
Sent: Friday, November 25, 2022 4:36 PM
To: Easton Express Times Legal Advertising
Cc: Cathy Gorman; Manager; Stacy Werkheiser; Rachelle Markovic; James Young
Subject: Re: [NJAM-I #428-48-199] UPDATED 10505756 11/28 & 12/5 EPC Lower Saucon Township Request for Advertisement/Ordinance 2022-02/Two Dates Requested

It's not an update for the ad itself.

The ordinance is just a copy for you to keep for your files.

Carol
Sent from Carol's iPhone

> On Nov 25, 2022, at 8:53 AM, Easton Express Times Legal Advertising <etlegalads@support.njadvance-media.com> wrote:

>

> Hi Carol,

>

> Kindly confirm if this correction is needed to replace the print in the next available edition or as an fyi only not to be advertised.

>

> Thank you for choosing the Easton Express Times,

>

> Cherilyn Alston

> NJ Advance Media

> Operations Coordinator, Inside Sales

>

> *** Advertising Terms and Conditions ***

>

> This confirms that any advertisements submitted by you are subject to the terms and conditions contained in the following link: <http://www.njadvancemedia.com/terms-and-conditions/>. By proceeding to submit the advertisements, you are acknowledging your agreement to these terms and conditions.

>

>> On Wed, 23 Nov 2022, c.schneider@lowersaucontownship.org wrote:

>> Hi Cherilyn,

>>

>> See the (attached) updated copy of the Ordinance for you to have for your files.

>>

>> Please confirm receipt of this email.

>>

>> Kind Regards,

>>

>> Carol Schneider

>> Administrative Assistant

>> Lower Saucon Township

>> 3700 Old Philadelphia Pike

>> Bethlehem, PA 18015
>> Office: (610) 865-3291 / Fax: (610) 867-3580
>>
>> [https://nam10.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.book.com%2Fflowersaucon%2F&data=05%7C01%7Capp-cerberus-star%40advance.net%7C1c7c4e17291846f637a708dacd815cdd%7C1fe6294574e64203848fb9b82929f9d4%7C0%7C0%7C638048254693039997%7CUnknown%7CTWFpbGZsb3d8eyJWljoimc4wLjAwMDAILCJQljoiV2luMzliLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=JGWlcapD8Ma%2BAS4IMUaGW8PzT5nAw0EmdlBmuMOuMu8%3D&reserved=0](https://nam10.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.saucontownship.org%2F&data=05%7C01%7Capp-cerberus-star%40advance.net%7C1c7c4e17291846f637a708dacd815cdd%7C1fe6294574e64203848fb9b82929f9d4%7C0%7C638048254693039997%7CUnknown%7CTWFpbGZsb3d8eyJWljoimc4wLjAwMDAILCJQljoiV2luMzliLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=KNK4MYu9IbPADOJXc5GHuKXVUONcXy3NdmHen0%3D&reserved=0)
>>

>> This message contains confidential information and is intended for
>> the above recipient. If you are not the intended recipient you are
>> notified that disclosing, copying, distributing or taking any action
>> in reliance on the contents of this information is strictly prohibited.

>> -----Original Message-----
>> From: Carol Schneider
>> Sent: Friday, November 18, 2022 3:52 PM
>> To: 'Easton Express Times Legal Advertising'
>> <etlegalads@support.njadvance-media.com>; Manager
>> <manager@lowersaucontownship.org>; Cathy Gorman
>> <dirfin@lowersaucontownship.org>; James Young
>> <zoning@lowersaucontownship.org>; Stacy Werkheiser
>> <swerkheiser@lowersaucontownship.org>; Rachele Markovic
>> <rmarkovic@lowersaucontownship.org> Subject: RE: [NJAM-I #428-48-199]
>> 10505756 11/28 & 12/5 EPC Lower Saucon Township Request for
>> Advertisement/Ordinance 2022-02/Two Dates Requested

>>
>> Cherilyn,
>>
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>>
>> Kind Regards,
>>
>> Carol Schneider
>> Administrative Assistant

