

I. OPENING

CALL TO ORDER: The Environmental Advisory Council meeting of Lower Saucon Township Council was called to order on Tuesday, March 9, 2010 at 7:00 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Sandra Yerger, Chairman, presiding.

ROLL CALL: Members: Chairman, Sandra Yerger; Vice Chairman, Tom Maxfield; Hazem Hijazi; Ted Beardsley, EAC Members. Allan Johnson arrived at 7:05 PM. Absent: Laura Ray

Associate Members: Colin Guerra, Glenn Kay and Chiharu Tokura. Absent: Tom McCormick

Planner: Kevin Kochanski – Boucher & James

Hellertown Liaison: Mr. Boos

Jr. EAC Member: Sara Cote - Absent

PLEDGE OF ALLEGIANCE

II. OPEN SPACE SUB-COMMITTEE

A. PROPERTY UPDATES

1. GEOFFREY REIS – 3729 LOWER SAUCON ROAD – DISCUSSION ON RESPONSE LETTER

Mrs. Yerger said Mr. Reis stopped in to talk to Chris Garges. We're not going to take any action as the Sub Committee has to do a site visit. The appraisal for this piece of land is going to go by our ordinances, not by what Mr. Reis wants for the land.

Mr. Maxfield said Mr. Reis talks about having a house here and a house there in some future development, and Mr. Maxfield seriously doubts those numbers and doesn't think they would hold up. Mrs. Yerger said he has a lot of steep slope involved with his property and it would have to be revisited. Mr. Beardsley said it's really up to the appraiser. Mrs. Yerger said yes, and the appraiser is going to go by our ordinances. She would not take this as absolute fact at this time until we get the appraisal and have the Zoning Officer look at it, and get the site capacity calculations for the property. The next move is the site visit. We can't go anywhere until they do a site visit.

Mr. Beardsley said he talked to Colin Guerra and Colin has agreed to help the Open Space Sub Committee out. They will do a site inspection and there is some walking involved on steep slopes, so they need some youth and Colin agreed to do it. Mr. Beardsley said there is a map of areas that Mr. Reis wants to hold out for a conservation easement. The next step is to walk his property and score it, and then make a recommendation. The property has some really nice features we might want to protect. There's a barn across the street and Mr. Reis might want to make that a building lot.

Mrs. Yerger said Mr. Reis sent his copy of the letter back, and there is a brief memo from Mr. Cahalan who spoke to Mr. Reis this afternoon.

III. NEW BUSINESS – None

IV. DEVELOPER ITEMS

**A. 2202 WASSERGASS ROAD LAND DEVELOPMENT #LD 05-05 & SITE PLAN #SP 02-05
(REVIEW FOR SPECIAL EXCEPTION #SE-02-08)**

Mrs. Yerger said we've seen this one before in various capacities over the years. It's the old Lower Saucon School. They want to do offices.

