

I. OPENING

CALL TO ORDER: The Environmental Advisory Council meeting of Lower Saucon Township was called to order on Tuesday, June 11, 2013 at 7:05 P.M. at 3700 Old Philadelphia Pike, Bethlehem, PA, with Sandra Yerger, Chairman, presiding.

ROLL CALL:

Members: Sandra Yerger, Chairman; Tom Maxfield, Vice-Chairman; Ted Beardsley, Hazem Hijazi, Laura Ray (arrived at 7:05 PM) and Allan Johnson, Dru Germanoski and Sandra Yerger; **Associate Members:** Michael Boyle, Absent: Glenn Kaye; **Planner:** None; **Hellertown Liaison:** Terry Boos (arrived at 7:07 PM)

PLEDGE OF ALLEGIANCE

II. OPEN SPACE SUB-COMMITTEE

A. PROPERTY UPDATES

1. TOWNSEND AND SAVITSKE PROPERTIES – POLK VALLEY & RESERVOIR ROADS

Mr. Beardsley said he went and walked the property today, along with Alan and Dru. They are ready to recommend it for acquisition, for outright purchase. What the Township wants to do with it, he would suggest it be leased back for agricultural purposes. He said it's prime ag soils.

Mr. Germanoski said the south end on either side of the riparian corridor is wooded. The stream is in good shape. It looks pretty stable. On the flood plain is wetland type of vegetation. The property is certainly developable, especially the whole northern portion where it's agricultural. It has road frontage and it butts up against the Polk Valley Park. It looked like a nice piece of property. Mr. Beardsley said it would make that connection in between the school and the park if it's developed sometime in the future for park purposes.

Mr. Maxfield said there's about 200' of the property that touches Polk Valley Park property. It would be a direct linkup.

MOTION BY: Mr. Beardsley moved to recommend to Council that they move ahead with the Townsend & Savitske properties along Polk Valley and Reservoir Roads, for acquisition, which consists of three (3) lots and order appraisals so staff can prepare the Act 13 grant application for funding.

Mr. Johnson said the scoring is for all three lots combined. The lot that is adjacent to Polk Valley Park is R7-12-11K-0719. Mr. Beardsley said for bargain sale, he put a question mark as these people that are selling, they may discount it as it may work out tax-wise to their advantage. We have no idea, as an Open Space Committee, if that would happen. Mrs. Yerger said it's something that should be explored. Mr. Maxfield said there are two different owners. Mrs. Yerger said one of the owners is in Florida and the other is in Missouri. They are absentee landowners. They are looking to sell these properties. Mr. Johnson said this is R-12 which means you can put a house on 12,000 square feet so they could put a lot of houses on these properties. Mrs. Yerger said there is a funding source for open space that Township's can take advantage up to \$250,000.00, but the applications have to be in by July 31, 2013. That's why they need an appraisal now. We know what they are asking, but that's not the appraised price.

SECOND BY: Mrs. Yerger
ROLL CALL: 7-0

2. **MARSON PROPERTY – 2382 WASSERGASS ROAD, HELLERTOWN**

Mr. Beardsley said Terry Clemons has written a letter. He doesn't have any more information than the letter that went to Mr. Marson. They are waiting to hear from Mr. Marson. He will give Rich Marson a call to see if he has any questions.

3. **CHARLES MARTIN PROPERTY – 2256 SILVERCREEK ROAD, HELLERTOWN**

Mr. Beardsley said he talked to Charlie Martin today. Charlie got conservation easement information from Terry Clemons and he's agreed to the price. His conditions are that he does not want public access and he does not want a sign saying it's permanent open space as that just attracts people to walk on his property. Originally when they talked to him, he was okay with letting the Boy Scouts or Audubon Society or someone like that come on the property with an appointment, but it sounds like he's changed his mind about that. Mrs. Yerger said as an owner of a property that has a sign on it for the last ten years, she can say that no one has assumed that they have a right to walk on her property. She's never encountered it. Mr. Beardsley said someone suggested it to Mr. Martin.

