

Upper Makefield *Township*

Environmental Advisory Council Meeting

May 13, 2014

The May 13, 2014 public meeting of the Upper Makefield Township Environmental Advisory Council was called to order by Chair Ed Ford at 6:30 p.m. In attendance were the following members of the Environmental Advisory Council: Chair Ed Ford, Vice-Chair Cathy Magliocchetti, Member Bud Baldwin, Member Kyle Dudley, Member Keith Miller, Member Bob Needle, Planning & Zoning Department, Wendy Mecke, Board of Supervisor Liaison, Mary Ryan and Mary Eberle, Township Solicitor. Also present were Mr. & Mrs. Karl Falkenstein, Hank Leiberman, Ronald LaNassa, Mr. Marwan Sadat and others representing the Homeowner's Association for the Timber Knoll subdivision.

I. Call to Order - 6:40 p.m.

II. Public Comment-No public comment.

III. Approval of Meeting Minutes

A. April 8, 2014-Motion made to approve. Second, all in favor, motion passed.

IV. Discussion Item.

A. EAC Members Volunteer at WCHP.

Ms. Magliocchetti asks the EAC to volunteer with tree maintenance at Washington Crossing Historical Park for recently planted trees. The EAC will pick a future date.

B. Falkenstein Riparian Grant.

Mr. & Mrs. Karl and Mary Falkenstein were present at the meeting. Mr. Baldwin offers to the EAC there would be three options to remediating the stream on the Falkenstein's property; the first would be to return the stream to "Pre-Floyd" conditions, which is cost prohibitive. He discussed two other manageable options. He goes on to discuss that if the work was done on the opposite side of the stream, it would return more backyard to the Falkenstein property.

Mr. & Mrs. Falkenstein are in agreement that the property owner on the opposite side of the stream would not be agreeable to work being performed on their property and they feel that having remediation on their property would be faster to complete.

With that, Mr. Baldwin informs the Falkenstein's they will have to bring a engineered plan before the EAC to be considered for recommendation to the Board of Supervisors to be reimbursed for the money spent on the plan.

Mrs. Falkenstein informs the EAC they were informed they would be able to get a plan and money immediately so the work could be done now. She goes on to explain the backyard is too dangerous to let children play. The EAC questions whom informed the Falkenstein's of this information. Mr. Falkenstein offers that Mr. Tierney (Supervisor) gave them this information.

Mr. Baldwin goes on to confirm the Riparian Grant procedure in place is the procedure that is required to follow. The Falkenstein's have to submit to the EAC a engineered plan to the EAC, then follow the required process, go through the process, then be reimbursed by the Township.

Mr. Falkenstein notified the EAC that the Township Engineer was on site with two contractors. Mr. & Mrs. Falkenstein were told by the contractors that a plan was going to be provided to them. They believe that the Township Engineer should have, at that time, told them they need to submit a plan. They thought the Township Engineer was working on a plan for them.

Mr. Falkenstein offered that the Township Engineer came with the contractors and he did not have contact information for the contractors.

Ms. Magliocchetti asked if the Falkenstein's if they have a survey of their property. Mr. Falkenstein confirmed there is a survey and goes on to mention that the survey shows the erosion has encroached on their property by two (2') feet.

Dr. Ford confirms the Falkenstein's the plan to be created will incorporate work solely to be performed on their property. The Falkenstein's agree.

Mr. Baldwin suggests that the Falkenstein's need to get a plan to the EAC immediately to get the process started.

Ms. Magliocchetti confirms the process with the Falkenstein's and goes on to say that the EAC is ready to review a plan when it is submitted. Mr. Falkenstein questions the need for a engineered plan now. Ms. Magliocchetti goes on to explain the EAC will review the plan, the Township Engineer will review the plan for competency, then a recommendation will be made to the Board of Supervisors to move ahead with the Grant.

Mr. Falkenstein asks what happens if they don't recommend the plan. Ms. Magliocchetti offered, with proper DEP and Commonwealth approvals they could move ahead with the project on their own. She goes on to say that the EAC will be looking for a plan that not only elevates to erosion on the Falkenstein's property but also doesn't do any further damage downstream.

Mrs. Falkenstein asked what to do next, she goes on to say they were depending on the Township to rectify this problem.

Dr. Ford recommended that the Falkenstein's meet with Planning & Zoning for contact information and to review other successful grant recipients.

Ms. Eberle offers that it would behoove the Falkenstein's to see if the DEP does want to be involved in this project. It's not absolutely necessary to have an P.E. design the project, a certified contractor could design a preliminary plan to come the Township to start the review process.

Mr. Baldwin suggest to read the Riparian Grant application, it will direct them what to do next.

