

The background of the entire page is a photograph of a forest. In the foreground, a tree with bright pink blossoms and some green leaves stands out. Behind it, several tall, dark tree trunks rise into a misty, green canopy. The overall atmosphere is soft and natural.

anvec REPORT

SPRING 2013

Inside:

Camden gets SMART about stormwater
New model Highlands ordinances



Director's Report

Natural Systems Create Resilient Communities

In the past two years, New Jersey has been devastated by a succession of powerful storms. In the future, these weather extremes may become the new normal. Scientists predict that the frequency and severity of storms will increase due to climate change, and sea level rise will compound the destructive force.

The recovery and rebuilding process from Hurricane Sandy gives us an opportunity to build better and smarter so that our state can adapt to new weather patterns. We can achieve this with a combination of structural and natural solutions.

As we rebuild from the storms, homeowners and businesses often call for structural solutions, which they see as the way to guarantee protection of property. But even if we could afford the cost, we can't build a sea wall down the entire Jersey Shore, or put dikes on all our streams, or barriers around all our cities. And these structures can't promise invulnerability – as we saw with the levees in New Orleans, any breach in the armor could cause failure of the whole system.

Instead, we need a combination of “hard” and “soft” structural solutions to combat future severe storms. “Soft” approaches are the natural systems that can mitigate the power of storms and increase the resilience of physical infrastructure.

Katrina gave us a lesson on the importance of coastal wetlands. Irene showed us the need to maintain the water storage capacity of floodplains, and to promote normal infiltration of rainwater into the ground. And Hurricane Sandy showed the significant role of dune systems and soft shorelines.

In addition to storm mitigation, natural systems provide many other functions, including water infiltration and purification, wildlife habitat, recreation and ecotourism. Dune systems can absorb wind and water energy. Coastal wetlands and living shorelines also can absorb storms' energy and control erosion, and offer the added benefits of being nurseries for game and commercial fish and shellfish, and providing habitat for birds and some mammals. Inland freshwater wetlands and floodplains also provide habitat, as well as storage and filtering of flood water, and carbon sequestration.

The environmental commission's role

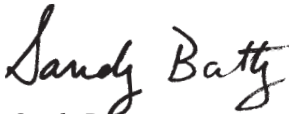
In municipalities, environmental commissions have an important role in protecting these vital natural systems. The commission's environmental resource inventory (ERI) should delineate features including coastal and freshwater wetlands, floodplains, and dune systems. It also has data on other attributes such as geology, soils, slopes, streams and vegetation, which add depth to our knowledge of the natural systems, giving us the whole ecological picture so we are better able to protect critical environmental features.

Using the ERI, the commission can make recommendations for recovery. After Hurricane Sandy, ANJEC surveyed coastal environmental commissions to understand their needs and capabilities in dealing with the effects of the storm. They told us they will be working to revise their ordinances, do dune and maritime forest restoration and planting, clean up and restore coastal lakes, complete habitat restoration projects, develop guidelines on tree planting and work on an assessment of future vulnerability.

Meanwhile, inland on the Rahway River, the environmental commissions are working together to help mitigate future floods. They are pursuing ways to manage stormwater through low impact development and best management practices that mimic natural methods of detaining and infiltrating stormwater, such as rain gardens, decreasing impervious coverage and promoting rain barrels.

Finding the best solutions for rebuilding municipalities for a resilient future will not be easy. But advice from environmental commissions will help ensure that we work with nature, rather than oppose it, as we recover. ANJEC is ready to help, through sharing success stories from commissions across the state, giving guidance documents for local officials, training, and networking opportunities.

Contact the ANJEC Resource Center for more information at resourcecenter@anjec.org or call (973) 539-7547.



Sandy Batty
Executive Director

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REPORT

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565 MUNICIPALITIES ONE ENVIRONMENT

Executive Director Sandy Batty
Editor Julie Lange Groth

The Association of New Jersey Environmental Commissions is a private, non-profit educational organization serving environmental commission and open space committee members, concerned individuals, non-profits, and local officials. ANJEC's programs aim to promote the public interest in natural resource preservation, sustainable development and reclamation and support environmental commissions and open space committees working with citizens and other non-profit organizations.