Mrs. Yerger said are we doing a baseline on this property? Baselines are where you get a professional to go out and assess the property. It's very hard to write a conservation easement if you don't know what's on the property. It would be stay away from the creek; you can't do this to the creek, because again, it's all about conservation. It basically records what's on that property so you know what's being preserved and what should not be disturbed or changed going forward as that's the whole point of an easement. The baseline will have to be ordered. She hopes Terry Clemons has given him that information.

Mr. Johnson said Mr. Martin has a business and he has a large garage on the property. One of the issues they had in the beginning when they talked to him was, was he going to have access to that garage for his equipment from the garage to Silver Creek Road. He's wondering if that was settled. Mr. Beardsley said Mr. Martin talked to Chris Garges about adjusting a property line. Apparently from what he said to him today was that it's all been settled and it's not going to happen. It's a good idea that we follow up with him.

Mrs. Yerger said he should be aware that a baseline should be done on this property. It's basically an evaluation and assessment of the property. You can't preserve if you don't know what's there. A baseline is lots of pictures.

Mr. Maxfield said Charlie Martin should also understand he owns the property. He's going to continue to own it even though there's a conservation easement on it. If he wants to walk across it or drive his tractor across it, no one is going to stop that.

Mrs. Yerger said she's assuming that's part of the building envelope where no easement would be imposed anyway.

Mr. Maxfield said can we make a motion for Charlie Martin? Mr. Beardsley said we already did that. An appraisal has been ordered. Mrs. Yerger said she will email Terry Clemons tomorrow and see where the status is on the baseline.

4. **STRAUSS PROPERTY – HELMS ROAD, HELLERTOWN**

Mr. Jeffrey Strauss was present. He said he presented to Chris Garges a copy of a sketch plan they put together. His company, Elysium Acquisitions, acquired two residential lots from a foreclosure bank situation. One is located on Applebutter Road at the intersection with Countryside Lane and the other is at the lower section at Helms Road. The top parcel

they are in the process of developing into a single family residential dwelling. The grading plans have been submitted to the Township for approval. They have about 260' of deeded access to the Bull Run at the bottom of the property. It's a little bit wet down there. They decided to meet with Chris and offer this conservation easement to the Township. They have no benefit from it and are not asking for any consideration for it. It's really worthless land except that it's a large part of the Bull Run Creek. The top part is where the house will be located. They are in the process of merging the two lots together so it will be one deed. It's a beautiful area and it's been neglected. They felt if you wanted to take an environmental easement and send the Boy Scouts or Girl Scouts down there to do some natural stream work, that would give you access to the property to maintain it. The only condition his company has put on it is they don't want any consideration for it. You would just have to have your Solicitor draw up whatever legal document that would be required to memorialize it. The only other condition is that the legal document could embed the current owner who is his company or the future owner of the lot to not have to financially do anything down there. If you wanted to fix up the stream beds, etc., it would be on your dime. The size of the property is 5.15 acres and then the conservation easement would be about 1.4 acres at the bottom. If you are interested in exploring the easement, it's the perfect time to do it. When he gets an opportunity, he likes to do something right. It doesn't cost him anything.

Mr. Maxfield said the markings running through the remainder of the non-conserved part of that lot, is that a drainage easement or swale? Mr. Strauss said he's not a professional engineer, but he thinks years ago it appears the Township put some sort of culvert underneath there which has created almost a natural stream running through the property. The topography is very steep down there.

Mr. Johnson asked what PennDOT means when it says on the plans "an area of occasional flowage easement". Mr. Strauss said that's PennDOT's way of saying when they get too much water up on their highway and it all flows downhill, the water can flow into the Bull Run and then it goes back underneath the culvert. It just comes straight down. It's heavily creviced. He knows it's a very nice area. Mr. Johnson said they should go down and take a look at it.

