

Lebanon Township Environmental & Open Space Commission (EOSC) Meeting Minutes

February 6, 2023

CALL TO ORDER

The meeting called to order by Ms. Petzinger at 7:04pm. In addition to the members listed below, Committee Member Schmidt was in attendance and twenty-three (23) members of the public were in the audience.

In compliance with the "Open Public Meetings Act", notice has been given that the Lebanon Township Environmental and Open Space Commission hosts its regular meetings on the first Monday of every month at the Lebanon Township Municipal Building.

KICKOFF & ROLL CALL

EOSC Member	Role	Roll Call
Sharon Petzinger	Member, Chair	Present
Warren Newman	Member	Absent
Erik Jan Henriksen	Member	Absent
Nancy Lawler	Member	Absent
Kathy Koch	Member	Present
Sharon Hardy	Member	Present
Linda Ryan	Member, EOSC Planning Board Member	Absent
Marty Collett	Alternate I	Present
<i>Vacant</i>	Alternate II	-

PRESENTATION OF MINUTES

The January 2023 Regular Meeting minutes were presented by Ms. Petzinger. Ms. Koch made the motion to approve the minutes, seconded by Ms. Hardy, and unanimously approved.

EOSC RE-ORG and ROLES

Ms. Petzinger brought up new potential roles for EOSC members, such as social media coordinator and state liaison. After discussion, EOSC members decided there was no interest in creating a designated role and each subcommittee will designate a person to contact state agencies.

BUSINESS

2022 Annual Report

Ms. Petzinger presented the draft 2022 EOSC annual report. Minor edits were suggested by Ms. Hardy. Mr. Collett made a motion to approve the annual report as amended, seconded by Ms. Koch, and unanimously approved.

Flood Hazard/Floodplain Management Ordinance 2023-02

Ms. Petzinger gave an overview of the Flood hazard/Floodplain Management Ordinance 2023-02, which will have a public hearing on February 15, 2023. It is a state mandate based on FEMA that mandates flood insurance in certain zones and regulates building codes in flood hazard

areas with the Township Engineer as the administrator of the program. Lebanon Township currently has two zones, A and AE, both of which mandate flood insurance; the difference being how the 100-year (or 1%) floodplains are determined. Flood zones can be found online at the NJ Flood Indicator Tool website, and probably less than 100 homes are estimated in the flood zones. The frequency of 100-year floods have already increased by 15% and expected to increase by up to 50% under the moderate climate emissions scenario, which is why NJ DEP is proposing a new Inland Flood Protection Rule proposing an increase in 100-year flood elevations for new development and reconstruction, but will not impact federal insurance.

EOSC members discussed the ordinance. Committee Member Schmidt clarified that the ordinance is less about creating additional flood zones and more about additional procedures when within a flood zone. Not much will change for those outside the flood zone but the ordinance will impact those in the flood zone. Ms. Koch stated people in flood zones already spend a lot of money on permits, variances, etc., and there needs to be more public outreach and education about this, particularly for those in flood zones. Ms. Hardy mentioned the violations and penalties for noncompliance looks severe and asked if anything would be grandfathered in and how the township engineer will be funded to compensate the increase in responsibility. Ms. Petzinger mentioned that it was not clear whether the ordinance applied only when buildings are located in the flood zone, or if the property is in the flood zone regardless of where the building is located.

EOSC members agreed that the ordinance cannot change much from the state model and not much of this ordinance is in the purview of the EOSC, but authorized Ms. Petzinger to express these suggestions, concerns, and questions at the public hearing on behalf of the EOSC.

Comments on Green Acres Rules

Ms. Petzinger provided an update on the status of EOSC's draft comments on the Green Acres rules. Green Acres staff will start the rule revisions after February 28, 2023 and requested comments be emailed by then. EOSC members reviewed the draft comments and agreed they can be submitted by the Feb. 28 deadline provided Ms. Petzinger reaches out to Ms. Lawler, Mr. Henriksen, and Mr. Warren for additional comments. Motion made by Mr. Collett, seconded by Ms. Koch, and unanimously approved.

Stormwater Management Rule Changes

Ms. Petzinger provided an overview of the reassignment of Lebanon Township from Tier B to Tier A in the stormwater management rules. Lebanon Township contains storm sewers, is within a HUC14 with TMDL/impaired streams with pollutants of concern, and has high quality/sensitive waters. Most streams and rivers in Lebanon Township, like the Spruce Run, are impaired because of temperature, and pollutants of concern above the TMDL including fecal coliform.

