

I. OPENING

CALL TO ORDER: The Environmental Advisory Council meeting of Lower Saucon Township Council was called to order on Tuesday, December 14, 2010 at 7:02 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Sandra Yerger, Chairman, presiding.

ROLL CALL:

Members: Chairman, Sandra Yerger; Vice Chairman, Tom Maxfield; Colin Guerra, Laura Ray and Allan Johnson. Absent: Hazem Hijazi & Ted Beardsley

Associate Members: Dru Germanoski. Absent: Tom McCormick, Chiharu Tokura, Karen Dancho & Glenn Kaye.

Planner: Kevin Kochanski – Boucher & James

Hellertown Liaison: Terry Boos

Jr. EAC Member: Tara Jain - Absent

PLEDGE OF ALLEGIANCE

Mr. Maxfield congratulated Tara as she was a District champion for tennis.

II. OPEN SPACE SUB-COMMITTEE

A. PROPERTY UPDATES

1. **RICHARD MARSON – 2383 WASSERGASS ROAD**
2. **VIKTORIA SMITH & ARTHUR BUROFF – 2385 WASSERGASS ROAD**
3. **JOHN & AMY CARBER – 2387 WASSERGASS ROAD**

Mr. Johnson said this information was being conveyed to the EAC from Ted Beardsley. Mr. Beardsley had talked to the three landowners on Wassergass Road. He wants to arrange to go there and take a look at the properties. He was talking to Laura Baird and he wants Laura to go along with them. He's waiting for Laura to get back to him with a possible date that she could make the meeting. After he gets her dates, then he will contact the rest of the Open Space Sub-Committee and try to coordinate a time to go and see these properties.

Mr. Johnson said they contacted Chris Garges about the property and he mentioned a few things that he thought would make it difficult to develop the property for houses. The big thing is that the driveway leading up from Wassergass Road is 500 feet long. There's a restriction in the zoning code that the cul-de-sac can only be 600 feet. That wouldn't leave much room to put many houses along the top of the driveway. There's another thing called a P arrangement where you can go up and make a P line. That has restriction on the length too. The other possibility would be to build a road which could be done, but that would be a cost benefit analysis, as the road would be very expensive to build and you'd have to see how many houses you could fit on the road. That would pretty much be the job of a Site Development Engineer. That's the situation. He looked up the parcels on the Northampton County data base and there seems to be pretty much land up there with the slopes are between 0 and 15. There are some places that are steep but there are a lot of places that aren't. There are a lot of woods up there. If there was any development done, a lot of woods would have to be cut down.

4. MEASE FARM

Mrs. Yerger said the Mease Farm straddles Bucks County and Northampton County. There was about 14 acres in Lower Saucon. We've been working on this project for awhile, partly because when we went through this process, they realized there was more acreage than what they originally thought. They went to settlement yesterday and we have a conservation easement now on the 14 acres that are in Lower Saucon. The whole farm is about 60 acres between Bucks and Northampton Counties that are now preserved. If you ever go to Saylor's Meats, that's their farm. It's been a family farm for years and it's going to stay a family farm in ag. That's a good thing. It's on Moyer Road off of Route 412, just past Leithsville.

