

APEX ENVIRONMENTAL ADVISORY BOARD

MEETING MINUTES

Meeting Date:
October 15, 2020
6:00 p.m.



Remote Meeting
Details located on the Town website:
<https://www.apexnc.org/calendar.aspx>

ENVIRONMENTAL ADVISORY BOARD MEMBERS:

Hal Langenbach, Chair
Katie Schaaf, Vice Chair
Tim Carley
Laura Duggan
John Garrison

Michael Rusher
Marilee Szczerbala
Jessica Wilkerson
Ted Williams

The remote Environmental Advisory Board (EAB) meeting was called to order by Chair Hal Langenbach at 6:05 p.m. Members present were Chair Langenbach, Vice-Chair Katie Schaaf, and Board members Tim Carley, Laura Duggan, Marilee Szczerbala, John Garrison, Ted Williams. Board member Mike Rusher joined at 6:11pm, and board member John Garrison joined at 6:13pm. Board member Jessica Wilkerson was absent.

Councilmember Brett Gantt was absent. Town staff members present were Current Planning Manager Amanda Bunce, Environmental Engineering Manager Jessica Bolin, Sustainability Analyst Valeria Mera, and non-voting staff secretary Sustainability Program Coordinator Megan Pendell. Members of the public were invited in listen-only mode and two were present.

Chair Langenbach asked the Board if there were any comments on the meeting minutes from September 17, 2020. A motion was made by Board member Carley to approve the minutes, seconded by Chair Langenbach and the motion passed unanimously.

Chair Langenbach opened the floor for announcements and brought up the subject of board member terms. Board member Duggan announced that she would be willing to leave her place on the board if someone more qualified was interested.

Chair Langenbach asked if Board members had additional announcements. Upon hearing none, the Board moved on to the discussion of the zoning conditions checklist. Chair Langenbach praised the amount of comments and revisions made by Town of Apex staff and commented that once revised by the Board, it will serve as the most current final version and continue to be a work in progress.

The majority of staff revisions were accepted by the Board, as they were either clerical errors or deemed unenforceable. Examples of changes accepted by the board include:

- Changing the title to “Suggested Environmental Zoning Conditions”
- Adding “Water Quality” and “Water Quantity” subheadings under the Stormwater & Water Conservation section
- Revising the diction of the impervious pavement recommendation

Examples of items removed include:

- Installing rain barrels

- Capturing air conditioning condensation
- Purchasing native plants and trees from local nurseries

Chair Langenbach inquired about the difference between a 25- and 100-year storm, in terms of SCM overflow. Staff member Bolin explained that the environmental benefit depends on the location in the watershed and that staff could review on a case-by-case basis. Staff member Bunce pointed out that the amount of land area for a pond that serves a 100-year storm is larger and requires more land grading than a pond for a 25-year storm.

Regarding the recommendation to increase setbacks from surface waters in sensitive areas, staff member Bunce expanded on state restrictions and explained that the Town cannot increase the ordinance beyond what is restricted by the state. Board member Rusher asked if the Board could provide the recommendation and recognize that only the applicant can exceed state law. Staff member Bunce affirmed this was correct.

Staff members Bunce and Bolin noted that the diction on buffers needs revision and that stream buffers are one of the most significant Town efforts for environmental protection as of current.

Chair Langenbach asked about comments made by Legal, to which Staff member Bunce replied that there was not time for follow up on comments among staff. Staff member Bolin pointed out that after the list is revised, staff will continue to be available as a resource for rezoning applicants.

Staff member Bolin clarified the difference between perimeter and riparian buffer requirements.

Chair Langenbach asked when during the application process the Board will offer specific recommendations. Staff member Bunce explained how the Board will suggest a condition, the applicant will choose whether to add the recommended conditions to the rezoning application, and then the Town Council will ultimately decide whether to approve the rezoning. Furthermore, the Board discussed that once an applicant adds a recommended zoning condition and their rezoning is approved it becomes enforceable by the Town. The Board confirmed that there is no expectation for an application to implement all items on the list.

Board member Rusher made the point that the purpose of the Board is to push developers to go above and beyond environmental requirements, not to make ultimate approvals. Board member Rusher continued, expressing that the Board was created to bring about change and betterment so that development is not implemented the same way it has been in recent years.

Comments from the Tree Citizens Advisory Panel (Tree CAP) were reviewed with an understanding that preserving tree canopy is preferred over replanting. Staff member Bunce explained that the role of Tree CAP is to help inform on standards and preferred plants.

Board member Szczerbala suggested adding an introductory paragraph to explain the purpose of the list and expectations from the Board. Chair Langenbach highlighted that the Board will most likely see the same applicants on the majority of review cases.

Board member Rusher stated that the Sustainable Buildings section is far-reaching and staff member Bunce affirmed that some items suggested under that section are not enforceable. Board member Garrison added that the Sustainable Buildings section has many items that could be a point for public education. Chair Langenbach suggested removing this section and Board Members Rusher and Szczerbala agreed.

The Board discussed when meeting with developers will begin. Board member Carley motioned to table the list as-is with the discussed revisions and meet with developers starting in November. The motion was seconded by Chair Langenbach and passed unanimously.

Upon discussing staff comments on clean energy, staff member Bunce added that zoning conditions have been added in the past at the request of staff to require developers to turn off exterior lights or add sensors in the past and it would be an enforceable item on the list. As an aside, staff member Bunce reminded the Board that they can make recommendations for amendments to Town ordinances.

Board member Duggan recommended that the items removed from the list should be noted as educational initiatives for the Board to implement in the future.

After opening the floor for final questions and comments, Chair Langenbach moved to open discussion. No further discussion occurred.

Board member Carley made a motion to adjourn the meeting at 7:34 p.m. and the motion was seconded by Chair Langenbach. The motion was approved unanimously and the meeting was adjourned at 7:35 p.m.



Megan Pendell, non-voting staff secretary

ATTEST:



Hal Langenbach, Chair