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February 23, 2023

Lower Saucon Township  
Attn: Mr. Mark Hudson, Manager  
3700 Old Philadelphia Pike  
Bethlehem, PA 18015-5426

RE: Bethlehem Landfill Company (BLC)  
Phase V Expansion  
Conditional Use Application  
Response Letter  
LST Project #CU 01-23  
Our file: b/1162.6/RL01242023

Dear Mr. Hudson:

Please accept the following responses to the Township Engineer, Hanover Engineering, comment letter dated January 24, 2023 on behalf of Bethlehem Landfill Company regarding the above referenced plan. Following are BLC's responses which are highlighted in **bold** for ease of reference.

**A. ZONING ORDINANCE – CHAPTER 180**

1. Sections 180-12.1.C and D – The governing body shall grant a conditional use only if it finds adequate evidence that any proposed development submitted will meet all the general requirements of Section 180-12.1.C, as well as any specific requirements and standards in Section 180-12.1.D for the proposed use. The Project Narrative in the Conditional Use Application states the Phase V Expansion as proposed meets the requirements and standards of Sections 180-12.1.C and D, and the Applicant will provide testimony on all these points at the Conditional Use Hearing.

**BLC will provide testimony at the Conditional Use Hearing. No revision made or required to the Conditional Use Application.**

2. Section 180-16 – The following comments regarding the zoning district boundaries shall be satisfactorily addressed
  - a. The LI and RA zoning district boundaries at the southeast corner of the site and around the Pichel property along Applebutter Road shown on the Plans shall be checked and revised accordingly, as the zoning district boundaries

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shown are not consistent with the Zoning Map amendments of Ordinance No. 2022-02.

**Plan Sheets 1, 2 and 10 on Exhibit A of the Project Narrative have been revised to correctly delineate the zoning boundary to include the Pichel Property located in the LI District and the two (2) triangular parcels at the southeast corner of the project as located in the RA District.**

**In addition, please note that the to be consolidated Lot has been revised to exclude the two (2) triangular parcels fronting Applebutter Road which are zoned RA. As such, the to be consolidated Lot acreage has been revised to 503.4595 acres as shown on the updated Plan Sheets within Exhibit A of the Project Narrative.**

- b. The LI/RA zoning district boundary along the Bull Run shall be clearly labeled/identified in the plan view on the Conditional Use Development Plan, Sheet 10 of 12.

**Plan Sheet 10 on Exhibit A of the Project Narrative has been revised to more clearly depict the zoning boundary along Bull Run.**

3. Section 180-23 – The building setback lines within the RA zoned portion of the site (northerly portion) shall be identified on the Plans.

**The entire RA zoned area north of Bull Run will be subject to a proposed conservation easement. The conservation easement as proposed will prohibit any development, including buildings and structures, within these areas. Because the conservation easement is more restrictive than the building setback required by the Ordinance, only the conservation easement is depicted on the plans.**

4. Section 180-79.1.B – Landfills and Waste Disposal Facilities may be permitted when authorized as a conditional use by the Township Council.

**Acknowledged. No revision to the application required in response to this comment.**

5. Section 180-83.B – Special side or rear yards shall be required for any LI zoned property abutting any residentially zoned land. These yards shall be a minimum of 75 feet. This yard shall contain a planting screen, as specified in Section 180-97.A and B. These special side and rear yards shall be shown in the plan views.

**Plan Sheets 2 and 10 on Exhibit A of the Project Narrative have been revised to identify the 75' special side and rear yards. BLC proposes to utilize existing undisturbed vegetation for the planting screen within the special rear and side yards. In the areas of the proposed conservation easement, the 75' special side and rear yards are not depicted on the plan since the conservation**

**easement as proposed will prohibit any development including buildings and structures in these areas.**

6. Section 180-92.A – Where a street has a required right-of-way greater than that existing, the required front yard of a lot shall be measured from the required right-of-way line. The required right-of-way line and front yard setback along Riverside Drive shall be clearly identified on the Plans.

**Plan Sheets 2, 3, 7, 8, 9 and 10 on Exhibit A of the Project Narrative have been revised to expand the reserved dedicated right-of-way for Riverside Drive from 25 feet to 30 feet, in response to communications with the Township Engineer in which he determined Riverside Drive to be a Collector Street. This revision to the right-of-way required revision to the Environmental Protection Analysis detailed on Plan Sheet 7.**

7. Section 180-93 – Under the Maximum Height of the Site Data on Sheet 10 of 12, it states “No Building Proposed;” however, the plan view specifies alternate scale house and truck wash locations. Clarification is requested.