Lebanon Township has 2-3 years to comply with Tier A requirements: create and implement a stormwater pollution prevention plan, create a stormwater webpage, adopt new ordinances, implement community-wide pollution prevention measures, implement BMPs and maintenance yards, train municipal employees and governing bodies on stormwater issues, electronically map stormwater infrastructure, scour streams, etc.

EOSC members discussed the role of EOSC in helping the township be in compliance. In the past EOSC has already discussed testing more water bodies in the township to determine the sources of pollution and where to best implement measures to protect water quality, reduce runoff, re-establish vegetative stream buffers, and manage geese. EOSC also has liaison with MWA and RHA who can help, possibly NJIT as well. EOSC may be best suited to help with outreach and implementing community-wide pollution prevention measures, such as replanting trees, increase the number of garbage cans, help draft a wildlife feeding ordinance, etc.

Open Space - Updates

Committee Member Schmidt provided an update on open space appraisals and potential acquisitions:

Green Acres approved the Pre-Appraisal Questionnaire for B 49 L 76 (Tullo, 43 Anthony Rd, 5 acres). The next step would be to have the Township Committee vote to approve the hiring of an appraiser.

A site visit was conducted by Ms. Hardy, Ms. Koch, Ms. Petzinger, and Committee Member Schmidt at the new possible acquisition at 37 Anthony Rd, B49 L75 (Huston, 18 acres adjacent to Piazza). The property is bisected by the Spruce Run that contains a dam on the property. Mr. Huston, the landowner, was interested in the township possibly acquiring the southern portion of the property delineated by the southern bank of the Spruce Run (about 10 acres).

The EOSC recommended the Township Committee consider approving a pre-appraisal on the Huston property for potential acquisition of the southern portion of the property. Motion made by Ms. Koch, seconded by Mr. Collett, and unanimously approved.

Green Acres has grant application deadline of March 1, 2023, which can provide the township with \$350K to purchase open space lands. The EOSC recommended the Township Committee consider approving the application for the Green Acres grant. Motion made by Mr. Collett, seconded by Ms. Hardy, and unanimously approved.

Forest Master Plan

Ms. Petzinger provided an update on the Municipal Forest Master Plan. The draft contract is under review by NJ Audubon and will be tabled for approval with the Township Committee until the review is complete.

Ms. Koch introduced an Op-Ed article she read in the local paper and questioned why there seems to be a conflict between the NJ Highlands Coalition, who authored the article, and the NJ DEP about forestry and cutting trees. Ms. Petzinger provided a general overview of the long-standing debate between those who believe forests should be left alone (John Muir) and those who believe forests should be managed (Gifford Pinchot). The NJ Highlands Coalition seems to base their assertions on a false premise that the forests in northern NJ were all closed-canopy old growth forests prior to European settlement. The NJ DEP has been trying to work through the concerns and issues with the NJ Highlands Coalition in an attempt to compromise, but the

NJ Highlands Coalition stated they are not engaging in a dialogue with NJ DEP to compromise but to get them to stop what they are doing. The NJ Highlands Coalition also opposed the forestry work being done on township property in Washington Township, Warren County, to the point where the Township Committee abandoned the forest plan after only one year of implementation. Because of this, there is a possibility the NJ Highlands Coalition will also oppose any forestry activities Lebanon Township proposes to implement, so it's best to educate residents and committee members of the facts before that happens.

Ms. Koch inquired about an article she read about the wood-wide web, or trees networking and sharing resources through mycorrhizal fungi networks. S. Petzinger stated she has not seen the science on it, but recalled the article was based out of the Pacific Northwest, where the forest ecosystem is a long-term old-growth forest that doesn't see a lot of natural disturbances. The oak-hickory forests in NJ are more disturbance-dependent and require open-canopy conditions, so research in the Pacific Northwest will not likely apply to forests in NJ.

LIAISON UPDATES

MWA: Liaison absent

RHA: Liaison absent

Highlands Council: no report

OTHER TOPICS

The EOSC agreed to move the July 2023 EOSC meeting date to July 11 and the September 2023 meeting date to September 12. Ms. Koch made the motion, seconded by Mr. Collett, and unanimously approved.

Two correspondences were received: One freshwater wetlands application notification for general permit 10, and one to renew membership to ANJEC.

