

MUNICIPALITY OF BETHEL PARK
ALLEGHENY COUNTY, PENNSYLVANIA

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COUNCIL PUBLIC HEARING MEETING MINUTES

GRADING PERMIT/RETAINING WALL-MILLENNIUM DRIVE

- - - -

COUNCIL MEMBERS

Timothy J. Moury (President)
Dr. Timothy Campbell
Todd Cenci
Joseph Consolmagno
David Espinar
Lindsay Flinn
Joe Janosik
John Oakes
Mark J. O'Brien

- - - -

Municipal Manager: Laurence Christian
Mayor: Jack T. Allen
Municipal Engineer: Stacey Graf
Municipal Planner: Kristen Primm

- - - -

DATE: Monday, February 28, 2022
TIME: 7:56 p.m.

PLACE: Municipality of Bethel Park
5100 West Library Avenue
Bethel Park, Pennsylvania 15102

- - - -

Reported by: Lisa M. Wolfe

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I N D E X

- - - -

SPEAKERS:PAGE

STACEY GRAF, MUNICIPAL ENGINEER

5, 35

DEANNA FORD

12, 21

KYLE KAMINSKI

14

ERIN LUNDBLOM

27

ERIC LUNDBLOM

33

EXHIBITS:PAGE

JOINT 1 - DENIAL LETTER

6

EXHIBIT 3 - APPROVED PLAN SHEET 2, 3, 4, 17

7

EXHIBIT 6 - PHOTOGRAPHS

35

(MARKED NOT ATTACHED.)

EXHIBIT 2 - 3/11/13 APPROVED PLAN

7

EXHIBIT 5 - DEANNA FORD PACKET

12

(ATTACHED NOT MARKED.)

NOTICE OF VIOLATION CONSERVATION DISTRICT

10

MEMORANDUM

5

ERIN AND ERIC LUNDBLOM STATEMENT

27

1 P-R-O-C-E-E-D-I-N-G-S

2 (Commencing at approximately 7:56 p.m.)

3 PRESIDENT MOURY: At this time
4 I would call to order a public hearing for a
5 grading permit for a retaining wall on
6 Millennium Drive.

7 Mr. Christian, will you please call
8 the roll?

9 MR. CHRISTIAN: Dr. Campbell?

10 DR. CAMPBELL: Here.

11 MR. CHRISTIAN: Mr. Cenci?

12 MR. CENCI: Here.

13 MR. CHRISTIAN: Mr. Consolmagno?

14 MR. CONSOLMAGNO: Here.

15 MR. CHRISTIAN: Mr. Espinar?

16 MR. ESPINAR: Here.

17 MR. CHRISTIAN: Ms. Flinn?

18 MS. FLINN: Here.

19 MR. CHRISTIAN: Mr. Janosik?

20 MR. JANOSIK: Here.

21 MR. CHRISTIAN: Mr. Moury?

22 PRESIDENT MOURY: Here.

23 MR. CHRISTIAN: Mr. Oakes?

24 MR. OAKES: Here.

25 MR. CHRISTIAN: Mr. O'Brien?

1 MR. O'BRIEN: Present.

2 PRESIDENT MOURY: All members
3 present. This is a public hearing for a
4 Grading Permit Application for a retaining wall.
5 Daniel and Deanna Ford of 1009 Millennium Drive
6 requesting a grading permit for the installation
7 of a retaining wall in the rear of the property.
8 The property is Lot and Block #392-D-147. And I
9 believe that's in Ward 4. But it's mapped on our
10 map in Ward 5.

11 This is a little bit of a different
12 hearing than we usually have in the past. The way
13 this will work is our Solicitor, Mr. McTiernan,
14 will ask Ms. Graf some questions about the process
15 and the permit to deny. And then once that is
16 completed, we will open the door up for
17 proponents, people in favor of granting this, or
18 opponents, the people who would be against it.
19 And then Council, at that time, will take this
20 information, and we will then vote on it either to
21 affirm the decision of the engineer or overturn
22 the decision at our March 14th meeting.

23 So at this time Ms. Graf and Mr. McTiernan?

24 MR. MCTIERNAN: Good evening, I'm
25 Robert McTiernan. I'm the Municipal Solicitor.

1 This is a local agency hearing to consider an
2 appeal of a grading, and permit to request the
3 construction of a wall. And I think probably
4 the most efficient way for us to proceed,
5 Mr. President, would be for the engineer to
6 provide some basics about when the application was
7 made, when the denial took place. Then we could
8 hear from the Applicants about what their
9 reasoning is, and then the reason the permit was
10 denied, if there's no objection to that.

11 So I'll just let Ms. Graf explain.
12 She's the Municipal Engineer, correct?

13 MS. GRAF: Correct.

14 MR. MCTIERNAN: And you've held
15 that position since when?

16 MS. GRAF: 2017.

17 MR. MCTIERNAN: Would you
18 explain the background of the request for
19 permit to construct a wall for 1009 Millennium
20 Drive, and the decision that was made by the
21 Municipality?

22 MS. GRAF: So in June of 2021
23 we received a call from a contractor on
24 placement of the wall at the residence. I had
25 known of some water issues in the neighborhood

1 below this on Chapel and Kevin Drive, and
2 Coventry Court. So before I moved any further
3 with approval or denial, I did some research of
4 the Millennium development and those concerns
5 at the time.

6 July 12th of 2021 I called the
7 homeowner and the contractor and stated that I
8 was denying the permit request. And then on
9 the 13th, the residents had asked for a site
10 meeting, which I and the planner at the time,
11 Jeff Winkle, met with the residents on
12 July 22nd to review where the wall would be
13 going. We continued research after that. In
14 August we met with the manager, the planner,
15 and myself to discuss the wall. We also had a
16 call with the HOA president. And then in early
17 September he had call with the solicitor. And
18 then finally on September 13th we issued the
19 official denial letter.

20 PRESIDENT MOURY: We will make
21 that denial letter part of the record. We will
22 call it Joint Exhibit 1 so that it would be
23 identical as in the record as to what's at
24 issue.

25 MS. GRAF: I didn't have it in

1 Council's original package. So that's the
2 letter that I passed out to you before we
3 started.

4 (Joint Exhibit No. 1 was marked
5 for identification.)

6 PRESIDENT MOURY: Just to make
7 sure it's the actual decision on the record.

8 Before we proceed with the
9 Appellant, do you want to provide some
10 background, Ms. Graf, about the basis of the
11 decision of the Municipality?

12 MS. GRAF: Sure. So in the
13 package that I provided, our first exhibit, which
14 we will call 2, in this case, which would be the
15 approved plan. They're dated March 11th, 2013.

16 In those approved plans, I did
17 highlight the areas that helped me come to my
18 decision. And those are Sheet 2, the grading
19 plan; and Sheet 3, the construction plan; and
20 Sheet 4, the landscape plan; and Sheet 17, the
21 erosion and sediment control plan.

22 On those specific plans, I
23 highlighted the notes. And I realize that
24 they're small. So Exhibit 3 is a blown up
25 version of them so that we can all see it.

1 Some of those notes -- like, on
2 Page 2 on the grading notes, earth moving
3 contractors responsible for stormwater runoff
4 from the graded and disturbed areas. These
5 measures are to be utilized daily to prevent
6 negative impacts to adjoining property owners
7 from runoff events.

8 On the construction plan, Note 6
9 specifically calls out the Lot. Lot 111, 144
10 to 149 must utilize approved yard drains to
11 discharge stormwater into the system. And then
12 it goes on to say that stormwater is not to be
13 discharged to any steep slope.

14 (Exhibit Nos. 2 and 3 were
15 marked for identification.)

16 MR. MCTIERNAN: I don't mean to
17 interrupt you Ms. Graf, but were those
18 properties -- were one of the properties
19 affected by that one property?

20 MS. GRAF: So the property in
21 question is Lot 147, I believe. Yes, 147.

22 MR. MCTIERNAN: And that was
23 subject to those storm drains?

24 MS. GRAF: Yes.

25 MR. MCTIERNAN: Please proceed.

1 MS. GRAF: On the landscape
2 plan there's a note that says that the
3 Municipality has the right to add existing
4 landscape buffers in the field if water becomes
5 a problem. And on Page 17 there's -- if you
6 look at the top of the slope behind those homes
7 there's -- it says a berm was to be installed.
8 In the plan, it's highlighted. It says top of
9 slope berm. And then there's notes that go
10 along with that. Again, it says it can't
11 negatively impact adjacent property owners.

12 On Page 14 there's a detail of what
13 that berm should look like. And it is
14 approximately 6 feet wide, 3 feet high with a
15 tree placed in that mound.

16 MR. MCTIERNAN: Would you
17 explain how the berm and the storm sewers -- do
18 they work in tandem, or are they intended to
19 deal with this issue?

20 MS. GRAF: So the original plan
21 was to have all of the water flow to each yard
22 drain that was placed. If you look at the
23 plan, there's a yard drain placed in every
24 single yard there. And the berm would stop any
25 water from going over the hill to the

1 residences below, and keep it in those
2 backyards and picked up by the yard drains.

3 MR. MCTIERNAN: During the
4 course of the construction, is there any
5 indication from any outside agency that
6 stormwater was an issue?

7 MS. GRAF: So we did get
8 something from the Allegheny County Health
9 Department. And that is in the packet as well.

10 MR. MCTIERNAN: Is that the
11 letter dated August 4th, 2017?

12 MS. GRAF: Yes, August 4th,
13 2017. And if you look in that packet, it says
14 on the site description in observations that
15 this was a follow-up inspection in regards to
16 the complaint from offsite properties since
17 construction has begun. And then it says that
18 the slope behind Lots 145 to 149 was not
19 adequately stabilized. That's from the
20 Conservation District.

21 MR. MCTIERNAN: And what's the
22 consequence of that? What did they mean that
23 it wasn't adequately stabilized?

24 MS. GRAF: So at the time the
25 developer would have had to make sure that he

1 controlled the water, keeping it within those
2 backyards, and then putting steep slope
3 material not allowing water to continue going
4 over the hill.

5 MR. MCTIERNAN: And what was
6 your reason for the denial of the permit on
7 September 13th, 2021? How would the permit and
8 the plan of the requested wall affect -- would
9 it affect the plans as were approved in the
10 stormwater control plan?

11 MS. GRAF: So I based my denial
12 on the fact that the Municipality -- I was not
13 here in 2013. But there is evidence that the
14 residents from the Chapel, Coventry Drive, area
15 had some water issues. And that everything on
16 the plan showed that our goal was to keep that
17 water in those backyards, and not going down to
18 those residents.

19 So it was my belief that by not
20 adhering to those plans, we were not following
21 the approved plans that were actually decided
22 upon by the Planning Commission and Council.
23 And if staff approved this work, that would
24 allow others in the same development to
25 continue to do the same.

1 MR. MCTIERNAN: Do you have
2 anything further at this time?

3 MS. GRAF: Not at this time.

4 MR. MCTIERNAN: Okay. Then I
5 think it's the opportunity to begin with the
6 Applicant to provide their point of view on why
7 they filed this appeal.

8 PRESIDENT MOURY: And just for
9 the record, I will call this Exhibit 5. It is
10 the document you passed out this evening, and
11 also e-mailed us. We will consider that
12 Exhibit 5.

13 If you can just state your name and
14 address for the record.

15 (Exhibit No. 5 was marked for
16 identification.)

