

PUBLIC NOTICE
CURATIVE AMENDMENT TO ZONING ORDINANCE

Notice is hereby provided pursuant to Sections 610 and 916.1 of the Pennsylvania Municipalities Planning Code (“MPC”), 53 P.S. §§ 10610 and 10916.1, that the Board of Supervisors of the Township of Upper Saucon (“Supervisors”) will hold a public hearing on Tuesday, October 29, 2019, commencing at 6:30 pm in the auditorium at the Southern Lehigh Middle School, 3715 Preston Lane, Center Valley, Pennsylvania. The purpose of the hearing will be to take testimony and receive evidence in connection with an application filed by Kay Lehigh, LLC (“Applicant”), claiming that the Upper Saucon Township Zoning Ordinance (“Ordinance”) is exclusionary, arbitrary and unduly restrictive and confiscatory as it relates to “warehousing” (“Application”). The specific Ordinance Section at issue is Sub-section 484.E.

Sub-section 484.E relates to “Truck or Motor Freight Terminals” and reads:

The subject property shall be located no closer than five hundred feet (500') from any (OSR, R-1, R-2, R-3 and AQC) Zone and/or property containing a school, day-care facility, park, playground, library, hospital, nursing, rest or retirement home, or medical residential campus.

The property which is the subject of the Application is located on the eastern side of Route 309, south of its intersection with Center Valley Parkway. The property is identified by the following PINs: 641570334543-1, 641469756846-1, 641479112072-1 and 641479326044-1; contains approximately 119.23 acres and is zoned part Industrial and part Commercial. The property also has an Age Qualified Community Overlay.

Based upon its claim that the Ordinance is invalid, the Applicant has filed a curative amendment (“Amendment”) pursuant to Sections 609.1 and 916.1 of the MPC. The Amendment is titled:

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF
UPPER SAUCON TOWNSHIP, COUNTY OF LEHIGH,
COMMONWEALTH OF PENNSYLVANIA TO AMEND THE
CODE OF ORDINANCES BY AMENDING THE TEXT OF THE
‘UPPER SAUCON TOWNSHIP ZONING ORDINANCE’ TO
REMOVE A CERTAIN IMPEDIMENT TO LOCATING TRUCK
OR MOTOR FREIGHT TERMINALS IN THE TOWNSHIP

The Amendment proposes to eliminate Sub-section 484.E in its entirety.

The Amendment and supporting documents may be examined at the Upper Saucon Township municipal building located at 5500 Camp Meeting Road, Center Valley, Pennsylvania, during normal business hours, Monday through Friday, from 8:00 a.m. to 4:30 p.m. In addition, pursuant to Section 610 of the MPC, 53 P.S. § 10610, attested copies of the proposed Amendment and supporting documents have been filed in the Lehigh County Department of Law (Lehigh County Government Center, 17 S. 7th Street, Allentown, PA) and at The Morning Call newspaper.

**UPPER SAUCON TOWNSHIP
BOARD OF SUPERVISORS
DENNIS BENNER, CHAIRMAN**

**PUBLIC NOTICE
CURATIVE AMENDMENT TO ZONING
ORDINANCE**

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UPPER SAUCON TOWNSHIP
BOARD OF SUPERVISORS
DENNIS BENNER, CHAIRMAN
#6472910 — 10/15, 10/22/19

**PUBLIC NOTICE
CURATIVE AMENDMENT TO ZONING
ORDINANCE**

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UPPER SAUCON TOWNSHIP
BOARD OF SUPERVISORS
DENNIS BENNER, CHAIRMAN
#6472910 — 10/15, 10/22/19

EXHIBIT

tabbies

T-25



Upper Saucon Township
Zoning Hearing Board
5500 Camp Meeting Road
Center Valley, PA 18034
(610) 282-1171

AFFIDAVIT OF POSTING

I, Trent Sear, Zoning Officer of Upper Saucon Township, being duly authorized, do hereby declare that on the 22nd day of October, 2019, posted one copy of the attached notice for the Application of Kay/Lehigh UC on the property located at

See below

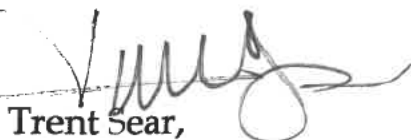
Location Address

4728 E. VALLEY RD.
4557 ROUTE 309
4677 ROUTE 309
4691 ROUTE 309

Parcel No.

6415 7033 45431
6414 6975 6846
6414 7911 70721
6414 6975 60441

Signed:


Trent Sear,

Zoning Officer



#10



#2



#9

#1

SIGNS POSTED 10/02/19

#6



#8



#5



#7

SIGNS POSTED
10/22/19

#4



#3

SIGNS POSTED 10/22/19



Map Title Goes Here



PUBLIC NOTICE

PUBLIC NOTICE CURATIVE AMENDMENT TO ZONING ORDINANCE

Notice is hereby provided pursuant to Sections 610 and 916.1 of the Pennsylvania Municipalities Planning Code ("MPC"), 53 P.S. §§ 10610 and 10916.1, that the Board of Supervisors of the Township of Upper Saucon ("Supervisors") will continue a public hearing on Tuesday, October 29, 2019, commencing at 6:30 pm in the auditorium at the Southern Lehigh Middle School, 3715 Preston Lane, Center Valley, Pennsylvania. The purpose of the hearing will be to take testimony and receive evidence in connection with an application filed by Kay Lehigh, LLC ("Applicant"), claiming that the Upper Saucon Township Zoning Ordinance ("Ordinance") is exclusionary, arbitrary and unduly restrictive and confiscatory as it relates to "warehousing" ("Application"). The specific Ordinance Section at issue is Sub-section 484.E.