5. MARRA PROPERTY

Mr. Johnson said the third thing is Art Morgan who was here last month has the two properties for sale. One is adjacent to the Dravec property and the other one is on the Lehigh River – the EAC wants the Open Space Sub-Committee to go to the property by the Dravec property. The problem with that property is they don't exactly know where it is. Ted asked Mr. Cahalan to ask Hanover Engineers if they could supply a person to show us where it is as they did the boundary survey on the Dravec property, and that property is adjacent to the Dravec property. He hasn't heard back from Mr. Cahalan yet. They are going to have to get some guidance as to where it is. That particular parcel near the Dravec property is very steep. There are no landmarks to show it. All you can say is go up the hill 200 feet and there it is. Mr. Guerra said Mr. Morgan did say he has a GPS software package to show where it is and he would be willing to use to show the Open Space Sub-Committee where it is. Mr. Johnson said he's still going to only be able to show us a map and say here are the boundaries halfway up the mountain. How do we know when we get there? Mr. Guerra said we can overlay that on a map. Mr. Johnson said if you remember in the minutes last month, he said if we would contact him, he would give us a website that we could use to look up all kinds of information for properties. We could probably use that to look up this particular property. He doesn't think anyone contacted Mr. Morgan in order to get that information. Mr. Germanoski said if Mr. Morgan's name is on the property, he could probably get a map with the property boundaries. Mr. Guerra said it's an estate, the Marra estate. Mr. Germanoski said he will look and if he gets it, he will send it to everyone. Mr. Johnson said this is halfway up the mountainside and no roads, no houses, nothing to identify. When they walk up the mountain, how do they know when they are getting there? It's so steep he couldn't even walk all the way up. He got halfway up and said he couldn't go any further. That's how steep it is. Like Mr. Beardsley said, the surveyors from Hanover have been there, and they would know where the corner of the Dravec property is and he thinks this property has a common corner with the Dravec property. Mr. Guerra will call Mr. Morgan.

B. UPDATE ON PROPERTY SCORING REVISIONS

Mr. Beardsley also wanted Mr. Johnson to report that Laura Baird asked him for a copy of the preliminary application that we use and she wanted to look over it in order to think about a scoring system. Mr. Beardsley didn't hear back from her yet.

III. NEW BUSINESS

A. APPROVAL OF 2011 MEETING DATES

Mrs. Yerger said the EAC needs to approve the 2011 meeting dates. The date for November 8 will be changed to November 15 as that is an election date and they use this as a polling place.

MOTION BY: Mr. Guerra moved for approval of the 2011 meeting dates. The November meeting date will be the third Tuesday of the month, November 15th as November 8th is Election Day.
SECOND BY: Mr. Maxfield
ROLL CALL: 5-0 (Mr. Hijazi & Mr. Beardsley – Absent)

IV. DEVELOPER ITEMS

A. SCENIC VIEW APARTMENTS PRELIMINARY/FINAL LAND DEVELOPMENT #LD 01-10 – 2021 SCENIC VIEW LANE

Mr. Kochanski said this project is located off of Flint Hill Road. It borders with Bucks County and Springfield Township. There are quite a number of existing dwelling units on this site already. There are forty-nine total. Forty-eight are contained in twelve apartment buildings; four units each; twenty-one in Lower Saucon Township. This has been in front of you numerous times already. It may have been at your last meeting, which they pulled off of the agenda for the Planning Commission as they revised the plans to address some of the outstanding comments from Boucher & James and Hanover Engineering. They are basically proposing one additional building with four dwelling units within that multi-family building. The plans have been revised to address majority of Boucher & James and Hanover's comments. There are a few items that are left to be resolved. Some of them are more of a plan clean-up. One of the bigger issues that they did see, which is easily resolved, is they are proposing burning bush as some of their required landscaping. Burning bush is on the Pennsylvania list of invasive plants. We are duly noting it in Boucher & James review and are asking them to select a more appropriate native plant for their required landscaping. They had shown all the environmental features that they are required to show. There are a few remaining outstanding items on the plan and some issues with the retaining wall, some discrepancies on some of their calculations, but they are relatively minor at this point. They've gone through the site plan process. They received the site plan approval and they are going for preliminary final land development approval for the development of eight parking spaces for four dwelling units.

Mrs. Yerger said other than changing the landscaping to adhere to native plants, is that pretty much the only outstanding environmental issue that is here? Mr. Kochanski said they are also requesting a waiver for the other landscaping requirement from a zoning standpoint and there is one per every 500 square feet of new impervious surface trees. That's really the only outstanding item. It's probably not going to be a plan revision as much as it will be a waiver in front of Planning Commission and they are on the Planning Commission agenda for Thursday night and Council the following meeting. When they had looked at it, it was somewhere between eight trees. There are a number of trees removed and they had shown them on the plans. They are kind of individual trees and no woodland disturbance or any trees that are hanging out where they are doing some of the septic areas where there is selective removal. He had a conversation with the Engineer with Keystone and their concern was a lot of the areas where they are removing some of the vegetation, is where they have their infiltration and/or reserve systems and they are not allowed to disturb those areas. That's the rationale they are using. The intent of the ordinance is to provide the landscaping in and around the improvements. He can't disagree that there isn't adequate room on this area to locate the trees. Mr. Guerra said his recommendation would be to replace the caliper of the trees if there's no room on the property and that they can be relocated to a different property in the Township. Mr. Kochanski said there are municipalities that do require a replacement, but we are not at that point. They met their ordinance requirements. They are specifically requesting the waiver from those trees as a result of impervious based off of a number, but not off of a size. You can make that recommendation. Because it is a waiver, there could be some give and take when it comes to Council as far as if you don't want to plant them on site, then what if. You can enter into those conversations as it is a waiver. Mr. Maxfield said they always make that option that they can submit money to the tree fund or trees that they are not going to use.

