

Lebanon Township Environmental and Open Space Commission (EOSC) August 5, 2024 Meeting Minutes

CALL TO ORDER

The meeting called to order by Ms. Petzinger at 7:04 pm. Committee member McKee was also in attendance. No 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.

ROLL CALL

| EOSC Member | Role | Roll Call |
|----------------------|------------------------------------|------------------|
| Sharon Petzinger | Member, Chair | Present |
| Warren Newman | Member | Absent |
| Marty Collett | Member | Present |
| Nancy Roberts-Lawler | Member, MRMC Councilor | Present |
| Constance Grill | Member | Present |
| Sharon Hardy | Member | Present |
| Linda Ryan | Member, EOSC Planning Board Member | Present |
| Celia Vuocolo | Alternate I | Present |
| Nina Weiland | Alternate II | Absent |

WELCOME NEW MEMBER

Ms. Petzinger welcomed Ms. Vuocolo to the EOSC as the new Alternate I member and discussed EOSC’s authority, responsibilities, and conduct.

- We are not activists. We are appointed officials representing the township. When acting in our official capacity, whether during regular meetings, running events, visiting a property, or speaking with the public, we are to do so in a professional and courteous manner.
- When investigating properties to purchase or reviewing permit applications from the DEP, planning board, or board of adjustment, we are to treat each property consistently and fairly, without bias.
- If we have a direct or indirect personal or financial interest in any matter, we are to recuse ourselves from that matter.
- We have statutory authority and responsibilities as an environmental commission that we must adhere to. We also have existing documents, such as the LT Master Plan, OSRP, NRI, as well as county, Highlands, and state plans to guide our decisions and help us prioritize our actions within our statutory authority.

NJSA 40:56A-1: Environmental commission is established for the protection, development or use of natural resources, including water resources, located within its territorial limits.

NJSA 40:56A-2:

- 1) Conduct research into the use and possible use of the open land areas of the municipality and may coordinate the activities of unofficial bodies organized for similar purposes

- 2) Advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its purposes.
- 3) From time to time recommend to the planning board or, if none, to the mayor and governing body of the municipality plans and programs for inclusion in a municipal master plan and the development and use of such areas.
- 4) Acquire, maintain, improve, protect, limit the future use of, or otherwise conserve and properly utilize open spaces and other land and water areas in the municipality (NJSA40:56A-3)
- 5) Keep records of its meetings and activities and shall make an annual report to the governing body of the municipality (NJSA 40:56A-4)
- 6) Study and make recommendations concerning open space preservation, water resources management, air pollution control, solid waste management, noise control, soil and landscape protection, environmental appearance, marine resources and protection of flora and fauna (NJSA40:56A-6)

PRESENTATION OF MINUTES

The April 2024 Regular Meeting minutes were presented by Ms. Petzinger.

Mr. Collett made a motion to accept the July meeting minutes as amended, seconded by Ms. Grill, and unanimously approved with 3 abstentions.

The July 2024 Regular Meeting minutes were presented by Ms. Petzinger.

Ms. Roberts-Lawler made a motion to accept the July meeting minutes as amended, seconded by Ms. Hardy, and unanimously approved with 3 abstentions.

BUSINESS

NJ PACT REAL Proposed Rule Changes: Ms. Petzinger stated that the Division of Watershed and Land Management in NJDEP is proposing to change flood hazard, coastal zone management, stormwater management, freshwater wetlands, and other rules as part of NJPACT – Resilient Environments and Landscapes (REAL). Originally developed in 2020 in response to Governor Murphy’s Executive Order, the purpose is to address impacts of sea level rise, flooding and inundation, and improve land and water resource protection. Stakeholder feedback was solicited in 2020; there was no record that our township was included so no feedback was provided at that time. Webinars were also held in May 2024 providing overviews of the proposed rule changes but we were unaware of them. The proposed rules were published August 5, 2024, which opened the 90-day comment period, and NJDEP will host 3 public hearings during the public comment period:

- September 5, 2024, Live at 6:00 P.M., at Ocean County College Main Campus, Toms River
- September 12, 2024, Virtually at 2:00 P.M.
- September 19, 2024, Virtually at 10:00 A.M.