Mr. Maxfield said when they did the natural resource inventory at the bottom of Bull Run where it kind of bottoms out, they saw evidence of heavy flows of water, much higher than what was existing there that day. He's talking like 10' higher. He wouldn't be surprised if some of that came from their releases. That kind of explains a lot.

Mr. Johnson said he was down there one time and there was a large 3" pipe. He wondered if someone came down there and filled up their trucks with water. Mr. Strauss said he had the property listed for sale and a farmer approached his realtor and asked if he could use the water to irrigate. He now would have an issue with that as that would be trespassing. The water is owned by the Commonwealth; but in this case, depending on where his pipe is going in, he's going to have to put it on somebody else's property if he wants water.

Mr. Strauss said years ago the Boy Scouts used to go down and clean it up, put a little bridge over it. If you want to send the school kids down there you could.

Mr. Hijazi said why are you doing this? Mr. Strauss said because it's the right thing to do. He has no use for the land and the bottom line is, it's just the right thing to do for the environment. Mr. Germanoski said it's a wetland down there and you'd never be able to develop it. Mr. Strauss said it's economically unfeasible. Mr. Germanoski said the Bull Run got blown out when Hurricane Ivan came through. Mr. Strauss said it's a beautiful stream and a beautiful area. The deer are running through there. Mr. Hijazi said what are the plans for the other part of the land? Mr. Strauss said on the top lot they are putting a

very simple house for a single family. The septic will be on the bottom, it's a gravity sand mound.

Mr. Strauss said Chris Garges didn't think the Township wanted to take it by deed. They didn't want to deed it to the Township because he could market it as a 5.5 acre parcel in LST with deeded access to the Bull Run Creek, but on the same token, he did not need the area on the bottom for anything. This lot supports itself.

Mr. Maxfield said their concern, as an EAC, would be like the section that is going to remain attached to the residential section, whoever would buy the home would understand there would be protections for wetland, the drainage easement. Mr. Strauss said once the lots are merged together, the only disturbance would be in the upper area. His engineer did a great job and he was able to find a nice area at the top for the house. The home from the edge of the macadam is 74' in. He showed where the infiltration system would be. Everything will stay up north on the property.

Mr. Hijazi said what was the benefit of combining the property into one? Mr. Strauss said he needed a little bit from the top for the impervious coverage.

Mr. Strauss said it's not often that he gets an opportunity to just do something nice. Mr. Beardsley asked how would the Boy Scouts access it? Mr. Strauss said down Helms Road. His lot is the only one that accesses Helms Road. There's an old lime kiln there. The only conditions they have on it is your attorney drafts the document and his attorney will look it over. The only thing is you can't impose any financial conditions upon. For example, you can't force this person to do something to the stream. The Boy Scouts could work there and take the dams out.

Mr. Maxfield said we can recommend this to the Council and go from there. Mr. Strauss said his engineer will draw up the metes and bounds for the whole property. They've already done basic metes and bounds, and he will provide it to your attorney.

MOTION BY: Mr. Germanoski moved that the EAC recommends to Council to go forward with the Helms Road conservation easement along the Bull Run Creek.
SECOND BY: Mr. Beardsley
ROLL CALL: 7-0

III. NEW BUSINESS

A. DISCUSSION WITH MARY ELIZABETH ANTHONY ON NATIVE PLANT GARDEN

Tabled until July.

B. DISCUSSION WITH DRU GERMANOSKI ON WATER RESOURCES – GIS PROJECT

Mr. Germanoski said he sent everyone an email of the plan for the project. You should think of any other features that would be useful to add to this project. He can have the student come meet with us at the first September meeting. He's home for the summer and has acquired some of the data already. They are going to use published literature and things that are available to them from the LVPC and other standard overlays. They want to meet with the Township Engineers to get a better grip on septic systems and water. It would be really useful if they could add to the data base springs and things that we know of. He figured he would talk to Lance Lenhart who is a human resource and know of some other places. If any of you could make suggestions that would be able to provide additional information so they could add some data to this project rather than just compile what's readily available. Mrs. Yerger said how small of a wetland do we want to go down to? Mr. Germanoski said that's for us to decide. Mr. Maxfield said let's do it per our ordinance

which is 10'x10'. Mrs. Yerger said she's walked her property and her neighbor's properties, and there are gobs of wetlands, vernal pools, and she doesn't know if they've ever been documented.