17 MS. FORD: My name is Deanna Ford.
18 1009 Millennium Drive.

19 Mr. President and Members of
20 Council, thank you hearing our statements this
21 evening. We have lived on Millennium Drive
22 since 2016 when it was constructed by Ryan
23 Homes. We have a very steep slope in our
24 backyard, which has been there since our house
25 was constructed.

1 This whole plan has begun to erode
2 over the course of the last few years. And we
3 sought out bids for contractors to install our
4 retaining wall to improve the esthetics of that
5 hillside, and increase the usable space in our
6 rear yard. In May, Allsopp's won that bid.
7 And he filed for a building permit on our
8 behalf. You can see that permit in your
9 packet. This was denied by the Municipality.
10 The denial of this permit is based on the fact
11 that the wall is proposed in the buffer area.
12 This buffer area includes trees and berm that
13 have since been removed from the property.
14 These buffer trees and berm were installed as
15 part of the developer's landscape plan and
16 should remain in order to provide the required
17 buffer and stop additional water from going
18 onto the neighboring properties.

19 So, again, highlighting that they
20 were installed as part of the landscaping plan,
21 and that they should remain to stop the water
22 from going to different properties. This was
23 surprising to us. So we have a copy of our
24 clause. We were aware of a utility easement
25 that's fairly large in our backyard. And it's

1 hooked to an interceptor swale that helps to
2 provide stormwater management. We planned this
3 wall so it was well outside of this easement.
4 We were not aware of any other landscaping or
5 stormwater management laws that were required
6 on our property.

7 We take pride in our neighborhood.
8 And we certainly wouldn't want to proceed with
9 a project that would lead to any issues on
10 neighboring properties. We discussed the project
11 with neighbors on Coventry Court who are directly
12 below us. And we hired Mr. Kaminski, who is an
13 engineer, to investigate the claims made by the
14 Municipality, perform an analysis of our proposed
15 project, and determine the validity of the claims.

16 If it's all right with you all, I'd
17 like to ask Kyle Kaminski to introduce himself,
18 give a description of his credentials, and then
19 review his conclusions with you guys, which you
20 can also see in your packet.

21 PRESIDENT MOURY: That would be
22 fine.

23 MS. FORD: Thank you.

24 MR. KAMINSKI: Good evening,
25 Council Members. My name is Kyle Kaminski.

1 I'm a licensed professional engineer in
2 Pennsylvania. My current position, I am chief
3 of water management. My current employer --

4 PRESIDENT MOURY: Can you step
5 a little closer?

6 MR. KAMINSKI: Yes. Do you
7 mind if I take this off?

8 PRESIDENT MOURY: Sure.

9 MR. MCTIERNAN: Slow down a
10 little bit.

11 MR. KAMINSKI: So I'll kind of
12 just jump in to my analysis and conclusion,
13 which are also on Page 4 on the document in
14 front of you. So the term buffer that's in the
15 letter that was sent to you, if you have it, by
16 Deanna Ford. I was unable to locate it on any
17 of the drawings except for the landscaping and
18 utility plan, which is Sheet 4. The term
19 buffer is not defined by any quantitative unit
20 of measure. So it would be impossible to know
21 exactly what the measurement of this buffer
22 should be.

23 I visited onsite with both the
24 homeowners, and then separately myself, to just
25 do a site investigation of the property. And

1 as you will notice there's a recurrent theme
2 through here. There's a lack of documentation
3 for a number of the stormwater features that
4 are actually present on the property.

5 The first thing is the interceptor
6 swale at the bottom of the property, which is
7 located within the easement of the property.
8 On the interceptor swale, it says that it's not
9 detailed on the drawings that determines
10 occupant. So this interceptor swale is for the
11 stormwater runoff from the slope side, and
12 directs it over to the stormwater management
13 overflow area.

14 The berm and trees, in the same
15 letter that was referenced in the denial, I was
16 unable to locate those except for this model.
17 There is the term berm, which is actually on
18 the drawings. But if you look at the drawings,
19 one issue -- this is on the erosion and
20 sediment control plans. The erosion and
21 sediment control plans do not permit features.
22 So a number of features that are on those
23 drawings were subsequently removed once final
24 stabilization was achieved at that site.

25 So post-construction stormwater, as

1 a quick overview, those are the features that
2 must maintain the perpetuity for the property
3 once everything is developed. It must be
4 maintained. It must be regularly inspected.
5 And that's usually what the HOA fees would
6 cover.

7 So if the berm and trees do not come
8 with these features, it must remain, as I
9 mentioned, over on the erosion and sediment
10 control plans. Standard engineering practice
11 then is to detail those on the actual
12 post-construction stormwater plan, plats, or
13 other legal description. Within your packet
14 there is also a plat of the property. None of
15 which was detailed, and none of which were
16 shown. So the problem for the homeowners, is
17 without knowing these features are present on
18 any legal documentation, they would have no
19 reason, or any way of knowing, that those
20 features exist.

21 Pursuant to Chapter 61.18 Stormwater
22 Management for the Municipality of Bethel Park,
23 this retaining wall would be less than 400
24 square feet. Therefore, it would not be
25 subject to the requirements of these

1 stormwaters. I believe 100 square feet would
2 be what this area would encompass. The
3 homeowners have not introduced any new
4 impervious area since 2017, which is also
5 outlined in the ordinance. I did take some
6 basic tape measurements to prove to myself that
7 the retaining wall is also outside the
8 easements of the properties, and setbacks. So
9 there should not be any variance required for
10 this retaining wall.

11 So getting a little bit into the
12 stormwater management technical terminology.
13 So the fill behind the wall is not going to
14 introduce any concentrated flow to any adjacent
15 neighbors by producing this retaining wall.
16 Runoff from the property is already directed to
17 the catch basins as shown in these drawings
18 that were handed out to you. All these catch
19 basins ultimately go into the stormwater
20 management pond, which is already onsite within
21 the development area. So the proposed
22 retaining wall would not affect the total
23 volume of water caught by the stormwater
24 management pond or the stormwater management
25 pond overflow area since they're already going

1 to that location anyway. And then any change
2 in that volume as a result of moving that
3 retaining wall would be negligible.

4 So the developer used the TR-55
5 method for calculating stormwater runoff.
6 This retaining wall would not fall within the
7 long, slow path derived from that method. So
8 it would not be possible then to calculate any
9 stormwater volume rate and runoff to that pond
10 just by these small changes. Everything would
11 be based on that long and slow path.

12 And then the proposed retaining wall
13 will actually produce a milder slope for that
14 hillside that's currently there. So we're not
15 increasing the rate of runoff as well.

16 Now, I was a little unclear. It's
17 within the impervious as to why the trees were
18 considered a feature that could not be
19 disturbed. So I just wanted to make note that
20 a single row of trees would not constitute,
21 according to the Pennsylvania Stormwater Best
22 Management Practices, a balanced stormwater
23 management measure. You would have to have a
24 number of trees, basically a forest, a buffer
25 zone, or a full line of trees for actually a

1 risk maintenance fact. A single row of trees
2 would not constitute that.

3 So it's my professional opinion then
4 that the Council do approve the permit. There
5 is no adverse rates of volume for stormwater
6 runoff. There is no adverse stormwater rate
7 from runoff. And then the residential
8 stormwater management features to the property
9 owners would therefore not be affected in any
10 meaningful manner.

11 And the permit, which was produced,
12 is in Attachment A to your packet.

13 Thank you.

14 MR. MCTIERNAN: I'm just going
15 to ask first, do you have any questions for the
16 engineer that just testified?

17 MS. GRAF: I don't have questions.

18 MR. MCTIERNAN: Do you want to
19 come back up here? I have a couple.

20 Do I understand correctly that you
21 did not review the residential development plan
22 as part of your report? That came to your
23 attention afterwards?

24 MR. KAMINSKI: So I listed the
25 documents that I did review in the opinion.

1 They are listed there. This plan does look
2 familiar. The date here, I believe, is the
3 same date that was in that packet.

4 MR. MCTIERNAN: So you think
5 you did? Because we just saw your report this
6 evening.

7 MR. KAMINSKI: Yes.

8 MR. MCTIERNAN: And did you do
9 any study of what the impact would be if these
10 trees -- if a similar structure were made in
11 all of these yards that have the rear yard
12 drains? Or did you just restrict yourself to
13 this one lot?

14 MR. KAMINSKI: Just for this
15 property, because this property was the one
16 considering the retaining wall.

17 MR. MCTIERNAN: Okay. That's
18 all I have. Thank you.

19 MS. GRAF: I don't have any
20 questions.

21 PRESIDENT MOURY: If the
22 applicant wants to come forward.

23 MS. FORD: Deanna Ford,
24 1009 Millennium Drive. I just wanted to
25 summarize on the former comments.

1 So a buffer of trees and a berm
2 that's referenced in the design letter as part
3 of the landscaping plan cannot be identified on
4 our property.

5 So if you all take a look at what
6 Ms. Graf has presented to you, and look at
7 problem 47, you'll find no trees there. When
8 they referenced that they can add them as
9 needed, there's a separate reference that they
10 should be planted on the border of the
11 properties. So within 3 feet of the property
12 line. The line in question on our property is
13 essentially outside of our foundation, which is
14 why the trees were a problem in the first
15 place. And if you turn to the last pages in
16 your booklet, I believe it's 29 to 32, you'll
17 see how close those trees were to the
18 foundation of our home. You could barely walk
19 past. And that was prior to the construction
20 to our deck. So our steps are now sort of in
21 that path.

22 We had identified the different
23 problems with the Terry Bove. The trees were
24 planted on the crest of the slope, and
25 ultimately died, as did many other residents'

1 in that neighborhood, due to the poor planting
2 and the location. So we had the trees removed
3 at our own expense.

4 When other residents had complained
5 that their trees had died, they asked for them
6 to be replanted. We were not asking for that,
7 because, again, the location of the trees and
8 the fact that they took up so much of our
9 limited yard space. We were away. And then we
10 came back, trees had been planted on our
11 property without our approval. And this was a
12 mistake by the landscaper that Terry Bove had
13 hired. You can see e-mail exchanges by myself
14 and Terry Bove where I'm asking for the removal
15 of trees, and he does. So the developer, who
16 planted these trees that were required, is the
17 same person who ultimately removed the trees.

18 So we are confused as to how this
19 now, you know, can be something that is
20 preventing us from further improving our
21 property, and, as Mr. Kaminski stated, is going
22 to actually improve the stormwater management
23 in our backyard.

24 If you could see the hill on the
25 pictures, it's a very, very steep hill. So the

1 wall, in and of itself, the aggregate layer
2 will tie directly into the drainage system.
3 And it will slow the rate of flow of water over
4 the hillside into the interceptor swale.

5 We have two large drains on the
6 other side of our property that will be
7 unchanged. And the trees have been absent
8 since 2017 essentially.

9 So it's difficult for me to
10 understand, just as a layperson, how now,
11 suddenly in 2022, the trees not being there are
12 a problem. And, again, if that buffer is
13 supposed to be there, if we would -- we would
14 love a buffer of trees between our property and
15 the property below us. That would make sense.
16 That would actually provide our neighbors
17 privacy. But if you look at the trees, the
18 only person who would be able to achieve any
19 sort of privacy above those would be the person
20 standing directly behind them. It doesn't
21 provide any sort of buffer between our
22 properties.