Mr. Kochanski said you've seen this before. He's counted five EAC action memos from this project. They are proposing to utilize 25,800 square feet of the existing school building as an office type of use. There's approximately 48,000 square feet of floor area in the existing building. There are some discrepancies as to what the remaining areas are going to be used as. They note conference rooms, mechanical rooms and halls. Some of that we would classify as per the office use, so there are discrepancies for the use. They are not proposing any additional parking areas. They are going to utilize the parking that is there which does not meet ordinance requirements. They are proposing a reserved parking area based off of the 25,000 square foot floor area. There are some issues we are taking with that, so it doesn't appear that all the required parking is going to be provided. The reserve parking would be an extension off of the rear behind the school building and it was 65 reserved spaces for a total of 185 and 120 exist now. That's based on the 25,800 footprint. The conference rooms would definitely classify as office so there will be some issues there. He's not quite sure how many of you are familiar with this project. A review letter will be finalized and sent out tomorrow. There are a lot of discrepancies on the plan. There are a lot of carbonate geology areas in the watershed protection area and they have not addressed any of those requirements. They have not performed the site capacity calculations for three lots that are involved now. Because the detention basin is offsite, there's an agreement with the property to utilize the detention basin. They finally provided site capacity calculations for those. There's a separate lot in between. There's a twenty-five foot access strip to the lot in the back and they have not provided the capacity calculations for that and there are natural resources within their proposed improvements as well as on the remainder of the portion of the lot. The last sheet of the plans provides the site capacity calculations for what they are calling the detention pond tract. There are steep slopes and environmentally sensitive woodlands. There's a flood plain in the back and it looks like a delineation for a stream of some sort. All of that information would have to be provided to them. They are requesting four variances. They've identified several others and are not quite sure how they are going to address the impervious. With the current plan, it's an existing non conforming impervious situation. They are permitted to have seven acres and currently there are seven and a half acres. Existing is 2.67 acres of impervious. They are permitted less than that. With the proposed condition without the reserved parking, there would be a slight reduction in the impervious and it would still be nonconforming. If you add in the reserved parking area they are holding in reserve, you are increasing that impervious coverage, which is what we would require them to do. Now they are expanding the non conforming beyond what is permitted, but beyond what exists, so that would be a variance. They are requesting a use variance. Offices are not permitted in this district as it's in the R40 district. Currently the school use is a non conforming use and by special exception they can change non conforming uses provided they provided a lot of information demonstrating that the new use isn't any more impact to the surrounding area as the current use. They have not provided that use. They are not providing all the information from the site plan requirements that is required as part of the special exception that they would be submitting. All the natural resources calculations have been provided but have not been provided correctly. They are requesting a variance from buffer yards between office and the adjacent residential. They are proposing to use some of the existing vegetation. Boucher & James recommendation is that it is fine, but they need to supplement that, particularly in the area where the uses are really against the property line. They would still be looking for some buffer plantings. It is shown on their plans as residential. If you are out there, it's pretty much a farm field and the house is way in the back. They are requesting a variance for off street parking, the reserve parking. They is a none descript variance for a sign in the front of the property at the entrance. They just say they are proposing a 4 x 6 sign and are requesting a variance. They did not get into the specifics to what section they are requesting a relief. We went back to them and said they have to provide

more information to us. It comes from the zoning and the site plan requirements that they provide a certain level of detail. There is limited disturbance from the natural resources standpoint. Along the western boundary, they are doing some storm water improvements to capture some flooding issues that are happening there. They are doing some storm water improvements that are trying to address that, but they are excavating in excess of four feet in the basin and while the front half of that site is within the carbonate geology area, the regulations are written that any disturbance within 500 feet would have to be subjected to those requirements. This is well within the 500 feet and greater than the three foot depth of excavation; therefore, they would be required to comply with the carbonate geology. The entire property is within the watershed protection area. They've not addressed any specific requirements from that standpoint. They note right on their record plan that it's not on the watershed protection area.

Mr. Hijazi said regarding the parking, it doesn't meet the requirements? Is it based on the 25,000 or based on the 48,000 square feet? Mr. Kochanski said both. The 25,000 would require 185 parking spaces. They are proposing 120 with 65 to be held in reserve. He doesn't know the section in the zoning ordinance that permits reserved parking. Mr. Hijazi asked why they weren't constructing the additional spaces? Mr. Kochanski said it could be an additional expense for 65 spaces. They didn't provide any rationale to what the variance was for. They just listed variance from this section for parking. Mr. Hijazi said wasn't that the playground before? Mr. Kochanski said when they went out, there was still snow cover on the ground and it looked like the area was lawn. They could kind of see where the paving stopped. There was a difference. There is a playfield down on the bottom from old site photos. Mrs. Yerger said the lot on the upper end, there was playground equipment in various areas. Mr. Kochanski said what they are noting is impervious in their parking, so they are clearly indicating according to that, this is not impervious as it is. There are three lots we are dealing with and the way circulation works to get in the back, a car comes up, makes a right, comes around and drives down. What they are proposing is the car would come straight from the other side of the basin and then turn. There is a property in the back. Mrs. Yerger said who is responsible for the basin? Mr. Kochanski said they have reached an agreement with the property owner, Mr. Geyer, as he owns it. Mrs. Yerger said he would have ownership and maintenance responsibilities of the detention basin? Mr. Kochanski said not necessarily maintenance. Through the agreement, this property user would end up maintaining that basin, but access has been granted to them to make these modifications. Mrs. Yerger said according to the plan, it's just your average mowed lawn. Mr. Kochanski said they did not provide any information as to what is happening and they did not see any seed recommendations. They would like to see a native naturalized seed mix be utilized in that area. They also commented on their plantings on their landscape plan. A lot of them are non-native or natives that aren't native to the area. There's a western, and he doesn't know if it would survive in this area. They recommended they provide all native and native to the area and are appropriate to the sites. Mr. Guerra said no one grows that plant, so they couldn't get it if they wanted to.

