

**I. OPENING**

**CALL TO ORDER:** The Environmental Advisory Council meeting of Lower Saucon Township Council was called to order on Tuesday, August 5, 2008 at 7:02 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Sandra Yerger, Chairman, presiding.

**ROLL CALL:** Present – Chairman, Sandra Yerger; Vice Chairman, Tom Maxfield; Allan Johnson, Ted Beardsley, Haz Hijazi, Tom McCormick, Dennis Aranyos, and Stacey Ogur, Boucher & James. Absent: Glenn Clouser, Bob Davis, Laura Ray, and Terry Boos, Hellertown Representative

**PLEDGE OF ALLEGIANCE**

**Terry Boos, Hellertown Representative arrived.  
The time was 7:03 PM.**

**II. NEW BUSINESS**

**A. HYDROGEOLOGICAL STUDY**

Mrs. Yerger said Jack Cahalan took this to a staff meeting. There is information and some components of a hydrogeological study and Hanover Engineering will get it to us and we can look at it at the September meeting. They have a lot of this done already.

**B. COOKS CREEK**

Mrs. Yerger said Joe Hoffman from Barry Isett Engineering Firm is present to update us on the Cooks Creek. He wants to let you know the goal is to have the study finalized by our next meeting. His schedule is to have 15 copies of the draft available for all by August 22, 2008. There are maps, assessments, and required data from the contract and he is confident they can meet that deadline. That will give you a week and a half to look at the draft, and then he will get your comments. You can send him any comments. The final draft will be September 12. At that meeting, he will expect you go give him the final comments to him by September 26. The final, final will be in October and then they will present it to the state. This project went much longer than he wanted it to. The next two months he wants to give you a good final report. This is a very difficult type of report than the Saucon Creek one. At that time, there was no watershed association and no one paid attention to the creek. The Cooks Creek already has a lot of quality organizations working on it already. He is hoping you will all give him a little bit of sense of what the actual current needs are for Cook's Creek. Any questions or comments, he will try to answer them.

**Laura Ray arrived. The time was 7:12 PM.**

Mr. Hoffman said a lot of recommendations have already established, but above and beyond that, he needs to know a lot more clearly what all the other organizations think so he'll need your help. You can rest assure that this schedule will be followed. EAC said they might need more copies, so Mr. Hoffman said he can bring 20 copies over so everyone can get a copy of the report. Mrs. Yerger said she will make sure everyone gets the copies. She said Springfield is already looking at areas of preservation and they will be able to be very helpful as they are working along. Mr. Hoffman said the bulk of the report covers Lower Saucon where 412 meets 212.

**III. DEVELOPER ITEMS**

**A. REVISED PLANS – HILLS OF POLK VALLEY**

Mrs. Yerger said there are no revised plans.

**B. DEVELOPMENT OF SOUTH MOUNTAIN**

Mrs. Yerger said they have some guests at the meeting. They are Bruce Burchard, 2025 Church Road, Bethlehem; Jane Benning, 3111 Douglas Road, Allentown, and Jane Keim, VP of the Lehigh Watershed Coalition.

Mr. Burchard said he has both sets of plans that were approved by the DEP and he'd like to have the township engineers and the township planners look at them. They have some concerns about the development that is happening. They requested a special meeting with the DEP and it was at Salisbury High School and they asked them some specific questions and they were not answered by DEP. The initial plan by the township was approved 2-1/2 years ago. The NPDES permit was approved July 15, 2008.

Mr. Hijazi asked if they could give us an objective of what we are trying to achieve? Mr. Burchard said the gentlemen bought 95 acres for \$750,000 and he was the only bidder on a probated issue. He wanted to develop and put townhouses in. He wanted to do road grading on a 25% grade and the Zoning Commission gave him a special exception to do that even though their zoning laws said you can't do that. We had to take him to court and we won. We don't want to stop the development. We are just worried about the environmental impact.

Mr. Hijazi said what are we looking at? Mr. Burchard said this development will change the flow of water. He had the plans and explained to the EAC where the development was located. The concerns he has is the diverted water is going to go in all different directions. All the houses there have sand mounds. They are concerned about the pollution issues. The owner has no current violations and they are going by that code. The person's name on the DEP application isn't the person who signed it. He's a concerned person living up on the mountain.

Ms. Keim said the Lehigh County Conservation District saw the plans and they aren't very happy with it either. Mr. Burchard said they are going to appeal the DEP decision.

Ms. Keim said this will also affect your watershed. They have the plans and are asking for your input. There are two different plans from the soil conservation. Mrs. Yerger said it's not mandatory for neighboring municipalities to send a set of the plans, but it is courteous to do so. Mr. Burchard said through this development, some water should have went a different direction, now it's coming down in a swale and they say they meet the flow rates, etc., but he's concerned on stopping enough water coming to Lower Saucon's direction could be dry up Black River at your headwaters.