23 Again, just highlighting that a
24 single row of trees is not an acceptable
25 stormwater management feature, that our project

1 is of such a small scale that it's waived from
2 your stormwater management requirements, that
3 it doesn't change the topography of our
4 property, the drains to the catch basins. And
5 that's where we meet, outside of any zoning
6 ordinance violations, the requirement of a
7 variance.

8 So we ask that you overturn Ms. Graf's
9 decision and approve this permit at your next
10 meeting so that we can move forward with making
11 our yard a little more secure and usable for our
12 family. And hopefully more visually appealing to
13 our neighbors as well.

14 As far as the e-mail, we've spoken
15 to the residents on Coventry Court, and we
16 haven't heard any objections.

17 So, again, we appreciate all of your
18 time here this evening. Thank you.

19 MR. MCTIERNAN: While you're
20 here, Ms. Ford, looking at your photo on
21 Page 29, how far would your wall be -- can you
22 locate it on those photos where you would be
23 placing your wall?

24 MS. FORD: Can I approach you
25 real quick?

1 MR. MCTIERNAN: Yes.

2 MS. FORD: The wall is actually
3 on the other side of the house. So if you look
4 at the property plan, which I believe is
5 forward (indicating) -- so that picture was
6 taken from -- let me just grab mine.

7 MR. MCTIERNAN: Go ahead.

8 MS. FORD: So if you reference
9 Page 9 you can see there's just a sketch here.
10 The photograph that you are asking about, which
11 is on Page --

12 MR. MCTIERNAN: Isn't that the
13 photograph you referred to as being where the
14 trees were planted?

15 MS. FORD: Correct. So on
16 Page 29 you can see a photograph of the trees.
17 That would be standing on the left side of the
18 property looking this way. So this corner is
19 where my husband is standing in the picture on
20 Page 29. And the wall is located on the other
21 side essentially of that room.

22 MR. MCTIERNAN: Thank you.

23 PRESIDENT MOURY: Any questions
24 from Council?

25 Hearing none, Ms. Graf do you have

1 any comments?

2 MS. GRAF: No.

3 PRESIDENT MOURY: I guess I'll
4 open the floor for members of the audience.
5 And I'm going to define proponent. It would be
6 people in favor of granting the variance. If
7 they would like to come up and speak.

8 If you could just state your name
9 and address for the record.

10 MS. LUNDBLOM: Sure. My name
11 is Erin Lundblom. L-u-n-d-b-l-o-m. I live at
12 6521 Coventry Court. I am the resident that
13 caused -- or complained about Millennium Woods.
14 I have a statement that I will turn in as part
15 of the record.

16 And I would just like to admit --
17 and I do want to make it very clear as being
18 the house that complained about water damage, I
19 am in full support of this wall. And I think
20 that it should be granted. And I'm going to
21 lay out some of the reasons why.

22 So, again, I write this letter from
23 the perspective of a homeowner who faced
24 challenges during the development of Millennium
25 Woods. In fact, I presume that I am the

1 homeowner referenced in the e-mail dated
2 7/12/21 sent to Brian Allsopp that stated, this
3 berm and trees were placed by the developer as
4 a way of stopping water from leaving the
5 Millennium Woods site and affecting the
6 property owners on Coventry Court.

7 Throughout the development process,
8 there were many issues with stormwater. The
9 final solution was the swale, the berm, and the
10 pine trees.

11 Although, the thought of the
12 Municipality was that you were protecting us,
13 you're not. Our damage occurred in 2017.
14 Further inaccuracy is what is being shared in
15 the information.

16 As construction commenced, I lived
17 there. I watched the construction. What first
18 happened was a physical erosion berm -- it was
19 gray in color -- was put in place. That
20 erosion berm remained in place until people
21 physically lived in those houses. That was one
22 of the very last items that Terry Bove removed
23 during his construction process.

24 The pine trees in question were
25 placed, again, last. They were one of the very

1 last items that were placed. And most of them
2 died, if not all of them that were along the
3 berm behind our house.

4 Further, those pine trees were put
5 in place at the request of Surrey Farm
6 residents, which we are the neighborhood
7 below, for privacy. To give us some privacy.
8 And I will tell you that the original trees
9 were about dead. So there was no privacy from
10 the get go.

11 Further, there were no issues that
12 were ever acknowledged with stormwater
13 management until the e-mail that I saw from
14 Stacey to Brian Allsopp. That was the first
15 time that there had been any acknowledgment
16 that there was stormwater issues.

17 Our property, in particular,
18 experienced extensive water damage with the
19 construction of Millennium Woods.

20 In June of 2017 I contacted the
21 Municipality, and ACCD, Allegheny County
22 Conservation District. So I was definitely the
23 person that facilitated that complaint and
24 their visits to the site. Our complaints were
25 unknowingly shared with Terry Bove of Bove

1 Development Corp. Over the summer months a
2 series of meetings occurred between the
3 Municipality, ACCD, and Bove Development Corp.

4 In August 2017, when we returned
5 home from vacation, a swale began at the rear
6 corner of our property, and extended to the
7 retention pond. That was not present seven
8 days prior.

9 The original stormwater management
10 plan for Millennium Woods were approved in
11 2013. Again, this is 2017 that I'm talking
12 about. And on those plans there was no swale.

13 In all of the correspondence that I
14 had with the Municipality in August 2017, I
15 requested a series of information documenting
16 the need for that swale and any reports about
17 that swale. How the size of that swale was
18 determined. And what the impact on stormwater
19 and groundwater management would be. I
20 received none of that information.

21 I also contacted ACCD again. And I
22 asked them if there had been a revision in 2013
23 for this stormwater management plan. And they
24 wrote in an e-mail that I still have, we
25 haven't received any revisions to the original

1 plans, which were submitted in 2013.

2 At my insistence, we had meeting
3 with Terry Bove, his engineer, the
4 Municipality, my husband, and myself. And we
5 discussed the water damage that had occurred to
6 our property. Bove Development, Corp. insisted
7 that the water damage to our property was not
8 related to the development of Millennium Woods
9 in any way.

10 After identifying multiple errors,
11 the failure to put yard drains in. Especially,
12 at the properties right behind us. How the
13 downspout actually funneled in and directed
14 water back to Coventry Court, and the
15 interceptor swale that suddenly showed up.

16 Again, insisted that that water
17 damage was not the result of the development of
18 Millennium Woods, insulted me to my face and in
19 front of my husband, and the Municipality. And
20 no comment was ever retorted to him.

21 I share all of this not because I
22 care about our problems. I've moved past them
23 at this point. I fought to protect my property
24 in 2017 from sheer negligence from Bove
25 Development Corp. and the Municipality helped

1 and then watched. And now you're actively
2 stopping our neighbors, who I've never met
3 before I walked in here today. You're stopping
4 them from protecting their property, again, due
5 to the negligence of the developer, Bove
6 Development Corporation.

7 I want to reiterate again that I
8 strongly support their ability to put a
9 retention wall on their property.

10 So to go on, their engineer gave
11 very clear evidence as to how that will not
12 impact stormwater management, which has been
13 problematic from the inception of Millennium
14 Woods. It's actually worsened in Surrey Farms.

15 And despite prior claims, back in
16 2017, that there was no impact on stormwater
17 management, in fact, there have been
18 suggestions in our neighborhood that the green
19 space in front of our house, that we create a
20 retention basin to catch extra stormwater from
21 the impervious services that were added in
22 Millennium Woods.

23 So it seems really at odds to me
24 that the Municipality wants to help stormwater
25 management in Surrey Farms, but it's going to

1 deny a retaining wall that has already been
2 shown to improve stormwater management, and
3 also have the added benefit that our neighbors
4 won't watch their deck collapse into an
5 interceptor swale that isn't captured on any of
6 the original stormwater management plans that
7 were approved in 2013.

8 In closing, I just want to say I
9 really support the installation of this
10 retention wall.

11 MR. LUNDBLOM: My name is
12 Eric Lundblom. I'm Erin's husband. I also
13 live at 6521 Coventry Court.

14 She said it best, and summarized
15 everything. We had issues with water. We've
16 spent several thousand dollars to fix those
17 problems in our house. And it was a direct
18 result of the construction behind us. A couple
19 of years ago I met with Ms. Graf and Mr. Dixon,
20 I believe. If he was the representative. They
21 came to our neighborhood to discuss building a
22 catch basin in the middle of the cul-de-sac.
23 If you know where Coventry Court is, there's
24 two cul-de-sacs. We call them islands because
25 there are grass islands there. And they wanted

1 to build a catch basin to collect stormwater
2 with an overflow valve so that if it filled up
3 then the water would go down the street.

4 In my opinion that means there's
5 water problems in Millennium, above us, and
6 it's impacting us below. I have no problem
7 with them putting up a retaining wall to
8 protect their house. I don't think it's a bad
9 thing to appeal. I think it will benefit them
10 in being proactive in protecting their house.

11 And I would bet money that at some
12 point you're going to get other people that are
13 going to have to do the same thing in that row
14 of houses, because of the hill, and the
15 construction, and then the swale that was added
16 that was not on the plans originally, never put
17 on the plans, and has probably caused some of
18 the berm to collapse into.

19 So that's all I have to say. I
20 fully support the wall. Thank you very much.

21 PRESIDENT MOURY: Are there any
22 other proponents in favor of issuing this
23 permit?

24 Hearing none, are there any
25 opponents, people that would be against issuing

1 this permit?

2 Hearing none, is there any comments
3 from Council?

4 Once again, we will be voting on
5 this in our March 14th meeting.

6 Can I have a motion to adjourn?

7 MR. MCTIERNAN: Can Ms. Graf
8 have an opportunity to comment?

9 MS. GRAF: Can I comment on the --

10 PRESIDENT MOURY: Yes, you may,
11 Ms. Graf.

12 MS. GRAF: I do have pictures
13 that were included in your packet from -- let
14 me find them. We'll call them Exhibit 6. It's
15 dated June of 2016. The trees were actually
16 the first thing to go into the development.
17 That picture provides that information.

18 As far as the interceptor swale,
19 that was done after the residents meeting. I
20 wasn't here at the time. But I know that the
21 stormwater was an issue with Terry. So we did
22 have him install the swale.

23 And as far as the green space goes,
24 we're looking at every road program that we do.
25 Council knows it. Every project that we do,

1 we're looking at the stormwater management and
2 trying to help our residents. It didn't have
3 anything to do with Terry not taking care of
4 the development's water. We're trying to help
5 on every aspect that we can. It was an
6 opportunity. The residents didn't want it. So
7 we didn't move ahead with it. But it's
8 something that we are doing everywhere in the
9 town.

10 (Exhibit No. 6 was marked for
11 identification.)

12 PRESIDENT MOURY: Thank you very
13 much.

14 MR. MCTIERNAN: Do you want to
15 comment on any other photographs? Or do you think
16 that's everything you wanted to highlight?

17 MS. GRAF: No.

18 MR. MCTIERNAN: Thank you.

19 PRESIDENT MOURY: Hearing no
20 further comments, is there a motion to adjourn?

21 MR. O'BRIEN: So moved.

22 PRESIDENT MOURY: Mr. O'Brien.

23 MR. OAKES: Second.

24 PRESIDENT MOURY: Second by
25 Mr. Oakes.

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All in favor say aye.