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**UPPER SAUCON TOWNSHIP
BOARD OF SUPERVISORS
DENNIS BENNER, CHAIRMAN**

UPPER SAUCON TOWNSHIP

Notification List
Kay Lehigh LLC – Curative Amendment Hearing on October 29, 2019

A copy of the public notice for the October 29, 2019 Kay Lehigh Curative Amendment Hearing is attached hereto, made a part hereof and identified as Attachment 1.

On 10-9-2019 , paper public notices were sent via US mail to the following addresses:

- Rick Koze, [REDACTED] Allentown, PA 18106
- Mark Ironside, [REDACTED] Bethlehem, PA 18105
- James F. Preston, [REDACTED], Bethlehem, PA 18018
- Matthew N. McClure, [REDACTED] Philadelphia, PA 19103-7599
- John Tiemann, [REDACTED] Center Valley, PA 18034

On 10-9-2019 , electronic public notices were sent to the following email addresses:

Email address: [REDACTED]
Intended recipient: Ryan F. Holmes

Email address: [REDACTED]
Intended recipient: James Zawick

Email address: [REDACTED]
Intended recipient: Mr. & Mrs. Dale Howe

Email address: [REDACTED]
Intended recipient: Bobbie Schwendeman

Email address: [REDACTED]
Intended recipient: Elaine Lorenzi

Email address: [REDACTED]
Intended recipient: Jack and Judy Worsley

Email address: [REDACTED]
Intended recipient: Marc Rosenberg

Email address: [REDACTED]
Intended recipient: Susan Dennis

Email address: [REDACTED]
Intended recipient: Samantha Ciotti Falcone

Email address: [REDACTED]
Intended recipient: Mike Lovett



Email address: [REDACTED]

Intended recipient: Richard Brooks

Email address: [REDACTED]

Intended recipient: Jim Depetris

Email address: [REDACTED]

Intended recipient: Erin Kintzer

Email address: [REDACTED]

Intended recipient: Glenn Doell

Email address: [REDACTED]

Intended recipient: Steve Goudsouzian

Email address: [REDACTED]

Intended recipient: Prem N. Mehta

Email address: [REDACTED]

Intended recipient: Rick Koze

Email address: [REDACTED]

Intended recipient: Mark Ironside

Email address: [REDACTED]

Intended recipient: James F. Preston

Email address: [REDACTED]

Intended recipient: Matthew N. McClure

Email address: [REDACTED]

Intended recipient: Renee D'Amico

Email address: [REDACTED]

Intended recipient: Joan Slota

Email address: [REDACTED]


Intended recipient: Mary Rita Goodman

Email address: [REDACTED]

Intended recipient: Ravi Sidhu

Email address: [REDACTED]

Intended recipient: John Owen



Thomas F. Beil, Township Secretary

UPPER
SAUCON
TOWNSHIP

5500 Camp Meeting Road
Center Valley, Pennsylvania 18034-9444



US POSTAGE

\$00.50⁹

First-Class

Mailed From 18034

10/09/2019

032A 0061817268

RICK KOZE

SUITE 10

ALLENTOWN, PA 18106

UPPER
SAUCON
TOWNSHIP

5500 Camp Meeting Road
Center Valley, Pennsylvania 18034-9444



US POSTAGE

\$00.50⁹

First-Class

Mailed From 18034

10/09/2019

032A 0061817268

MARK IRONSIDE

SUITE 428

BETHLEHEM, PA 18105

UPPER
SAUCON
TOWNSHIP

5500 Camp Meeting Road
Center Valley, Pennsylvania 18034-9444



US POSTAGE
\$00.50⁹

First-Class

Mailed From 18034

10/09/2019

032A 0061817268

JAMES PRESTON, ESQUIRE



BETHLEHEM, PA 18018

UPPER
SAUCON
TOWNSHIP

5500 Camp Meeting Road
Center Valley, Pennsylvania 18034-9444



US POSTAGE
\$00.50⁹

First-Class

Mailed From 18034

10/09/2019

032A 0061817268

MATTHEW N. MCCLURE



51ST FLOOR

PHILADELPHIA, PA 19103-7599

UPPER
SAUCON
TOWNSHIP

5500 Camp Meeting Road
Center Valley, Pennsylvania 18034-9444



US POSTAGE

\$00.50⁹

First-Class

Mailed From 18034

10/09/2019

032A 0061817268

JOHN TIEMANN



CENTER VALLEY, PA 18034

Sandra Diacogiannis

From: Sandra Diacogiannis
Sent: Wednesday, October 9, 2019 8:32 AM
To: Ryan F. Holmes [REDACTED]
Cc: Thomas Beil
Subject: PUBLIC NOTICE - KAY LEHIGH, LLC - CURATIVE AMENDMENT HEARING - 10-29-19
Attachments: Public Notice - Curative Amendment Hearing on 10-29-19.docx

Mr. Holmes: The attached Public Notice is for your information. The meeting will be held on October 29, 2019 at the Southern Lehigh Middle School Auditorium at 6:30 pm.

