

Avalon Environmental Commission
February 16, 2021

The meeting was called to order at 4:00 pm by Chairwoman Rothman.

Pledge of allegiance.

Chairwoman Rothman read the Open Public Meetings Act Statement.

Roll call: **Present:** Kevin Coyle, Joe Dvorak, Steve Malyszka, Brian Reynolds, Donna Rothman
 Absent: Claire Driscoll, Beth Tipping

A motion to approve the minutes from the January 19, 2021 meeting was made by Kevin Coyle and seconded by Joe Dvorak. Approved by all.

DVMP – 16 East 9th Street: Aaron Baker reviewed a new proposed DVMP project on the dunes north of the 9th Street beach path, sponsored by the property owner of 16 East 9th Street. The history and purpose of the Dune Vegetation Management Plan (DVMP) is to restore the dune systems to a healthy, natural state. He detailed the problems surrounding Japanese Black Pines in the dunes, including the fire hazards this invasive species present, along with the natural predators of bark beetles, which infest and kill these trees, as well as the obstruction of beach views due to their height. The DVMP program helps provide natural and safe dunes to the Borough of Avalon, and is paid for by private property owners acting as sponsors. This particular project on 9th Street would remove five Japanese Black Pines planted between 2007 and 2012 and replace those pines with natural vegetation. The possibility of irrigating the new plantings is still being negotiated with the closest property owner to the project area. The new plantings would consist of shrubs and herbaceous species, which have the best chance of survival in that environment. An existing sand fence will help to stabilize the dunes while waiting for the new plantings to take root. The nearest neighbor is requesting that larger plantings replace the pines to provide privacy for their property. When completing the project, the area will be surveyed, and any Japanese Black Pine seedlings will be removed during the project. The dune environment in that location tends to inhibit growth height, as is seen by existing cedars on that dune line. The existing vegetation in that area consists mostly of bayberry, with some beach plum and an over-abundance of English Ivy, which will be cut back during the project. Non-native vegetation is also nearby this project area, including Chinese Junipers and mimosa trees.

Public Comments:

Donna Rothman asked if any member of the public wished to be heard at this time concerning this project.

Justin Turner of Barry, Corrado & Grassi, PC introduced himself to the Environmental Commission and identified himself as the retained legal counsel of the Schorch family, which resides closest to this project area. He mentioned some concerns of his clients, which question if thinning of these trees in this area is necessary at this time, as they are well established trees. He indicated his client's willingness to work with the Borough to find an agreeable solution, while also expressing concerns of a spotted owl being sighted in the area in question recently, while also expressing chagrin at the fast-paced nature of this project.

Marilyn Schorsch reviewed her family's history at the street end on 9th Street and detailed many issues involved in planting the dunes, indicating that many plants failed shortly after being planted when the dunes were established. She advocated that the existing Japanese Black Pines successfully hold the ridge while protecting properties from winds, noise, trash, and offers some semblance of privacy. She noted the area is well visited by wildlife, which is unfortunately often disrupted by humans. She expressed her sympathies to the efforts of the Borough while stressing her wishes to protect the dunes. She indicated her willingness to participate financially and by way of irrigation, provided the Borough keeps the best interests of her family in mind when developing the landscaping plan for this project. She closed her statement by alleging the trees may have been planted by her father with the blessing of the Borough as a natural privacy fence.

Donna Rothman noted that a review of Borough records showed no documentation of permission to plant the Japanese Black Pines.

Justin Turner next introduced Junetta Dix and asked for her comments as the Director of Environmental Services with ACT Engineers.

Junetta Dix referenced a letter she authored and submitted to the Environmental Commission concerning this issue. She agreed that the DVMP is vitally important for revegetation and protection of the dunes. She expressed concerns about the integrity of the dunes if well established trees are removed, and suggested the Borough consider replacing the Japanese Black Pines with characteristically similar vegetation, if it is deemed necessary to remove the pines.

Justin Turner asked the Environmental Commission not to move forward with this project until more review is conducted, and all neighbors have had the opportunity to provide their input.

Robert Benz introduced himself as the owner of 16 East 9th Street and the sponsor of this project. He informed the Environmental Commission of his original purchase of the property in 2005, before the existence of the Japanese Black Pines in the nearby dunes, for the views of the beach and wildlife. He spoke in support of the DVMP as a whole, and this particular project. He addressed key points of the DVMP and spoke about the Japanese Black Pines and the beetle infestations, which rapidly kill these trees with little to no warning. He expressed concerns about wildfires in the dunes if these trees are left standing, which could leave the Borough of Avalon both financially and reputably liable. He referenced a key point of the DVMP is to maintain the aesthetics of the Borough while advocating these Japanese Black Pines do not accomplish that objective, but rather contribute to the reductional value of the Borough. He pointed out the trees exist on Borough property and questioned the method of their planting, while indicating there is no record that the individual that planted these trees followed the guidelines and regulations set forth by Avalon Borough Code to allow such plantings on Borough property. He implored the Environmental Commission to restore the dunes to the 2005 conditions, while indicating the Schorch family was notified of this potential project approximately fourteen months prior to this meeting. He offered to do all things necessary to properly water the area, while noting many nearby property owners are in full support of this project. He asked, on behalf of four families in the immediate area of this project scope, to replace the existing Japanese Black Pines with eco-friendly and safe natural vegetation with a low height that aligns with the main objectives of the DVMP.

Brian Reynolds noted a main point of the DVMP is to protect the adjacent properties and vegetation. He inquired if existing pines at 10th Street have yet developed any problems characteristic of Japanese Black Pines.