Mr. Maxfield asked if anyone has done a hydrological study? Ms. Keim said no. Mr. Maxfield said has he started to put any in infrastructure? Mr. Burchard said he has torn down some trees, but hasn't started a road yet. Their township says you can't take down a tree 6" unless it's in the construction zone. Mr. Hijazi said even if we agree with everything you are saying, what recourse do we have? Mrs. Yerger said we could recommend to our Township Engineers to review this if it's going to change the hydrology and give us their opinion so we know what's going on as it's going to affect our township.

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Mr. McCormick said let's say we recommend it to Council and the study said yes, it's going to quadruple the water or zero it out, then what recourse do we have? Mr. Maxfield said we can join in the appeal to the DEP and make our own statement. Ms. Keim said there will be an appeal.

Mrs. Yerger said is this development on hold? Ms. Keim said the developer will proceed at his own risk. Mr. Maxfield said we'd be interested in any change to Black River.

Mrs. Yerger said we can recommend to our Council and have our Engineer review this. Mr. Hijazi said if our Township Engineer reviewed this and agrees with your Township Engineer and says there are no problems, then what? Mr. Burchard said then it's our problem and we'll go with that.

Mr. Maxfield said we can do anything, we can only recommend to the Council. The next Council meeting is August 20, 2008. How time sensitive are you on this? Ms. Keim said they have until September 2, 2008 to file an appeal

Mr. Burchard said he will leave the plans with the EAC. One is the E&S (Erosion and Soil) plans and the other is the post or pre construction plans. Mr. Maxfield asked if there is a site study? Mr. Burchard said there is on the initial plan. Mr. Maxfield said it's usually existing conditions. Mr. Burchard said yes, it's on there.

Mrs. Yerger said they will have our Township Manager contact their Township Manager and follow up on this. She said they can come to our next Council meeting, which is August 20, 2008.

**MOTION BY:** Mr. Beardsley moved to recommend to Council to have our Township Engineer and our Township Planner review the Salisbury Township development plans to determine if there is any impact to Lower Saucon Township.

**SECOND BY:** Mr. Maxfield

**ROLL CALL:** 8-0 (Glenn Clouser and Bob Davis - Absent)

Mr. Hijazi said for the record, he's very sympathetic to their problem, he's not sure if it's the best approach for our township to go. Our township should approach Salisbury township in a proper way. We are neighboring townships and maybe a different approach would be to officially approach your township, discuss the concerns, and talk with the Zoning people. We are getting your point of view, but not the point of view from your township, the developer, DEP and everyone else and we are making a motion to have our Township Engineer and Planner review plans and dive into this issue. What if the Salisbury and DEP were 98% correct and we've spent this effort. Mrs. Yerger said our Manager's aren't engineers either. Mr. Maxfield said the Zoning Officers have talked already and we didn't get the plans yet, so we're just jumping the gun a little bit. We don't know Salisbury's point of view yet, unless Chris has talked to them already.

Ms. Keim said we're watching this going through and we're really worried about it. They are removing all these trees and we're going to have more flooding. Their Zoning Officer already approved this.

Mr. Maxfield said he doesn't want to speak for the Zoning Officer, but he happened to be there when he was contacted.

Mr. Hijazi said he'd like our Zoning Officer to contact your Zoning Officer. Ms. Keim said they have already approved it. Mrs. Yerger said we can follow up with the Zoning Officer and it doesn't hurt to review the plans. If there's no issue, then there's no issue. Mr. Maxfield said our Planners and our Engineers are smart enough and will tell us before we spend public money. Mr. Burchard thanked the EAC for listening to their position.

V. UPDATES/REPORTS

A. OPEN SPACE SUB-COMMITTEE MEMBERS

Mr. Beardsley handed out a paper on all the people that have contacted them so far. They are not establishing priorities. They have been out to the Petrie property and that may not be of the highest priority. There's things there to be preserved and also the creek. It has some agriculture features, it has the creek, woodlands. Compared to some of the stuff that's off of Wassergass Ridge, we don't know if they'd be higher priority. They are just saying when they score it, yes, it has this feature, how does it fit into the priorities. We aren't in control of the money. Is it more or less important than other pieces of property? Mr. McCormick said there are many contiguous plots on Wassergass and he continues to feel it's unhelpful to have discussions about a piece of property, it always has to be in relative to other things. There's a lot here and it is attractive. We're just now talking to people. Victoria Smith has submitted a plan for development on her property. She thinks something has been submitted to put up a pole barn. Mr. Beardsley will talk to her again. He will also check with Chris Garges.