Mr. Maxfield said years ago, on the plans, there were all kinds of structures, ducts that went underneath the fields. Mr. Kochanski said he doesn't remember seeing that. The existing drain field, they are proposing a pretreatment community system plant, then being released into the existing drain field. From what he read it sounded like it was pretreatment versus sending it right to the drain field. He doesn't know where that may have come up from past reviews. This has come from 1999. He remembers the topic of that, and they were granted a special exception for this project as a residential, the short stay. Their last two submissions going back to March 2008, they submitted a special exception for the office, and then in May 2008, it went to the short stay suites. They had another review in July 2008 and it was for the short stay and it's been sitting since. Now they are back with the offices.

Mr. Boos asked about the contours. Mr. Kochanski said this is definitely flat. He's seen in past reviews this was a play area for sports of some sorts. You can tell the way it was graded. Mrs. Yerger said it was a small ball field, an informal baseball field. It was never used by Little League,

it was strictly used by the kids at school at recess. It was an elementary school. It was vacated because of an asbestos issue which since then has been remediated. It had a lot of problems. Mr. Kochanski said there are a number of monitoring wells. The specific, which will be in their review, it's not clear where the water lines are coming from.

Mrs. Yerger asked if Mr. Kochanski pulled any of the recommendations that the EAC had previously. Mr. Kochanski said he did. Mrs. Yerger said her concern is the carbonate geology needs to be addressed; and obviously, they haven't done anything to address this. Mr. Kochanski said they would have to submit a test there to see if there are any issues going on. Mrs. Yerger said she hears him, but wasn't sure how it would affect the carbonate. Mr. Maxfield said the impact would be very minimal for the site. If we can allow it, he'd like to.

Mr. Kochanski said because it's in the watershed protection area they were supposed to provide an impermeable liner. It doesn't mean they still can't do that. There were also some underground fuel tanks which were supposed to be removed, but she doesn't know if they did remove them. Mr. Johnson said the previous plans showed the underground tanks. He doesn't assume they were removed. They would like them removed. Ms. Tokura asked about lead paint. Mr. Maxfield said when it was built in the 70's, they weren't using lead paint. Ms. Tokura said it was before that. Mrs. Yerger said we can have them look into the lead paint. Mr. Kaye said does it have to be remediated if it's not going to be a school? Mrs. Yerger said yes, it's public space. Mr. Johnson said can we ask them to demonstrate that there is sufficient water available from their onsite well to supply what they believe they are going to need without affecting the people that live around them. Mrs. Yerger said we will reiterate that concern as Allan brought that up before.

Mr. Kochanski said from the previous motions, there were three concerns which were made by Tom McCormick and second by Dennis. The EAC recommends that the applicants submit information regarding water and sewer issues on the site including septic capacity and a hydro geologic study to understand aquifers, hydrologic system and assess consequences of ground water withdrawal from the ground and water users. Mr. Johnson said that sounds like it covers about everything.

Mr. Kochanski said no. 2 is the EAC recommends that the applicant submit information regarding the status of underground tanks that were located on the site and might affect ground water.

Mr. Kochanski said no. 3 is the EAC recommends that the applicant submit the last result of the last well monitoring. That was July 2008. Mr. Maxfield said you don't think those monitoring wells have anything to do with the fuel tanks? Mr. Kochanski said there are a variety of reasons that monitoring wells are put in, anywhere from infiltration to contamination. He wouldn't want to speculate. Mr. Maxfield said we could ask. If it's a monitoring well, they could close it down and cap it. Mr. Kochanski said if it isn't used, it would be a recommended to have them closed because there is a potential for them to act as a conduit if there are problems on the surface or wherever. Mr. Maxfield said there's probably a lot of history back there.