Ms. Magliocchetti adds that the property right issues, with the stream on the neighbors property affecting the Falkenstein's property can't be solved through the Township. She continues that Grant process hasn't affected the speed of the process, it's the property rights have slowed this application because the stream is on their property. Mr. Baldwin adds that now it can move forward as the stream has encroached onto the Falkenstein's property.

Ms. Eberle offers that the delay has been because of property rights issues. This new application will move forward with the Falkenstein's property itself, therefore there will be no delay to the process.

Mr. Lieberman interjects that the Falkenstein's septic system is currently in jeopardy because of the erosion. Special urgency should be made for that issue.

Dr. Ford reminded all of the procedures that are currently in place. To this date, the EAC has not seen any current plans.

Mr. Baldwin clarified the Township Engineer review is done simultaneously with the EAC review for the speediest process.

Ms. Eberle also noted a downstream report may have to be performed, that is determined with the plan review.

The Falkenstein's have been advised to approach Planning & Zoning Department for direction and come back to the EAC with a new grant application.

C. Lieberman Riparian Grant.

Mr. Lieberman describes his experience with the Riparian Grant process. A plan was created, DEP and Bucks County Planning Commission approval were acquired back in 2008. The Township Engineer made a review, only to be turned down because of downstream issues. He continues to state that there has been no further action on his application. He goes on to say that the same property owner that the Falkensteins are dealing with at one point agreed to have an extensive study of their property and the surrounding four (4) downstream properties. The property owner's Engineer did the study pro-bono thinking that ultimately Toll Brothers would pay to have the stream and erosion remediated. At the last moment, the study and plan were pulled because of fear of liability and 100% guarantee. Mr. Lieberman told the property owner that he would release them from any liability. Mr. Lieberman feels it the Township's responsibility to protect its residents with the three million dollar grant fund. He asked if the agreement will expire, where he was responded it will not. He again pleaded for relief for the Falkensteins.

He would like the EAC to think about the responsibility the Township has to the residents with respect to repairing the creeks given the Township has money at their disposal.

Ms. Ryan explains the grant is meant for individual property owners. Unfortunately, Mr. Lieberman's property is directly affected by the neighboring property. A correct remediation to the stream will not be able to be performed until the neighbor becomes a co-grantee to the proposed work. The proposed work is not on Mr. Lieberman's property. Mr. Lieberman asks why the money just be used. Ms. Eberle interjects that it is a court order the way the fund was set up. Toll Brothers is not interested in renegotiating those terms. She continues, regardless to what the terms are, you can't trespass on people's property. Ms. Eberle goes on to explain that the neighbor on the opposite side of the creek feels that creek's change over the course of time and it not their responsibility to repair the creek. Mr. Falkenstein noted that when they first moved to their property the creek was a stream. It had not changed until the golf course was developed.

Ms. Magliocchetti adds because of the restraints of the agreement, the grant is very limited to who can benefit.