BOARD MEMBERS: Aye.

PRESIDENT MOURY: Opposed?

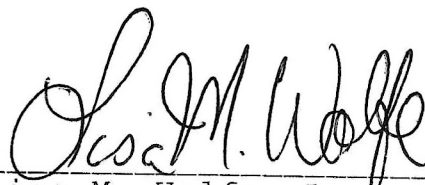
Meeting adjourned. Goodnight.

(Whereupon, the Public Hearing
was adjourned at 8:33 p.m.)

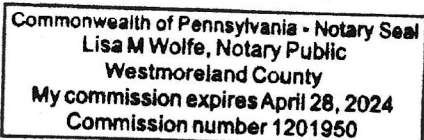
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REPORTER'S CERTIFICATE

I, Lisa M. Wolfe, certify that the foregoing pages are a true and correct transcript of my stenographic notes taken at the proceedings on February 28, 2022.



Lisa M. Wolfe, Reporter



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Municipality of Bethel Park

Municipal Building • 5100 West Library Avenue • Bethel Park, PA 15102 • (412) 831-6800 • Fax (412) 831-8675 • www.bethelpark.net

September 13, 2021

Deanna Ford
1009 Millennium Drive
Bethel Park, Pa. 15102

Re: Retaining Wall Permit

Dear Ms. Ford,

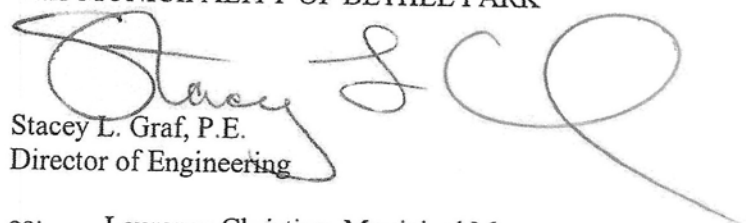
The Municipality has reviewed the submission of the retaining wall and the Development files for the Millennium Woods Plan of Lots. The Municipality regrets to inform you that the retaining wall permit is being denied. The denial of the permit is based on the fact that the wall is proposed in the buffer area. This buffer included trees and berm have since been removed from the property. These buffer trees and berm were installed as part of the Developers Landscape Plan and should remain in order to provide the required buffer and stop additional water from going onto the neighboring properties.

The Municipality will be issuing a refund check for the permit fee that was previously paid, this will be mailed to your residence.

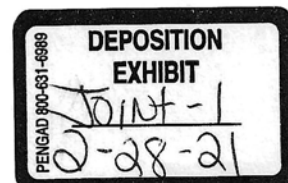
If you should have any questions, please contact me at 412-831-6800 x 208.

Sincerely,

THE MUNICIPALITY OF BETHEL PARK


Stacey L. Graf, P.E.
Director of Engineering

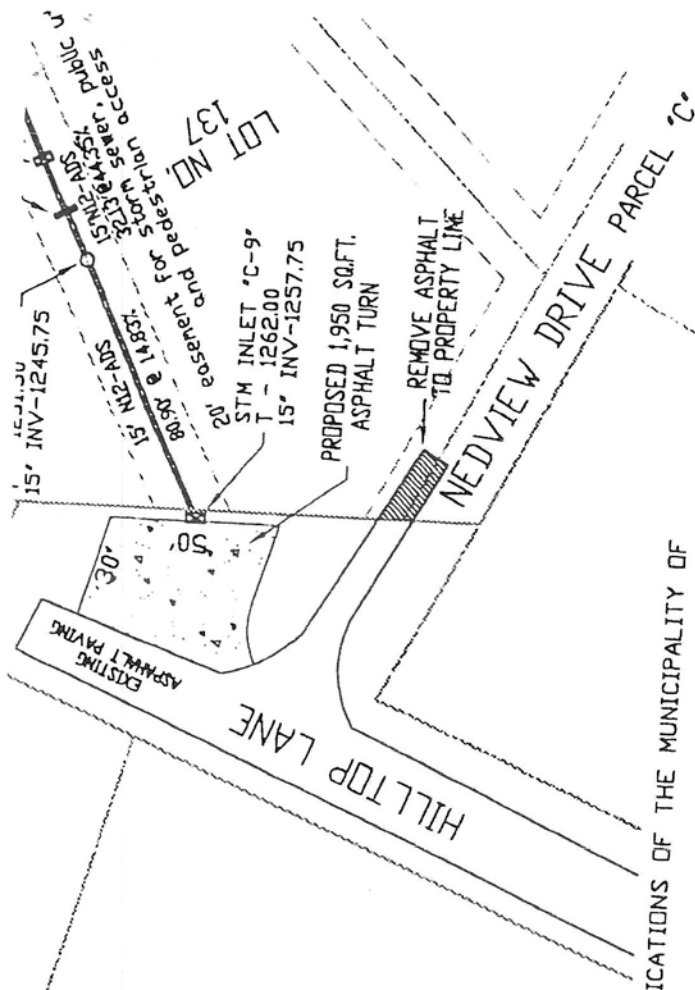
cc: Laurence Christian, Municipal Manager
Todd Cenci, Councilman



PAGE 3 NOTES

CONSTRUCTION NOTES

1. ALL CONSTRUCTION IS TO MEET THE STANDARDS AND SPECIFICATIONS OF THE MUNICIPALITY OF BETHEL PARK.
2. CONTACT THE PENNSYLVANIA ONE CALL SYSTEM AT 1-800-242-1776 PRIOR TO THE START OF CONSTRUCTION.
3. ALL SANITARY SEWER PIPE IS TO BE 8" P.V.C. UNLESS NOTED OTHERWISE.
4. ALL STORM SEWER PIPE IS TO BE N12-ADS UNLESS NOTED OTHERWISE.
5. NO PUBLIC IMPROVEMENTS CAN BE CONSTRUCTED IN A FILL / EMBANKMENT AREA UNTIL COMPACTION REQUIREMENTS HAVE BEEN VERIFIED BY A PENNSYLVANIA REGISTERED GEOTECHNICAL ENGINEER AND PRESENTED IN A WRITTEN REPORT TO THE MUNICIPALITY.
6. ALL ROOF AND DRIVEWAY STORM WATER RUNOFF IS TO BE DIRECTED TO OR TIE INTO THE STORM SEWER SYSTEM WHICH TERMINATES AT THE DETENTION BASIN. LOT NUMBERS 111 TO 118 MUST BE CONSTRUCTED WITH THE GARAGE FLOOR ELEVATION A MINIMUM OF 12" ABOVE THE STREET GRADE. DISCHARGE TO THE STORM SEWER SYSTEM. LOT NUMBERS 122 TO 127 MUST DISCHARGE TO AND STEEP SLOPE FILL AREA.
7. PROPOSED STORM INLETS IN MUNICIPAL ROADWAYS ARE DESIGNED TO BE 23 FEET BACK OF GRATE TO BACK OF GRATE. CURBING IS TO DIRECT STORM WATER FLOWS TO THE INLET GRATE.
8. GAS, WATER, AND ELECTRIC SERVICE LINES ARE NOT TO BE PLACED ABOVE STORM AND SANITARY SEWER LINES IN A PARALLEL MANNER. ADEQUATE SPACE FOR FUTURE MAINTENANCE IS REQUIRED. LOCATIONS AND STRUCTURES ARE TO BE VERIFIED BY THE COMPANY PROVIDING THE SERVICE.
9. SANITARY SEWER LINES MUST BE CONCRETE ENCASED WHERE LESS THAN 18" SEPARATION BETWEEN THE LINE AND OTHER UTILITIES OCCUR. A 4' MINIMUM COVERAGE IS TO BE PROVIDED OVER PIPES.
10. THE SEWER CONTRACTOR IS RESPONSIBLE FOR CONTROLLING STORM WATER RUNOFF FROM AREAS WHERE TRENCHING HAS OCCURRED. ADEQUATE MEASURES ARE TO BE UTILIZED DAILY TO PREVENT NEGATIVE IMPACTS TO ADJOINING PROPERTY OWNERS FROM RUNOFF EVENTS.



LEGEND

- EXISTING SANITARY S
- EXISTING STORM SEWE
- PROPOSED SANITARY S
- PROPOSED STORM SEWI
- PROPOSED DIVERSION
- PROPOSED GEOTEXTILE
- PROPOSED ROCK APRON
- PROPOSED CONCRETE S

11. A MAGNETIC TAPE IS
12. ALL SANITARY SEWE,
4' x 4' WOOD POSTS
13. THE MAXIMUM IMPERV
14. SIDEWALK CONSTRUC
15. INSTALL 4' CHAIN LI
ELEVATION 1184 OR

PAGE 4 NOTES

GENERAL NOTES :

1. LANDSCAPING IS TO BE PROVIDED PER MUNICIPALITY SPECIFICATIONS WITH SHADE TREES OF 2 TO 2.5 INCH CALIPER BEING PLANTED ALONG THE STREETS AT 50' INTERVALS. THE PLANTINGS ARE TO TAKE PLACE OUTSIDE OF THE 50' ROAD RIGHT-OF-WAY.
2. SLOPES GREATER THAN OR EQUAL TO 3 TO 1 ARE TO BE SEEDED PER THE APPROVED SOIL EROSION AND SEDIMENTATION CONTROL PLAN PROVIDING SUSTAINED GROUND COVER.
3. EXISTING TREE LINES AND CLUSTERS ALONG THE ADJOINING PROPERTY BOUNDARIES ARE TO BE PRESERVED TO THE MAXIMUM EXTENT PRACTICABLE. INDIVIDUAL TREES IDENTIFIED ON THIS PLAN ARE TO BE PROTECTED FROM ROOT COMPACTION AND DESTRUCTION BY MAINTAINING A DRIP LINE VEHICLE EXCLUSION ZONE.
4. LANDSCAPE BUFFERS WILL BE PROVIDED BY THE DEVELOPER ALONG THE DEVELOPMENT PERIMETER AS SITE BARRIERS TO THE EXISTING HOMES AS DIRECTED IN THE FIELD.
5. GAS , WATER, AND ELECTRIC SERVICE LINES ARE NOT TO BE INSTALLED WITHIN THE STORM AND SANITARY SEWER LINE TRENCHING. ADEQUATE SPACE FOR FUTURE MAINTENANCE IS REQUIRED. MAINTAIN A 5 FOOT SEPARATION BETWEEN WATER LINES AND OTHER UTILITIES. EXACT UTILITY LOCATIONS AND STRUCTURES ARE TO BE VERIFIED BY THE COMPANY PROVIDING THE SERVICE.
6. STREET LIGHT LOCATIONS ARE TO BE APPROVED BY THE SUPPORTING POWER COMPANY AND MUNICIPALITY OF BETHEL PARK PRIOR TO PLACEMENT.
7. INSTALL 4' CHAIN LINK FENCE WITH 10' ACCESS GATE, 3' OFF DETENTION BASIN CONTOUR ELEVATION 1184 OR TOP OF SLOPE.