Mr. Germanoski said take a look at the list of features and give him feedback at the next meeting and in August. Zack could come to a meeting in September. Mrs. Yerger said she doesn't know if the vernal pools have ever been on any mapping. It's always been privately held.

Mr. Maxfield said we knew there were a million streams and tributaries that just don't appear on maps. He asked if we'd be able to do a cataloging of those. At one point we thought about naming them which is crazy as the naming process is so ridiculous, so maybe just by number, even if we have to add streams later on. It will be like A.12. Mr. Germanoski said they can do that and put on a numerical designation system on it. The one data set that's very useful and something that they use is Northampton Hydro where they overlay the drainage network on a particular major runoff event. The blue line streams are what you get on a typical topographic map. What this shows is actual flow lines. It increased the drainage density significantly. They've used that data set heavily over the last couple of years. Mr. Germanoski will have Zack do that right away and project what that drainage network looks like. It's a huge improvement over anything that you would consider to be a normal stream map. Mr. Maxfield said that's an incredible resource for future development maps. Mr. Germanoski said they will meet with Chris Garges.

IV. DEVELOPER ITEMS

A. GREEN GABLES SITE PLAN – 2143 LEITHSVILLE ROAD

Mrs. Yerger said this got put on our agenda at the last minute. This is for a property off of Leithsville. Mr. Maxfield said they came for some sort of zoning relief, but he can't remember exactly what it was. It maybe wasn't use, as it was a permitted use. It's just beside one of the tributaries that feed Cooks Creek off of Route 412, across from the Bechtold's Orchard. They wanted to do stables there. They went to Zoning and got what they wanted. This is the property drawn out with what they are going to do. It's in two different sections. The first one is the section closest to Route 412. Mrs. Yerger said it looks like they are adding a dwelling. It's an open riding rink that's going to have sand for the drainage and the rest is going to be small run-in sheds with pasture land on the upland part of it. The barn exists there, so she's assuming that's there now. Mr. Maxfield said part of the condition was that they maintain the tree line that is existing other than splitting them so they could run an access road back to their buildings. Mrs. Yerger said it almost looks like the detention basin and the riding building and the stables are going to be in the front half of the lot. Then the natural areas will be towards the back end where it starts to slope. She's sure they are under the impervious coverage; Chris did not indicate they were not. Mr. Maxfield said Cooks Creek runs down along the property. They wanted to maintain the riparian corridor along that tributary. Mrs. Yerger said she would doubt you are talking about any basements. The front piece if the detention basin for the storm water management. There are more pastures, which is only going to be fencing, unless it's overgrazed and there are way too many horses, but we have an ordinance limiting the amount of livestock per acre. As long as they abide by that part of the ordinance, it won't be a problem. Mr. Maxfield said he thinks their zoning decision was based on the number of horses they had.

Mr. Johnson said how are they going to handle the manure? Mrs. Yerger said she knows that has been an issue at another horse farm at another location in the Cooks Creek.

Mr. Maxfield said there are 34 parking spaces. Ms. Ray said the probably do small events. Mrs. Yerger said she doesn't see any event arenas. They could put some jumps in, but it's not really that big. She wouldn't be overly concerned about a big horse show there.

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MOTION BY: Mr. Maxfield moved that the EAC recommends to Council to send this recommendation to the Planning Commission that the plan of Green Gables take into consideration some sort of plan for the disposal of the horse manure; protections for the tributary including the maintenance of the tree line and anything else that is existing there that it stays; and that they are aware of the number of livestock so that it stays down below what our ordinance states.

