

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

BRUCE PETRIE and GINGER PETRIE, :  
ANDREW G. KRASNANSKY and :  
TINA-LOUISE KRASNANSKY, :  
ROBERT DUANE BLASKO :  
and ELIZABETH A. BLASKO, and :  
ROBERT McKELLIN and CYNTHIA :  
McKELLIN :  
Plaintiff(s) :

v. :

LOWER SAUCON TOWNSHIP, :  
BETHLEHEM LANDFILL COMPANY, :  
& IESI PA BETHLEHEM LANDFILL :  
CORPORATION :  
Defendants :

and :

ST. LUKE'S HOSPITAL - ANDERSON :  
CAMPUS, BETHLEHEM TOWNSHIP and :  
DELAWARE AND LEHIGH NATIONAL :  
HERITAGE CORRIDOR, INC., :  
Intervenors. :

No. C0048CV2023-6089

DECLARATORY JUDGMENT/EQUITY

COPY

NOV 18 2023

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FILED

**AMENDED COMPLAINT**

**AND NOW** comes, Plaintiff's, Bruce Petrie and Ginger Petrie, Andrew G. Krasnasnsky and Tina-Louise Krasnansky, Robert Duane Blasko and Elizabeth A. Blasko, and Robert McKellin and Cynthia McKellin, by and through their counsel, Gary Neil Asteak, Esquire, Intervenors, St. Luke's Hospital – Anderson Campus and Delaware and Lehigh National Heritage Corridor, Inc., by and through their counsel, Fitzpatrick Lentz & Bubba, P.C., and Intervenor, Bethlehem Township, by and through its counsel, Broughal and DeVito, LLP, and they hereby file the instant Amended Complaint and in support thereof they aver as follows:

## PARTIES

1. Plaintiffs are adult individuals identified as follows:
  - i. Bruce Petrie and Ginger Petrie  
2626 Redington Road, Hellertown, PA 18055
  - ii. Andrew G. Krasnansky and Tina-Louise Krasnansky  
2430 Applebutter Road, Hellertown, PA 18055
  - iii. Robert Duane Blasko and Elizabeth A. Blasko  
2510 Redington Road, Hellertown, PA 18055
  - iv. Robert McKellin and Cynthia McKellin  
2166 Kistler Avenue, Bethlehem, PA 18015
  
2. Defendant, Lower Saucon Township (hereinafter referred to as the “**Township**”), is a Second-Class Township organized and existing pursuant to the Second-Class Township Code, 53 P.S. §65101, *et seq.* and an Optional Plan of Government in accordance with the Home Rule Charter and Optional Plans Law, 53 Pa.C.S. § 2901, *et seq.*, with an address at 3700 Old Philadelphia Pike, Bethlehem, PA 18015.
  
3. Defendant, Bethlehem Landfill Company, is a foreign business corporation organized and existing pursuant to the laws of the State of Delaware with a business address at 3 Waterway Square, PL, The Woodlands, TX 77380.
  
4. Defendant, IESI PA Bethlehem Landfill Corporation, is a foreign business corporation organized and existing pursuant to the laws of the State of Delaware with a business address at 3 Waterway Square, PL, The Woodlands, TX 77380.
  
5. Defendants, Bethlehem Landfill Company and IESI PA Bethlehem Landfill Corporation will be referred to collectively as the “**Landfill**”.

6. Intervenor, St. Luke's Hospital – Anderson Campus (“**St. Luke's**”), is a domestic non-profit corporation with a business address at 1872 Riverside Circle, Easton, Northampton County, PA 18045.

7. St. Luke's operates a hospital campus including a hospital with Emergency Room, Cancer Center, Level II Trauma Center, Organic Farm, Medical Office Building, Maternity Ward, and Neonatal Intensive Care Unit in Bethlehem Township known as St. Luke's – Anderson Campus (the “**Anderson Campus**”), which is located at 1872 Riverside Cir., Easton, Northampton County, PA 18045.

8. Intervenor, Bethlehem Township, is a First-Class Township organized and existing pursuant to the First-Class Township Code, with a business address at 4225 Easton Avenue, Bethlehem, Northampton County, PA 18020.

9. Intervenor, the Delaware and Lehigh National Heritage Corridor, Inc., (“**DLNHC**”) a domestic non-profit corporation with an address at 2750 Hugh Moore Park Road, Easton, Northampton County, PA 18042 which has been designated by the United States Congress as a National Heritage Area to “preserve and interpret for the educational and inspirational benefit of present and future generations the unique and significant contributions to our national heritage of certain historic and cultural lands, waterways, and structures within and surrounding the D&L Trail.”

10. St. Luke's, Bethlehem Township, and DLNHC will be referred to collectively as “**Intervenors**”.

#### **JURISDICTION AND VENUE**

11. Each and every preceding averment is incorporated herein by reference as though the same was set forth herein at length.

12. The Northampton County Court of Common Pleas has subject matter jurisdiction over each and every count contained in this Complaint.

13. The Northampton County Court of Common Pleas has personal jurisdiction over the Township as the Township is located within Northampton County and regularly conducts business within Northampton County.

14. The Northampton County Court of Common Pleas has personal jurisdiction over the Landfill as the Landfill, as set forth below, owns real estate located within Northampton County and regularly conducts business within Northampton County.

15. Venue is proper in the Northampton County Court of Common Pleas as the Township is located within Northampton County and the underlying transaction, occurrences, and property at issue are located within Northampton County.

**OPERATIVE FACTS COMMON TO ALL PARTIES**

16. Each and every preceding averment is incorporated herein by reference as though the same was set forth herein at length.

17. On December 21, 2022, the Township adopted Ordinance No. 2022-02 amending the Lower Saucon Township Zoning Ordinance and rezoning approximately 275.7 acres of land (the “**Property**”) from the Rural Agricultural (RA) zoning designation to the Light Industrial (LI) zoning designation.

18. Ordinance No. 2022-02 also added landfills and waste disposal facilities as uses permitted by Conditional Use.

19. The Property consists of the following seven (7) Northampton County Tax Map parcels:

<b>Parcel Identifier</b>	<b>Size (Acres)</b>
N8-14-1-0719E	61.4
N8-14-1A-0719	.33

N8-14-1B-0719	.36
N8-14-1B-0719	.45
N8-14-2-0719E	140.3
N8-14-15-0719	89.37
P7-5-33-0719 <sup>1</sup>	224.03

20. The Property is owned by the Landfill.

21. The majority of the Property is encumbered by a pair of substantively identical Scenic and Conservation Easements (collectively the “**Conservation Easements**”) which serve to preserve approximately 208 acres of the Property for scenic and conservation purposes and which specifically preclude landfill activities.

22. The Conservation Easements are recorded in the Northampton County Recorder of Deeds at Vol. 1994-6, Pg. 102081 (“**Easement 1**”) and Vol. 1994-6 Pg. 102074 (“**Easement 2**”). A copy of Easement 1 is attached hereto as Exhibit “A” and a copy of Easement 2 is attached hereto as Exhibit “B”.

23. Approximately eight (8) acres of the Property along the Southern boundary are also subject to a 100’ Woodlands Protection Easement (the “**Woodland Easement**”), incorporated into Easement 1, which is intended to preserve undisturbed woodlands except for the limited purposes of culling dead trees and promoting healthy tree growth. A copy of the Woodland Easement is attached hereto as Exhibit “C”.

24. The Conservation Easements and Woodland Easement are applicable to the Property as follows:

Parcel Identifier	Size (Acres)	Easements
N8-14-1-0719E	61.4	Entire Parcel [Easement 1]  8 Acres [Woodlands Easement]

<sup>1</sup> Only 5.8 acres of this parcel was proposed to undergo a zoning change.

N8-14-1A-0719	.33	Entire Parcel [Easement 1]
N8-14-1B-0719	.36	Entire Parcel [Easement 1]
N8-14-1B-0719	.45	Entire Parcel [Easement 1]
N8-14-2-0719E	140.3	Entire Parcel [Easement 2]
N8-14-15-0719	89.37	None.
P7-5-33-0719	224.03	None.

25. The areas affected by the Conservation Easements and Woodland Easement are depicted on the map attached hereto as Exhibit "D".

26. The City of Bethlehem owned the Property at the time the Conservation Easement and Woodland Easement were established in 1994.

27. At that time, the City of Bethlehem operated a landfill on the land adjacent to the Property.

28. The Conservation Easements and Woodland Easement were established by the City of Bethlehem for the purposes of protecting the land subject to the easements and for ensuring that relevant portions of the Property would serve as a buffer to the landfill activities in perpetuity. See Exhibit "A" and Exhibit "B" at pg. 1.

29. The City of Bethlehem specifically described the land subject to the Conservation Easements and Woodland Easement as buffer land intended to shield the portions of the Property subject to the Conservation Easements and Woodland Easement from the northern most activities of the Bethlehem Landfill in perpetuity. Id.

30. The Conservation Easements, as well as the Woodland Easement run with the land and have been serving their intended purpose and benefiting the public since 1994, stating in full:

*The restrictions and easements shall constitute a covenant running with the all of the property described herein and shall be binding upon the City and all other persons and parties claiming through the City herein, and for the benefit of and limitation upon all future*

*owners of said land and premises*, this declaration of restrictions being designed for the purposes of assuring the preservation of the Delaware and Lehigh Canal National Heritage Corridor and State Heritage Park; and during such operation of the Landfill to as great a degree as possible, to preserve the original character and scenic nature of the land (emphasis added).

Id. at ¶ 8.