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On the cover: Redbud in fog at the Reeves-Reed Arboretum in Summit, NJ. Photo by Dwight Hiscano

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Resource Center



By **Kerry Miller**, ANJEC Assistant Director

Meadow habitat or obnoxious growth? *Court decision favors no-mow landowner*

When Jim Girvan and his wife decided in 2010 to let a frequently-flooded portion of their residential property in Branchburg Township revert to its natural state, they thought they were doing something good for the environment. They never anticipated that their plan to create wildlife habitat and a riparian buffer would run afoul of the Township's property maintenance ordinance and land them in court three years later.

The Girvans moved to their 1.2 acre property, which backs up to a brook that feeds the North Branch of the Raritan River, in 2004. Over the next few years, they saw the creek rise into their yard on many occasions. The easternmost corner, lower than their neighbor's filled parcel, stayed wet most of the time and was difficult to mow. Jim researched "river friendly" property maintenance, and eventually developed a meadow restoration and planting grid for an area roughly 80 feet x 125 feet, encompassing about a fourth of the total parcel.

After leaving the area unmowed for two years to see what species appeared (or disappeared) naturally, the Girvans began the process of restoring existing desirable vegetation and planting additional native wildflowers, shrubs and trees according to the grid plan. The first plantings included coreopsis, yucca, sweet golden rod, boneset, blazing star, iron weed, oxeye sunflower, bee balm, Indian cup, and persimmon and red maple trees. Jim began to see more birds, bees and beneficial insects such as praying mantis on site as the plantings took hold.

Eyes of the beholder

Unfortunately, a neighbor took exception to the project, which was adjacent to the common property line, and complained to the Township. Jim was cited for violation of Branchburg's Debris Control Ordinance. The ordinance prohibits " ...the presence upon lands lying within the corporate limits of the township of brush, weeds, dead and dying trees, stumps, roots, **obnoxious growths** [emphasis added], filth, garbage, trash and debris." It provides a ten-day period to abate the nuisance, after which the Township may initiate removal and charge the cost to the property owner.

Girvan responded to the Township's zoning officer and mayor that his riparian meadow was not the result of neglect, but a purposeful effort to manage floodwater and create habitat for wildlife. His methods were well-researched and had a basis in science. The project initially required more effort and expense, not less, than a traditional grass lawn. However, the Township did not back down, and the Girvans engaged the services of an attorney to fight the citation. Months later, the Girvan's attorney, Daniel Somers, and Township Prosecutor Christopher Bateman presented their cases in municipal court.

In late 2012, Judge William Kelleher, Jr., issued a written ruling finding the Girvans "not guilty." The ruling stated that Branchburg's ordinance did not provide an "objective enforcement standard" for determining what would be an obnoxious growth, and was therefore unenforceable. The judge noted that the principle of objective standards is well-established in

nuisance law. Although the Girvans were pleased to be exonerated, fighting the citation was stressful, time-consuming and expensive. They had spent approximately \$7000 on their defense.

Another way?

Could this problem have been avoided? The concepts of “river friendly” landscaping and “backyard habitat” are not new or even particularly controversial. Agricultural and environmental agencies promote them, as do watershed organizations, Rutgers Cooperative Extension and the US Environmental Protection Agency.

How can municipalities tailor their property maintenance ordinances, or the enforcement of those ordinances, to ensure that legitimate habitat enhancement and riparian management initiatives do not become unintentional lightning rods for controversy? Municipalities, understandably, want to retain their ability to enforce standards for property maintenance, and it can be a challenge to create flexible ordinances that are clear enough to be practical yet enforceable.

This type of issue is well-suited for an environmental commission. Most municipal ordinances establishing environmental commissions track the state enabling legislation (NJSA 40:56A-6), which says, “An environmental commission shall have power to study and make recommendations concerning...water resource management...soil and landscape protection, environmental appearance...and protection of flora and fauna.” Analysis of the environmental impacts of a local ordinance or policy fit squarely into this mission.

It’s all about the ordinances

An environmental commission can review the local property maintenance ordinance and confer with the zoning officer to learn when the ordinance has come into play and how it has been applied. The commission can also:

- research other ordinances and practices,
- research the science and methodology of various landscaping methods, and
- discuss the potential for problems under the existing ordinance.

