

APEX ENVIRONMENTAL ADVISORY BOARD

MEETING MINUTES

Meeting Date:
January 21, 2021
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
John Garrison
Michael Rusher

Marilee Szczerbala
Jessica Wilkerson
Ted Williams
Suzanne Mason

Call to Order & Roll Call

The remote Environmental Advisory Board (EAB) meeting was called to order by Chair Hal Langenbach at 6:01p.m. Members present were Chair Langenbach, Vice-Chair Katie Schaaf, and Board members John Garrison, Suzanne Mason, Mike Rusher, Marilee Szczerbala, Jessica Wilkerson. Board member Ted Williams was absent.

Councilmember Brett Gantt was in attendance and Town staff members present were Planner II Shelly Mayo, Stormwater Engineering Manager Jessica Bolin, Sustainability Analyst Valeria Mera, and non-voting staff secretary Sustainability Coordinator Megan Pendell. Members of the public had access to the meeting through the Town of Apex YouTube livestream page.

Approval of Minutes

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

Announcements & New Member Introductions

Chair Langenbach opened the floor for announcements. He introduced the recent changes in board member terms and acknowledged the positive contributions from prior members Tim Carley and Laura Duggan, who will both be replaced. Chair Langenbach introduced Suzanne Mason, the newest member of the board, and announced that it's planned for the other new member to join beginning with the February meeting.

Board member Mason introduced herself: She has lived in Apex since 2005 and participated in the PEAK Academy in its inaugural year. She is a biologist by profession and is currently working as a Database Manager for the NC Natural Heritage Program where she manages and maintains records for rare plants and animals.

Pre-Application Meeting Logistics Discussion

Chair Langenbach started the discussion on pre-application meeting logistics. He reported that he and Vice Chair Schaaf recently met with Apex staff to gain a better understanding of how to provide valuable feedback to Town Council and prioritize recommendations from the Suggested Environmental Zoning Conditions list.

Vice Chair Schaaf went on to summarize the meeting and the outcome of ideas for how to move forward with the pre-application meetings. The action steps are as follows:

1. Staff member Pendell will forward pre-application information to the Board as she receives it. Doing so will give the Board more advanced opportunity to review. Board members may send questions and comments to Staff member Pendell by the Tuesday before the EAB meeting, which she will compile and forward to the developer. The developer should come to their scheduled EAB meeting with responses to the questions, which will contribute to more effective and efficient discussion.
2. Staff member Pendell and Planning staff will continue to urge developers to think more critically about the Suggested Environmental Zoning Conditions list, making it clear that the conditions are not binding, but rather a willingness to investigate and discuss with the Board.
3. In a case when the Board makes numerous recommendations, a note may be added to Town Council that specifies prioritization and preference of recommendations.
4. When voting on recommendations, the Board should understand that they are voting on the full list of suggested recommendations, rather than them items the developer agreed to.
5. Suggestions should be specific with more quantifiable, detailed, and specific language.

Board member Garrison mentioned that detailed suggestions are challenging to offer when the information provided by developers is not specific. It could be helpful if there was a change in when the EAB met with developers, potentially later in the application process. Vice Chair Schaaf noted that she and Chair Langenbach did raise that point in their meeting with Town staff and the feedback received was to allow for more time for this process to become familiar to all parties before making any changes to the timing.

Staff member Mayo affirmed the idea that there have not been enough meetings yet to learn how the pre-application meeting process will best work. She also added to point number five, stating that specificity in recommendations could be in terms of ratios or similar for more accurate implementation.

Chair Langenbach asked if there are existing ratios for pet waste stations or native species that the Town currently follows. Staff member Mayo answered that currently there are no existing ratios for native species and that staff will inquire about pet waste stations.

Councilmember Gantt stated that the goal of placing EAB meetings early in the pre-application process is to ease the administrative burden on the development community.

Vice Chair Schaaf summarized the proposed timeline from the action steps:

1. Staff member Pendell forwards pre-application materials to the Board as soon as she receives them.
2. Board members send questions and comments to staff member Pendell by the Tuesday prior the next EAB meeting.
3. Staff member Pendell sends Board questions and comments to the applicant and specifies expectation of response at the next EAB meeting.

Board member Rusher asked how much time the Board would have to review the applications received. Staff member Pendell answered that it would depend on the applicant. Developers are required to submit attendance confirmation a week before the respective EAB meeting, which is the latest the Board would receive an application. The Board will have anywhere from one to five weeks to review an application.