31. A portion of the Property subject to the Conservation Easements and Woodland Easement, Northampton County Parcel No. N8-14-1 & N8-14-2, was transferred by the City of Bethlehem to the Bethlehem Landfill Company by deed recorded September 30, 2022.

32. A portion of the Property subject to the Conservation Easements, Northampton County Parcel No. N8-14-15, was transferred by Genon Rema, LLC, to the Bethlehem Landfill Company by deed recorded on April 30, 2020.

33. By the specific language of the Conservation Easements and Woodland Easement, the easements serve as a “limitation upon all future owners of said land.” See Exhibit “A” and Exhibit “B” at p.2 ¶ 8.

34. The Conservation Easements, as well as the Woodland Easement, prohibit any activity not explicitly permitted therein as well as any activities that may in any way be in contradiction to the guidelines and rules of the Delaware and Lehigh Canal National Heritage Corridor and State Heritage Park. Id. at ¶ 6.

35. The Landfill filed a Conditional Use Application pursuant to Ordinance No. 2022-02 on or about January 3, 2023, with the intention of expanding current landfill activities to approximately 189 acres of the Property.

36. The Conditional Use Application included a request that the Township “release or waive” the Conservation Easements.

37. Several months of Conditional Use hearings occurred and it became clear that the Landfill would not be able to meet the standards of Ordinance No. 2022-02.

38. On January 13, 2023, Plaintiffs filed a Procedural Validity Challenge to Ordinance No. 2022-02 which was docketed with this Honorable Court at No. C-48-CV-2023-00335.

39. Thereafter, on May 8, 2023, the Honorable Abraham P. Kassis entered an Order granting Plaintiffs' Procedural Validity Challenge and declaring Ordinance No. 2022-02 *void ab initio*.

40. Additionally, on March 21, 2023, Plaintiffs filed a Substantive Validity Challenge to Ordinance No. 2022-02 which was docketed with this Honorable Court at No. C-48-CV-2023-01779.

41. The Substantive Validity Challenge was indefinitely stayed on June 21, 2023.

42. On July 11, 2023, in response to the May 8, 2023, Order of Judge Kassis and the failure of the Landfill to meet the conditional use standards of Ordinance No. 2022-02, the Township authorized Ordinance No. 2023-05 (the "**Ordinance**") to be advertised for a hearing by a vote of 3-2.

43. The Ordinance proposed to rezone the Property from the Rural Agricultural (RA) zoning designation to Light Industrial (LI) and reclassifies landfills and waste disposal facilities from *uses permitted by conditional use to uses permitted by-right*. See Exhibit "E".

44. The Township scheduled a hearing on the Ordinance for August 30, 2023, and passed the Ordinance despite public opposition and despite the existence of the Conservation Easements.

45. The Ordinance ensures the Landfill will be able to expand landfill activities on the Property with no local oversight or planning considerations.



46. On August 30, 2023, the Township voted to remove the Conservation Easements and Woodland Easement from the Property without seeking approval from the Orphans' Court.

47. A Procedural Validity Challenge and Substantive Validity Challenge of the Ordinance are currently pending with the Northampton County Court of Common Pleas at Docket Nos. C-48-CV-2023-7174 and C-48-CV-2023-09455, respectively.

48. Following enactment of the Ordinance, the Landfill filed an application with the Township for approval of that plan entitled Plan set entitled "Phase V Preliminary Land Development & Lot Consolidation Plan" (the "**Land Development Plan**").

49. The Land Development Plan proposes the construction of solid waste facilities within the areas protected by the Conservation Easements and Woodland Easement.

50. On December 6, 2023, the Township voted to grant conditional approval to the Land Development Plan.

51. On December 29, 2023, the Township and Landfill recorded eleven (11) Conservation Easements over various portions of the Property and filed a notice of the release of Easement 1, Easement 2, and the Woodlands Easement.

#### **OPERATIVE FACTS – CITIZENS**

52. Each and every preceding avcrment is incorporated herein by reference as though the same was set forth herein at length.

53. Plaintiffs are a group of residents who live in close proximity to the Property (collectively referred to as the "Citizens" or "Plaintiffs").

54. The expansion of landfill activities will adversely affect the Citizens as follows:

- i. The proximity of residents to the landfill will subject them to pollutants;
- ii. Preexisting scenic views and the use of outdoor recreation will be removed;
- iii. Stormwater runoff will increase;

- iv. Leachate will pollute groundwater;
- v. The Lehigh River will be polluted;
- vi. Adverse health consequences caused by noxious fumes, leachate, and other dangerous byproducts of landfill activities will be suffered; and
- vii. Other such reasons that will appear on or before a hearing on this matter.

#### **OPERATIVE FACTS – ST. LUKE’S**

55. Each and every preceding averment is incorporated herein by reference as though the same was set forth herein at length.

56. St. Luke’s was granted standing to oppose the Landfill at the Conditional Use hearing due to the proximity of the Anderson Campus to the Property.

57. During the course of the Conditional Use hearings, the Landfill presented exhibits depicting the cutting of a substantial number of protected trees directly across from the Anderson Campus which has significant views of the proposed expansion including from the hospital building, patient treatment areas and onsite walking trails and recreation facilities.

58. The protected trees will be replaced with solid waste and related facilities.

59. The Anderson Campus contains a licensed heliport used to transport patients to and from the facility in need of urgent medical care.

60. The Anderson Campus preexisted the proposed expansion of landfill activities and is incompatible with the expansion of landfill activities.

61. The expansion of landfill activities is incompatible with a hospital use, and will irrevocably damage St. Luke’s as follows:

- i. There will be an increase in the presence of large birds, which will pose a substantial risk to emergency personnel and critically injured individuals being transported to the Anderson Campus by helicopter;
- ii. Decaying organic matter and the accumulation of trash is unsightly and carries the potential for odor and noxious fumes and a further potential to pollute the Lehigh River and remove preexisting scenic views;

- iii. St. Luke's maintains a strategic partnership with the Delaware & Lehigh National Heritage Corridor to Preserve the Delaware & Lehigh National Heritage Corridor and engage residents in surrounding communities, including Lower Saucon Township, to use nature trails affected by the proposed landfill expansion; and
- iv. Other such reasons that appear on or before a hearing on this matter.

#### **OPERATIVE FACTS – DLNHC**

62. Each and every preceding averment is incorporated herein by reference as though the same was set forth herein at length.

63. The Delaware & Lehigh National Heritage Corridor includes a one hundred and sixty-five (165) mile historic economic corridor that was used to carry coal and iron from Wilkes-Barre to Bristol during America's Industrial Revolution ("**D&L Trail**").

64. The D&L Trail is currently used as a historic site and multi-use recreational trail, open to the public for outdoor recreation and scenic views, which traverses the Lehigh Valley along the Lehigh River.

65. A portion of the D&L Trail runs along the Northern bank of the Lehigh River, directly across the from the Property and the proposed expansion of landfill activities. See Exhibit "F".

66. The mission of DLNHC is to preserve, interpret and leverage the nationally significant history and current scenic and and outdoor recreation uses throughout the Corridor and along the D&L Trail following the historic transportation route.

67. The Conservation Easements and Woodland Easement were placed on the Property specifically to protect and preserve the D&L Trail and the expansion will violate the same. See Exhibit "A" and Exhibit "B" at p.2, ¶ 6.

68. The expansion of landfill activities will irrevocably harm the D&I Trail and frustrate the mission of the DLNHC, and will remove or substantially inhibit the use of the D&I Trail for its original purpose as well as its use for scenic views and outdoor recreation.

**OPERATIVE FACTS – BETHLEHEM TOWNSHIP**

69. Each and every preceding paragraph is incorporated herein by reference as if the same was set forth herein at length.

70. Bethlehem Township shares a municipal border with the Township which runs, in part, along the median line of the Lehigh River.

71. Bethlehem Township will be negatively affected by the landfill expansion as follows:

- i. Decaying organic matter carries the potential for odor and noxious fumes and will pollute the Lehigh River adjacent to Township properties and the scenic views from Township properties and the views of Township residents;
- ii. The accumulation of trash is unsightly and will be visible from Township property and the property of Township residents;
- iii. The D&I trail is used by Township residents and will be negatively affected as outlined above; and
- iv. Other such reasons that appear on or before a hearing on this matter.

**COUNT I – DECLARATORY JUDGMENT**  
**Plaintiffs and Intervenor v. Landfill**

72. Each and every preceding averment is incorporated herein by reference as though the same was set forth herein at length.

73. The Declaratory Judgment Act grants this Honorable Court the power to declare rights, status, and other legal relations. 42 Pa.C.S § 7532.

74. A Declaratory Judgment issued pursuant to the Declaratory Judgment Act is appropriate to determine the legal rights of individuals when there are claims indicating imminent and inevitable litigation. 42 Pa.C.S. §§ 7531-7541.

75. Plaintiffs and Intervenors are third-party beneficiaries of the Conservation Easements.

76. The Conservation Easements were granted to the Township by the City of Bethlehem for the purposes of protecting the Property and for ensuring the Property serves as a buffer to landfill activities for the benefit of the public and specifically to maintain the D&L Trail.

77. The Conservation Easements prohibit any activity not explicitly permitted therein or any activities that may in any way be in contradiction to the guidelines and rules of the Delaware and Lehigh Canal National Heritage Corridor and State Heritage Park.

78. The expansion of landfill activities would be an express violation of the Conservation Easements and Woodland Easement.

79. The expansion of landfill activities on the Property would be in direct contradiction to the guidelines and procedures as well as the mission of the DLNHC.