**Exhibit A Plan Sheet 10 of the Project Narrative has been revised to remove the reference to “No Proposed Buildings.” A notation has been added stating the alternate scale house and truck wash facility will not exceed the maximum building height of 50’ as per the zoning ordinance.**

8. Sections 180-94 and 180-109.C.(1) – The Applicant shall indicate whether additional water and/or sanitary sewer service is required for the proposed expansion. If applicable, the Applicant shall identify the additional flows needed and document adequate service can be provided from the applicable utilities.

**The Phase V Expansion proposes no increase in water demand for the site. Water is provided to the site from Lower Saucon Authority. No new employees or water usage facilities are proposed for the Phase V Expansion thus, no new or additional water supply is required. It is anticipated the Phase V Expansion will increase sewage (leachate) flows from the site to the sewage system serving the Landfill for conveyance to the City of Bethlehem POTW. Upon full design of the expansion, any increased flows will be evaluated and, if necessary, an updated agreement with the City of Bethlehem will be entered into. We acknowledge as a condition of any approvals, BLC will be required to provide the Township evidence to document there is adequate sanitary sewer service for the Phase V Expansion.**

9. Sections 180-95.B.(5) and (6) – The following comments regarding the existing wetlands and streams shall be satisfactorily addressed
  - a. The area of Wetland J listed in the plan view on Sheet 7 of 12 shall be checked and revised accordingly, as we measure a smaller area.

**Exhibit A Plan Sheet 7 has been revised to identify the area of Wetland J depicted on Plan Sheet 7. This area as shown on Plan Sheet 7 is less than the delineated area of Wetland J due to existing rights-of-way as part of the site capacity calculations. Subsequently, the chart for calculating the allowable buildable area has been revised as well on Sheet 7 for the total Wetland area to be protected.**

- b. As noted in Riparian Corridor Buffer, Wetlands Floodplain Note 2 on the Cover Sheet, the USACE shall review and confirm the wetland delineation of Wetlands D through J. Additionally, the Applicant shall meet any DEP requirements regarding the proposed stream and wetland impacts.

**Acknowledged. As noted, the Wetlands and Waterways subject to proposed development will be reviewed with PADEP and USACE to confirm their delineation and any jurisdictional requirements with each regulatory agency. No revision to the application required.**

10. Section 185-19.B.(17)(b)[3] – The northern portion of the site is located within the Carbonate Geology Area of the Township, and the Applicant shall meet the requirements of this Section. We note the Plan identifies the approximate limits of carbonate geology and states the limits are to be confirmed by a site specific study and analysis.

**Acknowledged. No revision to the application required.**

11. Section 180-95.C.(2)(b) – The Woodlands and Steep Slopes >25% Required Reservation percentages listed in the Resource Protection calculation on Sheet 7 of 12 shall be revised to 80% and 85%, respectively, and the Required Resource Protection Area calculation shall be revised accordingly.

**Plan Sheet 7 of Exhibit A to the Project Narrative has been revised to correctly utilize the required protection rates for Woodlands and Steep Slopes >25% of 80% and 85% respectively. This resulted in a change to the allowable buildable area outlined on the table on Sheet 7 and, therefore, required revision to the excess utilization acreage calculated under site capacity on Plan Sheet 7.**

12. Section 180-96.D – We note the noise level measurements listed in Table #1 on Sheet 12 of 12 were taken in January 2001.

**Noise level measurements were performed on February 15, 2023 at the Bethlehem Landfill consistent with the parameters outlined in the previous study performed in 2001. We have revised Plan Sheet 12 on Exhibit A of the Project Narrative to include the data collected. The data collected is generally consistent with the 2001 analysis.**

13. Section 180-98.A.(2) – A traffic impact study shall be required for all uses which will generate 250 trips per day or more. (Ingress is one trip and egress is one trip). The Applicant states the landfill average daily volume (ADV), maximum daily volume (MDV) and days/hours of operation will not change with the Phase V Expansion and the vehicle trips to and from the site related to the Phase V Expansion will be substantially similar to those generated by current operations.