D. Taylorsville /Woodhill Road Drainage.

Members of the Timber Knoll Subdivision are present to discuss the drainage basin at Taylorsville and Woodhill Roads. Mr. Rick Latella, 28 Timber Knoll Drive, Jim Wasserson, 37 Timber Knoll Drive and Craig Wetzel, 24 Timber Knoll Drive start the discussion. It is explained the basin is inadequate and the intersection floods. The Homeowners Association would like to know if there is any funding available to correct the basin. Dr. Ford discusses the Tree Grant that is currently available for planting trees. Ms. Ryan offers that this property was one of the properties that was considered for the TAP Grant. Heritage Hills Homeowners' Association was not interesting in participating the grant. Mr. Ronny LaNasa, 17 Davis Drive, contributes to the discussion with first hand description of the condition of the basin. He notes that the area incorporates thirty to forty (30-40) acres that requires to be drained. He does not feel that planting trees will remediate the drainage. The issues starts just upstream from Taylorsville and Woodhill Roads then goes all the way behind the Firehouse. The beaver population has also created a problem with dams and tree clearing. He asks for the Township to look at this issue with the drainage on Taylorsville and Woodhill Road. Ms. Ryan adds that the Township Engineer looked at this issue when the TAP Grant information was being gathered. Mr. Marwan Sadat, 9 Timber Knoll Drive offers an aerial map of the location. Mr. Baldwin discussed the drainage design at Timber Knoll subdivision. Going on to say that it is the best designed basin in the Township but it has to be maintained properly. Mr. Sadat explains to the EAC and other members of the Homeowner's Association the location of the drainage issues. He continues that the basin was only to support the drainage along Timber Knoll. He feels that the current drainage issues are from when Davis Drive was added making an additional 30-40 acres demands on the basin rendering the basin inadequate. Mr. LaNasa added the builder of Timber Knoll previously approached the Township when the subdivision of Ely Farm was being designed and noted that this will place demands on the basin as well. Mr. Sadat added that the manhole in Timber Knoll constantly has water in it. The culvert on Woodhill Road is inadequate. He goes on to say trees will not survive because of all the water. He recommends the area to go back to a wetland. Mr. Baldwin adds that the beavers need to be removed because the population is making the best designed basin in the Township not work properly. Mr. LaNasa added that there is constant silt on the rear of the properties along Davis Drive. Mr. LaNasa feels that there is more moisture coming through the earth from somewhere north of these properties. Mr. Sadat speaks of an artesian well somewhere on the subdivision but feels the water is not from that well. Dr. Ford offers that he has personal experience with more water on his property and that the water table overall has risen significantly. Mr. Wasserson asks the Township for direction in relieving this situation. Ms. Magliocchetti asks if the water situation coincides with beaver activity. Mr. LaNasa answered by offering there is more sophisticated beaver activity every year. There are many, many beaver dams in the area. Yes, there is a correlation between water and a beaver activity. Ms. Magliocchetti adds that the area has a huge flood storage capacity for severe storm events, however the beaver activity is skewing the design of the basin. Mr. LaNasa does not feel the beavers are making that large of an impact. Ms. Magliocchetti feels that the beavers are controlling the flow of the basin and the beavers should be relocated. With the beavers gone the flow of the water would use the flood capacity properly and the water issues may be eliminated and possibly elevating the drainage issues on Woodhill Road. Mr. Sadat offers if the basin is deepened it may alleviate the water issues. Mr. LaNasa offers the beavers are actually holding back water. Eliminating beaver activity would make the water problem worse. Mr. Sadat states we need to find where the ground water starts to really create a solution to the water issues. Dr. Ford adds when the property north of the basin was being conserved it was noted that it was all wetland and not suitable for development. When the Fire Company

expanded there was an acre swap with the conserved property because the Fire Company could not expand on their property because it was wetlands. Mr. LaNasa notes the tree loss because of the water. Mr. Sadat adds any remedy would require the significant costs of DEP and soil conservation approval. Mr. Baldwin asks wouldn't it be easier to take the beavers away. Mr. LaNasa states that it is a huge ongoing project to keep the beavers away. The majority of the funds of the Homeowner's association have gone to water maintenance. The 25-30 homeowners cannot financially support the correction of the basin. Mr. LaNasa feels that the Township could come the Homeowner's Association with some options to relieve the water situation. Mr. Baldwin added that when the basin was designed in 1980 it was created to have a constant flow of water. Weirs would pull the water back and release it slowly. Mr. Sadat stated that the area has changed significantly and the weir is not longer adequate because of all the increase in water. Ms. Magliocchetti suggested that the Township Engineer be brought in for his advice for the reason of the excess water. The first step should be the removal of the beavers. Mr. Wasserman asked if the Township would take the responsibility of the beaver removal. Ms. Mecke replied the Township will supply a contact at the Game Commission, then the Homeowner's Association would be responsible for the beaver maintenance at the Timber Knoll basin. Mr. LaNasa reports that there is three pockets standing water at this time. Ms. Magliocchetti reminds everyone that right now, is a very wet cycle. The Homeowner's Association stands that this water problem started way before the wet cycle. Mr. Sadat who is a professional engineer requests a meeting with the Township Engineer to further discuss. The EAC requests topographic maps of the area to review at the next meeting. Planning & Zoning will organize a meeting with Mr. Sadat and Township Engineer. Mr. LaNasa noted that the Township Public Works Department has been helping in controlling the beaver activity.

E. Adopt-A-Highway

The EAC read Adopt-A-Highway documents provided to them as informational.

V. **Liaison's Report**

A. Board of Supervisors: Mary Ryan

Ms. Ryan talks to the EAC about starting an electronic take back program sometime in the fall at the Township Building. Planning & Zoning will see if the County will research and report at next meeting.

B. Park and Rec.: Cathy Magliocchetti

Park and Recreation has no report. Ms. Magliocchetti informs the EAC of grants available through DEP and Bucks County Conservation District which are very similar to the Riparian Grant program. Ms. Ryan notes that a project on River Road could benefit from these grant and asks for the River Road Storm Water discussion to the next meeting. Planning & Zoning will provide the EAC with grant information and forward the work done thus far on the TAP Grant to the EAC for their information.

C. Planning & Zoning: Wendy Mecke.

No report

VI. **Adjournment-8:21pm**

Next meeting – Tuesday, June 10, 2014 at 6:30 p.m.

Approved at the July 8, 2014 meeting.