Thank you.

Sandy Diacogiannis
Admin. Secretary
Upper Saucon Twp.
610-282-1171, ext. 1222

A day without laughter is a day wasted. – Charlie Chaplin

Sandra Diacogiannis

From: Sandra Diacogiannis
Sent: Wednesday, October 9, 2019 8:35 AM
To: [REDACTED]
Cc: Thomas Beil
Subject: PUBLIC NOTICE - KAY LEHIGH, LLC - CURATIVE AMENDMENT HEARING - 10-29-19
Attachments: Public Notice - Curative Amendment Hearing on 10-29-19.docx

Mr. Zawick: The attached Public Notice is for your information. The meeting will be held on October 29, 2019 at the Southern Lehigh Middle School Auditorium at 6:30 pm.

Thank you.

Sandy Diacogiannis
Admin. Secretary
Upper Saucon Twp.
610-282-1171, ext. 1222

A day without laughter is a day wasted. – Charlie Chaplin

Sandra Diacogiannis

From: Sandra Diacogiannis
Sent: Wednesday, October 9, 2019 8:37 AM
To: [REDACTED]
Cc: Thomas Beil
Subject: PUBLIC NOTICE - KAY LEHIGH, LLC - CURATIVE AMENDMENT HEARING - 10-29-19
Attachments: Public Notice - Curative Amendment Hearing on 10-29-19.docx

Mr. & Mrs. Howe: The attached Public Notice is for your information. The meeting will be held on October 29, 2019 at the Southern Lehigh Middle School Auditorium at 6:30 pm.

Thank you.

Sandy Diacogiannis
Admin. Secretary
Upper Saucon Twp.
610-282-1171, ext. 1222

A day without laughter is a day wasted. – Charlie Chaplin

Sandra Diacogiannis

From: Sandra Diacogiannis
Sent: Wednesday, October 9, 2019 8:39 AM
To: [REDACTED]
Cc: Thomas Beil
Subject: PUBLIC NOTICE - KAY LEHIGH, LLC - CURATIVE AMENDMENT HEARING - 10-29-19
Attachments: Public Notice - Curative Amendment Hearing on 10-29-19.docx

Ms. Schwendeman: The attached Public Notice is for your information. The meeting will be held on October 29, 2019 at the Southern Lehigh Middle School Auditorium at 6:30 pm.

Thank you.

Sandy Diacogiannis
Admin. Secretary
Upper Saucon Twp.
610-282-1171, ext. 1222

A day without laughter is a day wasted. – Charlie Chaplin

Sandra Diacogiannis

From: Sandra Diacogiannis
Sent: Wednesday, October 9, 2019 8:41 AM
To: [REDACTED]
Cc: Thomas Bell
Subject: PUBLIC NOTICE - KAY LEHIGH, LLC - CURATIVE AMENDMENT HEARING - 10-29-19
Attachments: Public Notice - Curative Amendment Hearing on 10-29-19.docx

Ms. Lorenzi: The attached Public Notice is for your information. The meeting will be held on October 29, 2019 at the Southern Lehigh Middle School Auditorium at 6:30 pm.

Thank you.

Sandy Diacogiannis
Admin. Secretary
Upper Saucon Twp.
610-282-1171, ext. 1222

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Sandra Diacogiannis

From: Sandra Diacogiannis
Sent: Wednesday, October 9, 2019 8:42 AM
To: [REDACTED]
Cc: Thomas Beil
Subject: PUBLIC NOTICE - KAY LEHIGH, LLC - CURATIVE AMENDMENT HEARING - 10-29-19
Attachments: Public Notice - Curative Amendment Hearing on 10-29-19.docx

Mr. & Mrs. Worsley: The attached Public Notice is for your information. The meeting will be held on October 29, 2019 at the Southern Lehigh Middle School Auditorium at 6:30 pm.

Thank you.

Sandy Diacogiannis
Admin. Secretary
Upper Saucon Twp.
610-282-1171, ext. 1222

A day without laughter is a day wasted. – Charlie Chaplin

Sandra Diacogiannis

From: Sandra Diacogiannis
Sent: Wednesday, October 9, 2019 8:44 AM
To: Marc Rosenberg [REDACTED]
Cc: Thomas Beil
Subject: PUBLIC NOTICE - KAY LEHIGH, LLC - CURATIVE AMENDMENT HEARING - 10-29-19
Attachments: Public Notice - Curative Amendment Hearing on 10-29-19.docx

Mr. Rosenberg: The attached Public Notice is for your information. The meeting will be held on October 29, 2019 at the Southern Lehigh Middle School Auditorium at 6:30 pm.