80. The expansion of landfill activities is incompatible with the Anderson Campus, its purpose and the mission of St. Luke's.

81. Litigation in this matter is imminent.

**WHEREFORE**, Plaintiffs and Intervenors hereby request judgment in their favor, and against Defendants, Bethlehem Landfill Company and IESI PA Bethlehem Landfill Corporation, and respectfully request this Honorable Court to enter an Order deeming the following declaratory relief:

- (a) Plaintiffs and/or Intervenors are third-party beneficiaries of the Conservation Easements;
- (b) The Conservation Easements and Woodland Easement prohibit the expansion of landfill activities to the relevant portions of the Property; and
- (c) Any further legal or equitable relief this Honorable Court deems just and proper.

**COUNT II – DECLARATORY JUDGMENT**

**Plaintiffs and Intervenors v. Township**

82. Each and every preceding averment is incorporated herein by reference as though the same was set forth herein at length.

83. Plaintiffs are third-party beneficiaries of the Conservation Easements.

84. The Conservation Easements were granted to the Township by the City of Bethlehem for the purposes of protecting the Property and for ensuring the Property serves as a buffer to landfill activities for the benefit of the public.

85. The Conservation Easements prohibit any activity not explicitly permitted therein or any activities that may in any way be in contradiction to the guidelines and rules of the Delaware and Lehigh Canal National Heritage Corridor and State Heritage Park.

86. As a Second-Class Township, the Township is subject to the requirements of the Donated or Dedicated Property Act, 53 P.S. §3381, *et seq.* (the “DDPA”).

87. The DDPA requires the Township, as fiduciary and trustee of property which is donated or dedicated to the public trust, to seek permission from the Orphans’ Court before it is able to assent to any change in the public use of that property. Id.

88. The DDPA requires the Township to prove the public use (1) is no longer feasible and (2) no longer serves a public purpose.

89. The DDPA permits the public and the Office of the Attorney General to participate and oppose any proposed change in a public use.

90. The Conservation Easements and Woodland Easement and the protections therein are incorporeal property rights held by the Township which have been dedicated to the public trust since 1994.

91. The Township did not seek permission from the Orphans' Court to rezone the Property to expressly permit landfill activities or to grant approval of the Land Development Plan in violation of the Conservation Easements and Woodland Easement.

92. The Township did not seek permission from the Orphans' Court to terminate the Conservation Easements and Woodland Easement.

93. The Township did not seek permission from the Orphans' Court to remove the scenic views and outdoor recreation uses of the D&L Trail.

94. The Township has a legal obligation to seek permission from the Orphans' Court to dispose of property in the public trust pursuant to the DDPA yet has failed to do so.

95. Litigation in this matter is imminent.

**WHEREFORE**, Plaintiffs and Intervenors hereby request judgment in their favor, and against Defendant, Lower Saucon Township, and respectfully request this Honorable Court enter an Order deeming the following relief:

- (a) Plaintiffs and/or Intervenors are third-party beneficiaries of the Conservation Easement and Woodland Easement;
- (b) The Township is subject to the Donated or Dedicated Property Act and was not authorized to terminate the Conservation Easements and Woodland Easement without approval of the Orphans' Court and thus the termination was *void ab initio*;
- (c) The Township is subject to the Donated or Dedicated Property Act and was without authority to rezone the Property in violation of the Conservation Easements and Woodland Easement without approval of the Orphans' Court;
- (d) The Township is subject to the Donated or Dedicated Property Act and must petition the Orphans' Court to rezone the Property and terminate the Conservation Easements and Woodland Easement;

- (e) The Township is subject to the Donated or Dedicated Property Act and was without authority to grant approval of the Land Development Plan without approval of the Orphans' Court;
- (f) The Township is subject to the Donated or Dedicated Property Act and must petition the Orphans' Court to grant approval to the Land Development Plan the Conservation Easements and Woodland Easement;
- (g) The development proposed by the Land Development Plan would be in violation of the Donated or Dedicated Property Act; and
- (h) Any such other relief that this Honorable Court deems just and proper.

**COUNT III – EQUITABLE RELIEF**  
**Plaintiffs and Intervenors v. Township and Landfill**

96. Each and every preceding averment is incorporated herein by reference as though the same was set forth herein at length.

97. Plaintiffs and Intervenors have a substantial, direct, and immediate interest in the instant matter for the reasons set forth herein.

98. This Honorable Court has the ability to enter equitable relief.

99. An Order to void the adoption of the Ordinance, the approval of the Land Development Plan and the termination of the Conservation Easements and Woodland Easement is necessary for the following reasons:

- i. Adoption of the Ordinance, grant of approval to the Land Development Plan imposed actual harm on property owners abutting or in close proximity to the Property while negatively affecting the health, safety, and welfare of Plaintiffs and patients, residents, or patrons of Intervenors;
- ii. Adoption of the Ordinance and grant of approval to the Land Development Plan deprived Plaintiffs and Intervenors of the rights guaranteed by the Environmental Rights Clause of the Pennsylvania Constitution, Article I, Section 27;
- iii. Adoption of the Ordinance and grant of approval to the Land Development Plan violated the Conservation Easements and the Woodland Easement;



- iv. Adoption of the Ordinance, grant of approval to the Land Development Plan and termination of the Conservations Easements and Woodland Easement violated the common-law public trust doctrine;
- v. Adoption of the Ordinance grant of approval to the Land Development Plan and termination of the Conservations Easements and Woodland Easement was legally impossible and *void ab initio* without approval of the Orphans' Court pursuant to the Donated or Dedicated Property Act;
- vi. Termination of the Conservation Easements and Woodland Easement was an intentional violation of the public trust doctrine and is an unlawful assent to the disposition of public property without approval of the Orphans' Court pursuant to the Donated or Dedicated Property Act.

100. The expansion of landfill activities will harm Citizens, St. Luke's, Bethlehem Township, and the DI.NHC for the reasons set forth above.

101. There is no adequate remedy at law.

102. Monetary damages are inadequate to prevent the above-referenced injuries.

103. Greater injury will occur by denying the requested relief than by granting the requested relief.

**WHEREFORE**, Plaintiffs and Intervenors hereby request judgment in their favor, and against Defendants, Lower Saucon Township, Bethlehem Landfill Company and IESI PA Bethlehem Landfill Corporation, and respectfully requests this Honorable Court enter and Order as follows:

- a. The Township shall amend the Lower Saucon Township Zoning Ordinance to rescind the Ordinance;
- b. The Township shall reestablish the protections of the Conservation Easements and Woodland Easement on the relevant portions of the Property;
- c. The Landfill is enjoined from expanding landfill activities to the relevant portions of the Property; and
- d. Entering any other such relief that this Honorable Court deems just and proper.

**COUNT IV – INJUNCTION**  
**Plaintiff and Intervenors v. Landfill**

104. Each and every preceding averment is incorporated herein by reference as though the same was set forth herein at length.

105. Plaintiffs and Intervenors have a substantial, direct, and immediate interest in the instant matter for the reasons set forth herein.

106. For permanent injunctive relief, the following must be present: (1) the right to relief must be clear; (2) the relief is necessary to prevent an injury which cannot be compensated by damages; and (3) greater injury will occur from refusing the injunction than from granting it. First Philadelphia Preparatory Charter Sch. v. Commonwealth Dep't of Educ., 179 A.3d 128, 132 (Pa. Cmwlth. 2018).

107. An injunction to prevent the expansion of landfill activities to the Property is necessary to preserve the intended purpose of the Conservation Easements and Woodland Easement, including the protection of the D&L Trail.

108. The expansion of landfill activities will harm Citizens, St. Luke's, Bethlehem Township, and DLNHC for the reasons set forth above.

109. The legal right to relief is clear.

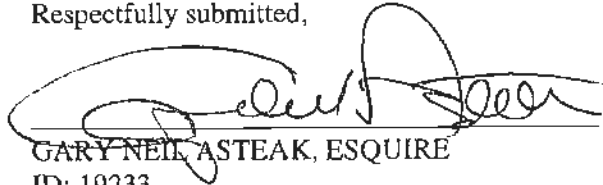
110. Monetary damages are inadequate to prevent the above-cited injuries.

111. Greater injury will occur by denying the request relief than by granting the requested relief.

**WHEREFORE**, Plaintiffs and Intervenors hereby request judgment in their favor, and against Defendants, Bethlehem Landfill Company and IESI PA Bethlehem Landfill Corporation, and respectfully requests this Honorable Court enter the following injunctive relief:

- a. Enjoining the Landfill from expanding landfill activities to the relevant portions of the Property; and
- b. Any other such relief that this Honorable Court deems just and proper.

Respectfully submitted,



GARY NEIL ASTEAK, ESQUIRE

ID: 19233

726 Walnut Street

Easton, PA 18042

(610) 258-2901

[asteaklaw@gmail.com](mailto:asteaklaw@gmail.com)

Attorney for Plaintiffs

Joseph A. Bubba, I.D. No. 34463

Steven T. Boell, I.D. No. 89700

Gretchen L. Petersen, I.D. No. 311907

Frank N. D'Amore, III, I.D. No. 322970

645 W. Hamilton St., Suite 800

Allentown, PA 18101

(610) 797-9000

[gpetersen@flblaw.com](mailto:gpetersen@flblaw.com)

Attorneys for Intervenors, St. Luke's Hospital –  
Anderson Campus and Delaware and Lehigh National  
Heritage Corridor, Inc.

