

Avalon Environmental Commission
April 20, 2021

The meeting was called to order at 4:03 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 February 16, 2021 meeting was made by Brian Reynolds and seconded by Joe Dvorak. Approved by all.

DVMP – 16 East 9th Street: Aaron Baker discussed a revised Dune Vegetative Management Plan (DVMP) for removal of Japanese Black Pines on the north side of the 9th Street beach path, sponsored by the property owner of 16 East 9th Street. At the last meeting, there was a divide among neighbors in that area concerning the replacement vegetation being proposed within the plan. Due to that divide, the Environmental Commission asked Lomax Consulting to meet with all interested parties in efforts to create at an amended plan, to arrive at a compromise and address all neighbor's concerns. A new plan for the project was presented, which removes all Japanese Black Pines. The replacement planting will be more robust than originally proposed. The planting would consist of the same species of plants, but at a higher volume, which will provide more privacy and screening, which was a concern of some neighbors. Since the last sketch of the proposed planting was provided to the Environmental Commission, an additional ten shrubs have been added to the plan to provide even more coverage. All parties seem to agree with the new revised plan. Since reaching the compromise, the plan is now co-sponsored by the Benz family and the Schorsch family. All costs will be shared equally by both families, with irrigation being provided by the Schorsch family.

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 Irvin and Marilyn Schorsch, who reside closest to this project area. He expressed joy at arriving upon a compromise which is consistent with the DVMP and maintains the dune. He spoke on behalf of the Schorsch family and reiterated their willingness to provide the irrigation for this project and split all project costs with the Benz family. He thanked everyone involved for their collaborative efforts.

Irvin Schorsch, 45 East 9th Street, spoke as the contiguous property owner to this project and voiced his happiness that this new plan is respectful of everyone's concerns. He indicated he and his wife are happy to participate in this project and continue the heritage of the Schorsch family in Avalon, which began 30 years ago.

Justin Turner referenced a letter dated March 26, 2021 addressed to Avalon Business Administrator Scott Wahl, which requested an independent DVMP project sponsored by the Schorsch family, and announced that request is being formally revoked upon the agreement for this new plan being reached.

Dr. Robert Benz, 16 East 9th Street, expressed his thanks and appreciation to the Environmental Commission, Lomax Consulting Group, Justin Turner, and the Schorsch family for their hard work, cooperation, and good faith efforts to promote the natural habitat of the dunes. He offered to pay for a memorial plaque to be placed in the dunes near the site of the Japanese Black Pines in honor of the Schorsch family, if the Borough is in agreement with doing so. He reported this long journey and arduous task has brought all nearby neighbors together, creating a more friendly rapport in the neighborhood. He namely thanked Dr. and Mrs. Joe and Terry McCormick of 9 East 9th Street, Mr. and Mrs. Brian and Janice Lovequist of 10 East 9th Street, Mr. and Mrs. Joe and Noelle Finley of 26 East 9th Street, Mr. and Mrs. James and Kathy Lynch of 36 East 9th Street, Mrs. Eileen Flynn and Sean Flynn of 50 East 9th Street, and Mr. and Mrs. Frank Palopoli of 66 East 9th Street for their support of this project, which is in the good spirit of beautification and rebirth of not only the dunes, but the Borough of Avalon as a whole.

Donna Rothman inquired as to when this project would begin, with Aaron Baker responding the project will begin soon. Haberman Landscaping has been contacted to take on the project, and they are in the process of obtaining the necessary material. There are hopes to have the project completed by May 15, 2021.

A motion to approve the revised DVMP project for 16 East 9th Street was made by Joe Dvorak and seconded by Steve Malyszka. Approved by all.

DVMP – 95 East 13th Street: Aaron Baker reported this project impacts the area to the north side of the beach path, between a dirt path and existing properties. There is one sponsor for this project, who owns both contiguous properties to this project area. The project would remove six Japanese Black Pines to be replaced with shrubs and herbaceous plants, with a test area of switch grass to evaluate its success in that area. The Japanese Black Pines impacted by this project have been topped in the past, which is common on the north end. This project is slated to take place in the fall. Public Notice letters have been sent, with some feedback received, but no issues have arisen.

A motion to approve the DVMP project for 95 East 13th Street was made by Steve Malyszka and seconded by Donna Rothman. Approved by all.