Thank you.

Sandy Diacogiannis
Admin. Secretary
Upper Saucon Twp.
610-282-1171, ext. 1222

A day without laughter is a day wasted. – Charlie Chaplin

Sandra Diacogiannis

From: Sandra Diacogiannis
Sent: Wednesday, October 9, 2019 8:45 AM
To: [REDACTED]
Cc: Thomas Bell
Subject: PUBLIC NOTICE - KAY LEHIGH, LLC - CURATIVE AMENDMENT HEARING - 10-29-19
Attachments: Public Notice - Curative Amendment Hearing on 10-29-19.docx

Ms. Dennis: The attached Public Notice is for your information. The meeting will be held on October 29, 2019 at the Southern Lehigh Middle School Auditorium at 6:30 pm.

Thank you.

Sandy Diacogiannis
Admin. Secretary
Upper Saucon Twp.
610-282-1171, ext. 1222

A day without laughter is a day wasted. – Charlie Chaplin

Sandra Diacogiannis

From: Sandra Diacogiannis
Sent: Wednesday, October 9, 2019 8:47 AM
To: [REDACTED]
Cc: Thomas Beil
Subject: PUBLIC NOTICE - KAY LEHIGH, LLC - CURATIVE AMENDMENT HEARING - 10-29-19
Attachments: Public Notice - Curative Amendment Hearing on 10-29-19.docx

Ms. Falcone: The attached Public Notice is for your information. The meeting will be held on October 29, 2019 at the Southern Lehigh Middle School Auditorium at 6:30 pm.

Thank you.

Sandy Diacogiannis
Admin. Secretary
Upper Saucon Twp.
610-282-1171, ext. 1222

A day without laughter is a day wasted. – Charlie Chaplin

Sandra Diacogiannis

From: Sandra Diacogiannis
Sent: Wednesday, October 9, 2019 8:50 AM
To: [REDACTED]
Cc: Thomas Beil
Subject: PUBLIC NOTICE - KAY LEHIGH, LLC - CURATIVE AMENDMENT HEARING - 10-29-19
Attachments: Public Notice - Curative Amendment Hearing on 10-29-19.docx

Mr. Lovett: The attached Public Notice is for your information. The meeting will be held on October 29, 2019 at the Southern Lehigh Middle School Auditorium at 6:30 pm.

Thank you.

Sandy Diacogiannis
Admin. Secretary
Upper Saucon Twp.
610-282-1171, ext. 1222

A day without laughter is a day wasted. – Charlie Chaplin

Sandra Diacogiannis

From: Sandra Diacogiannis
Sent: Wednesday, October 9, 2019 8:52 AM
To: [REDACTED]
Cc: Thomas Beil
Subject: PUBLIC NOTICE - KAY LEHIGH, LLC - CURATIVE AMENDMENT HEARING - 10-29-19
Attachments: Public Notice - Curative Amendment Hearing on 10-29-19.docx

Mr. Brooks: The attached Public Notice is for your information. The meeting will be held on October 29, 2019 at the Southern Lehigh Middle School Auditorium at 6:30 pm.

Thank you.

Sandy Diacogiannis
Admin. Secretary
Upper Saucon Twp.
610-282-1171, ext. 1222

A day without laughter is a day wasted. – Charlie Chaplin

Sandra Diacogiannis

From: Sandra Diacogiannis
Sent: Wednesday, October 9, 2019 8:54 AM
To: [REDACTED]
Cc: Thomas Beil
Subject: PUBLIC NOTICE - KAY LEHIGH, LLC - CURATIVE AMENDMENT HEARING - 10-29-19
Attachments: Public Notice - Curative Amendment Hearing on 10-29-19.docx

Mr. Depetris: The attached Public Notice is for your information. The meeting will be held on October 29, 2019 at the Southern Lehigh Middle School Auditorium at 6:30 pm.

Thank you.

Sandy Diacogiannis
Admin. Secretary
Upper Saucon Twp.
610-282-1171, ext. 1222

A day without laughter is a day wasted. – Charlie Chaplin

Sandra Diacogiannis

From: Sandra Diacogiannis
Sent: Wednesday, October 9, 2019 8:56 AM
To: [REDACTED]
Cc: Thomas Beil
Subject: PUBLIC NOTICE - KAY LEHIGH, LLC - CURATIVE AMENDMENT HEARING - 10-29-19
Attachments: Public Notice - Curative Amendment Hearing on 10-29-19.docx

Ms. Kintzer: The attached Public Notice is for your information. The meeting will be held on October 29, 2019 at the Southern Lehigh Middle School Auditorium at 6:30 pm.

Thank you.