Anthony Giovannini, Jr., I.D. No. 326345

Broughal & DeVito, LLP

38 West Market Street

Bethlehem, PA 18018

[AnthonyGiovannini@broughal-devito.com](mailto:AnthonyGiovannini@broughal-devito.com)

Attorneys for Intervenor,

Bethlehem Township

**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial Systems of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Joseph A. Bubba, Esq.

Signature: /s/ Joseph A. Bubba

Name: Joseph A. Bubba

Attorney No.: 34463

VERIFICATION

We, Bruce Petrie and Ginger Petrie, hereby acknowledge and affirm that the statements made in the foregoing document are true and correct based on our knowledge, information and belief, and that such statements are made subject to the provisions of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Date: January 10, 2024

Bruce Petrie  
BRUCE PETRIE

Date: January 10, 2024

Ginger Petrie  
GINGER PETRIE

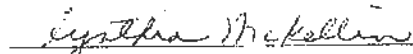
VERIFICATION

We, Robert McKellin and Cynthia McKellin, hereby acknowledge and affirm that the statements made in the foregoing document are true and correct based on our knowledge, information and belief, and that such statements are made subject to the provisions of 18 Pa.C.S §4904, relating to unsworn falsification to authorities.

Date: January 9, 2024

  
ROBERT MCKELLIN

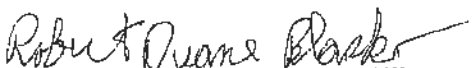
Date: January 9, 2024

  
CYNTHIA MCKELLIN

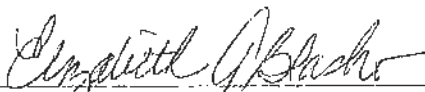
VERIFICATION

We, Robert Duane Blasko and Elizabeth A. Blasko, hereby acknowledge and affirm that the statements made in the foregoing document are true and correct based on our knowledge, information and belief, and that such statements are made subject to the provisions of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Date: January 10, 2024

  
\_\_\_\_\_  
ROBERT DUANE BLASKO

Date: January 10, 2024

  
\_\_\_\_\_  
ELIZABETH A. BLASKO

VERIFICATION

We, Andrew G. Krasnansky and Tina-Louise Krasnansky, hereby acknowledge and affirm that the statements made in the foregoing document are true and correct based on our knowledge, information and belief, and that such statements are made subject to the provisions of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Date: January 11, 2024

  
ANDREW G. KRASNANSKY

Date: January 11, 2024

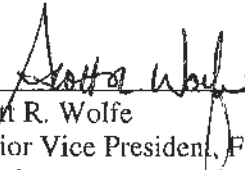
  
TINA-LOUISE KRASNANSKY



**VERIFICATION**

I am Scott R. Wolfe, Senior Vice President, Finance & Chief Financial Officer. I affirm that I have authority to make this verification on behalf of St. Luke's Hospital – Anderson Campus. I hereby acknowledge and affirm that the statements made in the instant document are true and correct based on my knowledge, information, and belief, and that such statements are made subject to the provisions of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Date: January 3, 2024

By:   
\_\_\_\_\_  
Scott R. Wolfe  
Senior Vice President, Finance &  
Chief Financial Officer

**VERIFICATION**

I am Claire Sadler, Executive Director of Delaware and Lehigh National Heritage Corridor, Inc., Intervenor in the instant matter. I affirm that I have authority to make this verification on behalf of Intervenor. I hereby acknowledge and affirm that the statements made in the instant document are true and correct based on my knowledge, information, and belief, and that such statements are made subject to the provisions of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Date: January 16 2024

By: Claire Sadler  
Claire Sadler  
Executive Director

**VERIFICATION**

I, John J. Merhottein, President of the Bethlehem Township Board of Commissioners, affirm that I have the authority to make this verification on behalf of Intervenor, Bethlehem Township. I hereby acknowledge and affirm that the facts set forth in the foregoing document are true and correct based on my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification of authorities.

Date: January 17, 2024

BETHLEHEM TOWNSHIP

By: \_\_\_\_\_

John J. Merhottein  
President – Board of Commissioners

Exhibit "A"

RECORDERS OFFICE  
NORTHAMPTON COUNTY  
PENNSYLVANIA

DEED NUMBER  
1994016322B

BOOKED BY

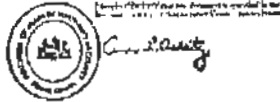
APR 22, 1994

2:52:30 PM

STATE MFT TAX \$ 0.00

RECORDING FEE \$ 21.00

TOTAL \$ 21.00



SCENIC AND CONSERVATION EASEMENT

FORMER HELMS PROPERTY

ADJACENT TO CITY OF BETHLEHEM LANDFILL

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

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

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

NOW, THEREFORE, IT IS AGREED:

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

Also Known As Northampton County

Uniform Parcel Identifier

Map NE Block 14 Lot 1

VOL: 1994-6

012081

Exhibit "A"

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

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

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

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

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

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

IN WITNESS WHEREOF, the undersigned have executed this

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

CITY OF BETHLEHEM

Wesley J. Dickstein  
Controller  
MAR 16 1994

By: Kenneth R. Smith  
Kenneth R. Smith  
Mayor

TOWNSHIP OF LOWER SAUCON

Robert B. ...  
Secretary

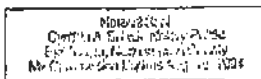
By: Priscilla deLeon  
Priscilla deLeon  
President of Council

COMMONWEALTH OF PENNSYLVANIA)  
: SS:  
COUNTY OF Northampton )

On this 16th day of March, 1944, before me,  
Cynthia A. Schwick, the undersigned officer,  
personally appeared KENNETH R. SMITH, Mayor of the City of  
Bethlehem, Pennsylvania, known to me to be the person described  
in the foregoing instrument, and acknowledged that he executed  
the same in his official capacity therein stated and for the  
purposes therein contained.

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

Cynthia A. Schwick

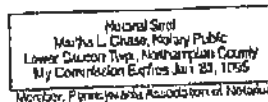


COMMONWEALTH OF PENNSYLVANIA)  
: SS:  
COUNTY OF )

On this 16<sup>th</sup> day of March, 1944, before me,  
Martha L. Chase, the undersigned officer,  
personally appeared PRISCILLA deLEON, President of Council of the  
Township of Lower Saucon, Pennsylvania, known to me to be the  
person described in the foregoing instrument, and acknowledged  
that she executed the same in her official capacity therein  
stated and for the purposes therein contained.

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

Martha L. Chase



VOL:1004-6

012086





DESCRIPTION OF  
LANDFILL WOODLANDS EASEMENT

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

Beginning at a point along the northwardly property line of the original City of Bethlehem Landfill, being a common point between the Bushkill Valley Motorcycle Club, the former Samuel Helms property (now City of Bethlehem) and the original City of Bethlehem Landfill, thence in an eastwardly direction along the northwardly property line of the original City of Bethlehem Landfill, North Eighty-Eight Degrees Eight Minutes East (N 88°-08'-00"E) One Thousand Four Hundred Eighty-Eight Feet (1,488.00') to a point, thence South Thirty-Eight Degrees East (S 38°-00'-00" E) Two Hundred Thirty-One Feet (231.00') to a point, thence North Eighty-Nine Degrees East (N 89°-00'-00" E) One Thousand Six Hundred Sixty-Six and Fifty One-Hundredths Feet (1,666.50') to a point, thence North One Degree West (N 01°-00'-00" W) One Hundred and Six Feet (106.00') to a point, thence South Eighty-Nine Degrees West (S 89°-00'-00" W) One Thousand Six Hundred Thirteen and Sixty-Five One-Hundredths Feet (1,613.65') to a point, thence North Thirty-Eight Degrees West (N 38°-00'-00" W) Two Hundred Thirty-Two Feet (232.00') to a point, thence South Eighty-Eight Degrees Eight Minutes West (S 88°-08'-00" W) One Thousand Five Hundred Forty-One and Eighty-Five One-Hundredths Feet (1,541.95') to a point, thence South One Degree Fifty-Two Minutes East (S 01°-52'-00" E) One Hundred Six Feet (106.00') to a point, said point being the point the place of beginning; containing 158,967.80 Sq. Ft. or 3.64 Acres.

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

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

EXHIBIT 2

VOL: 1994-6

012086



EXHIBIT "4"

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

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

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

eight One-Hundredths Foot (21.78') to a point, thence South Eighty-nine Degrees Zero Minutes Zero Seconds West (S 89°00'00" W) One Thousand Six Hundred Sixty-six and Fifty One-Hundredths Feet (1,666.50') to a point, thence North Thirty-eight Degrees Zero Minutes Zero Seconds West (N 38°00'00" W) Two Hundred Thirty-one Feet (231.00') to a point, thence South Eighty-eight Degrees Eight Minutes Zero Seconds West (S 88°08'00" W) One Thousand Four Hundred Eighty-eight Feet (1,488.00') to a point, said point being the point the place of beginning, containing 66.2 Acres ±.