>> Lower Saucon Township
>> 3700 Old Philadelphia Pike
>> Bethlehem, PA 18015
>> Office: (610) 865-3291 / Fax: (610) 867-3580
>>
>> https://nam10.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.
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>> saucontownship.org%2F&data=05%7C01%7Capp-cerberus-star%40advance.
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>> SseKO
>> Yu9IbPADOJXc5GHuKXVUONcXy3NdmHen0%3D&reserved=0
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>> book.com%2Fflowersaucon%2F&data=05%7C01%7Capp-cerberus-star%40adva
>> nce.n
>> et%7C1c7c4e17291846f637a708dacd815cdd%7C1fe6294574e64203848fb9b82929f
>> 9d4%7
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>> DAiLC
>> JQIjoiV2luMzliLCJBTiI6lk1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=J
>> GWlca
>> pD8Ma%2BA54IMUaGW8PzT5nAw0EmdIBmuMOuMu8%3D&reserved=0
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>> From: Easton Express Times Legal Advertising
>> <etlegalads@support.njadvance-media.com> Sent: Friday, November 18,
>> 2022
>> 3:33 PM To: Carol Schneider <c.schneider@lowersaucontownship.org>;
>> Manager <manager@lowersaucontownship.org>; Cathy Gorman
>> <dirfin@lowersaucontownship.org>; James Young
>> <zoning@lowersaucontownship.org>; Stacy Werkheiser
>> <swerkheiser@lowersaucontownship.org>; Rachelle Markovic
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>> 10505756 11/28 & 12/5 EPC Lower Saucon Township Request for
>> Advertisement/Ordinance 2022-02/Two Dates Requested
>>
>> ATTN: Carol Schneider
>>
>> As per your request, your Legal ad is scheduled to appear in the
>> EXPRESS-TIMES on 11/28, 12/5/22.
>>
>> Your notice will also appear on lehighvalleylive.com under

>> Classifieds, Notices and Announcements under Legal Notices for 7 days.

>>

>> For your reference:

>> • Ad number is: 10505756

>> • Account number: 1000932626 LOWER SAUCON TOWNSHIP

>> • Cost: \$548.50

>> • Affidavit: 1

>>

>> Please confirm receipt of this email - attached is a proof of your ad.

>>

>> Please review for corrections if needed (if anything is missing,
>> needs to be revised, and/or removed from the ad text) reply back with
>> approval of the ad copy or any corrections or revises by deadline for
>> changes by – TUESDAY, 11/22, 5PM.

>>

>> Your response is required by deadline or your ad will publish as is.

>> You will receive the bill in your regular billing cycle.

>>

>> Your affidavit will be mailed out within 10 business days of your

>> Legal ad's last publication date.

>>

>> Please contact us at: etlegalads@lehighvalleylive.com or call

>> 800-203-3749 for any concerns

>>

>> Thank you for choosing the Easton Express Times,

>>

>> Cherilyn Alston

>> NJ Advance Media

>> Operations Coordinator, Inside Sales

>>

>> *** Advertising Terms and Conditions ***

>>

>> This confirms that any advertisements submitted by you are subject to

>> the terms and conditions contained in the following link:

>> <https://nam10.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.>

>> njadv

>> ancemedia.com%2Fterms-and-conditions%2F&data=05%7C01%7Capp-cerber

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>> ar%40advance.net%7C1c7c4e17291846f637a708dacad815cdd%7C1fe6294574e6420

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>> 7C&am

>> p;sdta=MM1hxAV%2BDeULvXfFsmBt9mMxjOK%2FrORGPOBlctbXxs%3D&reserved=0.

>> By proceeding to submit the advertisements, you are acknowledging

>> your agreement to these terms and conditions.

>>

>>> On Thu, 17 Nov 2022, c.schneider@lowsaucontownship.org wrote:

>>> To who it may concern;

>>>

>>> Please see the attached ad to be placed in the paper on both Monday,

>>> November 28, 2022 and Monday, December 5, 2022. The verbiage is also
>>> being provided below. I have also attached a copy of the Ordinance
>>> for you to have for your files.

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>>> Please contact me with any questions.

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>>> Thank you!

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>>> Lower Saucon Township

>>> Public Notice

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>>> The Lower Saucon Township Council will hold a public hearing for the
>>> consideration of and possible adoption and enactment of Ordinance No.
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>>> 180-101 AND 180-109F TO EXEMPT LANDFILLS AND WASTE DISPOSAL
>>> FACILITIES FROM THE SITE PLAN APPROVAL PROCESS AND REQUIREMENTS IF
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>>> on Wednesday, December 21, 2022 at 6:30 p.m. at Council's regular
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>>> Pike, Bethlehem, PA

>>> 18015

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>>> A copy of the full text may be viewed at the Lower Saucon Township
>>> municipal building during normal business hours.