Aaron Baker indicated the farthest north Japanese Black Pines have had pine beetle infestations is 30th Street; however, he cautioned the Commission that these infestations move very quickly.

Robert Benz expressed the opinion that the dunes do not need the Japanese Black Pines to remain intact.

Donna Rothman advised all present that the Avalon Environmental Commission is purely an advisory board, whose main role is to approve plans submitted by landscapers and Lomax Consulting Group. As a result, sides will not be taken on this issue. The primary focus of this body is to protect the dunes, which includes the removal of existing Japanese Black Pines.

Ron Sandmeyer noted that Japanese Black Pines are not indigenous to the Borough of Avalon. While the pines were planted with good intentions, numerous issues have resulted from those plantings, which must be corrected. He expressed his unequivocal support of removing the Japanese Black Pines.

Brian Reynolds agreed that Japanese Black Pines were originally planted with the intent to protect the dunes; however, the problems that have arisen since then achieve the exact opposite. He advocated the trees should be replaced with natural vegetation.

Joe Dvorak expressed appreciation of underlying issues surrounding the trees in this area, including protecting views or privacy; however, indicated the primary focus should be protecting the dunes, which can only be done by removing the Japanese Black Pines.

Steve Malyszka mirrored the sentiments of Brian Reynolds and Joe Dvorak and inquired about the planting options if the Schorch family does not agree to irrigate the area.

Aaron Baker explained the existing landscaping plan is designed to thrive without irrigation. Due to the existing harsh environment, vegetation choices are limited.

Kevin Coyle stated the Japanese Black Pines are located on Borough property and should be removed, while suggesting the neighbors meet and try to negotiate an agreement in connection with the replacement vegetation.

Robert Benz indicated many neighbors agree with the landscaping plan as it currently exists, and offered to pay all necessary costs associated with watering the area.

Justin Turner noted his client's support if it is necessary to remove the Japanese Black Pines, while also noting his client is in the best geographical position to irrigate the area. He advocated his client's wish to have the pines replaced with comparable replacement. If such a plan can be compiled, his client will fully support that plan.

Marie Benz mentioned the sponsorship of this project began in the spring of 2020, at which time the Schorch family was unresponsive to requests for comment. She expressed the opinion that the Japanese Black Pines are not in the best interest of the street.

Donna Rothman expressed her understanding that all parties present agree that the DVMP is a good instrument to protect the dunes. She mirrored Aaron Baker's statements that the harsh environment in this area tends to stunt the growth of existing vegetation, as can be seen by existing cedar trees and

Chinese juniper trees in that vicinity. She noted the proposed plan suggests vegetation that typically thrives in the existing conditions.

Further discussion of the Environmental Commission members addressed if a vote should be done concerning this plan today, or if time should be given for the nearby property owners to arrive at a compromise. That discussion resulted in unanimous support of removal of the Japanese Black Pines.

A motion was made by Joe Dvorak, seconded by Kevin Coyle to move forward with voting on the existing replanting plan for this project at today's meeting. Roll Call: Affirmative – Coyle, Dvorak. Negative – Steve Malyszka, Brian Reynolds, Donna Rothman. By a vote of 3 negatives to 2 affirmatives, the motion failed.

Aaron Baker reported many conversations regarding a compromise have not been successful; however, expressed hope that a compromise can be reached in advance of the next meeting, scheduled April 20, 2021.

Ordinances – Review Cycles: Donna Rothman reviewed correspondence received from the Avalon Planning/Zoning Board, which recommends various amendments to Chapter 27, while explaining changes to existing Ordinances are reviewed on an as-needed basis, and polled the board if such a review should be done on a more regular basis.

Discussion took place concerning the proposed revisions, including pool setbacks and artificial turf, while agreeing the review of Ordinances is probably done as a result of experiences.

ANJEC program for Reading Site Plans: Donna Rothman announces ANJEC is offering a series of webinars on fundamentals for Environmental Commissions. The March session is focused on reading site plans. She encouraged all interested to attend. As members of ANJEC, these sessions are free to attend.

Climate Change Bill from the Governor: Donna Rothman reviewed the Climate Bill issued by Governor Murphy, which is located on the State website. This bill includes changes municipalities would need to incorporate into their Master Plan.

Plastic Pollution Reduction Act Programs: Donna Rothman announced the first phase of the state-wide Plastic Pollution Reduction Act becomes effective in November, which prohibits the use of plastic straws. She requested outreach ideas to educate the public concerning the usage of plastic straws to help move this initiative forward.

Tree Committee: Joe Dvorak reported at the Tree Committee's recent meeting, the islands between 7th and 8th Streets and 8th and 9th Streets were discussed. Specifically, the lowering of berms and what vegetation could thrive if planted in those locations.

Armocost Park: Steve Malyszka announced an upcoming meeting with Donna Rothman, Scott Wahl, Borough Engineer Thomas Thornton, Lomax Consulting, and a member of Borough Council to discuss Armocost Park. He expressed hope the meeting will result in the Borough's support of revitalizing the park.

Beaches: Kevin Coyle reported a backpassing project will be done to replenish the north end beaches. It is expected that the project will begin in late April or early May, depending on the completion schedule of the Ingram's Thorofare bridge.

Donna Rothman mentioned a recent presentation given to AHLOA, after which a homeowner requested the Avalon Environmental Commission's position on windmills. She noted this topic has not previously been discussed by the Environmental Commission and asked all members to research offshore windfarms from neutral sources to determine their stance on the impacts on fish, birds, waterflow and electromagnetic fields.

Adjournment at 5:49.