This work can be done independently or with assistance from town staff or professionals, depending on the expertise of the commission’s members. It does not necessarily require a budget, but the process will be enhanced by input from others with a good grasp of “on the ground” practices.

In the end, the commission may opt to recommend changes to the property maintenance ordinance, such as allowing natural landscaping within certain setbacks or after submission of a landscaping plan, or it may decide that education is the best option.

By examining the local ordinance and discussing it with the zoning officer and local officials, the commission may be able to prepare the municipality to deal with green landscaping issues in a more informed way when they do arise. For example, the commission could provide information on the benefits of vegetated riparian zones or meadows, including photos of attractive examples and species lists that the zoning officer could refer to



Girvan meadow

Showcasing natural areas

NJ Audubon developed a *Suburban Survival Guide* with suggestions for avoiding conflicts with neighbors. Their advice: "If you have a meadow, treat it like a landscape island. Don't allow tall grasses to grow up to your property line. Instead, mow around the area, creating an attractive shape that will look planned to passersby." They also suggest including an inviting pathway or bench, or a "butterfly meadow" sign to convey the purpose of a habitat area in a residential yard.


This EPA webpage provides an interesting overview on natural landscaping and local regulation:
www.epa.gov/glnpo/greenacres/weedlaws/JMLR.html.



when dealing with a resident who wants to pursue natural landscaping.

Accurate information is also vital to inform the decisions of the planning board and governing body as they weigh in on any recommendations, and to inform residents about ordinance provisions and options for landscaping that benefit the environment.

Please share!

Local stream corridor ordinances can address "no mow" areas along water courses, but natural landscaping conflicts also arise in areas outside of stream buffers. If your municipality has found an effective solution, please share it with ANJEC so that we can share it with our members. 

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Acting Locally



By **N. Dini Checko**, ANJEC Resource Center,
and **Julie Lange Groth**, ANJEC Report Editor

Governor recognizes ANJEC trustee for stewardship

Berkeley Heights Environmental Commission Chair and ANJEC Trustee Leonard Berkowitz recently won the 2012 Governor's Environmental Excellence Award for Environmental Stewardship. Awards are given to New Jersey's environmental, academic, business, science and civic leaders in nine categories for their commitment and efforts to protect and enhance the State's environment. The Environmental Stewardship award is presented to an individual who volunteers time with an environmental, academic or community-based organization in the state.

Leonard Berkowitz is a retired chemical engineer who has served as chairman and co-chairman of the Berkeley Heights Environmental Commission for 12 years. Under his leadership, the Commission conducted energy audits of municipal

buildings and worked with the Township administration to install energy-efficient lighting. The Commission also established benchmarks for developing a municipal carbon footprint and installed signs to discourage idling in identified problem areas. The Commission has also inventoried land conservation easements and sent letters to homeowners to remind them of their obligations to preserve easements; developed a policy list for energy-saving behaviors for the Township's policy manual; created a vision statement and long-term plan for environmental protection; and performed a study that quantified the economic benefit of tree canopy to the Township.

When asked about how his Environmental Commission was able to accomplish so much, Mr. Berkowitz said, "The successes we had in Berkeley Heights were greatly assisted by having Township councilmen on the Commission and a liaison on the Board of Education as well as many 'green team' volunteers." *-N. Dini Checko*



Len Berkowitz receiving Governor's Award for Environmental Excellence from DEP Commissioner Bob Martin (left).

Cranford resolves to reduce impervious surfaces

Still recovering from over \$50 million in flood damages to households and businesses from Hurricane Irene, the Township of Cranford is serious about managing stormwater and exploring solutions to mitigate future flooding.

At the urging of the town's Environmental Commission, the Township Committee

passed a resolution in January setting a goal of reducing impervious surfaces at municipal facilities by 10 percent by 2015. The resolution also commits to complying with or exceeding State best practices for managing stormwater. For example, the Commission plans to help the town amend existing ordinances to include a mandatory stormwater mitigation plan for development proposals that add 100 square feet or more of impervious surface.