Ms. Tokura asked what is the business? Mr. Kochanski said they just list it as office use. They don't get specific as to what the kind of use is. They haven't come into staff, so he doesn't know the specific user it would be. It's just listed as office use at this time. Mr. Hijazi said if these issues are being taken care of, it's time for the property to be put to use. Mrs. Yerger said she doesn't have any problem with reuse of the building, it's just the water problems there, and she doesn't want them to be a problem to the people that are downhill. Mr. Kochanski said the storm water wouldn't be part of the land development. Some of the other uses are part of the special exception process if they would have to demonstrate in front of the Zoning Hearing Board that this use is not going to have any more detrimental impact than it previously did or if it does, how are they going to mitigate it so that it does. Right now we're not seeing anything to help mitigate that. The goal would be to improve the property and they are doing a little bit of that, but if they are

going to use that front lot for parking when you get into the winter months, you are going to have headlights going across the street to the neighbors, which is going to be more of an impact than the school was. Boucher & James recommended they provide some buffering along the parking areas. Mr. Guerra said maybe they are doing their feasibility study to see if it's worth going into more detail. Mr. Kochanski said they are going to the Zoning Hearing Board at this time, which is why it's before us for the special exception variances which triggers the site plan requirements and also from a land development review. We've flushed out a few new issues which they had previously requested relief on. One is the impervious surface requirements, the carbonate geology areas, the site capacity calculations and natural resource calculations for this lot in the rear which they are making improvements on. Previously they didn't have those lots delimited separately, so they weren't quite sure what was happening. They said you are making improvements, and you need to provide those calculations. The proper delineation line joiners were not matching anything that the Township had on record. They finally were able to correct that, but they have to take it to the next step further. There are improvements on three properties, so now we need three sets of calculations for site capacity natural resources.

Mr. Johnson said since they didn't specify clearly this office space, maybe we should ask them if there are going to be any chemicals used in the building that might wind up in the sewage treatment plant. Mr. Kochanski said that is addressed in their letter under the neighborhood protection standards which deal with hazardous noise, dust, odors, things along that nature. Mr. Johnson said there might be a laboratory in one of these offices where they are using or testing chemicals. Mr. Guerra said that would be industrial, not office space. Mr. Kochanski said that sounds like it would cross the line from an office to industrial. Mr. Maxfield said that is sort of the beginning of Wassergass Road heading out to the country, and if they do get a variance for a 4 x 6 sign, the last thing we'd want to see out there is a 24 hour light on that sign. We could maybe ask about that, and hopefully, they won't have evening hours. There are certain things in our sign ordinance. Mr. Kochanski said the level of detail they provided for the sign is 4 x 6 cultured stone, monument with exterior illumination green in color to be shielded and no direct light will shine on abutting properties. That's the extent of what they have to go by at this point. They are asking for specific lighting, illumination, times, which is part of the site plan requirements, not only for signs but also for building lighting, parking lot lighting, hours. That's all part of the site plan requirements. Nothing they weren't aware of in any of their previous applications. Boucher's comments are about eight pages long at this point.

Mr. Johnson said would office space include doctors and dentists offices? Mr. Kochanski said he thinks that would fall under a different use, generally regulated as a medical office. Mr. Johnson said doctors and dentists use a lot of chemicals which they just flush down the toilet. Mrs. Yerger said they don't flush it down the toilet. Mr. Johnson said it goes into the sewer like in the city. Mr. Kaye said like chemicals they use to sterilize instruments. It goes down the sink. What comes to mind is a commonly disinfectant for things like endoscopes, something called Xidex, which is similar to formaldehyde. It's a disinfectant and good for a certain period of time and then you pour it down the sink and make a fresh batch. He doesn't know what the impact of that is when you have onsite septic as opposed to municipal waste. Mr. Kochanski said it's broken down into two different types of office uses. There is the office, business or research and then there is under service uses, office, medical and professional. They have not delineated or specified, they just said it's an office use. Mrs. Yerger said we need them to specify what kind of office use. Mr. Hijazi said isn't that a compliance issue from an operational perspective. If the guy wants to make it office space and a doctor comes in and say he'd like an office there or clinic, then what. Mrs. Yerger said it matters because we have on lot. It's not that it's a public system, that's the issue. It's potential for contamination on lot especially since the neighborhood is right there. We really don't have a whole lot of information so we are just speculating. Mr. Maxfield said we should try and cover everything. Mr. Kochanski said that type of use may be part of the whole special exception process in front of the Zoning Hearing Board where they could end up putting conditions

