

**I. OPENING**

**CALL TO ORDER:** The Environmental Advisory Council meeting of Lower Saucon Township Council was called to order on Tuesday, June 14, 2011 at 7:03 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Sandra Yerger, Chairman, presiding.

**ROLL CALL:**

**Members:** Chair, Sandra Yerger; Vice Chair, Tom Maxfield; Allan Johnson, and Laura Ray. Tom Beardsley arrived at 7:10 PM. Absent: Colin Guerra and Tom McCormick

**Associate Members:** Dru Germanoski & Glenn Kaye - Absent

**Planner:** Karen Mallo – Boucher & James

**Hellertown Liaison:** Terry Boos

**Jr. EAC Member:** Tara Jain

Mrs. Yerger said this is Tara's last meeting and we want to thank her for participating with the EAC. She's going on to Harvard. The EAC congratulated Tara.

**PLEDGE OF ALLEGIANCE**

**II. OPEN SPACE SUB-COMMITTEE**

**A. SUB-COMMITTEE ATTENDANCE AT JULY 13<sup>TH</sup> HELLERTOWN BOROUGH AUTHORITY MEETING TO DISCUSS CONSERVATION EASEMENTS ON AUTHORITY PROPERTY IN TOWNSHIP**

Mrs. Yerger said the Open Space Sub-Committee is scheduled to meet with the Hellertown Borough Authority on July 13<sup>th</sup>. Mr. Beardsley said we need some direction. His idea may be different than others on the Sub-Committee. He doesn't think we should have to pay for them to give us a conservation easement. It would be in their best interest to give us a conservation easement. Mr. Maxfield said we can facilitate, but they would pay for it. Mr. Beardsley said he doesn't see any money changing hands anyway. Mrs. Yerger said there would be some legal costs and some appraisals. If they are willing to donate an easement, we could probably split the costs right down the middle. Mr. Beardsley said Hellertown Authority could put an conservation easement on it for themselves. We don't have to be involved, except to ask them to do it and point out that it's a really good idea. Mrs. Yerger said it would be in the best interest of everyone to get an outside agency to hold it, be a partner or co-holder, or a land trust beneficiary. Mr. Beardsley said even though it's in our Township, there's a requirement that we hold it. They can hold it or we can be joint holders as it is in our jurisdiction. Mrs. Yerger said they are a separate entity from the Borough, so she doesn't know if they would have to get approval to do this. Mr. Maxfield said are we familiar with the shape and the size of the property. Is it made up of multiple parcels? He knows there's a building down there by the parks, so somehow we'd have to establish parameters of what would be under easement or not. Mr. Beardsley said it would be helpful for them to take some maps with them when they go to the meeting so they can see the property. Mrs. Yerger said they can request Chris Garges to get us some maps. They are the largest landholders in the Township. Mr. Johnson said it should be on a big piece of paper. Mr. Beardsley said Chris Garges will know what to do and what size paper to put it on as they are going to sit down with a bunch of people and pass them around, or you could have two or three maps if they are larger. If Chris has questions, he can call Mr. Beardsley. Mrs. Yerger said okay, we will request Chris Garges to do the maps.

**B. PROPERTY UPDATES**

**1. RECOMMENDATIONS OF TIMKO PROPERTY**

Mr. Beardsley said they scored this property 13 out of 30. They are saying as an environmentally sensitive piece of property, it is not particularly important. Mrs. Yerger said we would recommend it to go under the Park and Rec? Mr. Beardsley said yes, adjacent to the Rails to Trails, it would be terrific.

**MOTION BY:** Mr. Beardsley moved to recommend to Council that the Timko property be evaluated by Parks and Rec for parking and access to the Saucon Valley Rail Trail. It did not score well on the open space evaluation form as it was not an environmentally sensitive piece of property.

**SECOND BY:** Mr. Johnson

**ROLL CALL:** 5-0 (Mr. McCormick and Mr. Guerra – Absent)

Mrs. Yerger said there are no environmental constraints out there preventing it from becoming a parking lot. It will probably park about six to seven cars.