Review of Building Application for 5609 Dune Drive: Donna Rothman expressed concerns regarding the location of this property, noting the structures are located in the midst of the maritime forest, which is a delicate ecosystem. This building application seeks a variance, as the applicant is seeking to expand some existing footprints.

Joe Dvorak expressed his understanding that the existing structure will be removed, with the new structure being larger by 24 square feet. He advocated that the structure should be designed in the existing footprint.

Brian Reynolds noted there are many dead pines in the surrounding area, which should probably be removed.

Aaron Baker replied by stating some Japanese Black Pines waterward of the property were removed; however, some nearby Japanese Black Pines remain. That area of the maritime forest is considered a hotspot for pine beetles, while noting many of the trees nearby this property are located on Borough property, which raises the question of who would be responsible to move the trees, if the trees pose a risk to private property. Brian Reynolds stressed the importance of the dying or dead trees being removed.

Donna Rothman asked Aaron Baker to survey the area in relation to the trees, and voiced her unhappiness with a larger footprint being proposed in such a delicate location.

Joe Dvorak expressed some concern about what a concession with regards to the Borough of Avalon's rules and regulations requiring properties in the high dunes to only utilize existing footprints in this case would mean for other properties within the dunes in the future.

Brian Reynolds mentioned if a CAFRA permit application has been filed for this property, the Environmental Commission has the right to file comments about the application.

Further discussion took place concerning the dead and dying trees in or around the area, and determining the responsible party to remove such trees, as well as the party responsible for paying for the removal of the trees.

Landscapers, Contractors Mail Program: Donna Rothman announced a mailing has been sent to 69 recipients, those being landscapers, pool contractors, and demolition contractors, to inform all addressees of the Borough of Avalon's policies and Dune Vegetation Management Plan. Those letters were mailed via certified mail. Of the 69 letters sent, 35 certified return receipts received as of this afternoon. She thanked Lomax Consulting for aiding in the drafting of the correspondence.

Dune Grass Planting 4/17: Donna Rothman reported the success of the recent Dune Grass Planting, which took place April 17, 2021. There were approximately 100 participants, who worked diligently to plant approximately 12,000 plants within a 1 ½ hour time frame between 25th and 29th Streets, which was an arduous task, due to the troublesome terrain in that area. She thanked all for participating.

Tree Seedlings: Donna Rothman informed all that the Environmental Commission has taken over the tree seedling program, which will take place on May 1, 2021 during the Avalon Garden Club plant sale. A final list of tree seedlings to be distributed has not yet been received; however, all trees will be friendly for Cape May County.

Science at Surfside Park: Donna Rothman expressed her excitement at joining into a partnership with the Avalon Free Public Library to sponsor the Science at Surfside Park Lecture series, which will take place throughout the summer months. The Borough of Avalon and the Library will now be sharing the costs associated with that series equally.

Pollinator Garden: Donna Rothman reported Pat Sullivan has been contacted about potentially offering a lecture series at the Pollinator Garden, with no response having been received at this time. Further, there is still no sign at the Pollinator Garden, which is being printed by Taylor Design Group.

Tree Committee: Joe Dvorak indicated the Tree Committee is working on compiling a list of tasks to be pursued during the agreement extension. There are hopes to maintain interns to conduct a tree inventory of the Borough. The final report is in the process of being completed to request the 90 percent payment of the NJUCF Stewardship grant.

Armacost Park: Steve Malyszka congratulated Donna Rothman for convincing the Borough of Avalon to move forward with the pipe extension at Armacost Park, which will be included in the 2022 budget and will run at the same time as all other improvements in that area being done in connection with the County project on Ocean Drive.

Ordinances: Brian Reynolds announced the latest set of proposed changes to Chapter 27 have been approved by Borough Council. These changes deal primarily with definitions from a landscaping aspect. The Ordinance also does not allow the use of artificial turf to qualify for green space calculation. If the Environmental Commission recalls, it was originally asked of Borough Council and the Planning/Zoning Board to add artificial turf to the unacceptable plant list; however, that request was not granted.

Other Updates: Kevin Coyle noted the New Jersey Division of Fish and Wildlife is in the process of installing a system on the Fishing Pier, which would monitor birds that have a microchip implanted. The system is solar-powered, and would collect data every two weeks from the microchips, which identify the type of bird being tracked.

Donna Rothman asked Aaron Baker to provide an update on the illegal cutting at 63rd Street.