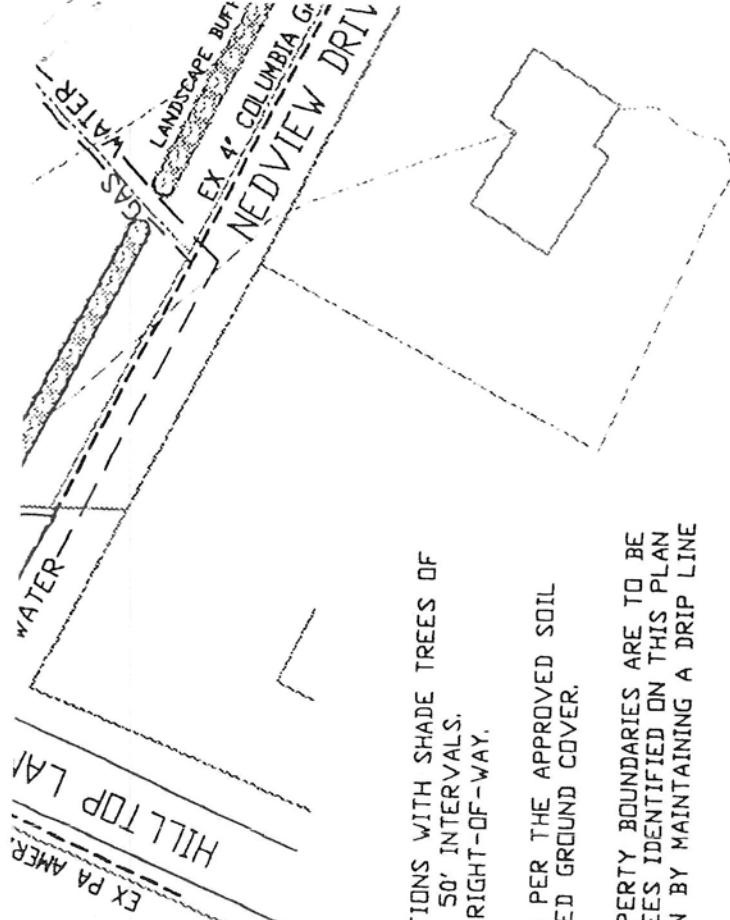
PA ONE CALL

CONTACT THE PENN
AT 1-800-242-1776
CONSTRUCTION. - S

WATER - PA AMERI

ELECTRIC - WEST F
/ DUQL

GAS - COLUMBIA GA

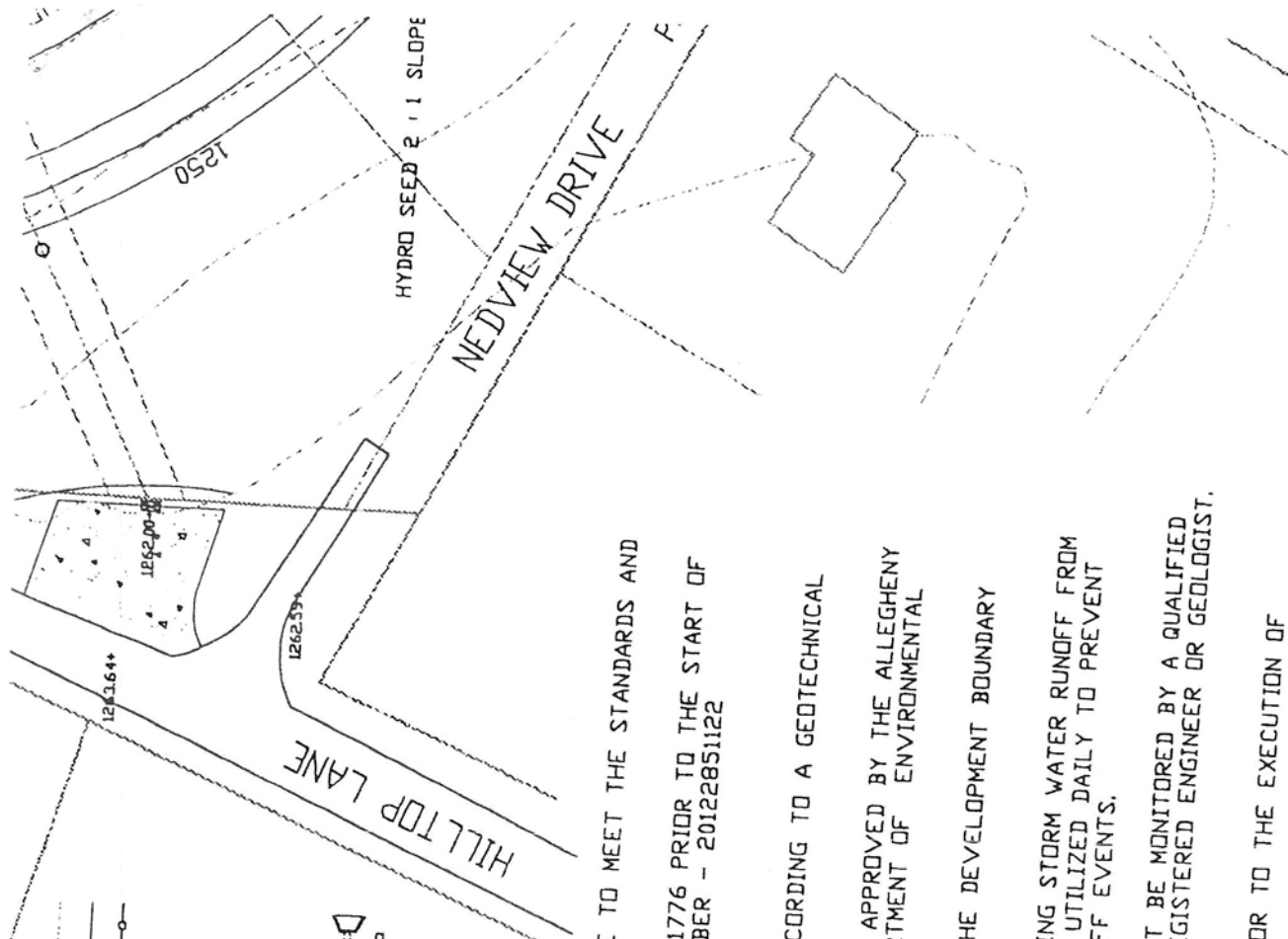


- EXISTING CONTOUR -
 PROPOSED CONTOUR -
 PROPOSED FILTER FABRIC FENCE -
 PROPOSED ROCK / STONE -
 PROPOSED CHANNEL -
 PROPOSED CONTROL BLANKETS -
 PROPOSED STORM INLET -
 PROPOSED ENDWALL -
 STEEP SLOPES TO BE HYDRO SEEDED -
 PROPOSED STORM SEWER LINE -
 PROPOSED COMPOST FILTER SOCK -

PAGE 17 NOTES

NOTE :

1. ALL SOIL EROSION AND SEDIMENTATION CONTROL MEASURES ARE TO MEET THE STANDARDS AND SPECIFICATIONS OF THE MUNICIPALITY OF BETHEL PARK.
2. CONTACT THE PENNSYLVANIA ONE CALL SYSTEM AT 1-800-242-1776 PRIOR TO THE START OF SITE GRADING.
3. ALL FINISHED GRADES ARE TO BE A MAXIMUM 2 : 1 SLOPE.
4. FILL SLOPE KEYWAYS AND UNDERDRAINS ARE TO BE PLACED ACCORDING TO A GEOTECHNICAL ENGINEERS RECOMMENDATION.
5. THE SOIL EROSION AND SEDIMENTATION CONTROL PLAN MUST BE APPROVED BY THE ALLEGHENY COUNTY CONSERVATION DISTRICT AND THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION AS A CONDITION OF MUNICIPAL APPROVAL.
6. NO APPARENT WETLAND AREAS HAVE BEEN IDENTIFIED WITHIN THE DEVELOPMENT BOUNDARY WHICH MAY MEET THE CRITERIA FOR DELINEATION.
7. THE EARTH MOVING CONTRACTOR IS RESPONSIBLE FOR CONTROLLING STORM WATER RUNOFF FROM GRADED AND DISTURBED AREAS. ADEQUATE MEASURES ARE TO BE UTILIZED DAILY TO PREVENT NEGATIVE IMPACTS TO ADJOINING PROPERTY OWNERS FROM RUNOFF EVENTS.
8. ALL EARTHWORK ACTIVITIES AND FOUNDATION CONSTRUCTION MUST BE MONITORED BY A QUALIFIED SOILS TECHNICIAN UNDER THE DIRECTION OF A PENNSYLVANIA REGISTERED ENGINEER OR GEOLOGIST. REPORTS ARE TO BE FILED WITH THE MUNICIPALITY.
9. ALL PENN D.O.T. PERMITS AND APPROVALS MUST BE OBTAINED PRIOR TO THE EXECUTION OF THE DEVELOPMENT PERMIT.
10. THE FIVE FOOT CONTOURS SHOWN ON THIS PLAN HAVE BEEN PROVIDED BY ALLEGHENY COUNTY. A LEVEL CIRCUIT ENCOMPASSING THE PROJECT AREA, UTILIZING SANITARY SEWER BENCHMARKS, WAS USED TO VERIFY VARIOUS PROJECT SURVEYED POINTS AND TEST BORING LOCATIONS IN RELATION TO THE SHOWN PLAN CONTOUR ELEVATIONS.
11. THE STREAM FLOW OR UNDISTURBED UNTIL THE RELOCATION OF :