**Environmental Advisory Council
December 14, 2010**

MOTION BY: Mrs. Yerger moved that the Environmental Advisory Council does not endorse the waiver request from SLDO Section 145-52.C(1) regarding required landscaping, and that the applicant should either install the required plant material on site, at another location within the Township, or offer a fee in-lieu-of the required plants.

SECOND BY: Mr. Guerra

ROLL CALL: 5-0 (Mr. Hijazi & Mr. Beardsley – Absent)

MOTION BY: Mrs. Yerger moved that the Environmental Advisory Council endorse comment 2.b in the December 8, 2010 Boucher & James review letter the use of a more appropriate native plant in-lieu-of the proposed burning bush.

SECOND BY: Mr. Guerra

ROLL CALL: 5-0 (Mr. Hijazi & Mr. Beardsley – Absent)

B. IESI PA – BETHLEHEM LANDFILL CELL 4-F PRELIMINARY/FINAL LAND DEVELOPMENT #LD 02-10 – 2335 APPLEBUTTER ROAD

Mr. Kochanski said this application you saw in front of you last month with some modifications to address a DEP permit which required them to come back to the Township to receive final land development for the revised plans to be consistent with the modifications granted on part of the DEP approval. In a nutshell, what they are proposing is to lower the overall height of the landfill in this one particular cell, but then they are going to expand it from a width standpoint. It involves some tree clearing, tree relocation of a PPL right-of-way, some modifications to the stormwater management with some modified structural berming and piping to the swales to relocate some of the surface flows in and around the expanded width of the landfill. The total volume of the landfill is not increasing. There is a slight decrease in the overall volume of the landfill. Boucher & James letter from last time was significantly less than the Hanover letter. There were a lot of engineering issues that needed to be worked out and he is not aware if Hanover has issued their revised letter. This was something that was submitted to the Township last week which is why they were getting their letter out so late. They are on the Planning Commission for Thursday evening. They had met with the applicant to discuss the issues in great detail, and there are a lot of waivers that the applicant is requesting, which will be discussed Thursday night. In concept, the ideas they discussed with us with Boucher & James and Hanover's comments have some merit. They have addressed a majority of Boucher & James comments from last month. Those were describing in fully identifying the extent of the woodlands that were to be removed and to provide some details regarding tree protection fencing. They've done two of those three major issues and there is still some outstanding issues with regard to tree protection, fencing, the location of the tree location fencing and what exactly is happening in the PPL relocated right-of-way. Some notes indicate there's going to be no ground disturbance. Other notes indicate that they are just kind of topping the trees, so it's not quite clear what is happening within that PPL right-of-way and how much disturbance as they don't clearly define the extent of tree protection within those areas. We're left with the one major comment overall of tree protection, fencing and better identifying exactly where that is being located within their disturbed areas.

Mr. Maxfield said have they mapped those things out in a new way, a way we haven't seen? Mr. Kochanski said they have. There is a total of 5.37 acres disturbance; 1.7 outside of the PPL right-of-way and 3.2 within the PPL right-of-way, then a little bit out on the Bushkill Motorcycle Club. They have quantified that as they had not previously done that. From that standpoint, yes, they have quantified it to a better degree than they had done last time which was one of their concerns, but yet the location of the tree protection fence, one note they indicated a silk sock was going to be used for tree protection and that's nothing more than a 12" diameter tube to create a catch sediment runoff which is obviously not appropriate for tree protection. There's a few outstanding items from that standpoint. Unfortunately, if you remember, that's when this project first came through, the environmental protection standards that we currently enjoy were not in existence, so they were kind of grandfathered in. There are no regulations on steep slopes or the amount of woodland

disturbance. We had just asked them to quantify to the extent of those areas they were disturbing, which they have. We're just now trying to get a little bit more information from them regarding the extent of tree protection, location and delineation on the plants.