Ms. Petzinger provided an overview of the freshwater wetlands application notification. A general permit 10 is used for expansion, widening, or upgrading existing driveways or roads. Based on the map provided, the driveway the GP 10 would apply to is not in mapped wetlands but may be in a wetlands transition zone valued for wood turtle. Ms. Koch and Ms. Hardy agreed to look at the application in more detail and determine if the EOSC will provide comments to the NJ DEP.

The EOSC agreed to table the discussion on whether to renew membership to ANJEC.

Ms. Koch mentioned the well testing will be held in the meeting room at the municipal building, not the vestibule. May 6, 2023 will be the pick-up date with May 8 as the drop off date.

PUBLIC COMMENT

Mr. Collett made the motion to open public comment, seconded by Ms. Koch, and unanimously approved.

Bill Bohn asked about how forestry gets rid of nonvalue trees and keeps value trees. Ms. Petzinger responded that the EOSC and Township Committee would control what a desirable tree is. Mr. Bohn suggested putting information about pollution in the newsletter to educate the public and mentioned septic systems may be the biggest polluters, and Hunterdon County has fliers about it. Ms. Hardy mentioned the EOSC did a septic seminar and suggested we look into doing another one. Mr. Bohn mentioned soil issues with Hickory Run Rd have been addressed, and the GP 10 permit on Anthony Rd is near a Spruce Run tributary. Residents are submitting comments and so should EOSC because the area has endangered species and trout. He also mentioned piles of horse manure near the Spruce Run as well as millings without permits and suggested the EOSC educate people on that.

Bob Mickel – asked if the township uses taxpayer money to purchase Green Acres and open space. Mr. Schmidt responded that the township can use the open space trust fund but have maybe spent \$50K out of \$2M to purchase properties. Mr. Mickel also asked if the acquisition properties are contiguous with NAR property. Mr. Schmidt responded they are not.

Keith Galloway asked if a floodplain zone needs to be disclosed when buying/selling property. Mr. Schmidt responded that questions should be brought up to the Township Committee.

Paul Gamm stated it is up to the township engineer to determine what a large renovation is under the new flood ordinance and asked how that is determined. He stated the ordinance is not changing flood zones, just the construction elevation. Stormwater mgmt. has helped water get into streams and rivers and impacts people in lowlands more. The township needs to slow it down before getting into waterways. Can we find out volume and movement on streams and rivers?

Ann Orloski stated she agrees with Mr. Bohn about the NAR application. It would be helpful if EOSC would comment on the application to DEP about riparian and water. Mr. Schmidt stated the EOSC needs to ask the attorney about commenting officially on the NAR permit application.

Mike Iannese asked why the EOSC may not join ANJEC. He stated that the former commission chair didn't deal with the planning board with NAR and asked if we will be more involved with calling out NAR activities. Mr. Iannese also suggested we have a Pledge of Allegiance before the meeting.

Kathy Broadhurst asked where on Woodglen Rd is in the flood zone and which lands are included in the forest plan.

Paul Gamm stated a need for enforcement on zoning, but now is the time for comments. Could EOSC submit a comment about the driveway being already widened?

Paul Lewis asked the intent of the driveway widening.

Bill Bohn stated the municipal office has paperwork and the permit application, and NAR could be asking for forgiveness for already widening the driveway. Does EOSC have resources that advocate for environment to have them comment? Suggestions were MWA and RHA.

Mike Iannese asked what EOSC can do for residents with the application. Can we help them with information? Ms. Petzinger stated the EOSC routinely receives notifications for freshwater wetlands permits in the township and needs to treat all landowners the same.

Victor Hoffman asked if Green Acres controls the property on Anthony Rd and why we need more open space.

Paul Lewis asked if the EOSC can request access to walk property to investigate the NAR permit application. He also has concerns with new Green Acres regulations and asked how much Green Acres Tax money the township receives. He suggested it would be better to acquire fewer properties without Green Acres money to not have strings attached. He is concerned the township is opening ourselves up to problems in the future. He is also concerned about accurate appraisals with taxes on properties because taxes aren't high in wetlands. Make sure appraisal is accurate. He suggested commenting to Green Acres about grandfathering in rule changes.

Bill Bohn asked if the EOSC could follow up on Little Brook because it can be an EOSC issue. In Clinton there was development on Green Acres properties.

Mr. Collett made a motion to adjourn the meeting, seconded by Ms. Hardy, and unanimously approved. The meeting was adjourned at 9:38pm.