4/26/16



DEPOSITION
EXHIBIT

PENGAD 800-631-6989

2-28-22

7/2017

7/2017

1009 Millennium Dr

0000

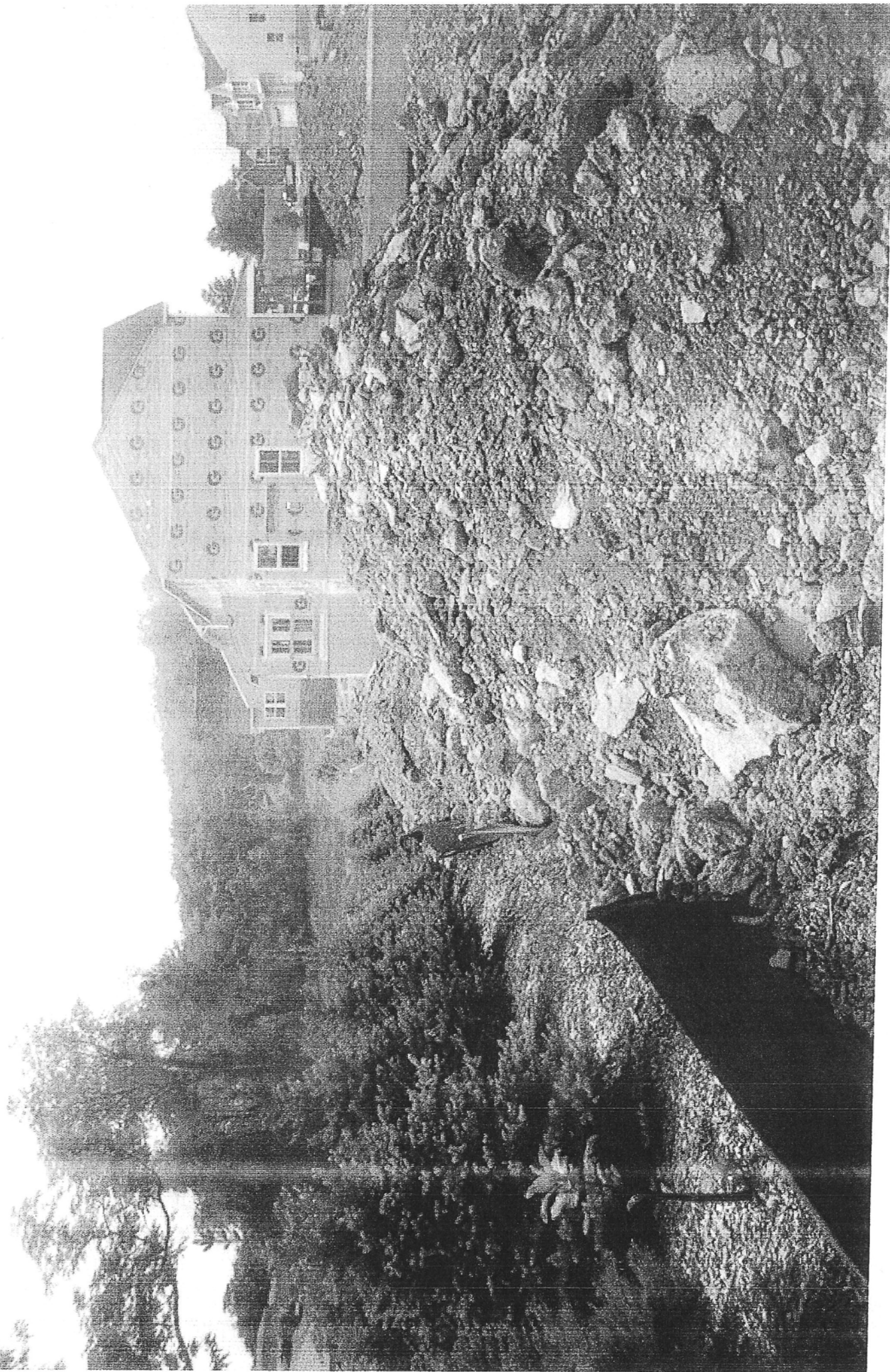


9/2019

9/2019



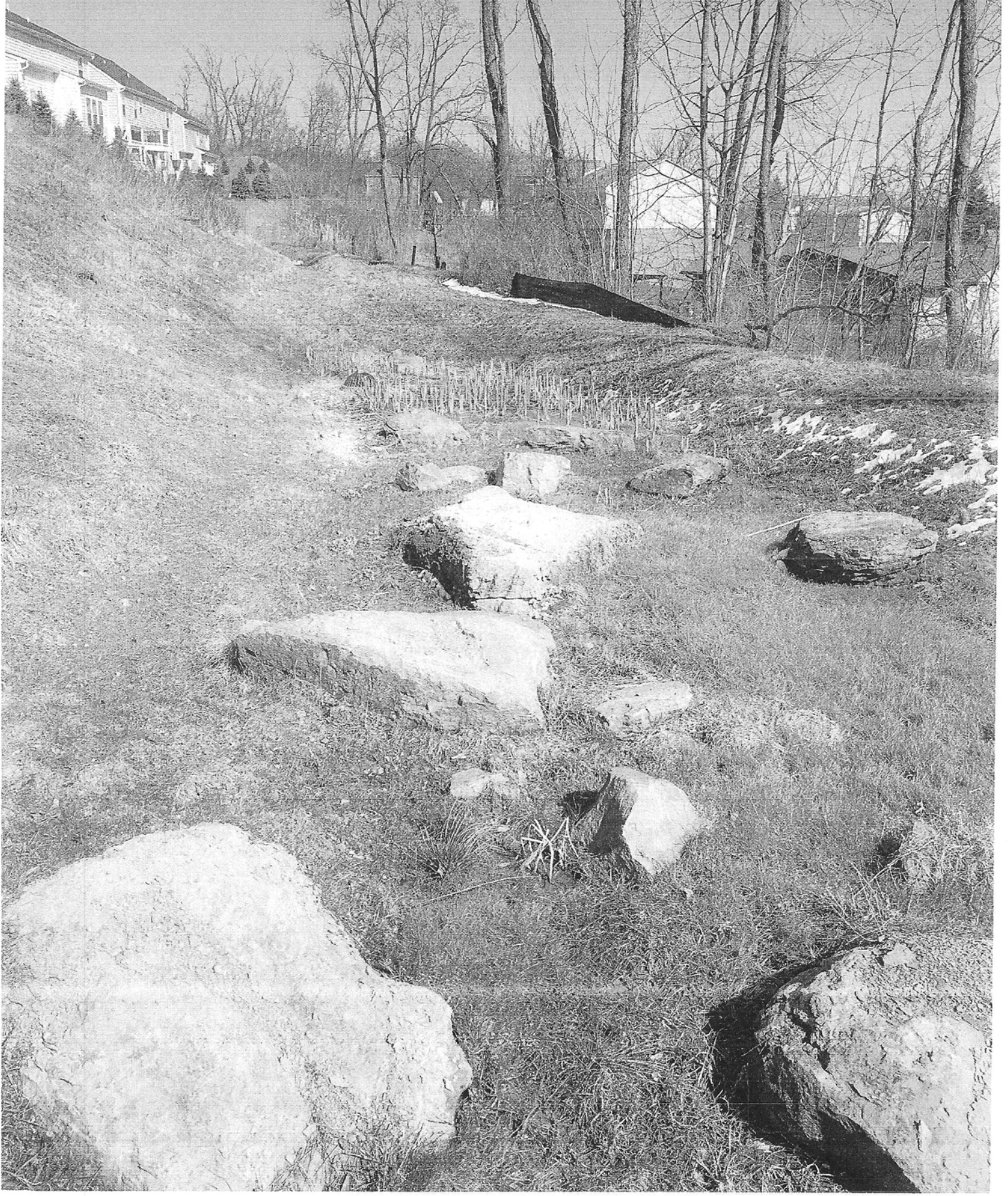
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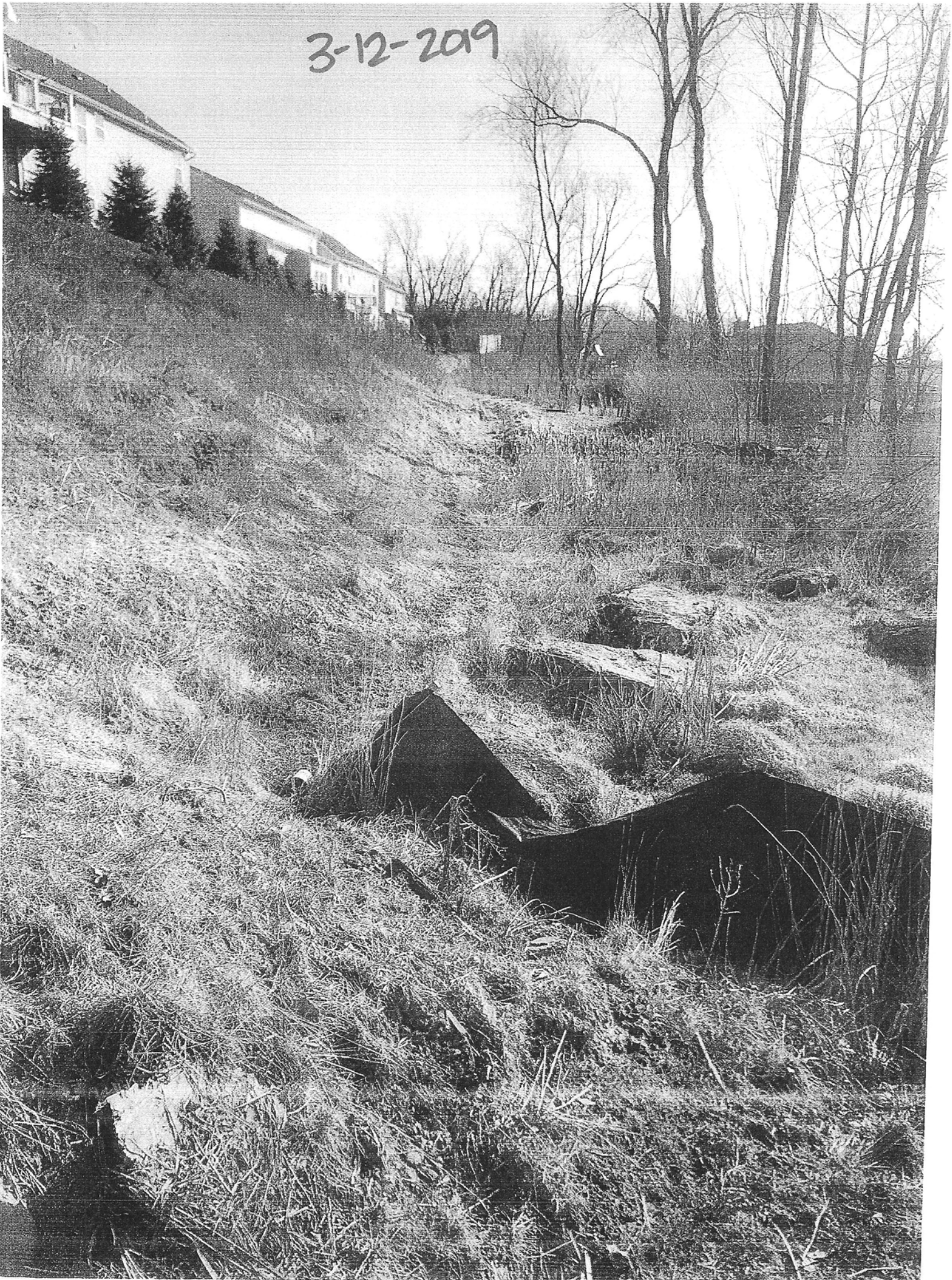
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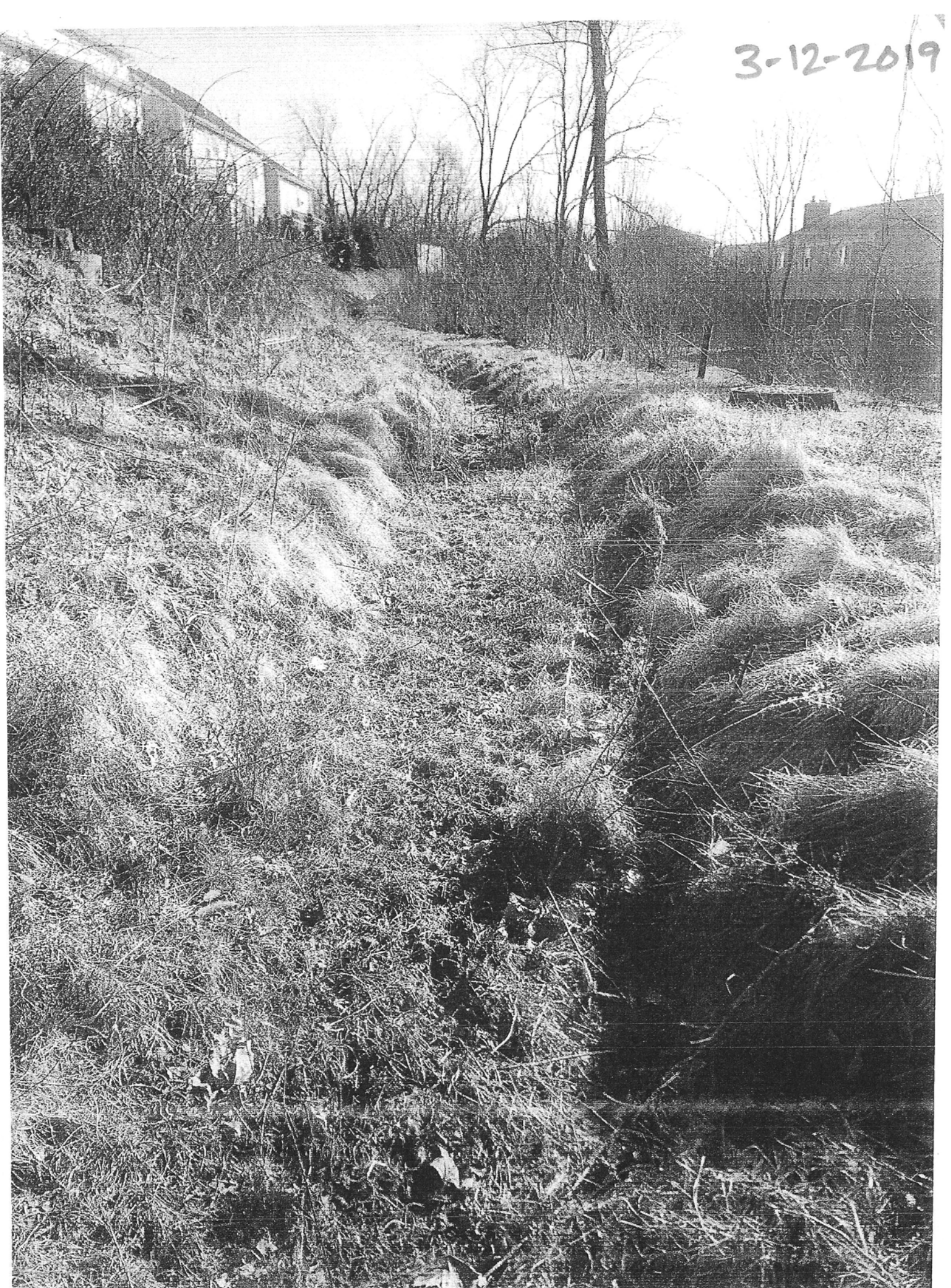
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3-12-2019