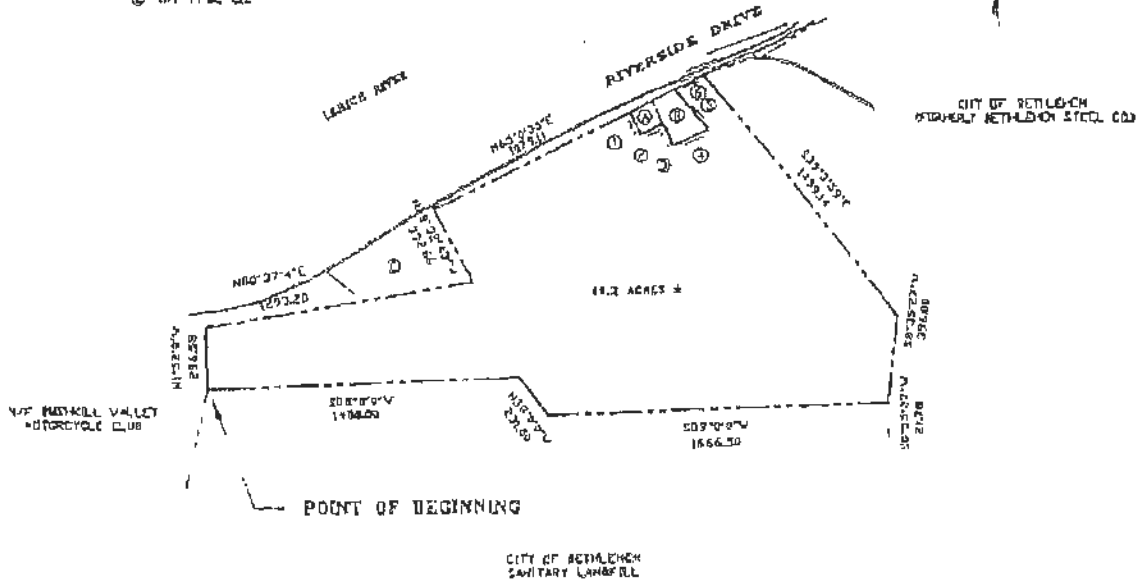
Bounded on the north by Riverside Drive, on the east by lands of City of Bethlehem (formerly Bethlehem Steel Co.), on the south by the City of Bethlehem Landfill and on the west by Bushkill Valley Motorcycle Club.

All of which is more fully shown upon the map or plan entitled "PLAN SHOWING SCENIC & CONSERVATION EASEMENT IN LOWER MAUCON TOWNSHIP OWNED BY THE CITY OF BETHLEHEM (FORMERLY HELMS PROPERTY) STEVEN R. DESALVA - CITY ENGINEER SCALE 1" = 400' JUNE 28, 1993 EXHIBIT "3", a copy of which is on file in the office of the City Engineer of Bethlehem, Pennsylvania.

ADJOINING PROPERTIES

- Ⓐ M/F ROBERT BOVEN
- Ⓑ M/F CHRISTINE MAHN
- Ⓒ M/T PPAI CO.

- ① 225°47'31" 120.00
- ② N45°00'00" 120.00
- ③ S24°32'32" 120.00
- ④ N45°00'00" 100.00
- ⑤ N89°55'59" 247.43
- ⑥ N83°00'00" 150.00



PLAN SHOWING  
SCENIC & CONSERVATION  
EASEMENT

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

STEVEN W. DeSALVA - CITY ENGINEER  
SCALE 1" = 400'  
JUNE 28, 1993

EXHIBIT "E"

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

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

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

eight One-Hundredths Feet (21.78') to a point, thence South Eighty-nine Degrees Zero Minutes Zero Seconds West (S 89°00'00" W) One Thousand Six Hundred Sixty-six and Fifty One- Hundredths Feet (1,666.50') to a point, thence North Thirty-eight Degrees Zero Minutes Zero Seconds West (N 38°00'00" W) Two Hundred Thirty-one Feet (231.00') to a point, thence South Eighty-eight Degrees Eight Minutes Zero Seconds West (S 88°08'00" W) One Thousand Four Hundred Eighty-eight Feet (1,488.00') to a point, said point being the point the place of beginning, containing 66.2 Acres ±.

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

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



COMMONWEALTH OF PENNSYLVANIA )

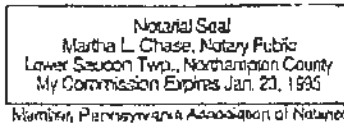
: SS:

COUNTY OF )

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

WITNESS my hand and official seal.

Martha L. Chase



COMMONWEALTH OF PENNSYLVANIA )

: SS:

COUNTY OF NORTHAMPTON )

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

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

Cynthia A. Schick

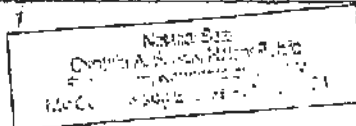
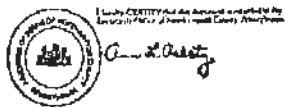


Exhibit "B"

RECORDERS OFFICE  
NORTHAMPTON COUNTY  
PENNSYLVANIA  
INSTRUMENT NUMBER  
1994016325  
RECORDED BY  
APR 22, 1994  
2:50:52 PM  
STATE GAIT TAX 1 0.50  
RECORDING FEE \$ 15.00  
TOTAL \$15.50



SCENIC AND CONSERVATION EASEMENT  
FORMER BETHLEHEM STEEL PROPERTY  
ADJACENT TO CITY OF BETHLEHEM LANDFILL

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

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

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

NOW, THEREFORE, IT IS AGREED:

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

Also Known As Northampton County  
Uniform Parcel Identifier:  
Map NFA Block 14 Lot 2

VOL:1994-0  
012074

Exhibit "B"

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

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

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

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

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

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

IN WITNESS WHEREOF, the undersigned have executed this

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

Wanna J. ...  
Controller  
MAR 16 1994

CITY OF BETHLEHEM

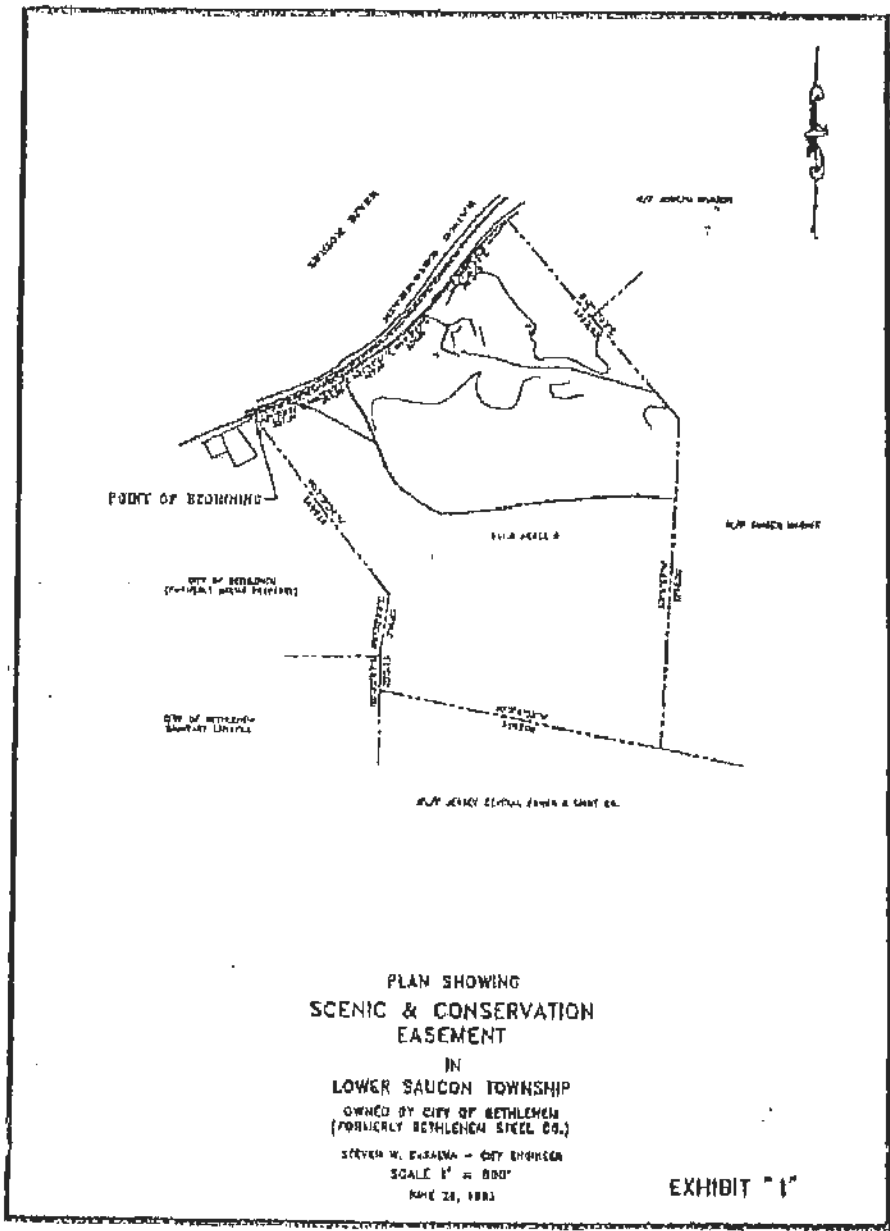
By: Kenneth R. Smith  
Kenneth R. Smith  
Mayor

Robert S. ...  
Secretary

TOWNSHIP OF LOWER SAUCON

By: Priscilla deLeon  
Priscilla deLeon  
President of Council





VOL: 1884-6

012078

EXHIBIT "2"