on the project or the type of use. When there is an occupancy permit issued, it does come down to a compliance issue with finding out what tenants are in there and so on.

Mr. Maxfield said he doesn't know what the protocol is exactly as far as what Council's interaction is and the Zoning Hearing Board, but if this is coming up for four variances including things as signage or intended use, could we recommend to Council that they forward this information to the Zoning Hearing Board? Mr. Kochanski said the Zoning Hearing Board meeting will be April 19th. It's scheduled for the next Planning Commission which is March 18th, then it would go to Council on April 7th. Mrs. Yerger said she would like to get Council and the Planning Commission copies of the recommendations. Mr. Kochanski said your recommendation would go to Council first, then to Planning Commission. Mr. Maxfield said if they are granted a variance, a lot of things go with that. If there are conditions that the Zoning Hearing Board wants to put on, we should probably hope that we can guide them. That's why he was saying Council will review our recommendations, but we should also ask Council to forward them to the Zoning Hearing Board.

Mr. Kochanski said the other topic that came up today was the new variances that we've identified. Whether or not the applicant who has not received our letter, would want to take a step back and look at some of these other issues and say we can comply with them. He doesn't see how they are going to comply with the impervious. The slight decrease they are doing, they are not going to be able to do the reserved parking. If they say they are going to scratch the reserved parking, so we don't increase the nonconformity, it's going to change the nature of the variance for parking. It's really unknown how they are going to react to this, and say they are just going to add additional variances which affect the Zoning Hearing Board date anyway.

Mr. Kochanski said the recommendations from the EAC are as follows:

1. The applicant should submit information regarding water and sewer issues on the site including septic capacity and a hydrogeological study to understand the aquifer's hydrologic system and assess consequences of groundwater withdrawals on the environment and water users.
2. The applicant should submit information regarding the status of underground tanks and piping known to have been located on the site, and their effect on the groundwater.
3. The applicant should submit the results of the last well monitoring and provide an explanation as to the purpose of the monitoring wells.
4. The applicant should naturalize the stormwater management area and use native plants that are locally available.
5. The applicant should use pervious paving for the future parking area, if applicable.
6. The applicant should provide additional information regarding Carbonate Geology Areas.
7. The applicant should provide additional information regarding Watershed Protection Areas.
8. The applicant should provide additional information regarding lead paint that may have been used on and/or in the existing building.
9. The applicant should provide additional information on the specific type of office use (i.e. business or medical) that is proposed.
10. The applicant should identify the types of chemicals that are proposed to be used with the proposed office use.
11. That Township Council forwards these recommendations to the Township Zoning Hearing Board.

Environmental Advisory Council

March 9, 2010

MOTION BY: Mr. Maxfield moved to have the above recommendations stated by Mr. Kochanski be sent to Council.

SECOND BY: Mr. Beardsley

ROLL CALL: 5-0 (Ms. Ray – Absent)

V. OLD/MISCELLANEOUS BUSINESS

A. RECOMMENDATIONS ON WIND SYSTEMS AND SOLAR ENERGY REQUIREMENTS

Tabled until next month. Mrs. Yerger asked if anyone was going to the alternative energy next week at Northampton Community College? Maybe some of you would be able to attend. She said they are waiting for the Township Engineer to get back to them with the geothermal. Mr. Kochanski said that will be in front of Council at their next meeting to authorize them to review. Mrs. Yerger said she's looking forward to bringing back information on that and then maybe we can move forward with this in April. Mr. Maxfield said there are plans to hold a special Council meeting where they would invite like the EAC and someone would address us. It would be an information gathering session. It would be someone from the industry who can tell us what's going on right now, what the concerns are, what concerns we have. Mr. Johnson said he has a name of a woman who can come and talk about solar. She wrote a book on solar electricity generation in Pennsylvania. She spoke at Kempton at the Energy Fest. She will give Jack Cahalan her name and Mrs. Yerger said Jack can call her.