**2. DISCUSSIONS ON THE THREE WASSERGASS PROPERTIES**

Mr. Beardsley said the issues are again how many houses you could put there and how it could be developed. Mrs. Yerger said there is a copy of Chris Garges explanation. On the Marson property, he thinks they could get about two or three houses on that property. The other two are technically landlocked, and they don't have road frontage without variance for public access, it poses a problem. Mr. Beardsley said he thinks that what we should do at this point is talk to Terry Clemons about the issue and if that's how it's going to be, and Marson is the only one that could develop anything, then a meeting between him and the other two property owners to explain to them the advantages of donating an easement and getting their own appraisal. Mrs. Yerger said so you would like these three properties reviewed by Terry Clemons.

**MOTION BY:** Mr. Beardsley moved to have the three Wassergass properties (Smith-Buroff, Marson and Carber) reviewed by Terry Clemons, our Open Space Solicitor.

**SECOND BY:** Mr. Johnson

Mr. Maxfield said this is our first opportunity to have Laura Baird and Terry Clemons work together as a team. When it comes down to the appraisal, we already recommended it for appraisal. When it comes down to actually carrying that forward, Laura Baird could be working directly with Terry to make that happen. He was going to ask that the motion be amended so that you would like this to be handled by our Open Space Consultant and our Open Space Attorney.

**ROLL CALL:**

**MOTION BY:** Mr. Beardsley amended his motion to have the three Wassergass properties (Smith-Buroff, Marson and Carber) be reviewed by our Open Space Consultant, Laura Baird; and our Open Space Solicitor, Terry Clemons. They would like Laura Baird and Terry Clemons to also review it with the EAC Sub-Committee.

**SECOND BY:** Mr. Johnson amended his second.

**ROLL CALL:** 5-0 (Mr. Guerra and Mr. McCormick – Absent)

Mrs. Yerger said they will get the information together and we'll get it to Laura Baird. She has most of the information already. Laura Baird was going to have someone calculate the acreage within the building envelope and they may have to make adjustments once they know what those numbers are. We probably wouldn't make those adjustments until after

the appraisal was done as we'll get a per acre value, and if we're adjusting the building envelope by half an acre, then that will make an adjustment in the purchase price.

**3. DRAVECZ PROPERTY**

Mr. Beardsley said he understands there is some question about it opening to be used and that's what we bought it for and we got matching funds. He doesn't see how it could not be open to the public. Mrs. Yerger said how do we want to handle this?

Mr. Maxfield said as we all know, there are trails on the property. He thinks for once, as a Township, we could have a property that doesn't cost us anything and we don't have to put anything in it to start to have people use it right away. His preference would be to use it as is. Mr. Beardsley said the only thing we may have to do is put some boundary markers up so people aren't walking on the Dravec remaining properties. Mrs. Yerger said we could mark the perimeters or the edges of the trail. Mr. Maxfield said there's a parking lot there already. We have access down to the road. We should do it as minimal as possible.

Mr. Beardsley said shouldn't Parks be doing this instead of the EAC? Mrs. Yerger said it was purchased with open space/recreation money. Mr. Beardsley said that's park money, historic sites money, and open space money. The fact that we bought it with open space money doesn't mean the EAC should be responsible. Mrs. Yerger said we should ask Parks or have the Township work with Parks? Mr. Beardsley said it's a park.

Mr. Maxfield said why don't we send that recommendation to both Council and Parks and ask that it be forwarded to Parks and Rec and see what they think about using it as it is?

Mr. Johnson said as a park, the boundaries should be marked. People should not be wandering off of Lower Saucon park land onto other people's property and if the boundaries aren't marked, they won't know where they are. The other thing is that if someone wanders off of Lower Saucon Township property and gets hurt, they possibly might be able to sue the Township for not having markers or what if they are shot during hunting season. All of your parks, the boundaries are very clearly marked so people know when they are on the parks and when they are off the parks. Mr. Maxfield said Southeastern is not clearly marked. The neighbors don't know where the boundaries are. Mr. Johnson said and especially if you are going to encourage geocaching. People will be wandering all over the place. Mr. Maxfield said the idea is to do it as minimal cost as you can. If it is sticks with a tip painted red stuck in the ground, that's fine. Mr. Johnson said he's talking about marking the boundaries. Mr. Maxfield said people should stay on the trail. It goes up and around and down again. Mrs. Yerger said we have the same thing with Polk Valley Park. We have the trail but they wander off the trail at the back end. Mr. Johnson said Polk Valley Park is mowed and it's very easy to tell where the boundaries of the park are. Mrs. Yerger said the boundaries of the park are in the tree line, so technically, if they want to wander off the mowed area, that's the trail and they can be wandering off the property. Mr. Maxfield said over by the Dog Park area, it's hard to tell where the boundaries are.