**BLC will provide a Traffic Study and Testimony at the Conditional Use Hearing. No revisions to the application required.**

14. Section 180-98.B – The Applicant shall submit the proposed Phase V Expansion Plans to PennDOT to determine whether the existing PennDOT Highway Occupancy Permit (HOP) for the existing site driveway to Applebutter Road is sufficient for the proposed expansion.

**BLC has communicated with PennDOT regarding the existing PennDOT HOP for the existing site driveway as to its adequacy for the Phase V Expansion. We are awaiting a response from PennDOT and acknowledge providing the Township evidence as to the adequacy of the existing access a condition of any approval.**

15. Section 180-98.C.(1) – A required and existing/proposed off-street parking tabulation for the existing and proposed uses shall be provided on the Plans. A note on Sheet 10 of 12 states no proposed parking areas or modifications to existing parking areas are proposed.

**The Phase V expansion proposes no new off-street parking areas or modification to any existing off-street parking areas. Sheet 10 of Exhibit A to the Project Narrative has been revised to include language to show compliance with the ordinance relating to required parking spaces per employees both for the Recycled Natural Gas operations and Landfill operations within the to be consolidated lot.**

16. Sections 180-109.B and 180-109.F.(2)(a) – The following information shall be included in the project narrative.
- a. The contact person for the development and operation phases of the facility shall be identified.

**The application Project Narrative has been revised to include a contact person for the development and operation of the Phase V Expansion. Exhibit A Plan Sheet 1 has also been revised to include a contact name and phone number under Owner/Applicant for Bethlehem Landfill Company.**

- b. Procedures for emergencies, hazards and accidents shall be provided.

**The Project Narrative of the application has been revised to include the current PPC Plan for the facility as Exhibit B to the Project Narrative.**

- c. The estimated length of economic life of the facility shall be identified.

**The estimated life of the Phase V expansion has been included within the revised Project Narrative of the Application being 20-30 years of life based upon current permitted average and maximum waste disposal volumes.**

- d. A status of the permitting process with other agencies, state and federal, shall be provided.

**The Project Narrative has been revised within the Application to note the multiple permits that will be required from various agencies including PADEP, US Army Corps of Engineers, Lehigh Valley Planning Commission (Stormwater) and others, and that these permits will be applied for after the requested conditional use approval has been obtained.**

- e. The ultimate use and ownership of the site after completion of disposal shall be provided.

**The Project Narrative has been revised in the Application to provide reference to a Closure Plan as required by PADEP as part of the PADEP Solid Waste Permit Application. The Closure Plan will identify any use and ground cover in detail upon closure or cessation of waste acceptance.**

- f. The restoration ground cover shall be identified.

**The Project Narrative has been revised in the Application to provide reference to a Closure Plan as required by PADEP as part of the PADEP Solid Waste Permit Application. The Closure Plan will identify any use and ground cover in detail upon closure or cessation of waste acceptance.**

17. Section 180-109.D.(3) – Site Data notes state no building are proposed; however, alternate scale house and truck wash locations are shown on the Plans. Clarification is requested.

**The reference to No Buildings proposed on Plan Sheet 10 of Exhibit A of the Project Narrative has been removed and the alternate scale house and truck wash facility identified as possible buildings proposed as part of the Phase V Expansion. These alternate locations would replace the existing scale house and truck wash facility.**

18. Section 180-109.D.(4) – The Site Data lists a proposed impervious area of 6.75 acres. Due to the small scale of the Plan and lack of detail of proposed improvements, we could not verify the proposed and total impervious area.

**The Phase V Expansion proposes limited impervious area (rooftop and roads) totaling 6.75 acres. Further detailed analysis will be performed as part of the required Land Development Application, which will include a full Stormwater Management Plan for the Project. No revision to the Application required.**

19. Sections 180-109.F.(3)(a) and 180-109.C.(2) – An earthen berm shall be placed no closer than 50 feet to all adjacent uses around the perimeter of a landfill or waste disposal facility and buffer yards and screening shall be provided. The Applicant requests that Township Council determine that the existing features serve as an acceptable substitute for the required berms, screening, and buffers. Supplemental plantings may be required as a condition of the Conditional Use approval.

**BLC seeks relief of the earthen berm requirements outlined in the Zoning Ordinance as noted in the Project Narrative and Plans. No Application revision required.**

20. Section 180-109.F.(3)(a) – No landfill or waste disposal facility activities shall be conducted less than 100 feet from a property boundary line. This required setback shall be clearly identified on the Plans.