B. REVIEW OF EAC BY-LAWS

Mrs. Yerger said you can see there are a couple of strikes in the copy of the by-laws. Mr. Kaye asked why they were being changed? Mrs. Yerger said these are the recommended changes from way back that actually never got handed to Council for approval. Since we have that opportunity to look at them again and make sure these are the changes we really want. We'd like to get it cleaned up once and for all. Mr. Maxfield said these were changes made by our Solicitor a couple of years ago.

Mr. Johnson said there are some things he doesn't quite understand. When they say from the floor, what do they mean by that? It's Article 6, Section 2. They are talking about nominations of voting members shall be made from the floor. Do they mean all members of the EAC that are present at the meeting, voting or non-voting or do they mean all members of the EAC plus the people who are in the audience? What does that mean? Mrs. Yerger said that's a good point as she thought the same thing. She's not one hundred percent sure. That was pulled from the State. She doesn't know what the State meant by it so we could ask Linc for an interpretation of it. It came from the EAC handbook. Mr. Johnson said it would be good to ask him as it sounds like a legal term. Mr. Maxfield said notice that the Chairman position has to be approved by Council. When you are nominated and if we take a vote, you are interim Chairman until Council approves it. Mr. Johnson said he couldn't see anywhere where it specifically said that the Vice Chairman or Secretary had to be a voting member. Mrs. Yerger said it doesn't say that. They don't have to be a voting member. Only the Chairman has to be a voting member. Mr. Maxfield said Article 5 – Section 1 - Officers – it says the officers of the EAC shall be nominated from the voting members and shall consist of Chairman, Vice-Chairman and Secretary.

Ms. Tokura asked the purpose of the EAC is to identify environmental problems and recommend plans and programs to the appropriate agencies. She said we also implement programs to the public such as the recycling program. The EAC is implementing its own programs. Mrs. Yerger said it says, "promote a community environmental program; identify environmental issues; make recommendations to possible use of open land; promote a community environmental program; keep an index of all open space; advise local government agencies all acquisition of property, real estate and personal. Mr. Hijazi said he thinks they answered Mr. Maxfield's question earlier about the EAC giving recommendations to the Zoning Hearing Board. See how the attorney removed

that. Mr. Maxfield said that's because we can't make recommendations directly to the Zoning Hearing Board. He doesn't even know if Council can make recommendations. If we are going to make any recommendations, it has to go through Council first. That's what we have to find out. Mr. Hijazi said when we did the recycling, how did that go? Did we go through Council to get it approved and then we implemented it or did we just handle that? Mr. Maxfield said we would have had to have Council approval to get involved in the facilities and workers. He thinks we are allowed to implement programs. Mrs. Yerger said powers and duties of EAC, we have the powers to identify environmental problems and programs to the appropriate agencies for the promotion and conservation of the natural resources and for the protection and improvement of the quality of the environment within its territorial limits; make recommendations as to the possible use of open land areas of the municipal corporations within its territorial limits; promote a community environmental program; keep an index of all open areas, publicly or privately owned, including flood-prone areas, areas, swamps and other unique natural areas for the purpose of obtaining information on the proper use of those areas; advise the appropriate local government agencies, including the planning commission and recreation and park board or if none, the elected governing body or bodies within its territorial limits, in the acquisition of both real and personal property by gift, purchase, grant, bequest, easement, devise or lease in matters dealing with the purposes of this subchapter. Mrs. Yerger said this is what is official by the enabling ordinance. It should not say anything about implementing. It says promoting, that's the word they use. She's seen it twice now. Mr. Hijazi said there is some additional information in there that's not included in our bylaw that seems appropriate, specifically regarding open space. Mr. Maxfield said it's not there. Mrs. Yerger said it does have actual land acquisition in that bylaw and we can certainly incorporate that. Mr. Beardsley said it covered a lot of things that were left out of our bylaws. Mrs. Yerger said we can take it right from the enabling ordinance. Mr. Maxfield if we take that language, we can add the changes. Mrs. Yerger said okay, we can rewrite that.