Aaron Baker reported a recent DVMP project on 63rd Street as a result of a neighbor illegally removing Japanese Black Pines of their own volition. That DVMP project sponsored the planting of replacement vegetation in the place of the illegally removed Japanese Black Pines. As a result of that project, cedars were planted, and security cameras were installed to monitor the newly planted trees. Those cedars were also illegally cut down and removed by a neighboring property owner. Footage of the area and, potentially, the perpetrator, have been forwarded to the Avalon Police Department. Since the second illegal cutting, five cedars have been planned for a replacement planting in that area. Those trees have been ordered and will be planted soon.

Discussion of Off Shore Wind Farm – Ocean Wind: Donna Rothman reported a question was raised at a February AHLOA meeting concerning the Environmental Commission's view on the proposed wind farms off New Jersey's coast. As a response to the question, it was relayed that the Environmental Commission does not have a position on this issue at this time. All Environmental Commission members have been sent material covering this complex and politically-charged issue. Complete information will be available after BOEM releases their Environmental Impact Statement (EIS), which is expected to be released in May of 2022. That EIS intends to cover 31 different environmental impact issues. There is a question if the Environmental Commission is obligated to have a position on this issue, with some thinking it is not necessary, as this project is not within the Borough of Avalon's control. It may be prudent for all members of the Environmental Commission to educate themselves, to better inform the public from a non-biased standpoint. The only existing off shore wind farm in the U.S. at this time is Block Island off Rhode Island. There are no existing off shore wind projects of this magnitude and the south Jersey ecosystem has unique environmental challenges. The US government has set guidelines and goals in connection with clean energy-wind and solar energy are part of the solution. She asked the Environmental Commission members to consider if they would like to take this issue into next year. The data from BOEM will not be completely accessed until 2022 but we need to keep learning throughout the year about the issue to intelligently interpret the EIS.

Kevin Coyle referenced the wind farm off Block Island, which is loved by recreational fisherman, as the structures of the turbines draw fish; however, commercial fisherman are not as in favor of the project, as the turbine structures affect drag nets.

Brian Reynolds mentioned the European wind farms, such as the wind farms in Denmark's harbors, and noted Europe has many wind farm capabilities. He reported he has read many articles which support wind farms, as they reduce smog. Photos of New Delhi pre- and post-COVID show the positive impacts of less smog, which improves the atmosphere. A Danish article addressed changes to their ecosystem as a result of their wind farms, which saw an increase in mussel population, which brought fish into those areas and resulted in many seals moving offshore to be closer to this new food source. He advocated the need to help the environment, as there are estimations that the sea level will rise by approximately five feet by the end of the century.

Donna Rothman indicated there are many pros and cons to this inflammatory topic, and asked if the members are willing to invest personal time during the coming year to educate themselves.

Joe Dvorak raised manpower concerns, and noted efforts may be better spent focusing specifically on Avalon.

Steve Malyszka spoke in support of the Environmental Commission having a formal position on this issue.

Donna Rothman asked all members to think about this commitment, and suggested each member could look at individual aspects of this issue, as it relates to their field of expertise. During this time period before the first draft of the EIS is slated to be released, she will send a list of all environmental aspects being researched to each Environmental Commission member. Recently, the BOEM had a scoping meeting, which provided a better overview of the project. The last scoping meeting will be held today at 7:00 pm.

Steve Malyszka reported his attendance at that meeting and noted many members of the public, which included Mayors and Environmental Commission representatives, offered varied comment. He stressed the importance of also researching the longevity of these windmills, which is estimated to be 20 to 25 years, and are made of non-recyclable material. Further, the upkeep of these windmills will use gallons of lubricant. He further voiced concerns about the impact on fish and scallops in the project area. He reminded all the project proposes the construction of 98 windmills over a one-mile project area. Each of those windmills will be 908 feet tall from the water's surface to the tip of the blade. In the location where these windmills are being constructed, the ocean is 8 to 20 feet deep. It is planned to drive the cylinder of the windmill 160 feet into the sand. He questioned the environmental impact of that portion of this massive and expensive project.

Donna Rothman reported she has sent correspondence to ANJEC, requesting commentary and recommendations for Environmental Commissions as they relate to this project. She also noted all members will be sent the Federal Register Notice of Application filed by BOEM, which lists all environmental aspects being researched.

After the discussion, the Environmental Commission members agreed upon the necessity to review the EIS data when released. Steve Malyszka suggested exploring the possibility of releasing a joint statement with the Borough of Avalon once all research is done and a standpoint is reached.

Adjournment at 5:15.