>>>

>>> Mark Hudson

>>> Township Manager

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>>> Kind Regards,

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>>> Carol Schneider

>>> Administrative Assistant

>>> Lower Saucon Township
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>>> Bethlehem, PA 18015
>>> Office: (610) 865-3291 / Fax: (610) 867-3580
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>>> [cid:image001.jpg@01D8FA9C.8FDF06F0]
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>>> p;sd
>>> ata=7hUbb3IYSEU4%2FhLrqL%2Fwv8Zc8OiWqXqac%2FEctdgVMws%3D&reserve
>>> d=0
>>>
>>> This message contains confidential information and is intended for
>>> the above recipient. If you are not the intended recipient you are
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>

Carol Schneider

From: Carol Schneider
Sent: Wednesday, November 23, 2022 1:34 PM
To: 'Easton Express Times Legal Advertising'
Subject: RE: [NJAM-I #428-48-199] 10505756 11/28 & 12/5 EPC Lower Saucon Township Request for Advertisement/Ordinance 2022-02/Two Dates Requested
Attachments: 2022-02 draft.pdf
Importance: High

Hi Cherilyn,

See the (attached) updated copy of the Ordinance for you to have for your files.

Please confirm receipt of this email.

Kind Regards,

Carol Schneider
Administrative Assistant
Lower Saucon Township
3700 Old Philadelphia Pike
Bethlehem, PA 18015
Office: (610) 865-3291 / Fax: (610) 867-3580

www.lowersaucontownship.org
<https://www.facebook.com/lowersaucon/>

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To: 'Easton Express Times Legal Advertising' <etlegalads@support.njadvance-media.com>; Manager <manager@lowersaucontownship.org>; Cathy Gorman <dirfin@lowersaucontownship.org>; James Young <zoning@lowersaucontownship.org>; Stacy Werkheiser <swerkheiser@lowersaucontownship.org>; Rachelle Markovic <rmarkovic@lowersaucontownship.org>
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Cherilyn,

The ad looks great, please run. Thank you!

Kind Regards,

Carol Schneider
Administrative Assistant
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- Cost: \$548.50
- Affidavit: 1

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Please review for corrections if needed (if anything is missing, needs to be revised, and/or removed from the ad text) reply back with approval of the ad copy or any corrections or revises by deadline for changes by – TUESDAY, 11/22, 5PM.

Your response is required by deadline or your ad will publish as is.
You will receive the bill in your regular billing cycle.

Your affidavit will be mailed out within 10 business days of your Legal ad's last publication date.

Please contact us at: etlegalads@lehighvalleylive.com or call 800-203-3749 for any concerns

Thank you for choosing the Easton Express Times,

Cherilyn Alston
NJ Advance Media
Operations Coordinator, Inside Sales

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> Township Manager
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>
> [cid:image001.jpg@01D8FA9C.8FDF06F0]
> www.lowersaucontownship.org<https://linkprotect.cudasvc.com/url?a=http
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> 0dDr2ZLOYmvpXWap0qNiVo3B9yp5qUPE0lO2Lf1fY_yPMUuKXDZ30oruqn8t81qfs3ygt&
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>
> This message contains confidential information and is intended for the
> above recipient. If you are not the intended recipient you are
> notified that disclosing, copying, distributing or taking any action
> in reliance on the contents of this information is strictly prohibited.

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 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-_____ 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)(o) ("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.

11/17/2022 – DRAFT

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 21, 2022 new Zoning Map showing adopted changes

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 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-_____ 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:

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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.
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- (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.

11/17/2022 – DRAFT

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 21, 2022 new Zoning Map showing adopted changes

Carol Schneider

From: Carol Schneider
Sent: Friday, November 18, 2022 3:52 PM
To: 'Easton Express Times Legal Advertising'; Manager; Cathy Gorman; James Young; Stacy Werkheiser; Rachelle Markovic
Subject: RE: [NJAM-I #428-48-199] 10505756 11/28 & 12/5 EPC Lower Saucon Township Request for Advertisement/Ordinance 2022-02/Two Dates Requested

Cherilyn,

The ad looks great, please run. Thank you!

Kind Regards,

Carol Schneider
Administrative Assistant
Lower Saucon Township
3700 Old Philadelphia Pike
Bethlehem, PA 18015
Office: (610) 865-3291 / Fax: (610) 867-3580

www.lowersaucontownship.org
<https://www.facebook.com/lowersaucon/>

This message contains confidential information and is intended for the above recipient. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

-----Original Message-----

From: Easton Express Times Legal Advertising <etlegalads@support.njadvance-media.com>
Sent: Friday, November 18, 2022 3:33 PM
To: Carol Schneider <c.schneider@lowersaucontownship.org>; Manager <manager@lowersaucontownship.org>; Cathy Gorman <dirfin@lowersaucontownship.org>; James Young <zoning@lowersaucontownship.org>; Stacy Werkheiser <swerkheiser@lowersaucontownship.org>; Rachelle Markovic <rmarkovic@lowersaucontownship.org>
Subject: Re: [NJAM-I #428-48-199] 10505756 11/28 & 12/5 EPC Lower Saucon Township Request for Advertisement/Ordinance 2022-02/Two Dates Requested

ATTN: Carol Schneider

As per your request, your Legal ad is scheduled to appear in the EXPRESS-TIMES on 11/28, 12/5/22.