SECOND BY: Alan Johnson

ROLL CALL: 7-0

B. CHROMCZAK/REIS LOT LINE CHANGE, 2645 CRESTLINE DRIVE & 3729 LOWER SAUCON ROAD

Mrs. Yerger said this is a lot line change going up Lower Saucon Road and Crestline Drive. The request is to do a lot line change so the Chromczak's can enter into Act 319 for tax break on probably forest reserve, which is a minimum of 10 acres. The County started a program, sort of their way for people to keep larger lots in land preservation. When you have 10 acres or more, you can put into Act 319 if you promise not to subdivide and develop it. You don't get any compensation, but you get a tax break. If you break that covenant with the County, you have to pay back taxes. Sometimes it's worth it for people. Reis is selling them property so they can max out the ten acres or so, so they qualify for Act 319. Reis is already in it as he owns a substantial amount of property.

The EAC had no comment.

V. UPDATES/REPORTS

A. UPDATE ON RAIN BARREL WORKSHOP HELD ON MAY 18, 2013

Terry Boos said they built two at 10:00 AM and two at noon. It wasn't anything big, but the people who built them were happy. The cost was \$50.00 for one that's already built and \$35.00 for a kit. They are going to try to get some publicity out that they can do a Rain Barrel Workshop for the last Saturday at the month at Weirbackers. Mrs. Yerger said Laura can get it on the EAC website and the Township may be able to put up a poster.

B. UPDATE ON NATIVE PLANT GARDEN SALE HELD ON JUNE 2, 2013

Terry Boos said they sold a bunch of plants, but he still has some plants left.

VI. APPROVAL OF MINUTES

A. REVIEW AND APPROVAL OF MAY 14, 2013 MINUTES

Mr. Johnson said page 4 of 6, line 10, the word "impossible" should be "**possible**". Page 5 of 6, line 3, the word "convenient" should be "**inconvenient**".

MOTION BY: Mr. Hijazi moved for approval of the May 14, 2013 minutes, with corrections.

SECOND BY: Mr. Beardsley

ROLL CALL: 7-0

VII. OLD/MISCELLANEOUS BUSINESS – None

VIII. TERRY BOOS – HELLERTOWN REPRESENTATIVE – REPORT

- He said this past weekend, they had the ribbon cutting for the new band shell in Dimmick Park.
- He said they had the season's first "Second Sunday Concert" in the park this week. It was a successful event.

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- He said the reconfiguration at Borough Hall is proceeding nicely. The Borough of Hellertown wall with the “Borough of Hellertown” lettering is completed.
- He said they started to put the synthetic crosswalk designation things down today. He’s sure they are done today. It’s just about completed at Borough Hall.
- He said the north end of town is a mess.
- Mrs. Yerger said she passed the Farmer’s Market the other day and it looks like you are booming. She thinks that’s great.
- He said he presented a plan for the reconfiguration of the Water Street Park and we reiterated about improving the riparian buffer in the proposed parking area. When he’s been laying out the market each week, he’s been walking at the edge of the creek bank looking for natives and he believes it’s actually pretty impressive what’s coming back in. It’s Dan’s Rocket, the four pedals instead of five. There is some Native Rye there. He seeded some a couple of years ago. This year it’s showing nicely. Mrs. Yerger said has anybody seen the fungus that is attacking multi-flora rose? If you see it, let her know. It’s coming up and is far up at southern Bucks County. It’s at Tyler State Park.

IX. NON-AGENDA ITEMS – None

X. PUBLIC COMMENT – None

XI. ADJOURNMENT

MOTION BY: Mr. Hijazi moved for adjournment. The time was 8:10 P.M.

SECOND BY: Mr. Beardsley

ROLL CALL: 7-0

Sandra Yerger, Chair