3-12-2019





Allegheny County

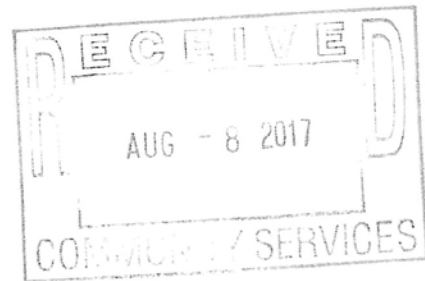
NOTICE OF VIOLATION

Certified Mail #7015-0640-0007-2493-0921 and First Class Mail

August 4, 2017

Terry Bove
Bove Development
5857 Brian Drive
Bethel Park, PA 15102

Re: Millennium Woods
PAG02000213040
Bethel Park
Allegheny County



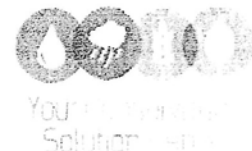
Dear Mr. Bove:

On August 1, 2017, a representative of the Allegheny County Conservation District conducted an inspection of earth disturbance activities at the Millennium Woods site located Bethel Park Allegheny County. A copy of the inspection report is enclosed for your use.

The Allegheny County Conservation District, by delegation agreement with the Pennsylvania Department of Environmental Protection (Department) is authorized to investigate complaints and inspect earth disturbance activities to determine compliance with the Chapter 102, Erosion and Sediment Control Regulations, Chapter 92, National Pollutant Discharge Elimination System (NPDES) Permitting, Monitoring and Compliance Regulations, and the Clean Streams Law.

The inspection revealed that earth disturbance activities at the Millennium Woods are in continued violation of the Rules and Regulations of the Department and of the Clean Streams Law. Additional violations were documented on inspection report dated July 6, 2017. In addition, previous notices by this office requesting that site conditions and violations be corrected have not been met.

River Walk Corporate Centre • 33 Terminal Way Suite 325b
Pittsburgh, PA 15210 • Phone: 412 241 7645 • Fax: 412 242 6165
E-mail: conservation@accdpa.org • Web: www.accdpa.org



Please be advised that representatives of the conservation district and/or representatives of the Department will conduct additional inspections of the site. If future inspections reveal that corrective actions have not been made and additional violations have occurred, the Department may initiate enforcement action.

Please submit a written reply to this letter detailing the corrective measures taken or planned to correct the violations referenced above. Your cooperation in resolving these matters is greatly appreciated. If you have any questions regarding this matter, please contact me at 412-241-7645.

Sincerely,



Kelly McLaughlin
Assistant District Manager

Enclosure

cc: Conservation District File
Bethel Park

River Walk Corporate Centre • 33 Terminal Way, Suite 325b
Pittsburgh, PA 15219 • **Phone:** 412-241-7645 • **Fax:** 412-242-6165
E-mail: conservation@accdpa.org • **Web:** www.accdpa.org



Your
Solution



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATERWAYS ENGINEERING AND WETLANDS

Permit No. PAG02000213040Report No. 8

EARTH DISTURBANCE INSPECTION REPORT

Project Name Millennium Woods Inspection Date 8/1/2017 Inspection Time 2:30 PMWeather Conditions sun Total Project Area 21 ac.Location Baptist Road Total Disturbed Area 18 ac.Municipality Bethel Park County AlleghenyReceiving Water(s) Lick Run Designated/Existing Use TSFResponsible Party(s) Terry Bove, Bove Development(name & address) 5857 Brian DriveBethel Park, PA 15102Phone () () Site Representative (name) Terry Bove Inspector (name) Kelly McLaughlin(title) (title) Type of Inspection (check only one) Photographs Taken Yes ☐ No ☒Routine complete ☐ Routine partial ☐ Follow-up ☐ Complaint ☒ Final ☐

Site Description & Observations Follow up inspection in response to a complaint that drainage changes occurred to
offsite properties since construction began. There was no evidence of this during inspection, and follow-up inspection will
happen to further investigate.

The inlet to the east of the sediment basin appears to be too high. Water is ponding around the inlet, and may be seeping
through the joints in the manhole. NOT ADDRESSED. Additionally, manhole sections are not sealed properly. 104.2d,
402.4e, 102.22t, 402u, 402w

Sediment basin may be ready for cleanout. 102.4e, 402u, 402w

Slope behind lots 145-149 is not adequately stabilized. 102.22t, 402u, 402w

☒ Continued on page 3 of 4.

Permit and Plan Requirements

- Y N
- ☒ ☐ Written Erosion & Sediment Plan required
- ☒ ☐ Written Post Construction Stormwater Management Plan required
- ☐ ☒ Erosion & Sediment Plan requested
- ☐ ☒ Post Construction Stormwater Management Plan requested
- ☐ ☒ E & S Permit required ☐ ESCGP Permit required
- ☒ ☐ NPDES Permit required
- ☐ Phased Constr. ☐ Non-Phased Constr.

Type of Activity (check as many as appropriate)

- ☐ Other
- ☐ Pub. Road Constr./Maint. (PRC) ☐ Pvt. Road/Residence (PRRS)
- ☒ Res. Subdivision (RSBD) ☐ Comm./Indust. Dev. (CMIN)
- ☐ Govmt. Facilities (GOV) ☐ Recreation Facilities (RECF)
- ☐ Utilities Facilities (UTL) ☐ Agricul. Activities (AGA)
- ☐ Sewer/Water Systems (SWS) ☐ Pipeline (PL)
- ☐ Remediation/Restoration (RRES) ☐ Silviculture (SILV)

Permit #: PAG02000213040 Exp. Date: 7/29/18

**pennsylvania**DEPARTMENT OF ENVIRONMENTAL
PROTECTIONCOMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATERWAYS ENGINEERING AND WETLANDSPermit No. PAG02000213040Report No. 8**EARTH DISTURBANCE INSPECTION REPORT**Project Name Millennium Woods Inspection Date 8/1/2017 Inspection Time 2:30 PM**Inspection Findings****Reference**

No violations observed at this time.

☐ (N/A)

- a. Failure to develop a written Erosion and Sediment (E&S) Plan. ☐ (102.4)
- b. Failure to have an E&S Plan available onsite. ☐ (102.4)
- c. Failure to submit an E&S Plan as requested. ☐ (102.4)
- d. Failure to implement effective E&S Best Management Practices (BMPs). ☒ (102.4)
- e. Failure to maintain effective E&S BMPs. ☒ (102.4)
- f. Failure to use Antidegradation Best Available Combination of Technologies (ABACT) BMPs for discharges to High Quality or Exceptional Value Waters. ☐ (102.4)
- g. Failure to obtain an NPDES Permit for Stormwater Discharges Associated with Construction Activities. ☐ (102.5)
- h. Failure to obtain an E&S Permit. ☐ (102.5)
- i. Failure to prepare and implement a Preparedness, Prevention, and Contingency (PPC) Plan. ☐ (102.5)
- j. Failure to submit a Notice of Termination (NOT). ☐ (102.7)
- k. Failure to develop a written Post Construction Stormwater Management (PCSM) Plan/Restoration Plan. ☐ (102.8)
- l. Failure to have PCSM Plan/Restoration Plan available onsite. ☐ (102.8)
- m. Failure to submit PCSM Plan/Restoration Plan as requested. ☐ (102.8)
- n. Failure to implement effective PCSM BMPs. ☐ (102.8)
- o. Failure to maintain effective PCSM BMPs. ☐ (102.8)
- p. Failure to perform reporting and recordkeeping as required. ☐ (102.8)
- q. Failure to implement riparian buffer or riparian forest buffer. ☐ (102.14)
- r. Failure to meet regulatory requirements for riparian forest buffer. ☐ (102.14)
- s. Failure to provide temporary stabilization of the earth disturbance site. ☐ (102.22)
- t. Failure to provide permanent stabilization of the earth disturbance site. ☒ (102.22)
- u. Failure to comply with permit conditions. ☒ (402 CSL)
- v. Sediment or other pollutant was discharged into waters of the Commonwealth. ☐ (401 CSL)
- w. Site conditions present a potential for pollution to waters of the Commonwealth. ☒ (402 CSL)
- x. Failure to comply with a Department Order. ☐ (402, 611 CSL)
- y. Failure to comply with PCSM long-term operation and maintenance requirements. ☐ (102.8)
- z. Failure to conduct a preconstruction meeting. ☐ (102.5)
- aa Failure to provide proof of consultation with the Pennsylvania Natural Heritage Program regarding the presence of a State or Federal threatened or endangered species on a project site requiring a Chapter 102 permit. ☐ (102.6)
- bb. Failure to withhold a building or other permit or approval from those proposing or conducting earth disturbance activities, which require a Department permit, until the Department or conservation district has approved/acknowledged the Chapter 102 permit. ☐ (102.43)

Inspection of this project has revealed site conditions which constitute violations of 25 Pa. Code Chapters 92a and/or 102 and the Clean Streams Law, the act of June 22, 1937, P.L. 1987, 35 P.S. §691.1 et seq.

Additional information regarding these violations can be found on the back of this page.