Mr. Johnson said you can't tell whether you are on Dravec land or when you are up there in the woods. In fact we don't even know what the boundaries look like as we don't even know where they are. We don't know if there are hedgerows, stone rows or any of those conventional things we look for in the woods when we're looking for one parcel and another.

Mr. Maxfield said he doesn't want to pay big money for a survey. Mr. Johnson said if it's going to save the Township big bucks in the future, by not getting sued, it's an investment.

Mr. Beardsley said his suggestion is that we go by the existing boundaries in the deed description and mark it. If someone wants to argue with us about it, let them get a surveyor out there. Mr. Johnson said that's just it. Just by looking at a piece of paper, you don't know where that is on the real land. Mr. Beardsley said there is a starting point and an ending point. Mr. Johnson said do you know where those are? There are no stakes anywhere. Mrs. Yerger said we know the trails are on the property as they are well inside the boundary of the property. Mr. Maxfield said it's also up to the adjacent property owner to post their land if they don't want someone trespassing on their property. The police will tell you that. You have to have a "No Trespassing" sign every so often. If that person is worried about people being on his property, he's going to post it.

Mrs. Yerger said the rails to trails right-of-way to just look at it, you don't know where that right-of-way starts and stops, so those people posted it. Ms. Mallo said we could post regulations on the property. Mr. Maxfield said he likes the idea of an entry sign that states the rules. This is here for your enjoyment, stay on the trail. Don't wander. Have fun. Mr. Beardsley said then you have to mark the trail so it's obvious where they should be and where they shouldn't be. Those trails crisscross.

Mrs. Yerger said there are state parks all over the state that abut property. They don't have markers every three feet to tell you what is private property and what is the park property. How do they avoid the same thing? There's got to be precedent. That's got to be a classic example. There isn't a state park that she knows of that doesn't abut private land and people hike state parks all the time. Look at Nockamixon. It backs up to all kinds of private property. People are walking all over Nockamixon. The majority of people stay on the trails, but you know not everyone is going to do that. Jacobsburg is the same way. Jacobsburg has thousands and thousands of people who visit it and Nockamixon is the same way. Mr. Johnson said all he's saying is you ought to look into it and talk to the lawyer. They ought to know what's what instead of taking chances.

Mr. Maxfield said he just wants to keep the cost as minimal as possible. If we start looking into it too much, we are going to have lawyer's fees, engineer's fees and pretty soon we'll be into tens of thousands of dollars. We walked around it and we found the trails and they were easy to find.

Mrs. Yerger said why don't we ask Staff to look into opening the trails with the help of Parks and Rec and if there's any problem or concerns about people going on to neighboring properties, how is it handled by other park systems. There are state parks and city parks. There isn't a park in this Commonwealth that isn't abutted by some kind of private property. That's always a factor and we do not have stakes around every park we own, so how do you get around that. There's got to be a way or no one would open a park at all.

Mr. Beardsley said it has to be as simple as you post the park rules and it says stay on the trails and if they don't, it's their own problem. Mrs. Yerger said Southeastern has no trails and the kids are running around and playing in the creek. There's got to be time when people aren't within the parks boundaries. There's no fence around that park. There's always opportunity for people to wander off our park properties. Mr. Johnson said if they wander off and get hurt, then what. Mr. Beardsley said we had Attorney Treadwell write a letter saying that if someone gives a conservation easement and they allow public access, they are not responsible for anyone's injuries. If someone is trespassing on your property, you are not responsible for their injuries. If they are not supposed to be there and they are there, it's their problem. Mrs. Yerger said no municipality can have a park without it being adjacent to some neighboring property.