Mr. Maxfield said one of the concerns they had last time was that PPL seems to be following a policy of flattening the entire area, and clear cutting within the easement area. He knows that there is a group of people that are associated with the regional watershed that have been talking to PPL about different approaches to this, so he knows it's been said they are obligated by law to do this approach or clear cutting, but he doesn't think that is the case. From what he heard, they are going to be working with PPL with in at least park areas or conservation areas, and sensitive areas to selectively cut to leave trees that will not possibly interfere with the lines. He knows they have the ability to do different approaches. Maybe we ought to try to encourage them to do that here. Top trees that don't need to be topped, clear cutting trees that don't need to be clear cut, all that kind of things are something he'd like to change their attitude about and if we show some interest and make some comments, based on that, maybe we can get some action out of them.

Mrs. Yerger said do they need to utilize the right-of-way as far as any kind of construction or distance for construction for the berm? Mr. Kochanski said he does not believe so. Mrs. Yerger said do they see utilizing PPL's clear cutting standards, if you would, to fulfill their needs for constructing their berm? Mr. Kochanski said he doesn't think so. PPL right-of-way in the area where it's getting closest to the berm was offsite, so they had never talked about needing one to construct the other. The applicant has indicated in the PPL right-of-way that they are not going to be disturbing the ground plane. They are leaving the stumps and trying to provide some sort of stabilization with the stumps and the root system. To what extent, there is a little bit of discrepancies in the note with that, so we are asking for some clarification on what is exactly happening in that area. Their justification is by leaving the stumps, they are not disturbing the ground and the roots, but the water is still going to flow faster creating some kind of erosion.

Mrs. Yerger said we basically have two issues. We have IESI and the other is PPL. Mr. Kochanski said you may want to look at both alternatives. Looking at IESI and work with PPL to better define the selective clearing within the right-of-way. At the same time, have the Township work with PPL in which case IESI is not inclined to have the same priorities that the Township has in regard to the environmental sensitive nature of this area. Mrs. Yerger said she'd like to keep it clean and do a motion as follows:

MOTION BY: Mr. Maxfield moved that IESI should encourage PPL to reduce the amount of clearing within the proposed PPL right-of-way and the plans should be revised to better define the location and specific measures proposed for tree protection.

SECOND BY: Mr. Johnson

ROLL CALL: 5-0 (Mr. Hijazi and Mr. Beardsley – Absent)

MOTION BY: Mr. Maxfield moved to ask Township Staff to use the appropriate means necessary to open discussions with PPL regarding their policy for clearing within their rights-of-way.

SECOND BY: Mr. Guerra

ROLL CALL: 5-0 (Mr. Hijazi and Mr. Beardsley – Absent)

Mr. Boos said the PPL Timbering Harvest Plan, has that been submitted to the Township or where that has gone? Mr. Maxfield said they traditionally do not do anything like that as they are a utility. Mr. Boos said is there some manor where he could get a chance to look at it? Mr. Maxfield said he doesn't even know if they would show us anything, but maybe this is part of the discussion we need to have with them. Mr. Boos could act as the consultant and identify for them. They supposedly have a forester with their crews advising their crews. Their experience with them is they come down and whatever is there is gone. He doesn't know if that forester hangs with them or leaves. Maybe that's what we can do is offer our services to them as an identifier and guider as

to what should be cut down and what should remain. Mr. Boos said PPL does have foresters on their staff. He doesn't know what their purview is. Mr. Johnson said he knows they have a forester, but doesn't know what his responsibility is. One time he called and asked to have a tree cut down and he spoke to their forester who is in charge of cutting the trees down that interfere with the power lines, so he may be the guy and Mr. Boos could just call him. In that letter, they mentioned PPL's E&S plan, E&S means Erosion and Sedimentation. Mr. Boos said that's part of their Timbering Harvesting Plan. When they do that, it's standard. Mr. Johnson said they must have some kind of plan. It referred to the E&S plan in the letter, so IESI must know about it. Mr. Kochanski said Hanover would be reviewing the E&S part of it.