Page 2 of 4

☐ White - Inspector☐ Yellow - Responsible Party☐ Pink - Department☐ Goldenrod - Other

Permit No. PAG02000213040Report No. 8**EARTH DISTURBANCE INSPECTION REPORT**Project Name Millennium Woods Inspection Date 8/1/2017 Inspection Time 2:30 PM**Continuation Sheet****Site Description & Observations** Waste dirt is dumped at the edge of basin access. E&S controls aren't installed, and water is seeping from beneath this stockpile. 102.4d, 402u, 402v**Compliance Assistance Measures** The following measures from 7-6-17 still apply:Please consult with Bethel park engineer regarding off-site drainage issues.Address the elevation of the inlet to the east of the basin, and make sure that positive drainage allows runoff to flow into inlet. Make sure that all joints are sealed.Inspect basin and report findings, in writing, to ACCD by August 9, 2017.Slope behind lots 145-149 should be reseeded after hot weather breaks and before September 15, 2017. Use slope blanket according to plan. Monitor seeded area to ensure that grass grows and that weeds don't invade seeded area.Remove material that is dumped at basin access, and notify ACCD in writing as to where this material is taken; please refer to permit condition Part C, Item 7, regarding off-site spoil areas.**Follow-up Inspection will occur on or about (date)** August 23, 2017

(Signature of Site Representative)

(Date)

(Inspector's Signature)

8/1/2017

(Date)

The Site Representatives' signature acknowledges that they have read the report and received a copy and that they were given an opportunity to discuss it with the inspector. The signature does not necessarily mean the signee agrees with the report.

Kelly McLaughlin
Allegheny County Conservation District
River Walk Corporate Centre
33 Terminal Way, Suite 325B
Pittsburgh, PA 15219

MEMORANDUM

TO: William Spagnol
Jerry Duke

FROM: Mike Smith

CC: Municipal Council
Municipal Mayor
Judy Miller
Jean Statler
Rodney Sarver
Terry Bove, Bove Development Corporation (Applicant)
Jim Barton, Bierwerth, Barton and Associates (Applicant's Engineer)
File: Application # 2012-0903

DATE: February 20, 2013

RE: Application #2012-0903 – Millennium Woods Consolidation and Subdivision Plan, Major Subdivision, Baptist Road, Horning Road and Hilltop Lane, Bove Development Corporation, Applicant, Wards 4 and 5.
Transmittal of Submitted Information
Recommendation for Placement on the Agenda for March 11, 2013 Regular Meeting

The purpose of this correspondence is to forward to Municipal Council information received from the applicant in relation to the above-indicated application.

The applicant is seeking to create 49 new lots (48 buildable lots) for single-family development, and 6 parcels of property (Parcels A through F on the attached Millennium Woods Consolidation and Subdivision Plan). The subdivision (lots and parcels) are located on the 29.75 acres of land that is bordered by Baptist Road, Hilltop Lane, Millennium Park, and Horning Road. The property is a consolidation of all or a portion of 12 parcels. The property is zoned R-3, One Family Residential. In addition to the subdivision plan, a copy of the applicant's Millennium Woods Residential Development Plan (Major Subdivision) is attached.

The applicant has proposed that Parcels A, B, and D be deeded to the Municipality of Bethel Park. An above ground storm water detention pond is proposed to be constructed on Parcel A. The applicant has requested a waiver to permit an above ground storm water detention pond on Parcel A, and the Municipality of Bethel Park to accept a Deed of Dedication for Parcel A (a copy of the request is attached). Municipal Council has the authority to grant approval for the construction of the above ground storm water detention pond. With the acceptance of Parcel A the Municipality of Bethel Park will be responsible for the operation and maintenance of that facility. The applicant has agreed to provide a financial contribution per lot to cover related operation and maintenance costs in lieu of a Home Owners Association taking responsibility for the facility.

The applicant has requested the Municipality of Bethel Park to accept a Deed of Dedication for Parcel B. Parcel B is an unbuildable lot which can become part of Millennium Park. The applicant has also requested the Municipality of Bethel Park grant a grading easement on Municipal property adjacent to Parcel B and Baptist Road (a copy of these requests is attached).

Parcel D will be dedicated right-of-way at the end of Hilltop Lane for the construction of a turn-around.

The remaining Parcels C, E, and F will remain as private property, and deeded to existing property owners.

The majority of the discussion at the Planning and Zoning Commission meetings was regarding the proposed above ground storm water detention pond. Municipal Council has the authority to grant approval for the construction of the above ground storm water detention pond. The applicant has requested in writing a waiver to permit an above ground storm water detention pond on Parcel A, and the Municipality of Bethel Park to accept a Deed of Dedication for Parcel A. At the Planning and Zoning Commission meetings residents from Kevin Drive/Chapel Drive neighborhood expressed concerned that the storm water runoff from the proposed development would exacerbate existing storm water issues. In addition, some residents requested the development include a pedestrian access that would allow residents on Hilltop Lane to access Millennium Park.

The applicant completed a storm water management plan that was found to be acceptable by staff. The Storm Water Management Plan for the development concluded that a post-development release rate for the 2-year storm was less than 90% of predevelopment peak flow rates, and post development release rates for the 10-, 25- and 100 year storms were less than 60% of the predevelopment release rates. As such, the construction of the storm water detention pond should improve existing storm water issues in the Kevin Drive/Chapel Drive neighborhood. A copy of the Executive Summary of the Storm Water Management Plan is attached.

In addition, the applicant agreed to provide pedestrian access to Millennium Park from Hilltop Lane via an emergency and pedestrian access easement, and a storm sewer, public utilities and pedestrian access easement. These easements will be shown on the Final Plan.

The Municipality of Bethel Park Planning and Zoning Commission recommended approval of Application #2012-0903, Millennium Woods Consolidation and Subdivision Plan, Major Subdivision at the February 13, 2013 Regular Meeting. The recommendation was conditioned upon the applicant obtaining the following:

- Approval of the Millennium Woods Storm Water Management Plan from the Municipality of Bethel Park.
- Approval of the Erosion and Sediment Pollution Control Plan from the Allegheny County Conservation District and the Pennsylvania Department of Environmental Protection.
- An approved Highway Occupancy Permit (HOP) from Penn DOT.
- A variance of the rear yard requirement related to the existing garage located at 4730 Hilltop Lane (317-S-50, Parcel E of the Millennium Woods Consolidation and Subdivision Plan).
- A variance of the rear yard requirement for proposed Lot 118 of the Millennium Woods Consolidation and Subdivision Plan.

It should be noted that the applicant has addressed the first item by providing a Storm Water Management Plan that was found to be acceptable by staff. All other items are to be provided by other agencies or boards.

It is recommended that the application be placed on the March 11, 2013 Agenda.

Attachments

February 25, 2022

To Stacey Graf and applicable representatives of the Municipality of Bethel Park:

Please find this letter as documentation of support for the installation of a retaining wall at the residence 1009 Millennium Drive.

I write this letter from the perspective of a homeowner who faced challenges during the development of Millennium Woods. In fact, I presume that I am the homeowner referenced in the email dated 7.12.21 sent to Brian Allsopp that stated, *"This berm and trees were placed by the developer as a way of stopping water from leaving the Millennium Woods site and effective the property owners on Coventry Court. Throughout the development process, there were many issues with storm water. The final solution was the swale, the berm, and the pine trees."*

Although, the municipality may believe that it is protecting the properties on Coventry Ct. It is too late; our damage occurred in 2017. Further inaccurate information is being shared. A physical erosion berm occurred due to fill movement as the lots were developed. The physical erosion berm was left in place when construction commenced. It was one of the last items removed, in fact. Persons resided in the houses before the erosion berm was removed. Further, the pine trees were planted for a privacy barrier at the request of Surrey Farm residents. Most of those original pine trees died quickly. And no issues with storm water management were ever acknowledged by Bove Development Corp or the municipality – until now – as captured in the email sent from Stacey Graf to Brian Allsopp.

Our property experienced extensive water damage beginning with the construction of the Millennium Woods. In June 2017, I contacted the municipality and Allegheny County Conservation District (ACCD). Our complaints were unknowingly shared with the developer, Terry Bove of Bove Development Corp. Over the summer months a series of meetings occurred between the municipality, ACCD, and Bove Development Corp. In August 2017, we returned home from vacation to find an interceptor swale that began at the rear corner of our property extending to the retention pond.

The original stormwater plans for Millennium Woods were approved in 2013, and on those plans, there was no interceptor swale. In email correspondence from August 2017 that I have retained the Allegheny County Conservation District the representative wrote to me, "We haven't received any revisions to the original plans which were submitted in 2013."

I requested in writing the following information in August 2017 from the municipality in response to the interceptor swale.

1. Were the original [stormwater management] plans completed as approved?
2. Did the 2013 [stormwater management] plans include the [interceptor] swale in question?
3. Explain the need for the new [interceptor] swale including its impact on storm water / ground water.
4. Explain how the dimensions of the [interceptor] swale was determined.
5. Review and provide the engineering report that documents the need and impact of the [interceptor] swale.
6. Provide documentation capturing all changes made to the original storm water management plan approved by the municipality in 2013.
7. Identify how we can contact Mr. Bove as he continues to be unresponsive and our communication and support from the municipality seemed to end abruptly in July 2017.

I received none of the above requested information.

At my insistence, a meeting between myself, husband, the municipality, and Bove Development Corp occurred in September 2017. Bove Development Corp stated the water damage to our property was not related to the development of Millennium Woods. After identifying the errors with implementation of the storm water management plan to Bove Development Corp including -- yard drains/catch basins not installed, swales between properties directed towards Coventry Ct, and how an interceptor swale was not on the original plans and added in August 2017 -- Bove Development Corp. again insisted that the water damage to our property was not due to the development of Millennium Woods and had no admittance of negligence in implementation of stormwater management plans. In fact, after I again directly pointed out the errors, Terry Bove stated to my husband in front of municipality representatives, "I feel sorry for you that you have to live with her and deal with her." Not a word came from a representative of the municipality that day in response to Bove, and the municipality stopped helping us in any way deal with the incompetence of Bove Development Corp.

I share our story to highlight the actions and lack thereof of this municipality. I fought to protect my property in 2017 from the negligence of Bove Development Corporation, and the municipality watched. Now the municipality is actively stopping our neighbors from protecting their property in 2022, again due to the negligence of Bove Development Corporation.

To reiterate, I am presumably the property referenced on Coventry Court, I support the installation of a retaining wall at the residence 1009 Millennium Drive. As provided by the homeowners of 1009 Millennium Drive, documentation from an independent engineer supports that the installation of a retaining wall will improve storm water management. Storm water management in Surrey Farms has worsened since the development of Millennium Woods, despite prior claims by the municipality, which are published in the Tribune Review, that storm water management would improve. Storm water management does now seem to be a concern for the municipality. For example, the municipality suggested the creation of a collection basin under the central green space in front of our house to collect storm water runoff from the impervious surfaces added by the Millennium Woods development.

It seems at odds for the municipality to now deny a structure that would improve storm water management. Actions that improve storm water management should be supported like the proposed retaining wall at 1009 Millennium Drive. Plus, the retaining wall also adds the bonus that the residents of 1009 Millennium Drive will not watch as their deck falls into an interceptor swale -- which again was not captured on the storm water management plans approved in 2013.

I also look forward to future maintenance of the interceptor swale. In 2017, municipality representatives explained that the interceptor swale would be maintained from overgrowth. That has not happened to date. **In closing - I support the installation of a retaining wall at the residence 1009 Millennium Drive.**

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