Mr. Maxfield said he'd like to suggest to Council and Parks and Rec to use the property in an undeveloped state as much as possible. Mrs. Yerger said she'd like to see the park used now, not ten years from now. We've owned the property for awhile and it has gone unopened. Mr. Beardsley said hopefully this can be accomplished before the end of summer.

**MOTION BY:** Mr. Maxfield moved to recommend that the EAC suggest to Council and Parks and Rec that the Dravec property be used as, in as an undevelopable state as possible, with the addition of signage at the entrance based on rail trail style rules, and hopefully it will be in a useable state before the end of the summer of 2011.

**SECOND BY:** Mr. Beardsley

**ROLL CALL:** 5-0 (Mr. Guerra and Mr. McCormick – Absent)

### **III. NEW BUSINESS**

#### **A. GREEN PURCHASING POLICY**

Mrs. Yerger said this was included in your packet. She doesn't know if anyone had a chance to read it. We don't have to take any action on it immediately. If you want to discuss and make a decision later, or you have questions you want us to take back, we can do that as well. Mr. Maxfield said basically it's everything we've been talking about and asked for and put into policy form. Mr. Johnson said he didn't get a chance to read it. Mrs. Yerger said we'll table this until next month.

#### **B. DISCUSSION ON WIND REGULATIONS**

Mrs. Yerger said Township Council held a special meeting and we discussed upgrading our wind regulations, policies and procedures. We actually asked our consultants to come up with new ordinances with regard to wind regulations and those are not completely ready yet. Ms. Mallo said they are going to be working on those over the next two months or so. Mrs. Yerger said they don't have anything in writing yet. Ms. Mallo said the minutes from the special meeting are in your packet. Mr. Maxfield said there currently is some height restrictions. Mrs. Yerger said when they get their first draft, it can be put on the EAC agenda.

Mr. Johnson said it says in here some go 50', some go 65'. His reading about wind power, in order to get the most efficient operation out of your wind mill or turbine, it has to be so many feet above the nearest height of something, whether it's a tree or a tree line, house or whatever. When the wind mill is so many feet away from the tree line, it has to be so many feet above. Then if it's real far away, it doesn't matter anymore. There are rules about that. This 50' and 65' is low from what he remembers. If you are going to make a regulation that says it can only be 50' or 65', then you are going to hurt the efficiency of the turbine and people will probably complain about that. Mr. Maxfield said the one at the Da Vinci center is only about 60'. Mr. Johnson said it's how many feet above the adjoining building. That's what counts. The building is only a one or one and a half floor building, it's only about 20'. Mr. Maxfield said it's a two story building at Da Vinci. Mr. Johnson said that's the rule. We got information to read about wind mills in the past, and that's where he read it. We got a paper printed up by the Wind Power Association which had guidelines in it. Mr. Maxfield said currently our ordinance stands at 35' to the top of the blades, but he's not 100% sure. Mrs. Yerger said all she knows is from what she can gather, Boucher & James took a good look at this as far as what most townships have so it doesn't interfere with a bunch of other things and falls in with most setbacks so it doesn't fall off your property into someone else's property if it would come tumbling down. Ms. Mallo said it's similar to a cell phone tower where you want to have it so many feet away from adjacent structures. Mr. Johnson said the turbine isn't going to produce, it's rated power if it's not so many feet above. The turbine needs laminar flow. Laminar flow is when there's no turbulence in the air. It's just the air flowing in one big mass.