The municipality, which lies within the 41-square-mile Rahway River watershed, plays an active role in a group of communities that make up the Mayors Council on Rahway River Watershed Flood Control, a regional initiative to address flooding problems in the area. The Council has proposed a set of over a dozen stormwater management goals and ideas that could mitigate serious flooding.

Cranford Environmental Commission Chair Nelson Dittmar said the Commission has marshaled significant public support for these recommendations by setting up an online petition allowing residents to weigh in. For a copy of Cranford's resolution visit mygreencranford.org or contact the ANJEC Resource Center at resourcecenter@anjec.org or (973) 539-7547. —Julie Lange Groth

Future site of the Voorhees Environmental Park being built on a landfill



Opening soon, the award-winning Voorhees Environmental Park

Back in 2001, the Voorhees Environmental Commission encouraged the Township to develop a special taskforce to transform a closed landfill on Centennial Boulevard. The taskforce, charged with developing a remediation plan, regrouped itself as a 501(c)3 nonprofit organization under the name of Voorhees Environmental Cultural Education Foundation (VECEF) in 2004. The idea behind the nonprofit designation is that it would help raise funds for the Voorhees Environmental Park. Creating the vision for this landfill is a collaborative effort between VECEF, Voorhees Township and the Rutgers Center for Urban Environmental Sustainability.

This environmental park's unique design uses an integrated concept combining open space, commercial use (solar panels) and stormwater management that will generate innovative solutions to existing social, economic, and ecological issues. Students from the Rutgers Graduate Program of Landscape Architecture were charged with creating meaningful design relationships between the site's solar installation and its public park setting. Voorhees Township found a creative

funding source for this new public space by devoting a substantial portion of the site to solar power generation. The financial incentives from generating renewable energy will support the building and maintenance of the park. This endeavor already has won an award from the NJ chapter of the American Society of Landscape Architects.

Now 12 years later, volunteers are still pressing forward to firm up an opening date for the park.

Helen Arvin, President of the VECEF, has been part of this collaborative effort since the beginning and stresses that volunteers must stay committed and determined with intricate, complicated long-term projects like this one.

—N. Dini Checko

Princeton presents environmental leadership awards

Sustainable Princeton and the Princeton Environmental Commission recognized nine local leaders that are doing amazing environmental work. Grace Sinden received the newly created Lifetime Achievement Award, inspired by her work as a citizen activist. Sinden served on the Princeton Environmental Commission for 13 years and worked for a decade on remediation of hazardous waste in the State. She has been a model to many aspiring environmental advocates throughout her career, beginning with her legislative work with the League of Women Voters of New Jersey in the 1970s up to the preservation of the Princeton Ridge and then Avalon Bay within the past year. She has also been successful in passing environmental ordinances and initiatives to help make Princeton a clean, healthy community.

Along with Sinden, eight other leaders were recognized for their commitment to environmental stewardship. Among them was seventeen-year-old Robert Harbchack, who built his own all-electric vehicle by converting a non-drivable car. Harbchack chronicled the importance of moving away from fossil fuels on his blog in the *Princeton Packet* and on a YouTube video.

Another award winner, Bill Sachs, volunteers tirelessly to nurture and preserve trees. Princeton and the rest of the Eastern US are losing several important tree species to disease, insects and a rapidly changing climate. To counter these challenges, Sachs and the municipality purchased and planted disease-resistant trees around town.

The Sustainable Princeton Leadership Awards are sponsored by Sustainable Princeton with support from the Princeton Environmental Commission.

—N. Dini Checko

No idling in Essex County

With the backing of the Essex County Environmental Commission, the County's Freeholder Board unanimously passed a resolution in December making it a priority to enforce New Jersey's vehicle idling law and associated penalties. Offenders could be required to pony up as much as \$250 per citation, and pay fines up to \$1,000 for continuing offenses.

According to Jennifer Duckworth, co-chair of the Essex County Environmental Commission, the resolution has two main goals:

- Get county vehicles to stop idling.
- Issue citations to private citizens idling on county property.