Sandy Diacogiannis
Admin. Secretary
Upper Saucon Twp.
610-282-1171, ext. 1222

A day without laughter is a day wasted. – Charlie Chaplin

Sandra Diacogiannis

From: Sandra Diacogiannis
Sent: Wednesday, October 9, 2019 8:57 AM
To: [REDACTED]
Cc: Thomas Beil
Subject: PUBLIC NOTICE - KAY LEHIGH, LLC - CURATIVE AMENDMENT HEARING - 10-29-19
Attachments: Public Notice - Curative Amendment Hearing on 10-29-19.docx

Mr. Doell: The attached Public Notice is for your information. The meeting will be held on October 29, 2019 at the Southern Lehigh Middle School Auditorium at 6:30 pm.

Thank you.

Sandy Diacogiannis
Admin. Secretary
Upper Saucon Twp.
610-282-1171, ext. 1222

A day without laughter is a day wasted. – Charlie Chaplin

Sandra Diacogiannis

From: Sandra Diacogiannis
Sent: Wednesday, October 9, 2019 8:59 AM
To: [REDACTED]
Cc: Thomas Beil
Subject: PUBLIC NOTICE - KAY LEHIGH, LLC - CURATIVE AMENDMENT HEARING - 10-29-19
Attachments: Public Notice - Curative Amendment Hearing on 10-29-19.docx

Mr. Goudsouzian: The attached Public Notice is for your information. The meeting will be held on October 29, 2019 at the Southern Lehigh Middle School Auditorium at 6:30 pm.

Thank you.

Sandy Diacogiannis
Admin. Secretary
Upper Saucon Twp.
610-282-1171, ext. 1222

A day without laughter is a day wasted. – Charlie Chaplin

Sandra Diacogiannis

From: Sandra Diacogiannis
Sent: Wednesday, October 9, 2019 9:01 AM
To: [REDACTED]
Cc: Thomas Beil
Subject: PUBLIC NOTICE - KAY LEHIGH, LLC - CURATIVE AMENDMENT HEARING - 10-29-19
Attachments: Public Notice - Curative Amendment Hearing on 10-29-19.docx

Mr. Mehta: The attached Public Notice is for your information. The meeting will be held on October 29, 2019 at the Southern Lehigh Middle School Auditorium at 6:30 pm.

Thank you.

Sandy Diacogiannis
Admin. Secretary
Upper Saucon Twp.
610-282-1171, ext. 1222

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Sandra Diacogiannis

From: Sandra Diacogiannis
Sent: Wednesday, October 9, 2019 9:03 AM
To: [REDACTED]
Cc: Thomas Beil
Subject: PUBLIC NOTICE - KAY LEHIGH, LLC - CURATIVE AMENDMENT HEARING - 10-29-19
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Mr. Koze: The attached Public Notice is for your information. The meeting will be held on October 29, 2019 at the Southern Lehigh Middle School Auditorium at 6:30 pm.

Thank you.

Sandy Diacogiannis
Admin. Secretary
Upper Saucon Twp.
610-282-1171, ext. 1222

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Sandra Diacogiannis

From: Sandra Diacogiannis
Sent: Wednesday, October 9, 2019 9:04 AM
To: [REDACTED]
Cc: Thomas Beil
Subject: PUBLIC NOTICE - KAY LEHIGH, LLC - CURATIVE AMENDMENT HEARING - 10-29-19
Attachments: Public Notice - Curative Amendment Hearing on 10-29-19.docx

Mr. Ironside: The attached Public Notice is for your information. The meeting will be held on October 29, 2019 at the Southern Lehigh Middle School Auditorium at 6:30 pm.

Thank you.

Sandy Diacogiannis
Admin. Secretary
Upper Saucon Twp.
610-282-1171, ext. 1222

A day without laughter is a day wasted. – Charlie Chaplin

Sandra Diacogiannis

From: Sandra Diacogiannis
Sent: Wednesday, October 9, 2019 9:06 AM
To: James F. Preston - Broughal & DeVito, LLP [REDACTED]
Cc: Thomas Beil
Subject: PUBLIC NOTICE - KAY LEHIGH, LLC - CURATIVE AMENDMENT HEARING - 10-29-19
Attachments: Public Notice - Curative Amendment Hearing on 10-29-19.docx

Mr. Preston: The attached Public Notice is for your information. The meeting will be held on October 29, 2019 at the Southern Lehigh Middle School Auditorium at 6:30 pm.

Thank you.

Sandy Diacogiannis
Admin. Secretary
Upper Saucon Twp.
610-282-1171, ext. 1222

A day without laughter is a day wasted. – Charlie Chaplin

Sandra Diacogiannis

From: Sandra Diacogiannis
Sent: Wednesday, October 9, 2019 9:07 AM
To: [REDACTED]
Cc: Thomas Beil
Subject: PUBLIC NOTICE - KAY LEHIGH, LLC - CURATIVE AMENDMENT HEARING - 10-29-19
Attachments: Public Notice - Curative Amendment Hearing on 10-29-19.docx

Mr. McClure: The attached Public Notice is for your information. The meeting will be held on October 29, 2019 at the Southern Lehigh Middle School Auditorium at 6:30 pm.

Thank you.