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

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

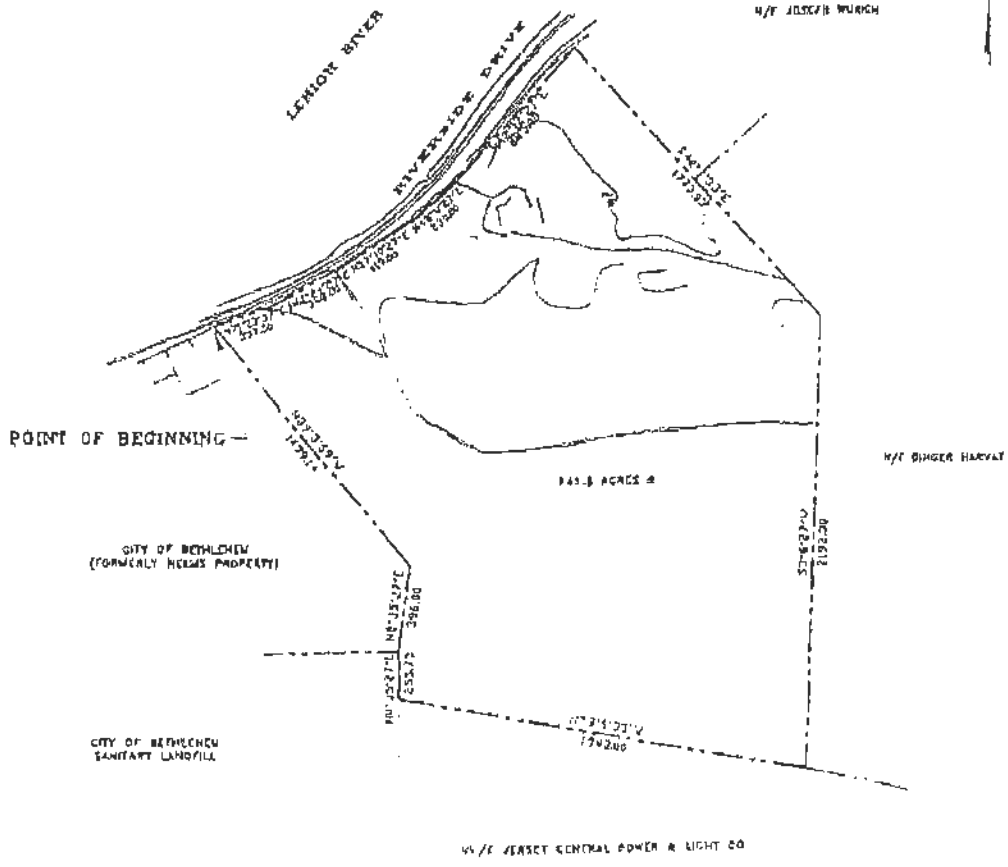
Beginning at a point, said point being the common point between the northeast corner of property of the City of Bethlehem (formerly known as Samuel Reles property) and the northwest corner of property of the City of Bethlehem (formerly known as Bethlehem Steel Company property) the property described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



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

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

All of which is more fully shown upon the map or plan entitled "PLAN SHOWING SCENIC & CONSERVATION EASEMENT IN LOWER SAUCON TOWNSHIP OWNED BY THE CITY OF BETHLEHEM (FORMERLY BETHLEHEM STEEL PROPERTY) STEVEN W. DESALVA - CITY ENGINEER SCALE 1" = 400' JUNE 20, 1993 EXHIBIT "1", a copy of which is on file in the office of the City Engineer of Bethlehem, Pennsylvania.



PLAN SHOWING  
SCENIC & CONSERVATION  
EASEMENT

IN  
LOWER SAUCON TOWNSHIP  
OWNED BY CITY OF BETHLEHEM  
(FORMERLY BETHLEHEM STEEL CO.)

STEVEN W. DZAGUYA - CITY ENGINEER  
SCALE 1" = 800'  
JUNE 28, 1993

EXHIBIT "1"

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

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

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

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

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

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

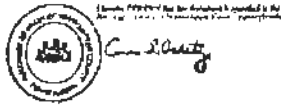
Exhibit "C"

RECORDER'S OFFICE  
NORTHAMPTON COUNTY  
PENNSYLVANIA

LIQUOR LICENSE  
139401632B

APR 22, 1994  
2:52:30 PM

STATE MILE TAX \$ 0.24  
RECORDING FEES \$ 21.00  
TOTAL \$ 21.24



SCENIC AND CONSERVATION EASEMENT  
FORMER HELMS PROPERTY

ADJACENT TO CITY OF BETHLEHEM LANDFILL

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

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

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

NOW, THEREFORE, IT IS AGREED:

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

Also Known As Northampton County  
Uniform Parcel Identifiers  
Map N.S. Block 14 Lot 1

VOL: 1994-6

012001

Exhibit "C"

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

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

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

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

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

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

IN WITNESS WHEREOF, the undersigned have executed this

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

Wesley W. DeLuca  
Controller  
MAR 16 1994

CITY OF BETHLEHEM

By: Kenneth R. Smith  
Kenneth R. Smith  
Mayor

Robert B. Carrozza  
Secretary

TOWNSHIP OF LOWER SAUCON

By: Frisilla deLeon  
Frisilla deLeon  
President of Council

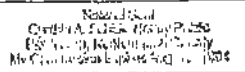


COMMONWEALTH OF PENNSYLVANIA)  
; SS:  
COUNTY OF Northampton )

On this 11<sup>th</sup> day of March, 1944, before me,  
Cynthia A. Schick, the undersigned officer,  
personally appeared KENNETH R. SMITH, Mayor of the City of  
Bethlehem, Pennsylvania, known to me to be the person described  
in the foregoing instrument, and acknowledged that he executed  
the same in his official capacity therein stated and for the  
purposes therein contained.

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

Cynthia A. Schick

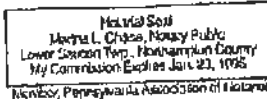


COMMONWEALTH OF PENNSYLVANIA)  
; SS:  
COUNTY OF )

On this 16<sup>th</sup> day of March, 1944, before me,  
Martha L. Chase, the undersigned officer,  
personally appeared PRISCILLA deLEON, President of Council of the  
Township of Lower Saucon, Pennsylvania, known to me to be the  
person described in the foregoing instrument, and acknowledged  
that she executed the same in her official capacity therein  
stated and for the purposes therein contained.

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

Martha L. Chase



VOL: 1994-8

012064



DESCRIPTION OF  
LANDFILL WOODLANDS EASEMENT

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

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

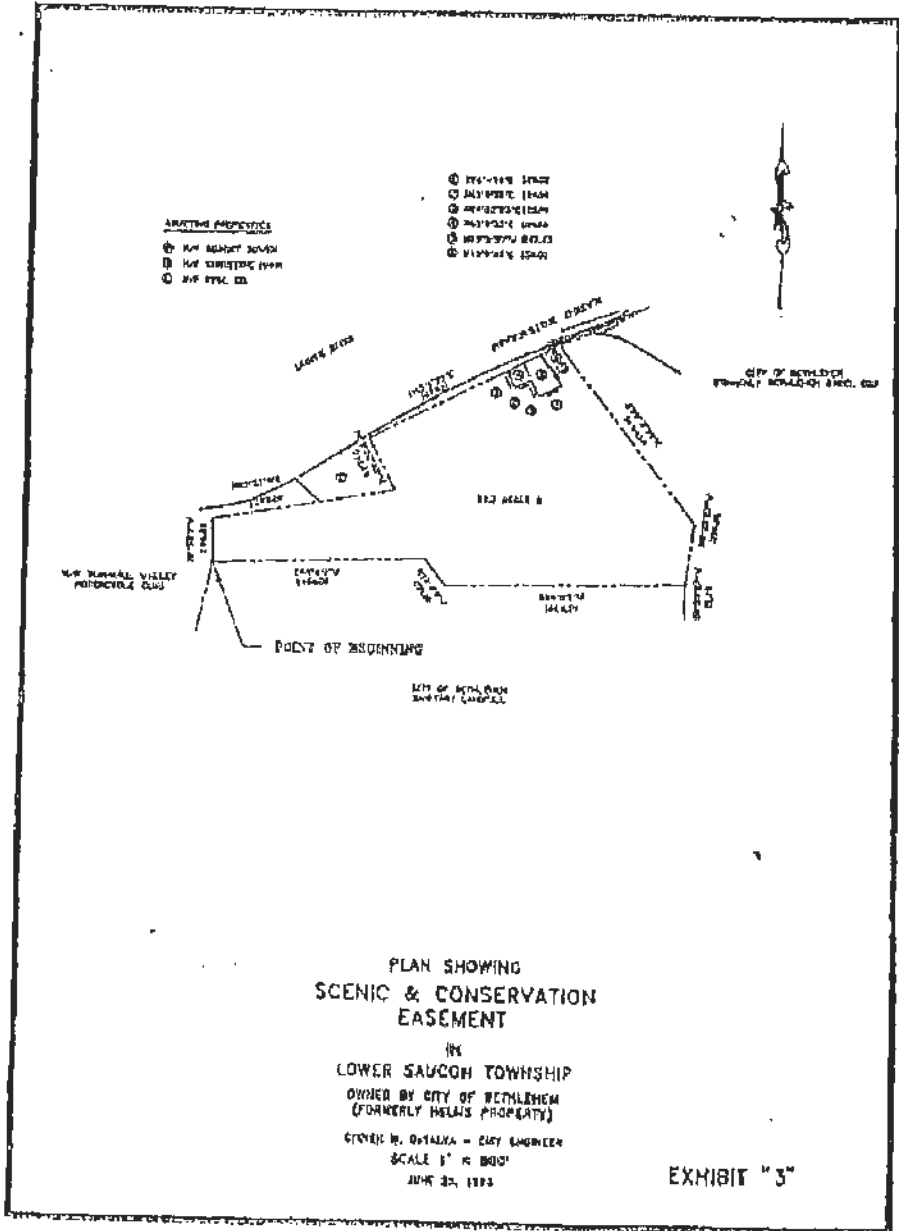
The entire One hundred and Six (106.00') Foot wide Woodland Easement is being Dedicated from the former Samuel Helms Property.