Mr. Beardsley said they did score Noble, Dravec and the Petrie property. They need the telephone number for Willie Shelly. Mr. McCormick said they will send an email to Jack Caqhalan as they are asking for the open space plan and tell him to please send them the open space plan. They will write a cover letter to thank them for their interest.

Mrs. Yerger said Diane Gehringer is no longer with Wildland's. She was the contact and there is now a replacement, but she doesn't know how they are operating now with Reiss. Mr. Beardsley said they will contact Wildland's directly.

Mr. Beardsley said Bruce Petrie said he wasn't in a hurry, and he's not going to sell the property. We can send him a letter and tell him it's properly scored well enough and it should be preserved, and when the money is available, we'd like the property.

Mr. Beardsley had a conversation with Jim Severn on Lower Saucon Road and there are heirs that want money for the property and if he gets an easement, he can pay off those people. Mr. Maxfield said we have to look at this closely and let Williams Township know about it. Most of that property is in Williams Township.

Mrs. Yerger said Jeff Marshall contacted Mr. Jay Henn and the WhiteTail Bownman's Club wants an easement and wants to go through the Heritage Conservancy. They will keep us apprised of what is ongoing. This is on Apple Street.

Mr. Johnson said what's the next step on the Petrie property? Mr. McCormick said to tread lightly with Petrie, but report back to him.

<p><b>Mr. Beardsley left the meeting. The time was 8:20 PM.</b></p>
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IV. A. MINUTES

Mrs. Yerger said they have the July 1, 2008 meeting minutes. Any corrections?

Mr. Beardsley said on page 3, line 2, "existing" should be "**proposed**". On page 4, put a period after property. Then start the new sentence, "They would like to have a meeting with Mr. Reiss to evaluate the property based on their visit".

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Mrs. Yerger said page 3, there is a blank on line 14. We need to fill it in. It should say “the impact of the current and/or **proposed drive on wetlands, retention basin and other environmental sensitive areas.**” Page 5, line 13, the time was **9:16 PM.**

**MOTION BY:** Mr. Maxfield moved for approval of the July 1, 2008 minutes, with corrections.  
**SECOND BY:** Ms. Ray  
**ROLL CALL:** 7-1 (Glenn Clouser, Mr. Beardsley and Bob Davis – Absent; Mr. Hijazi – Abstained – was not at the July 1, 2008 meeting)

**B. WOODLAND HILLS REVIEW OF GEOMORPHIC STUDY**

Mrs. Yerger asked if anyone has looked at this? Mr. Johnson said there’s a pretty good synopsis in the packet and there’s a lot of work to be done. A lot of the work is done north of Lower Saucon Road and dredging should be done south of Lower Saucon Road. Mrs. Yerger said we can table this and have everyone look at it and we can make recommendations next month. She will get CD’s for everyone.

**VI. NON-AGENDA ITEMS**

Mr. Johnson asked about the timber visit. No one has gotten back to him. The dates are August 14, 19, 20 or 23. They will leave about 5:00 PM. Three of the EAC members can go and they’d like to go on August 19. If anyone else can attend, get back to Mr. Johnson and let him know. It’s in the New Tripoli area. It would take about two hours to visit both sites. He didn’t hear from anyone on Council or the Planning Commission.

Ms. Laura Ray said there is an increase in the number of people contacting her through the website, via email. There was one about the watershed, which she passed on. There were some questions about the compost bins, the rain barrels and a question about what to do with a rabid woodchuck. One question was about accessing property we put an easement on. Mr. Maxfield said it’s a policy they worked out with that easement and we will get a statement from Mr. Cahalan.

October 18, 2008 is the recycling of electronics for the fall. It will be put on the Township website.

Mr. Johnson asked about recycling compact fluorescent light bulbs that you take into the township. He talked to Carol Schneider about it and no one knew too much about it and she called up to the garage and they didn’t know too much about it. He thought anyone could come any day and it was an ongoing thing. Mrs. Yerger said she will talk to Carol.

Mr. Maxfield said the Polk Valley flood plain issue will be rectified.

Mr. Johnson asked about the timber cut on Woodland Hills. Mr. Maxfield said the Zoning Officer went out and had to work percentages to see if he was in the legal limit and it’s still in discussion.

**VII. ADJOURNMENT**

**MOTION BY:** Mr. Maxfield moved for approval adjournment. The time was 8:40 PM.  
**SECOND BY:** Mr. Johnson  
**ROLL CALL:** 8-0 (Glenn Clouser, Mr. Beardsley and Bob Davis – Absent)