

# APEX ENVIRONMENTAL ADVISORY BOARD

## MEETING MINUTES

Meeting Date:  
November 19, 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

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The remote Environmental Advisory Board (EAB) meeting was called to order by Chair Hal Langenbach at 6:03p.m. Members present were Chair Langenbach, Vice-Chair Katie Schaaf, and Board members Tim Carley, Laura Duggan, John Garrison, Mike Rusher, Marilee Szczerbala, and Ted Williams. Board member Jessica Wilkerson was absent.

Councilmember Brett Gantt was in attendance and 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 Coordinator Megan Pendell. Members of the public were invited in listen-only mode and three were present.

Chair Langenbach asked the Board if there were any comments on the meeting minutes from October 15, 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 to the Board. Upon hearing none, Chair Langenbach outlined the process of the rezoning review, ahead of the first rezoning to be heard by the Board. He clarified that Apex staff would not be involved in making recommendations since suggestions to developers are to be solely offered from the Board. However, staff is available for technical and legal support. Chair Langenbach emphasized that input from the entire Board is important during the rezoning review process.

The first rezoning review was a project known as Cusumano Residence. The applicants, Joe and Reagan Cusumano, entered the private online meeting room at 6:09p.m. The Board requested a brief description of the property and environmental aspects. The Cusumano's closed on the property 1.5 weeks ago. Mr. Cusumano stated that they are intending to build a personal home with an accessory apartment on the 1.9-acre lot, with plans to subdivide and build an additional home on the property in the future. It was revealed that there is a well on site, but details on the septic system are unknown. Board member Garrison asked about trees and landscaping, to which Mr. Cusumano stated that their team has not yet considered those details as they are still in the beginning planning stage. If able to subdivide the lots in the future, there will be trees planted and the Cusumano's anticipate planting trees in front of the home, as well.

Chair Langenbach asked that if in the future the lot would be subdivided evenly. Mr. Cusumano stated the future lot would be approximately 30,000 square feet and the first home they plan on building would reside on the larger area.

Board member Rusher asked for verification that the lot was already cleared of trees as it appeared on the aerial image provided to the Board. Mr. Cusumano confirmed that the land is in fact cleared, aside from the 8-10 crepe myrtles planted by the previous owner along the road.

Board member Carley made a motion to approve the proposal as presented, with no recommendations of zoning conditions from the Board. Staff member Bunce reminded the Board that they can only recommend zoning conditions, not approve or deny a proposal. As discussion on the motion, Board member Rusher expressed interest to open the floor to the rest of the Board as a final opportunity for discussion items.

Board member Szczerbala asked if Mr. Cusumano had any questions regarding planting recommendations or if he has had the opportunity to speak to anyone about the types of planting the Board prefers. Mr. Cusumano stated he had not yet inquired about planting types, but expressed his willingness to do so in the future.

There was discussion on the crepe myrtles on site, highlighting they they are not a native species. Although this rezoning does not require more trees to be removed, it should be noted that the Board is encouraging native flora and pointing towards suggestions in the UDO. Mr. Cusumano assured the Board that he will keep native plants in mind when preparing the landscape package.

Board member Carley's motion was then seconded by Chair Langenbach and unanimously approved at 6:22p.m. No additional environmental suggestions for this property were officially made by the Board.

Chair Langenbach introduced the next item on the agenda as UDO amendment review. Staff member Bunce explained that the proposed amendments seek to exempt some rezoning applications from EAB recommendations due to minimal to no environmental impact. The Planning Department is first seeking feedback and support from the Board, and then will present the following exemptions to the Planning Board and Town Council in December:

1. Rezoning to amend zoning conditions which have no environmental impact on a site including but not limited to revisions to architectural standards, building height, setbacks, and uses;
2. Rezoning to resolve nonconformities;
3. Rezoning of one (1) acre or less; and
4. Rezoning within the Small Town Character Overlay District.

Staff member Bunce explained rezoning to resolve nonconformities and offered examples. Chair Langenbach expressed concern over the possibility of a highly impactful development on rezoning of one-acre or less. Staff member Bunce clarified that rezoning less than 1-acre typically address a nonconformity or are located within the Small Town Character Overlay District. If not downtown, a rezoning of one acre or less would have a resource conservation area (RCA) of 20 or 30 percent depending on the location. By the time all other development standards were addressed, the developer would need more than one acre for a construction project. For this exemption, one acre is a safe starting point and can always be adjusted at a later date, if needed.

Councilmember Gantt and Board member Rusher stated that in approving these exemptions, the Board's time is being put to the best use by only reviewing germane rezoning applications. Board member Carley made a motion to approve the UDO amendments as recommended, seconded by Board member Szczerbala, and unanimously approved at 6:37p.m.

Chair Langenbach moved to the next agenda item to review a second round of comments on the Suggested Environmental Zoning Conditions list. The Board discussed each of the five comments. Board

member Carley made a motion to approve comments 1-3 and to table 4-5 for further discussion. Staff member Pendell offered to conduct additional research on the topics in comments 4-5 and create an agenda item addressing dark sky and conservation subdivisions. The comments approved were of a clerical nature and to make the UDO language in the zoning condition more specific.

Chair Langenbach introduced the last topic on the agenda as an opportunity for the Board to share ideas for EAB action items for 2021. He started the dialogue, stating that one goal is to create a community outreach and education platform to encourage environmental efforts from the public. Board member Duggan highlighted how the City of Durham does a great job at reducing waste and would like to see waste reduction efforts incorporated into Board initiatives. Councilmember Gantt invited the Board to follow suit with other Town committees and consider requesting a Board budget from the Town Council. Councilmember Gantt and Board member Carley discussed how to balance any budget requests the Board makes with other responsibilities. Board member Szczerbala mentioned Project Panda, a project in Wake County by a volunteer organization that grows native trees and gives them away to the public for free. Councilmember Gantt added to the idea, mentioning that an EAB tent at Peak Fest with tree giveaways would be a success.

Board member Schaff asked if anyone knew whether any expiring member terms have been extended, to which staff member Pendell responded that it was still in the process of administration review.

Chair Langenbach opened the last five minutes of the meeting for final questions and comments and Board member Carley made a motion to adjourn at 7:26p.m. Board member Williams seconded and the motion was approved by 7 out of 8 members. Board member Rusher dissented and brought up the importance of discussing each motion so that every member has the time and opportunity to speak on additional thoughts.

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

  
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Megan Pendell, non-voting staff secretary

ATTEST:

  
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Hal Langenbach, Chair