Research Updates: Dark Sky

Board member Garrison summarized the report he prepared ahead of the Dark Sky discussion, with main points on:

- Dark sky initiatives primarily address the issue of light pollution, which contributes to negative health impacts like sleep disorders;
- Numerous ordinances addressing Dark Sky exist throughout the United States;
- There is no scientific evidence that dark sky compliant lighting inhibits public safety or impacts crime rate;
- Dark sky initiatives result in energy savings, decreased carbon emissions, and waste reduction.

Staff member Pendell mentioned that the Town is considering a Dark Sky ordinance. She stated her support of adding the Dark Sky recommendations to the Board's Suggested Environmental Zoning Conditions list.

Chair Langenbach stated his concern with safety, in addition to his concern expressed on indoor lighting restrictions due to enforceability issues. He asked if the proposed recommendations would be applied to residential or commercial properties.

Staff member Mayo spoke on regulations concerning the existing building code, which requires that all new office buildings implement occupancy lighting sensors, but is not required of existing office or commercial buildings. One option to encourage retrofitting existing buildings could be for the Town to provide a rebate or recognition program. She also confirmed that there are no regulations on interior or exterior lighting for single-family homes or townhouses due to difficulties with enforceability.

Board member Mason asked if upgrading Town streetlight and site fixtures to be Dark Sky compliant would be low-hanging fruit that could serve as an example for the community and bring awareness to sustainability efforts. Staff member Mayo said Town Council could prompt staff to follow through on this. Chair Langenbach expressed uncertainty whether all the recommendations were appropriate at this time.

Chair Langenbach made a motion to add 1a-1c of the Dark Sky recommendations to the Suggested Environmental Zoning Conditions list. Board member Wilkerson asked if recommendation 1c should be changed from a 3000K threshold to 3500K based on Staff member Mayo's earlier comment that 3000K fixtures are harder to obtain. Vice Chair Schaff seconded the motion with the 3000K suggestion as originally written in the report. The motion passed unanimously. Specifically, the recommendation being added to the Conditions list are:

- a. Outdoor lighting shall be shielded in a way that focuses lighting to the ground.
- b. Lighting that minimizes the emission of blue light to reduce glare shall be used.
- c. Lighting with a color temperature of 3000K or less shall be used for outside installations.

Board member Mason made a motion to ask the town to support the adoption of dark sky practices. Chair Langenbach seconded the motion, and it passed unanimously

Research Updates: Conservation Subdivisions

Board member Wilkerson summarized the report she prepared ahead of the Conservation Subdivision discussion, with main points on:

- There is no condensed list of actionable recommendations;
- Conserving contiguous open space within subdivisions would result in benefits to wildlife, increased home values, better stormwater management, and lower infrastructure costs.

Chair Langenbach asked how developers could be encouraged to implement Conservation Subdivisions given the high cost of land in Apex. Board member Mason underscored that the method of creating Conservation Subdivisions is to cluster the development in one section of the subdivision and dedicate the open space in another section, utilizing the same land area as a traditional subdivision with the same number of lots as a result. Staff member Mayo affirmed this method and noted that it could be done under the UDO using the Planned Unit Development – Conditional Zoning option, but the Town does not currently offer any incentive for a developer to pursue this option. She also pointed out that there can be a visual stigma to this kind of development because it is difficult for people to truly see how much undeveloped property has been preserved. Unless one is looking at a map with property lines, it can be difficult to tell if wooded or open land is indeed a part of the same development as the homes. It is generally less expensive for the developer, since they do not have to install as much infrastructure. It is also less expensive for the Town to maintain for the same reason.

Chair Langenbach asked how the open space would be protected in the future. Staff member Mayo stated that it could be designated as Resource Conservation Area, at which the Town does not allow for any future development. The neighborhood or developer could also place a conservation easement on it, which would transfer the development rights of that parcel to a third party.

Board member Rusher made a motion to pass the report on Conservation Subdivisions to the Planning Board for more professional review and feedback. The motion was seconded by Board member Szczerbala, and passed it unanimously.

Open Discussion

Chair Langenbach moved to Open Discussion. He commented on the time constraint of Board meetings and the potential of running past the usual departure time if numerous pre-application meetings are scheduled. Officially, the meetings are from 6:00p.m. to 7:30p.m. on the third Thursday of each month.

Board member Mason asked if the Board is open to revisiting and amending the Suggested Environmental Zoning Conditions list. Chair Langenbach stated that it is a running list and open for discussion, but the Board has only had three pre-application meetings thus far and no feedback on the conditions has been received.

Adjourn

Chair Langenbach made a motion to adjourn the meeting at 7:44p.m. and the motion was seconded by Board member Rusher. The motion was approved unanimously and the meeting adjourned at 7:44p.m.



Megan Pendell, non-voting staff secretary

ATTEST:



Hal Langenbach, Chair