That's what it needs to get the most efficient power production out of the blades. When the wind flows over an obstacle and you get turbulence behind it and if the blades are not above that, you are not going to get your maximum design efficiency out of them. He went to a couple of talks about this up at the energy show and all the people that sell these wind turbines say if you are going to do something like that, then you are wasting your money. If you are not going to follow the guidelines for the maximum production from the turbine, then you are going to waste your money. You are then going to have a hard time in PA getting a lot of electricity out of it anyway. Mrs. Yerger said that was pretty much the consensus. There are only a couple of places in PA that actually make wind mills economically feasible. We're not exactly in one of the prime sites for wind mill. Mr. Maxfield said traditionally farmers have used them out in the rural areas. If you think about all the ag fields we have sitting around it's probably a good opportunity for them. Up where Mr. Johnson lives, it might be good as there's a lot of hill top. Mr. Johnson said if you have a nearby tree that's 40' high, you are only going to be 20' above it and a lot of our trees are 50' and 60' high. Mr. Maxfield said that's why in the middle of an ag field you are going to have wind. Mrs. Yerger said when we get the draft ordinances, we'll have the EAC review them.

**IV. DEVELOPER ITEMS – None**

**V. APPROVAL OF MINUTES**

**A. REVIEW AND APPROVAL OF APRIL 12, 2011 MINUTES**

Tabled until the July 12<sup>th</sup> meeting as Mr. McCormick is absent again.

**B. REVIEW AND APPROVAL OF MAY 10, 2011 MINUTES**

Mr. Johnson made the following corrections:

- Page 1, line 39, at the end of the sentence, it should read “keep unauthorized vehicles off of the rail trail”
- Page 1, line 50, the word “guys” should be gates
- Page 2, line 13, the word “ground” should be grade
- Page 4, line 21, take the common out after Whitetail
- Page 9, line 39, it should read “it’s pretty much a trail”
- Page 9, line 45, it should read “and there are springs all over the place”
- Page 9, line 54, take out the “s” after 4,000

**MOTION BY:** Mr. Johnson moved for approval of the May 10, 2011 minutes, with corrections.

**SECOND BY:** Mr. Beardsley

**ROLL CALL:** 5-0 (Mr. Guerra and Mr. McCormick – Absent)

**VI. OLD/MISCELLANEOUS BUSINESS**

**A. OPEN SPACE BROCHURE FOR OPEN SPACE EIT REFERNDUM –**

Mr. Maxfield said they are going to take the old stuff and the things Ms. Mallo gave them and combine everything together and put it with some economic information.

**VII. UPDATES/REPORTS**

**A. COMMUNITY DAY – AUGUST 20, 2011**

Mrs. Yerger said the Community Day is August 20. The EAC will share a tent with the Township.

**B. AERC E-CYCLING EVENT – SEPTEMBER 24, 2011**

Mrs. Yerger said the E-cycling event is going to be September 24 with AERC. Ms. Ray said she put the information on the EAC website and she assumed it was the same prices as the other chart. Mrs. Yerger said this could be put in the Township newsletter. Ms. Ray said it might be a good idea to put it out to the residents now so they know it's coming as we skipped doing it. Mrs. Yerger said maybe Ms. Palik could make some flyers, 8-1/2 x 11 and send them to the EAC and they can post them around town. It should also be put under Announcements on the Township website and link the flyer to it. Also put a flyer up on the Township bulletin board. Mr. Johnson said there should be a flyer at Bergey's.

Mr. Riemann said in Springfield, they want to invite Lower Saucon Township to participate in their Third Annual Tire Recycling. It's going to be in September. He will get the information to Ms. Palik. Mrs. Yerger said we can make it part of the same poster. She told Mr. Riemann to let Springfield Township know about Lower Saucon Township's e-cycling event. Mr. Johnson said what is done with the tires after they are collected? Mr. Riemann said he believes they are used for fuel. Mr. Johnson said yes, they are burned. Mr. Riemann said it's supposedly approved by the State and the Feds to do it that way and it's a special process.

**C. BROCHURES**

Mrs. Yerger said there are a couple of brochures of different seminars, so if you are interested in going, please let Ms. Palik know and she will make copies. Mr. Johnson said do you have any comments on the sustainable design community meeting that is going to occur in Hellertown on June 27<sup>th</sup> and 28<sup>th</sup>? Mrs. Yerger said they are going to be talking about revitalization on some of the old industrial sites in the Borough, re-use of them. It's a great idea except it's a challenge for the re-use of some of the sites. They've been looked at before and there are some new ideas. Terry Boos said they are going to be talking about the Champion Spark Plug Factory and the movies in Hellertown. He's not sure of the other properties. They will talk about how to revitalize them. The Champion Spark Plug place has been looked at for years and it's a challenge. Mr. Maxfield said this is a workshop, so it's not going to be actual workable plans to do these sites. These are demonstration pieces to show how sustainability could be incorporated. They are not producing something that ever will be used. It's to learn about sustainability. The EPA is giving the educational components for the workshop.