Sandy Diacogiannis
Admin. Secretary
Upper Saucon Twp.
610-282-1171, ext. 1222

A day without laughter is a day wasted. – Charlie Chaplin

Sandra Diacogiannis

From: Sandra Diacogiannis
Sent: Wednesday, October 9, 2019 9:09 AM
To: [REDACTED]
Cc: Thomas Beil
Subject: PUBLIC NOTICE - KAY LEHIGH, LLC - CURATIVE AMENDMENT HEARING - 10-29-19
Attachments: Public Notice - Curative Amendment Hearing on 10-29-19.docx

Ms. D'Amico: The attached Public Notice is for your information. The meeting will be held on October 29, 2019 at the Southern Lehigh Middle School Auditorium at 6:30 pm.

Thank you.

Sandy Diacogiannis
Admin. Secretary
Upper Saucon Twp.
610-282-1171, ext. 1222

A day without laughter is a day wasted. – Charlie Chaplin

Sandra Diacogiannis

From: Sandra Diacogiannis
Sent: Wednesday, October 9, 2019 9:11 AM
To: [REDACTED]
Cc: Thomas Beil
Subject: PUBLIC NOTICE - KAY LEHIGH, LLC - CURATIVE AMENDMENT HEARING - 10-29-19
Attachments: Public Notice - Curative Amendment Hearing on 10-29-19.docx

Ms. Slota: The attached Public Notice is for your information. The meeting will be held on October 29, 2019 at the Southern Lehigh Middle School Auditorium at 6:30 pm.

Thank you.

Sandy Diacogiannis
Admin. Secretary
Upper Saucon Twp.
610-282-1171, ext. 1222

A day without laughter is a day wasted. – Charlie Chaplin

Sandra Diacogiannis

From: Sandra Diacogiannis
Sent: Wednesday, October 9, 2019 9:13 AM
To: [REDACTED]
Cc: Thomas Bell
Subject: PUBLIC NOTICE - KAY LEHIGH, LLC - CURATIVE AMENDMENT HEARING - 10-29-19
Attachments: Public Notice - Curative Amendment Hearing on 10-29-19.docx

Ms. Goodman: The attached Public Notice is for your information. The meeting will be held on October 29, 2019 at the Southern Lehigh Middle School Auditorium at 6:30 pm.

Thank you.

Sandy Diacogiannis
Admin. Secretary
Upper Saucon Twp.
610-282-1171, ext. 1222

A day without laughter is a day wasted. – Charlie Chaplin

Sandra Diacogiannis

From: Sandra Diacogiannis
Sent: Wednesday, October 9, 2019 9:15 AM
To: [REDACTED]
Cc: Thomas Beil
Subject: PUBLIC NOTICE - KAY LEHIGH, LLC - CURATIVE AMENDMENT HEARING - 10-29-19
Attachments: Public Notice - Curative Amendment Hearing on 10-29-19.docx

Mr. Sidhu: The attached Public Notice is for your information. The meeting will be held on October 29, 2019 at the Southern Lehigh Middle School Auditorium at 6:30 pm.

Thank you.

Sandy Diacogiannis
Admin. Secretary
Upper Saucon Twp.
610-282-1171, ext. 1222

A day without laughter is a day wasted. – Charlie Chaplin

Sandra Diacogiannis

From: Sandra Diacogiannis
Sent: Wednesday, October 9, 2019 9:17 AM
To: [REDACTED]
Cc: Thomas Beil
Subject: PUBLIC NOTICE - KAY LEHIGH, LLC - CURATIVE AMENDMENT HEARING - 10-29-19
Attachments: Public Notice - Curative Amendment Hearing on 10-29-19.docx

Mr. Owen: The attached Public Notice is for your information. The meeting will be held on October 29, 2019 at the Southern Lehigh Middle School Auditorium at 6:30 pm.

Thank you.

Sandy Diacogiannis
Admin. Secretary
Upper Saucon Twp.
610-282-1171, ext. 1222

A day without laughter is a day wasted. – Charlie Chaplin

PUBLIC NOTICE
CURATIVE AMENDMENT TO ZONING ORDINANCE

Notice is hereby provided pursuant to Sections 610 and 916.1 of the Pennsylvania Municipalities Planning Code ("MPC"), 53 P.S. §§ 10610 and 10916.1, that the Board of Supervisors of the Township of Upper Saucon ("Supervisors") will hold a public hearing on Tuesday, October 29, 2019, commencing at 6:30 pm in the auditorium at the Southern Lehigh Middle School, 3715 Preston Lane, Center Valley, Pennsylvania. The purpose of the hearing will be to take testimony and receive evidence in connection with an application filed by Kay Lehigh, LLC ("Applicant"), claiming that the Upper Saucon Township Zoning Ordinance ("Ordinance") is exclusionary, arbitrary and unduly restrictive and confiscatory as it relates to "warehousing" ("Application"). The specific Ordinance Section at issue is Sub-section 484.E.

Sub-section 484.E relates to "Truck or Motor Freight Terminals" and reads:

The subject property shall be located no closer than five hundred feet (500') from any (OSR, R-1, R-2, R-3 and AQC) Zone and/or property containing a school, day-care facility, park, playground, library, hospital, nursing, rest or retirement home, or medical residential campus.