**The 100 foot landfill activity setback is identified on Plan Sheet 10 within Exhibit A to the Project Narrative. In the areas where a conservation easement is proposed, the more restrictive conservation easement is identified since the conservation easement is 125 feet to the property at its closest point and the proposed conservation easement will prohibit landfill activity.**

21. Section 180-109.F.(3)(a) – No landfill or waste disposal facility activities shall be conducted within 100 feet of the bank of any stream. Two (2) existing streams are located within the Phase V Expansion limit of disposal. Please note easements are proposed for these streams on Sheet 2.

**Two (2) waterways with drainage areas less than 100 acres have been identified within the proposed disposal footprint. These waterways are segmental and disconnected from Bull Run and the Lehigh River. Given this disconnection and the limited drainage area to both stream segments, we believe the subject waterways are not jurisdictional or waters regulated by the Commonwealth. However, a first step as noted on Plan Sheet #1 of Exhibit A to the project narrative, BLC proposes to formally file for a jurisdictional determination with both USACE and PADEP. If either regulatory agency takes jurisdiction, then appropriate permits will be obtained to allow for the removal of the waterways. If no agency takes jurisdiction, then no permit for removal is required.**

**In either event, jurisdictional or non-jurisdictional, the waterways will be removed to allow for development of the Phase V disposal footprint as depicted on the plans.**

**BLC acknowledges any approval would be conditioned upon providing the Township evidence of a permit for removal of the waterway.**

22. Section 180-109.G – The following comments regarding the proposed Natural Resource Mitigation Alternative shall be satisfactorily addressed:

- a. The Applicant requests that Lower Saucon Township provide written approval for Bethlehem Landfill Company 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 (“Excess Resource Utilization”).

**Noted, no revision to the application required.**

- b. We note the Proposed Buildable Site Area listed on the Plans is the total proposed limit of disposal and does not include the existing and proposed landfill improvements located outside the limit of disposal. The Proposed Buildable Site Area shall be further discussed and clarified with the Township as the Applicant finalizes the landfill expansion design and during the land development plan review process.

**Based upon conversations with the Township engineer, Plan Sheet 7 of Exhibit A to the Project Narrative has been revised to recalculate the excess resource utilization to include the total area of development (180.50 acres) associated with Phase V Expansion on the new parcels.**

- c. The Applicant shall dedicate to the Township for preservation an amount of land equal to the Excess Resource Utilization. In the event that the Applicant demonstrates to the satisfaction of the Township Council, that it was unable to obtain any or enough property for dedication pursuant to this Section, the Applicant may meet the requirements of this Section 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. The Applicant shall demonstrate and make the required dedication and/or fee-in-lieu of dedication payment prior to final land development approved by the Township Council.

**Noted, no revision to the application required.**



**B. GENERAL COMMENTS**

1. As referenced in Notes 1 and 2 on Sheet 2 of 12, the site contains an existing “Woodlands Protection Easement” and “Scenic and Conservation Easements” which prohibit landfill activities. The Applicant is requesting Lower Saucon Township to release/terminate these easements.

**BLC proposes that said release/termination be a condition of the requested Conditional Use Approval. No revisions to application required.**

2. The following items pertaining to the development and operation of the site shall be identified during the land development plan review process:
  - a. The final grading by contours, in two-foot intervals, shall be specified on the Plans.
  - b. The methods of disposing of drainage and excess water accumulated during the course of operation shall be specified on the Plans.
  - c. All proposed landscaping, buffering, embankment height, methods of drainage and erosion control shall be specified on the Plans.
  - d. A copy of all Department of Environmental Protection and other applicable agencies’ permit information, including but not limited to applications, review comments, terms, and conditions of permits, shall be provided.
  - e. All proposals for groundwater monitoring, testing and environmental protection shall be specified.

**BLC acknowledges the requirement for items outlined in comments 2.a-e to be incorporated within a future Land Development Plan Application to be filed with Lower Saucon Township or provided in conjunction with said Application.**

In the event any questions arise concerning this correspondence or project in general, please don’t hesitate to contact this office at your convenience.

Very truly yours,  
**MARTIN AND MARTIN, INCORPORATED**

  
Joseph M. McDowell, P.E.