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

EXHIBIT 2

VOL:1994-6

012086



PLAN SHOWING  
SCENIC & CONSERVATION  
EASEMENT

IN  
LOWER SAUCON TOWNSHIP  
OWNED BY CITY OF BETHLEHEM  
(FORMERLY HELM'S PROPERTY)  
GEORGE H. DOTALKA - CIVIL ENGINEER  
SCALE 1" = 800'  
JUNE 20, 1983

EXHIBIT "3"

EXHIBIT "4"

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

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

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

eight One-Hundredths Feet (21.78') to a point, thence South Eighty-nine Degrees Zero Minutes Zero Seconds West (S 89°00'00" W) One Thousand Six Hundred Sixty-six and Fifty One-Hundredths Feet (1,666.50') to a point, thence North Thirty-eight Degrees Zero Minutes Zero Seconds West (N 38°00'00" W) Two Hundred Thirty-one Feet (231.00') to a point, thence South Eighty-eight Degrees Eight Minutes Zero Seconds West (S 88°08'00" W) One Thousand Four Hundred Eighty-eight Feet (1,488.00') to a point, said point being the point the place of beginning, containing 66.2 Acres ±.

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

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



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

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

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



eight One-Hundredths Feet (21.78') to a point, thence South Eighty-nine Degrees Zero Minutes Zero Seconds West (S 89°00'00" W) One Thousand Six Hundred Sixty-six and Fifty One- Hundredths Feet (1,666.50') to a point, thence North Thirty-eight Degrees Zero Minutes Zero Seconds West (N 38°00'00" W) Two Hundred Thirty-one Feet (231.00') to a point, thence South Eighty-eight Degrees Eight Minutes Zero Seconds West (S 88°08'00" W) One Thousand Four Hundred Eighty-eight Feet (1,488.00') to a point, said point being the point the place of beginning, containing 66.2 Acres ±.

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

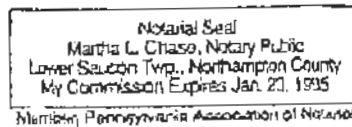
All of which is more fully shown upon the map or plan entitled "PLAN SHOWING SCENIC & CONSERVATION EASEMENT IN LOWER SAUCON TOWNSHIP OWNED BY THE CITY OF BETHLEHEM (FORMERLY HELMS PROPERTY) STEVEN W. DESALVA - CITY ENGINEER SCALE 1" = 800' JUNE 28, 1993 EXHIBIT "3", a copy of which is on file in the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

COMMONWEALTH OF PENNSYLVANIA )  
 : SS:  
COUNTY OF )

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

WITNESS my hand and official seal.

Martha L. Chase



COMMONWEALTH OF PENNSYLVANIA )  
 : SS:  
COUNTY OF NORTHAMPTON )

On this 10<sup>th</sup> day of November, 1993, before me,  
Cynthia A. Schick, the undersigned officer, personally appeared  
KENNETH R. SMITH, Mayor of the City of Bethlehem, Pennsylvania,  
known to me to be the person described in the foregoing  
instrument, and acknowledged that he executed the same in his  
official capacity therein stated and for the purposes therein  
contained.

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

Cynthia A. Schick

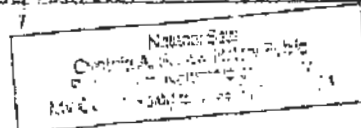









Exhibit "D"





**Legend**

-  Existing Landfill
-  Landfill Expansion
-  Proposed Impacted Area
-  Existing Areas with Restrictive Covenants Prohibiting Landfill Activities
-  Proposed Conservation Easement Area
-  Approx. Limit of Carbonate Geology
-  Redington Historic District

**Bethlehem Landfill Composite Exhibit**  
 Lower Saucon Township - Northampton County, PA

Scale: NTS  
 Source: Google EarthPro 10-14-2022  
 TCA: 2-27-2023

▲  
N

Exhibit "E"

LOWER SAUCON TOWNSHIP  
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 2023-05

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 THE ZONING DESIGNATION OF APPROXIMATELY 275.70 ACRES OF LAND (SEVEN (7) NORTHAMPTON COUNTY TAX MAP PARCELS) FROM A RURAL AGRICULTURAL (RA) ZONING DESIGNATION TO A LIGHT INDUSTRIAL (LI) ZONING DESIGNATION, THE IDENTIFIED ACREAGE BEING LOCATED IN THE NORTHERN GEOGRAPHICAL AREA OF THE TOWNSHIP (IN THE VICINITY OF THE BETHLEHEM LANDFILL LOCATED AT 2335 APPLEBUTTER ROAD) TO THE NORTH OF APPLEBUTTER ROAD, EAST AND SOUTHEAST OF THE VILLAGE KNOWN AS STEEL CITY, SOUTH OF THE LEHIGH RIVER, AND WEST AND SOUTHWEST OF REDINGTON ROAD; REVISING SECTION 180-79.A(2) AND APPENDIX "A" TO ADD THE "LANDFILLS AND WASTE DISPOSAL FACILITIES" USES TO THE LIST OF PERMITTED USES IN THE LIGHT INDUSTRIAL (LI) ZONING DISTRICT; REVISING SECTION 180-80.B AND APPENDIX "A" TO REMOVE THE "LANDFILLS AND WASTE DISPOSAL FACILITIES" USES FROM THE LIST OF USES REQUIRING SPECIAL EXCEPTION APPROVAL; REVISING SECTIONS 180-101 AND 180-109.F AND APPENDIX "A" TO EXEMPT THE "LANDFILLS AND WASTE DISPOSAL FACILITIES" USES 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 180-109.G TO PROVIDE FOR A NATURAL RESOURCE MITIGATION ALTERNATIVE IN THE LIGHT INDUSTRIAL (LI) DISTRICT; AND REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THE PROVISIONS CONTAINED HEREIN.

**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 increase the size of the Light Industrial (I.I) Zoning District; to allow landfill and waste disposal uses/facilities as a permitted use in the Light Industrial (LI) Zoning District instead of requiring special exception approval; to exempt landfills and waste disposal uses/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 to create a natural resource mitigation alternative for industrial users proposing to exceed the otherwise permitted disturbance of natural resources in the Light Industrial (LI) Zoning 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, approximately 275.70 acres of land are being changed from Rural Agricultural (RA) to Light Industrial (LI). The identified acreage consists of seven (7) Northampton County Tax Map Parcels which are listed on Exhibit "B", attached hereto and incorporated herein by reference. The identified acreage is located in the northern geographical area of the Township (in the vicinity of the Bethlehem Landfill located at 2335 Applebutter Road) to the north of Applebutter Road, east and southeast of the village known as Steel City, south of the Lehigh River, and west and southwest of Redington Road. The Township Manager is directed to update the Zoning



Map to change the seven (7) parcels shown on Exhibits "A" and "B" from Rural Agricultural (RA) to Light Industrial (LI), as reflected on Exhibit "C", attached hereto and incorporated herein by reference.

**Section 2. Amendment to Chapter 180 (Zoning), Section 180-79 (Permitted uses), Subsection A(2) (Industrial uses) and Appendix "A" (Permitted, Conditional and Special Exception Land Uses).**

Chapter 180, Section 180-79.A(2) of the Code is amended to add a new Subsection (g) as follows:

"(g) Landfills and waste disposal facilities (see §180-109)."

Chapter 180, Appendix "A" of the Code is amended to replace the "S" in the LI column for "Landfills and waste disposal facilities" with a "P".

**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 (Industrial uses), Subsection F (Additional requirements applying to extraction and processing of natural resources, landfills and waste disposal facilities and waste transfer and recycling facilities) and Appendix "A" (Permitted, Conditional and Special Exception Land Uses).**

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 or any other Article or provision contained in Chapter 180."

Chapter 180, Appendix "A" of the Code is amended to remove the "X" in the Site Plan column for "Landfills and waste disposal facilities" and replace it with an asterisk ("\*"). Appendix "A" is further amended by adding the following language to the "NOTES" section below Note 5: "\* See Section 180-109.F(1)".

**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 exempt from the natural resource protection rates in Section 180-95.B and be permitted 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 considered for dedication to the Township.
- (7) If the Applicant demonstrates that, after a good faith effort, it was unable to obtain, on commercially reasonable terms and conditions, 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 145-51.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 180-109.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.**

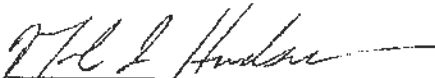
All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

**Section 10. Effective Date.**

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

**ENACTED** and **ORDAINED** this 30 day of August, 2023.

ATTEST:

  
Mark L. Hudson  
Township Manager

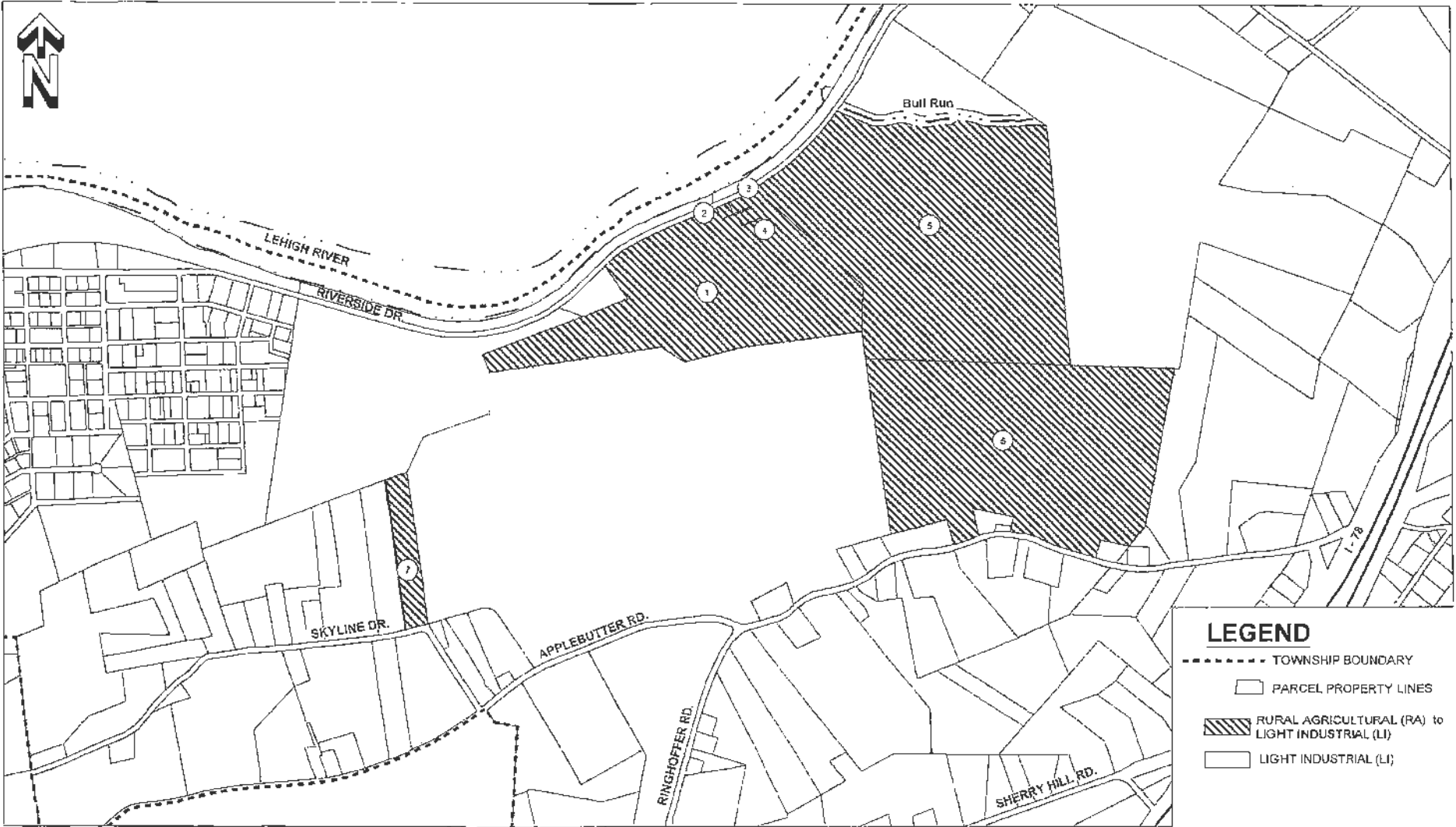
LOWER SAUCON TOWNSHIP

  
Jason Banonis  
Council President

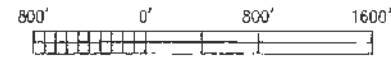
Exhibit "A" – Map Amendment (2023), showing parcels proposed to be changed from RA to LI

Exhibit "B" – List of Parcels for Proposed Map Change (2023), listing parcels proposed to be changed from RA to LI

Exhibit "C" – Map Amendment (2023), map showing adopted changes to official Zoning Map



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



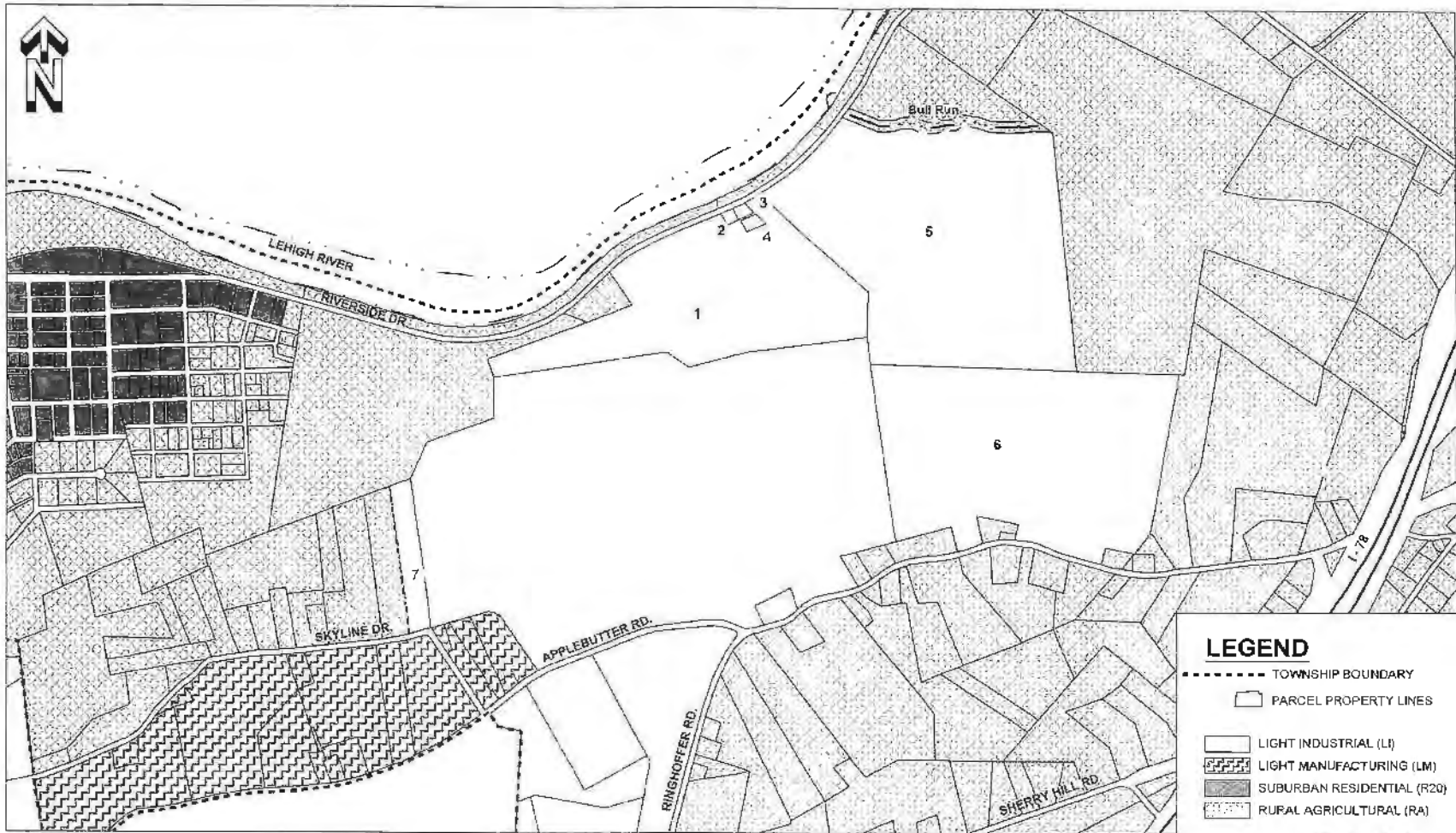
**Map Amendment (2023) - Exhibit A**  
**Proposed Zoning Map Change - Rural Agricultural (RA) to Light Industrial (LI) (Parcels 1-7\*)**

\* see list of parcels on Exhibit B

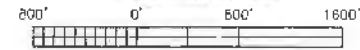
**Exhibit B - List of Parcels for Proposed Map Change (2023)**

NO.	NORTHAMPTON COUNTY TAX MAP PARCEL NUMBER	LOCATION / STREET ADDRESS	ACRES
1	N8 14 1 0719E	RIVERSIDE DRIVE	60.60
2	N8 14 1A 0719	2390 RIVERSIDE DRIVE	0.30
3	N8 14 1B 0719	2396 RIVERSIDE DRIVE	0.50
4	N8 14 1B 0719	2396 RIVERSIDE DRIVE	0.50
5	N8 14 2 0719E	RIVERSIDE DRIVE	118.70
6	N8 14 15 0719	APPLEBUTTER ROAD	89.30
7	P7 5 33 0710 (portion of)	APPLEBUTTER ROAD	5.80

APPROXIMATE TOTAL:	275.70
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NOTE:  
 PARCEL DATA FROM COUNTY OF NORTHAMPTON (GIS DATA)  
 ZONING DATA FROM LOWEN SAUCON TOWNSHIP.



## Map Amendment (2023) - Exhibit C

**Exhibit B - List of Parcels for Proposed Map Change (2023)**

NO.	NORTHAMPTON COUNTY TAX MAP PARCEL NUMBER	LOCATION / STREET ADDRESS	ACRES
1	N8 14 1 0719E	RIVERSIDE DRIVE	60.60
2	N8 14 1A 071B	2390 RIVERSIDE DRIVE	0.30
3	N8 14 1B 071B	2396 RIVERSIDE DRIVE	0.50
4	N8 14 1B 071B	2396 RIVERSIDE DRIVE	0.50
5	N8 14 2 0719E	RIVERSIDE DRIVE	118.70
6	N8 14 15 071B	APPLEBUTTER ROAD	89.30
7	P7 5 33 071B (portion of)	APPLEBUTTER ROAD	5.80

APPROXIMATE TOTAL:	275.70
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**Exhibit "F"**