The property which is the subject of the Application is located on the eastern side of Route 309, south of its intersection with Center Valley Parkway. The property is identified by the following PINs: 641570334543-1, 641469756846-1, 641479112072-1 and 641479326044-1; contains approximately 119.23 acres and is zoned part Industrial and part Commercial. The property also has an Age Qualified Community Overlay.

Based upon its claim that the Ordinance is invalid, the Applicant has filed a curative amendment ("Amendment") pursuant to Sections 609.1 and 916.1 of the MPC. The Amendment is titled:

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF
UPPER SAUCON TOWNSHIP, COUNTY OF LEHIGH,
COMMONWEALTH OF PENNSYLVANIA TO AMEND THE
CODE OF ORDINANCES BY AMENDING THE TEXT OF THE
'UPPER SAUCON TOWNSHIP ZONING ORDINANCE' TO
REMOVE A CERTAIN IMPEDIMENT TO LOCATING TRUCK
OR MOTOR FREIGHT TERMINALS IN THE TOWNSHIP

The Amendment proposes to eliminate Sub-section 484.E in its entirety.

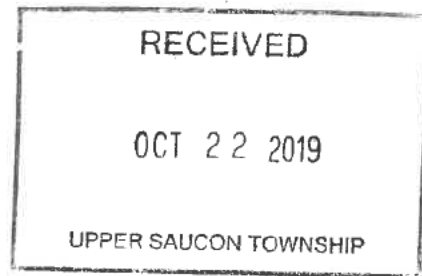
The Amendment and supporting documents may be examined at the Upper Saucon Township municipal building located at 5500 Camp Meeting Road, Center Valley, Pennsylvania, during normal business hours, Monday through Friday, from 8:00 a.m. to 4:30 p.m. In addition, pursuant to Section 610 of the MPC, 53 P.S. § 10610, attested copies of the proposed Amendment and supporting documents have been filed in the Lehigh County Department of Law (Lehigh County Government Center, 17 S. 7th Street, Allentown, PA) and at The Morning Call newspaper.

UPPER SAUCON TOWNSHIP
BOARD OF SUPERVISORS
DENNIS BENNER, CHAIRMAN

October 21, 2019

Coopersburg, PA 18036

Upper Saucon Township Board of Supervisors
Attention: Chairman, Dennis E. Benner



Dear Board Members:

We have been attending the meetings concerning the Kay Builders proposal for warehousing in the township. Here are our thoughts on the issue.

Traffic flow on both Routes 309 and 378 is gridlocked at certain times of the day. Usually those times are around rush hour, both morning and evening and school dismissal times for the schools using those routes. We presently have truck traffic from Pitt Ohio and Aldi at the intersection of Routes 309 and 378 and it is a problem. On several occasions we have waited for as many as 3 cycles of the lights before being able to get through. The wait will be longer with the increase in truck traffic being proposed by Kay Builders. The school bus schedules will be impacted with the increased traffic.

Route 309 and Center Valley Parkway has had numerous accidents over the years, some with fatalities. The large volume of truck traffic increases the potential for accidents. Will a traffic study be done to determine the effects of increased traffic, and the increase of wear and tear on the roads?

One of the areas in Kay Builders' proposal is on the former site of a zinc mine. When the mine was closed there was concern regarding the rise in the water table. Will a hydrological study be done?

Will an environmental impact study be performed to determine how the increase in diesel fuel emissions impacts the air quality in the surrounding neighborhoods? What about increased noise levels, wildlife displacement?

Warehousing doesn't belong in a residential area. The trucks might use roads not suitable for heavy vehicles. Bikers, walkers, children playing and residents in the area will be subjected to excessive truck traffic. The tranquility and safety in the residential areas will be destroyed by warehousing taking over the area. The residents of Upper Saucon Township chose this area because of the environment.

We have lived in the area for 36 years. Until now, we have not objected to the development in Upper Saucon. It seems to us that outsiders have found the Lehigh Valley and are proposing inappropriate use of our lovely area. We must keep residential neighborhoods for residents and not for heavy trucking industry. Is it necessary to develop every piece of available land?

Attached are two articles which contain information relevant to development in the Lehigh Valley.

Thank you,

A handwritten signature in black ink that reads "Charles and Joan Daniels". The signature is written in a cursive, flowing style.

Charles and Joan Daniels

Attachments (2)



Zoning request to develop 'beautiful' land is denied

BY KEVIN DUFFY

A developer proposing a rezoning of nearly 50 acres in Whitehall Township that would transform a pastoral setting into single-family homes has been turned away by the township's board of commissioners.

Joe Iudicello wanted to rezone a 49.8-acre tract at 4500 Spruce Street from R1/low density residential to R3/low-to-medium density residential that would have paved the way for 80 to 90 homes on 12,000-square-foot lots.

He also proposed rezoning 29 additional acres, and 12 acres along Spring Street, from R1 to open space, and said it would remain as such. "We have no plan of any kind to do anything with that land," he said.

Rezoning the 49 acres, owned by the residuary trust of Andrew Yastishok along with the land pegged for open space, would allow for building lots that would represent "a nice size for single-family dwellings" suitable for retirees not wanting to live in a retirement community and also for families with children, Iudicello said.