V. APPROVAL OF MINUTES

A. REVIEW AND APPROVAL OF OCTOBER 12, & NOVEMBER 9, 2010 MINUTES

October 12, 2010 Minutes

Mr. Johnson made the following changes: Page 3 of 15, line 51, it should read "bank may require that he pay of his mortgage". Page 4 of 15, line 29, take out the third word "be". Page 6 of 15, line 2, last word should be "no". Page 7 of 15, line 1, first word should be "Or". Page 9 of 15, line 13, take out the 8th word "we". Page 9 of 15, line 48 should start out with "be happening". Page 10 of 15, line 36, should read "He believes they are being asked to do something that's not".

MOTION BY: Ms. Ray moved for approval of the October 12, 2010 minutes, with corrections.
SECOND BY: Mrs. Yerger
ROLL CALL: 5-0 (Mr. Hijazi and Mr. Beardsley – Absent)

November 9, 2010 Minutes

Mr. Johnson made the following changes: Page 1 of 16, line 37, now should be "not". Page 2 of 16, line 1, should read "There were 1,800 acres when they started". Page 2 of 16, line 27, second last word should be "as". Page 4 of 16, line 6, change the word now with "not". Page 4 of 16, line 16, the word should be "he" and not she. Page 5 of 16, line 6, key resets should read "TV sets". Page 6 of 16, line 36, Mrs. should be "Mr.". Page 7 of 16, line 21, should be "a dirty secret to recycling". Page 7 of 16, line 49 should read "this for free as he makes the money on the back end". Page 11 of 16, line 24, should read "Mr. Johnson said are they just starting". Page 13 of 16, line 23, should read "Mrs. Yerger said it still won't hurt us to give them our recommendations".

Mr. Germanoski said page 6 of 16, the word "saleing" should be "selling".

Mr. Boos said Page 1 of 16, line 30, should be "Marra".

MOTION BY: Mr. Johnson moved for approval of the November 9, 2010 minutes, with corrections.
SECOND BY: Mr. Maxfield
ROLL CALL: 5-0 (Mr. Hijazi and Mr. Beardsley – Absent)

VI. OLD/MISCELLANEOUS BUSINESS

- Mrs. Yerger said if your term is up at the end of this year, you should have gotten a letter asking if you are interested in still being on the EAC. Please email it to Mr. Cahalan by December 15th. Tom McCormick is in China now, so just email him and ask him if he is still interested. There will be an opening as an Associate, so if anyone knows of anyone interested, let Mrs. Yerger know. It will also go out in the newsletter.

VII. UPDATES/REPORTS

- Mr. Maxfield said the city's contractor will begin working on repairing and replacing the culvert that passes below Ringhoffer Road just north of Sherry Hill Road. Ringhoffer Road will be closed the weeks of December 13 and 20 until December 24th, so look for signs or information about that road closing.
- Mr. Maxfield said Mr. Cahalan gave them some information about a program called "Call2Recycle". This is about recycling dry rechargeable batteries. There's a program you can enter into. Mr. Cahalan recommended in his emails to use an existing collection system via Radio Shack, where you can drop things off there for recycling. We actually already have a system in place instead of going into a new program. Mr. Kochanski said batteries for cordless phones; you can take them to Lowes or Home Depot. Mr. Maxfield said there's an auto parts place on Stefko Boulevard that you can drop your battery off right at their front door.

VIII. HELLERTOWN REPRESENTATIVE – REPORT – No report

IX. NON-AGENDA ITEMS – None

X. PUBLIC COMMENT – None

XI. ADJOURNMENT

MOTION BY: Ms. Ray moved for adjournment. The time was 8:20 p.m.
SECOND BY: Mr. Johnson
ROLL CALL: 6-0 (Mr. Hijazi – Absent)

Sandra Yerger, Chairman

Next EAC Meeting: Tuesday, January 11, 2011