Mr. Johnson said Article 8, Section 2, it says a motion from the floor must be made and passed in order to dispense with any item on the agenda. Can motions be made and seconded by non-voting members or only voting members? Mrs. Yerger said technically motions should be made by voting members only and seconded by voting members only. Mr. Johnson said why doesn't it say that then so there's no confusion. Mrs. Yerger said she will check that out with Linc Treadwell. She would be more comfortable verifying it with him so there are no issues.

Mr. Maxfield said it says communicating with the public to promote interactive contact with public and develop a sense of public education needs, consider implementing the following actions, serve residents, seek out information, make contact with your local watershed, post a list of EAC members, send meeting minutes and press releases. There's a lot to do without Council's approval. Mrs. Yerger said the word promote can incorporate implementation to some degree. Mr. Beardsley said you can be promoting something by demonstrating it.

Mrs. Yerger said she has two things that need to go to Linc Treadwell. She will check with Linc and rewrite the purpose and address Allan's question and bring it back for review at the April meeting.

C. REVIEW AND APPROVAL OF FEBRUARY 16, 2010 MINUTES

Mrs. Yerger said the minutes will be tabled until the April meeting.

D. REVIEW OF DRAFT LANDOWNER ACQUISITION LETTER – MR. MCCORMICK

Mrs. Yerger said Mr. McCormick is not here this evening, so we will table this until next meeting.

VI. UPDATES/REPORTS

- Mrs. Yerger said Cooks Creek Watershed Association is having their 7th Annual Watershed Green Day on Saturday, April 10. They meet at the Springtown Fire House off of 412.
- Mr. Johnson said he wants to talk about the commercial timbering and defining it so that you know exactly what it means. We asked Diane to send us all the things from the ordinance that had to do with timbering. He looked through his things and he found a bunch of things he downloaded a couple of months ago from the website. In the ordinance, it doesn't say commercial timbering at all. It always refers to it as forestry. Then in a letter that Linc wrote, in October 2009, he says that Section 603 of the PA Municipality Code provides that zoning ordinances may not restrict forestry activity. The section goes on to require that forestry including timber harvesting should be a permitted use in all zoning districts. Section 107 of the MPC defines forestry as the management of forests and timber lands when practiced in accordance with accepted silvicultural principals in developing, cultivating, harvesting, transporting and selling trees for commercial purposes which does not involve any land development. That's the only place he found commercial mentioned anywhere. Does that cover the definition of commercial timbering that we use in our statement that we made that we won't put money towards conserving any land where the owner wants to do commercial timbering. Mr. Maxfield said it excludes all those things like the safety issues, dead trees, within the building envelope, all those kind of things that we would permit. It sounds pretty comprehensive to him. Mrs. Yerger said that's the definition from the MPC. Mr. Kochanski said the last part you referenced from, silvicultural, is referenced specifically in the definition under the section of forestry. Mrs. Yerger said it's in our definition of our ordinances. Mr. Johnson said it's in a separate letter that he wrote. Mrs. Yerger said Kevin is saying that definition is also in our zoning ordinance definitions. Mr. Johnson said he has things he downloaded from the website back in October 2009, and he doesn't see any of it. All they use is the term forestry, forestry. Mr. Kochanski said generally when an ordinance is online, it's the complete ordinance. Mr. Johnson said what are you going to use if anybody asks you what commercial timbering is, you are going to point them to our ordinance? Mr. Maxfield said yes, that's our ordinance and the glossary is part of the ordinance, it defines the ordinance. Mr. Johnson said okay. He wants to make sure there is no controversy or argument about what commercial timbering means if anyone wants to challenge it in any kind of action before Council. That's what he wants to make sure of. Mr. Boos said it says commercial purpose. You are selling forest products, then it is commercial. There is a forestry process called pre-commercial thinning in which you would be thinning a forest of trees for management objectives. So you're not actually selling that product, that's why they are calling it pre-commercial. Once you start selling the product and it's going offsite, then you are doing a commercial operation.
- Mr. Maxfield said tomorrow at the Township is the NRI Workshop from 10 AM to 3 PM, with lunch and a minimal breakfast.
- Mr. Maxfield passed around a flyer called "Saucon Creek EAC Network Meeting". He said they are trying to establish a local EAC network. This might be the first meeting of it. Lehigh, Northampton County Conservation District and the Saucon Creek Watershed are behind it. Our EAC is a model for the Lehigh Valley. There are places in the Lehigh Valley where they won't even allow an EAC to form or allow an EAC to review plans or they relegate their EAC to planting a garden outside town hall somewhere. We are a model for what a real functioning EAC should be. They would really like our attendance at this meeting. If some could show up and be an example and inspiration to some of these other groups, that would be great. It's on Thursday, March 18, 2010 at 7:00 pm at Seidersville Hall.
- Mrs. Yerger said we have our recycling program set for Saturday, April 24 from 9 AM to noon.
- Mr. Beardsley said the Meadows, once we saw a set of plans here, and then we've never seen anything else. Are we going to see anything about it again? Mrs. Yerger said she doesn't know, but she can ask. Mr. Kochanski said they haven't seen any recent plans. They are scheduled for the Zoning Hearing Board, but doesn't know if there will be any more submissions as a result of that. Mr. Maxfield said just to maintain what they have, they are going to need a whole lot of variances.