**VIII. TERRY BOOS – HELLERTOWN REPRESENTATIVE – REPORT – No report**

**IX. NON-AGENDA ITEMS**

- Native Plant Garden – Girl Scout, Mary Anthony, was present. She said she's working on her Gold Award. Mrs. Yerger said Mary was working on a component with the storm water and we had to check with Roger Rasich about the gutter on the garage. We didn't want to authorize the rain barrel until Roger put a gutter on the garage. You will get a gutter on the garage, so our storm water management via a rain barrel can be accomplished for the garden so your component is fulfilled. Mary said she told her Girl Scout committee about a water feature. She wasn't sure if it was cleared or not. She wasn't sure if it was going to be solar powered or electrical. She thinks she wants to do solar. There's a black basin out in the garage and she planned last year to dig a hole, but after it's in, it needs to be blended in with the garden around it. It's like a shaky plan as she's only 17 and doesn't know how to install a water feature. Mr. Hans Riemann was present. He said being a stone mason, when he proposed a water feature, he's going to propose a nice waterfall. It doesn't have to be a waterfall. It can just be a pond with a little spritzer fountain piece that aerates the water. It can be very simple. It lowers the budget for it. Now that the rain barrel is moved to the garage area and the overflow from that will be coming to the garden, what's to say you can't have the hose just go to the pond then at some point. Mr. Maxfield said if you have a

pond with an aerator, you are going to have some evaporation, so why not use the rain barrel as the filler. Mr. Riemann said he remembers Mr. Johnson talking about that, if it evaporates, does someone have to come and fill it. You have your water right there with the rain barrel. It helps fill Mary's stormwater sustainability component for her project. Mrs. Yerger said do we have a budget for this so we can approach somebody about that? Mr. Riemann said the only budget Mary has is for the signage, which maybe we should go back to. Mary said she has a rough budget for each sign, about \$100.00 each. She's planning to build them herself with an advisor she has. Mrs. Yerger said we have done the same thing with the Boy Scouts and we provided the material for them. Jack, our Manager, has done this twice before for Eagle projects, so she thinks he would be very helpful in providing you with the appropriate material. Just approach him and he will work through it with you. Gary Kichline from Public Works made the signs up at Town Hall and Jack said if Mary needs any, let them know. Mary said she would only need two. Mr. Riemann said the location would be approximately where the benches are. Moving back to the water feature, he wanted to discuss it with them tonight. He can come back next month and give the EAC a lower budget. If we buy an aerator with a little pump, there's still the issue how to power it. We had this discussion before what kind of power we want out there. Mary mentioned the solar part, and it does get a lot of sun during the day because there is a high Golden Rod patch there that is very viable, so it must get enough sun for that. Harbor Freight actually advertises these small solar arrays for like a little over \$100.00. It powers about 20 watts which would be enough for a small aerator. The basin is already there. He would contribute the stones around it. He can come up with a budget next month for the solar array and aerator. Mrs. Yerger said we can still count on the Saucon Creek Watershed Association for the donation of a rain barrel. Mr. Riemann said they have it already in the porch by the rain garden. Mrs. Yerger said then all you need is the gutter to be installed on the garage by Roger from Public Works. Do you need us to approve Mary moving ahead with the Gold Award? Mr. Riemann asked about the signs. Mary said the signs were approved. Mr. Riemann said the support, but not the funds. Mr. Maxfield said if we are going to help assemble with Public Work, he thinks Gary Kichline would acquire the materials. Maybe it's just a direction of working with Gary Kichline to assemble these. Mr. Beardsley said we should follow the same design as the one at Town Hall Park. They want to keep them consistent with what's behind the building. Kathy Anthony, Mary's mother, said she would like Gary Kichline to teach Mary how to make the signage as that's part of her project, the leadership for the Gold Award. Mrs. Yerger said that's fine. The materials, the Township will help her acquire, so we don't have to authorize the funding for that. As far as the solar array, once you bring a budget for that, we can go ahead with the little fountain and then we could authorize that. Kathy Anthony asked about the area in the center of the garden that has no ground cover. Mr. Riemann said it would be nice to have ground cover there and/or another bench since that's where the pond is going to be located. Mrs. Yerger said she has some wood poppies to give them courtesy of the Watershed and they should spread for you. They also have leftover milk vetch. It came from the Edge of the Woods. Those are all for you to put in the native plant garden. Mr. Riemann said it's tougher for him to schedule time as he recently became a grandfather, so he has to work around that. Mrs. Yerger said she will meet with Mr. Riemann on Sunday morning to put in the plants from the Saucon Creek Watershed. Kathy Anthony said they are coming this Friday to start weeding the garden.