A link to the virtual public hearing and more information about the live hearing will be provided on the Department's NJPACT website www.nj.gov/dep/njpact/.

The mayor requested the EOSC, Planning Board, and Township professionals review the proposed rule changes and, if concerns warrant, draft and approve comments at our Sept. meeting so the Township Committee can submit comments on behalf of the Township.

EOSC members discussed the proposed rule changes. Generally the proposed rule changes appear to be more about statewide oversight in the permitting process with changes to close gaps, especially for development and re-development. Some of the proposed changes purport to better protect natural resources and make the permitting process easier for environmentally beneficial projects, but there are some changes that may negatively impact the Township, residents, and abilities to beneficially manage resources.

Concerns about the proposed rules expressed by EOSC members included changing multiple permits-by-rule to permits-by-registration under the Flood Hazard Control Act. Certain activities currently conducted under a permit-by-rule, which include forest management plans, fence installation, trail and boardwalk creation, footbridge construction, natural resource conservation practices, and herbicide application to control invasive plants, can be conducted without contacting the NJDEP provided the permit-by-rule conditions are met. These activities are proposed to be regulated under a new permit-by-regulation category, which requires that activities be registered (submitting the location, description of activities, and contact information on an online form) and implemented within 180 days of registration. According to the NJDEP, the permit-by-registration will enable NJDEP staff to inspect sites and determine cumulative impacts within a given municipality or watershed. Additionally, the NJDEP states this tracking would enable NJDEP to propose future amendments to adjust regulatory standards to reflect the State's planning goals, as well as to ensure that the regulated development will cause only minimal adverse environmental impacts when performed separately, and is in keeping with the legislative intent to protect and preserve the area from inappropriate development.

Concerns expressed by EOSC members include:

- Many landowners may not be aware of the need to register activities that did not need registration previously and unknowingly be in violation. Implementation of projects, especially forest plans and projects run by government agencies where work is contracted out, may also be delayed after 180 days of registration following plan or project approval, putting the landowners at further risk of being in violation. It is also unclear which activities need to be registered.
- The possibility of properties being inspected by a regulatory arm of the NJDEP may hinder landowners from conducting beneficial environmental activities. It is also unclear whether site inspections will be announced, and why certain activities need to be monitored more closely. For example, NJ Forest Service already conducts inspections on properties with approved forest plans.

- It is unclear whether the information required in registration will be eligible under the Open Public Records Act. If the public is able to access this information then landowners and/or their contractors may be harassed for conducting certain activities, especially as it relates to forest management.
- Given that agricultural, both existing and new, maintained its exemptions but forestry will require registration (as will formerly exempt construction projects) implies that impacts from forestry are worse than agriculture, the BMPs don't work, and/or NJ Forest Service isn't doing its job. The proposed rules also neglect to acknowledge that forestry is an incredibly important and beneficial tool to increase the health, resiliency, and adaptability of forests to climate change (or for E&T wildlife habitat, biodiversity, water availability and groundwater recharge, etc.) and should stay exempt.

Ms. Roberts-Lawler made a motion for Ms. Petzinger, Ms. Vuocolo, and Ms. Ryan form a subcommittee to draft comments on the NJREAL rule proposal using information from the EOSC discussion for approval at Sept 10, 2024 EOSC meeting. Ms. Hardy seconded the motion and it was unanimously approved.

LIAISON UPDATES

- MWA – Ms. Roberts-Lawler provided MWA brochures on vision plan process for watershed. QR code on back of brochure links to more information. She will also provide the brochure to the Township Clerk for the Committee and the possibility of adding a link on the EOSC website.
- RHA – Ms. Hardy stated there is nothing to report. Ms. Petzinger mentioned RHA is doing a watershed plan and solicited availability for a meeting in Sept. Ms. Roberts-Lawler and Ms. Petzinger both responded with availability.
- MRMC – Ms. Roberts-Lawler stated there is nothing to report.
- Highlands Council – Mr. McKee stated there is nothing to report.
- Planning Board – Ms. Ryan stated there is nothing to report. The August meeting has been cancelled.

Mr. Collett made a motion to adjourn the meeting, seconded by Ms. Ryan, and unanimously approved.

The meeting was adjourned at 9:12pm.