The board, however, voted 5-2 Monday to deny the request that the plan be forwarded to the planning commission as well as the Lehigh Valley Planning Commission, effectively killing the proposal.

That delighted the crowd of about 30 residents in attendance, some of whom voiced concerns over added traffic, stormwater woes and loss of wildlife habitat that they feared developing the property would bring.

Ribello Bertoni, of Sanibel Drive, said Spruce Street is already too narrow for opposing traffic to negotiate and said it would only get worse if more homes were added.

He said he experiences flooding during heavy rains now and he fears that would only worsen if the development went through.

Cathy Walker, who lives on Phillip Street, said the 49-acre tract is home for fox, deer and other wildlife, which would be displaced by the development. She said the land is serving the needs of the community through agricultural use.

"It's a beautiful piece of land being farmed and providing food," she said.

Her neighbor, Mark Washburn, said the unspoiled setting that he enjoys around his home would be lost, replaced by noise and dust from construction activity.

"We'll hear construction all throughout the day," he said.

Commissioners President Dennis Hower cautioned residents before the vote that deciding not to forward the proposal for review could lead to litigation and likely would result in a revised plan.

Thomas Slonaker and Shawn Clary, both of whom voted in favor of forwarding the plan, said they didn't necessarily support the proposal but did so in order to gather additional information.

Kevin Duffy is a freelance writer for The Morning Call.

Truck traffic continues to drive Lehigh Valley's long-term plans

BY TOM SHORTELL

Any conversation about the future of the Lehigh Valley can't seem to get away from trucks.

On Wednesday night, members of the Lehigh Valley Planning Commission hosted its second public comment session on its draft comprehensive plan. The report spells out the organization's strategy for how the Lehigh Valley should focus its development and infrastructure improvements over the next 25 years in order to compete with other markets while protecting the quality of life residents enjoy.

With only 14 people in attendance, the presentation took a personalized approach at times as members of the Planning Commission welcomed questions and detours in their presentation to address concerns from the audience. While those questions touched on topics such as environmental protections and the expected emergence of 5G technology and automated vehicles, they also acknowledged the evergrowing tide of tractor-trailers already at the Lehigh Valley's doorstep.

"We can't keep building these warehouses," said Northampton County Councilman Bill McGee, one of three county officials in attendance. "I'm worried about the region."

And while the Lehigh Valley Planning Commission has a plan for that, it's up to municipal leaders across the Lehigh Valley to put it in action.

When communities come up with zoning and land use plans in isolation, state law requires them to provide for every possible use within their boundaries, said Becky Bradley, the commission's executive director. These requirements have led developers to build enormous warehouses in rural communities where existing infrastructure cannot reasonably support them.

"I don't think any of us are out there hugging tractor-trailers," Bradley said.

These municipalities need to work together to develop joint municipal zoning ordinances, which would allow municipalities to limit development they don't want. Some areas, like Nazareth, already have these in place. As an example, Upper Nazareth Township could prevent any new warehouses in its borders if it amended its zoning because those zones already exist in Lower Nazareth Township, she said.

The comprehensive plan included subtler changes that would limit warehouses and protect green spaces throughout the region. Surveys conducted by the commission found preserving farmland and open space is one of the highest priorities of local residents. Steering development to downtown centers and along highway corridors would deter warehouses in areas that can't support them while creating other positive benefits.

Having more people in one place would make public transit options more feasible. Because LANTA is federally prohibited from running a deficit, it's tough for the transit organization to run bus routes more frequently without completely abandoning some areas. But demand won't grow if LANTA doesn't run more bus routes. With more people clustered together, public transportation could work more efficiently, connecting more people along the major routes between the Lehigh Valley's cities.

Municipalities could encourage those efforts by redesigning their downtowns — adding walking trails and bike lanes along major routes, Bradley said. Those changes would help remove cars from the highways, promote healthier lifestyles and attract foot traffic to shopping districts. With clever planning, communities could improve their stormwater runoff by designing water basins to function more like park ponds along walking areas, Bradley said.

The comprehensive plan also includes the Lehigh Valley Transportation Study's draft long-range plan, a list of projects the region hopes to address in the next 25 years. A recent cut in PennDOT funding projects a loss of \$380 million to the Lehigh Valley over the next 12 years, which will force the Valley to rethink projects that are already slated for construction. That could mean delaying, scaling back or canceling road and bridge improvements that have been awarded funding, Bradley said.

Officials with the study still need to vote on what projects will be eligible for funding on the long-range plan, but Bradley emphasized that just because a project is listed doesn't mean it will be addressed.

"You've got to look at it more like a menu," Bradley said. "Some things you're just not going to order."

The draft comprehensive plan can be found on the Lehigh Valley Planning Commission's website, www.lvpc.org. The public is encouraged to provide feedback on the plan online or by writing to the Planning Commission at 961 Marcon Blvd., Suite 310, Allentown, PA 18109.

Morning Call reporter Tom Shortell can be reached at 610-820-6168 or tshortell@mcall.com.