- Mr. Hans Riemann said he wants to jump into landowner status since he does own some land in Lower Saucon Township. He did apply to your program for preservation consideration and the Sub-Committee was looking at his property last year. He has spoken to the Springfield folks. He wanted to pass on his application to Springfield so you have it for your files. He is using Laura Baird which makes it easy as she works for LST also. Laura has agreed to sponsor him for natural areas in Bucks County. What he's done to sweeten the deal in Springfield is to offer 25% donation of the conservation value, which he would also extend to Lower Saucon Township. It's only three to four acres at the most. He has a partner and he finally got her on board for this configuration. He wanted to donate some of it, but he couldn't donate all of the value, and he wanted to share it with both Townships'. Hopefully, the soft costs could also be shared percentage-wise with the

acreage community. Mrs. Yerger said Laura Baird can work it out. We've done work with Springfield already and they have always been cooperative. Mr. Riemann said Laura is hoping to present to Bucks County Open Space Committee in the fall on behalf of his property and things will move from there.

- Ms. Laura Ray said she wanted to ask about what happened with the landfill expansion and the Appendix D as there was a 30-day time limit. Ms. Mallo said it was discussed at staff meeting that Mr. Cahalan is going to fill out the application with as much information as he can get. Ms. Ray said there's much more than that. Ms. Mallo said yes, that question was just a small part of it, there was a lot more. He said that he was going to have his staff put together the remainder of the questions. Ms. Ray said do we look at it before it goes through? Mr. Maxfield said his understanding was that they intended to answer all of the parts of the question. They just had a question about that particular part that they were asking us. Ms. Ray said that question didn't make sense to us. You would think they would have the environmental stuff for us to look at. Mr. Maxfield said his understanding was IESI had questions about how to answer that part of it. The rest of it they don't have answers. They have to submit all of that information. Ms. Ray said it's a 30-day window. Mr. Maxfield said IESI putting in their application is their business with DEP. We get copied, but we don't necessarily review it until it comes back. Once they submit it to DEP, that's the process and we get copied and there's a comment period. Mrs. Yerger said it's very complicated.
  