Your notice will also appear on lehighvalleylive.com under Classifieds, Notices and Announcements under Legal Notices for 7 days.

For your reference:

- Ad number is: 10505756
- Account number: 1000932626 LOWER SAUCON TOWNSHIP

- Cost: \$548.50
- Affidavit: 1

Please confirm receipt of this email - attached is a proof of your ad.

Please review for corrections if needed (if anything is missing, needs to be revised, and/or removed from the ad text) reply back with approval of the ad copy or any corrections or revises by deadline for changes by – TUESDAY, 11/22, 5PM.

Your response is required by deadline or your ad will publish as is.
You will receive the bill in your regular billing cycle.

Your affidavit will be mailed out within 10 business days of your Legal ad's last publication date.

Please contact us at: etlegalads@lehighvalleylive.com or call 800-203-3749 for any concerns

Thank you for choosing the Easton Express Times,

Cherilyn Alston
NJ Advance Media
Operations Coordinator, Inside Sales

*** Advertising Terms and Conditions ***

This confirms that any advertisements submitted by you are subject to the terms and conditions contained in the following link: <http://www.njadvancemedia.com/terms-and-conditions/>. By proceeding to submit the advertisements, you are acknowledging your agreement to these terms and conditions.

On Thu, 17 Nov 2022, c.schneider@lowersaucontownship.org wrote:

- > To who it may concern;
- >
- > Please see the attached ad to be placed in the paper on both Monday,
- > November 28, 2022 and Monday, December 5, 2022. The verbiage is also
- > being provided below. I have also attached a copy of the Ordinance for
- > you to have for your files.
- >
- > Please contact me with any questions.
- >
- > Thank you!
- >
- > 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."

>
> 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

>
> Kind Regards,

>
> Carol Schneider
> Administrative Assistant
> Lower Saucon Township
> 3700 Old Philadelphia Pike
> Bethlehem, PA 18015
> Office: (610) 865-3291 / Fax: (610) 867-3580

>
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> www.lowersaucontownship.org<https://linkprotect.cudasvc.com/url?a=http
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> 0dDr2ZLOYmvpXWap0qNiVo3B9yp5qUPE0IO2Lf1fY_yPMUuKXDZ30oruqn8t81qfs3ygt&
> typo =1> https://www.facebook.com/lowersaucon/
>

> This message contains confidential information and is intended for the
> above recipient. If you are not the intended recipient you are
> notified that disclosing, copying, distributing or taking any action
> in reliance on the contents of this information is strictly prohibited.

Carol Schneider

From: Carol Schneider
Sent: Thursday, November 17, 2022 3:52 PM
To: 'etlegalads@lehighvalleylive.com'
Cc: Manager; Cathy Gorman; James Young; Stacy Werkheiser; Rachelle Markovic (rmarkovic@lowersaucontownship.org)
Subject: 11/28 & 12/5 EPC Lower Saucon Township Request for Advertisement/Ordinance 2022-02/Two Dates Requested
Attachments: Revised 2022-11-17 Proposed Ordinance 2022-02 BL Zoning Hearing and Advertisement to Press.docx; LST 2022 Ordinance to Amend Zoning Map and Text Advertisement version- Applebutter Road & Riverside Drive Areas.pdf
Importance: High

To who it may concern;

Please see the attached ad to be placed in the paper on both Monday, November 28, 2022 and Monday, December 5, 2022. The verbiage is also being provided below. I have also attached a copy of the Ordinance for you to have for your files.

Please contact me with any questions.

Thank you!

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."

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

Kind Regards,

Carol Schneider

Administrative Assistant
Lower Saucon Township
3700 Old Philadelphia Pike
Bethlehem, PA 18015
Office: (610) 865-3291 / Fax: (610) 867-3580



www.lowersaucontownship.org
<https://www.facebook.com/lowersaucon/>

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Lower Saucon Township

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

November 17, 2022

The Express Times
Attn: Legal Ads

Dear Sir or Madam:

Please place the following ad in the Legal Section of The Express Times on both Monday, November 28, 2022 and Monday, December 5, 2022:

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."

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

If you have any questions, please contact me at 610-865-3291. A full copy of the ordinance is being sent to you with this letter. Please send invoice and proof of publication to: Lower Saucon Township, 3700 Old Philadelphia Pike, Bethlehem, PA 18015.

Sincerely,

Carol Schneider
Administrative Assistant

LOWER SAUCON TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AMENDMENTS TO THE CODE OF THE TOWNSHP 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.

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