- Mrs. Yerger said getting back to Allan, to sort of settle this, what if we make a recommendation to have the definition that is in our zoning ordinance dealing with commercial timbering added to the letter we send out to the landowner saying we will not advocate it. We can either give them Section 180 which they probably aren't going to be happy with. We can put that definition in the letter. Mr. Beardsley said you can just say commercial timbering is defined as in accordance with our timbering ordinance. Mr. Johnson said that definition includes a lot of things besides commercial timbering. It includes cultural practices and all kinds of things people can do with their forest besides cutting wood down and selling it. That definition covers a lot of stuff. Mrs. Yerger said it's a way of growing timber for eventual harvesting in the future. That is pretty much what it is. Would that help the landowner or confuse the issue? Mr. Beardsley said if anyone has an issue, tell us and we'll get a copy of the ordinance. Mrs. Yerger said we can make it simple as defined by our ordinance. Mr. Maxfield said he would rather have a broad definition as we are trying to not get them to destroy resources. Maybe if we say commercial timbering, they will think they won't sell it, but build a log cabin for their kid. He doesn't care if we include the definition with the application, but we might want to include other things we don't allow like riding motorized vehicles. Mr. Beardsley said now you are getting into the nitty gritty of what the conservation is going to say or could say. Mr. Maxfield said that is a policy we are following. Mr. Beardsley said that is fine, but when we do a conservation easement on a piece of property, we say you can do this and you can't do that. You can't use chemicals on your fields; you can't ride ATV's; you can't do this and that. If you start putting that in a letter, you are going to have a seven or eight page letter. If it becomes a question, then we address it. You are going to intimidate a lot of people who never thought of riding an ATV on their property. Mr. Maxfield said the other question is do we want to put the idea in people's heads that they can lumber their property if they never thought of lumbering their property. They could probably say they can timber some of their acreage. Mr. Beardsley said his opinion is that those kinds of things don't need to be in the letter. When they go out and look at the property, and they ask the question or it comes up that they timbered before, we ask them do you plan to do it again because if you do, we can't help you with it. Mrs. Yerger said it is a township policy, so it doesn't necessarily have to be a definition as it is a policy. She thought it would help the situation, but from what she's hearing, no. We can always add it.

VII. MR. BOOS – HELLERTOWN REPRESENTATIVE – REPORT – No report

VIII. NON-AGENDA ITEMS

IX. ADJOURNMENT

MOTION BY: Mr. Hijazi moved for adjournment. The time was 8:26 PM.

SECOND BY: Mr. Beardsley

ROLL CALL: 5-0 (Ms. Laura Ray – Absent)

Sandra Yerger, Chairman

Next EAC Meeting: Tuesday, April 13, 2010