- Mr. Johnson said on the Makos-Lenner property, did Boucher & James put out a letter? Ms. Mallo said yes they did and gave everyone a copy to look over. This is going to the Planning Commission on Thursday evening. Ms. Mallo said the use requirements are 1A is saying they require conditional use to do what they want to do which is putting the driveway in the location. That was the on their application. 1B is that there is a maximum impervious coverage of 20% and they did not indicate on the site plan what it was. Boucher & James roughly did it and it was less than 20%. They didn't even indicate what the impervious surface for the driveway expansion is going to be. They are coming in with strictly the access way. 2A and 2B basically says they are putting in this driveway. They are showing the driveway to come in, but they are not allowing for proposed disturbance. They are going to need earthworks and machinery to come in and level that off and they need to show what disturbance is going to be there. They show the site capacity calculations, but they don't show how they meet the site capacity calculations, especially the woodlands they are talking about. They show no disturbance on the plans, so they need to show that kind of thing. Mr. Johnson said when they are working on the driveway, they are going to be disturbing the adjacent wetlands with their machinery and how is that handled? Ms. Mallo said they need to show it and then address it. We can't even say what they are planning on doing until they show it. They are going to put up tree fencing and show the limits of disturbance. That will take into consideration the site capacity calculations. Mr. Johnson said they are going to disturb it and then it will be ruined. That's just the way things are? Ms. Mallo said no, they don't have to give the conditional use. Mr. Johnson said there are wetlands on the so-called little driveway and they will be into it right away. Ms. Mallo said there's the engineer's comment about the piping size. That culvert was built how many years ago and that probably is not up to code. Mr. Johnson said it doesn't look that old. It's made out of 12" plastic and that is pretty modern material. Ms. Mallo said that's the engineers comment and they will have to figure out the sizing. In the comment letter, they said the property was subdivided in the 1970's. It was known as Lot 3 of Anne Makos and Charles Makos, subdivision plan prepared by Vern Engineering dated February 24, 1982. It is noted that this existing lane shown on this plan was shown as an existing lane back then. There was some sort of crossing, she would assume, back in 1982 if that access point was there. Our comment is saying they are going to have to show the disturbance methods or the proposed methods of disturbance in order to meet that requirement for that zoning or they are going to have to ask for relief from that. That would be a variance. Mr. Johnson said they can show the disturbance, but what are they going to do about it. Who looks after that? What organization determines if that disturbance is acceptable? Mr. Maxfield said everyone from County

Conservation to DEP to us to anybody. Mr. Johnson said some people think there may be Bog Turtles there on that land. Mrs. Yerger said then you have to call Chris Urban. Mr. Johnson said wouldn't someone have to do an inspection? Mr. Maxfield said yes, and it can take up to years to do that. They have been identifying Bog Turtle habitats in our area for the last five years. They shouldn't be touched. Did someone say there may be Bog Turtles there? Mr. Johnson said, yes, the neighbor did. Mrs. Yerger said that needs to be looked at. Ms. Mallo said she's noting that now. Mrs. Yerger said they found the Bog Turtles right up the road in Wassergass at the bottom of the hill. They are all over Springfield. Ms. Mallo said all of item 3 are basically what the applicant needs to provide in order to meet the conditional use. This has to be submitted in order for the conditional use to be granted. Item A is showing all the abutting streets, nearest cross streets, etc. Item B is that they need to have these permits supporting documents. This is where all your things about how is going to look at this – they have to meet all the government agencies and support all those documents. Mr. Johnson said he understands they got a letter from the Army Engineers and then he was told in order for that letter to be okayed, they have to provide and meet all the regulations of the Army Engineers. Mrs. Yerger said they do. Mr. Johnson said they didn't do that yet. The letter says they have to do it. Mrs. Yerger said they haven't even gotten to County Conservation. Ms. Mallo said that's the next comment, that they need to provide soil erosion and sediment devices and narrative and approval from the Soil and Water Conservation District. General Comments are basically is just to say that the shed and the garage are currently located in the front yard. They are existing non-conformities. They have to submit a response letter addressing these comments. Mr. Maxfield said what this letter is saying is that this may get too expensive to do something with. It looks like there's a lot of investigation that needs to be done and time that is going to have to be spent especially if they are doing Bog Turtle studies.

- Mr. Hans Riemann said there are some ongoing studies looking for Bog Turtle and/or Bog Turtle habitat for future for Bog Turtles to be introduced by a gentleman named Jason Tsaurus from U.S. Fish & Wildlife. He has been active in their Township because he came and offered money - \$21,000 an acre an easement to protect the habitat areas. If you have any place you want him to look at, let Mr. Riemann know. Mrs. Yerger said she has that information and can email it to the group. Mr. Riemann said he's very good.

**X. PUBLIC COMMENT** – None

**XI. ADJOURNMENT**

**MOTION BY:** Ms. Laura Ray moved for adjournment. The time was 8:35 PM.

**SECOND BY:** Mr. Beardsley

**ROLL CALL:** 5-0 (Mr. Guerra and Mr. McCormick – Absent)

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Sandra Yerger, Chair

**Next EAC Meeting: Tuesday, July 12, 2011**