“When drivers of county vehicles refrain from idling, it will save taxpayers money on gas and vehicle maintenance. Idling for 10 minutes is the equivalent of driving five miles,” Duckworth said. “And let’s not overlook the greenhouse gases that contribute to climate change. Every gallon of gas burned produces 20 pounds of CO₂, not to mention nitrous oxide, a highly potent greenhouse gas.”

The resolution also aims to reduce avoidable air pollution from cars and buses waiting to drop off or pick up passengers at county parks, colleges and other facilities. “People don’t realize when they’re parked in a line of idling vehicles that the concentration of air pollutants is higher inside their car than outside,” added Duckworth. Essex County is the first county in New Jersey to pass a no-idling resolution. For a copy of the resolution

and more anti-idling information, contact the ANJEC Resource Center at resourcecenter@anjec.org or (973) 539-7547. NJ DEP's Stop the Soot web site also contains many anti-idling resources at www.stopthesoot.org. —Julie Lange Groth

Rainforest versus boardwalk

As they rebuild their boardwalks in the wake of Superstorm Sandy, some Jersey Shore communities are facing an environmental issue in their choice of materials. They must decide whether to use ipe (pronounced EE'-pay), a popular tropical rainforest hardwood, or opt for synthetic materials or wood from non-endangered trees.

Ipe is a favorite choice because it is durable and resists rotting in salty conditions. But some environmentalists

calculate that 766 acres of old-growth tropical rainforest would have to be cut down for enough ipe wood to rebuild just one storm-damaged boardwalk at the Jersey shore. They say domestic hardwoods that are plentiful and easily replaceable, or planks made from synthetic materials, are preferable for boardwalk projects.

Earlier this year, Belmar was planning to use ipe to rebuild its boardwalk, but switched to synthetic material because of environmental concerns. Under similar pressure in 2007, Ocean City canceled its order for ipe to replace its boardwalk and ended up paying over \$1 million to the lumber company who sued for the broken contract. Environmental commissions in shore communities can help avoid costly changes in direction by proactively offering information on environmentally preferable materials to their town officials.

—Julie Lange Groth

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An inside view of environmental lawmaking in NJ

By **Steve Carroll**, ANJEC volunteer and member,
Chatham Township Environmental Commission

ANJEC held its second annual Capitol Day on January 11. Approximately three-dozen people came to the State House in Trenton to participate in the event. The majority of attendees were municipal environmental commission members, but the group also included elected officials, a county environmental commissioner and church green group representatives.

The morning began with an introduction by Sandy Batty, Executive Director of ANJEC, who expressed concern that New Jersey has experienced a weakening of State environmental laws, regulations and protections implemented over the past four decades. She cited the following examples:

- Weakening of environmental goals in the wastewater planning process, the *State Plan* and Highlands Council appointments;
- reduced *Energy Master Plan* goals for the State's renewable energy portfolio and for energy conservation;
- withdrawal of our State from the Regional Greenhouse Gas Initiative (RGGI), the ten-state cooperative program for curbing greenhouse gases through a cap-and-trade system;
- the Governor's redirection to the general budget of funds from the Societal Benefits Charge, which had formerly supported many components of the



Assemblyman Upendra Chivukula (right) chats with an environmental commission member at ANJEC's Capitol Day

Clean Energy Program. The result is a much weakened program with fewer incentives.

Batty encouraged participants to become active in the process of enacting State environmental laws. She noted that legislators will listen to environmental commissioners and recommended contacting legislators early in the bill creation process. She also stated that all bills have to be heard before at least one committee before passage, and suggested that legislators should ideally be contacted before a bill comes before the committee.

Chivukula focuses on energy

Assemblyman Upendra Chivukula, Deputy Speaker of the Assembly and Chair of the Telecommunications and Utilities Committee, demonstrated his wide knowledge of energy creation and use. He is an

electrical engineer by profession and his main message was that energy generation, distribution and use is a complex process that requires integrated resource planning.

In that regard he frequently referred to proposed A2887, an Assembly bill for which he is a prime sponsor, and which would require the State *Energy Master Plan* to address long term capacity planning and infrastructure planning. The proposed law would require that, at a minimum, the *Energy Master Plan's* long range objectives "...shall analyze the efficiency of generation capacity and the State's energy infrastructure in relation to the goal of providing for the long-term energy needs of the State" and "...make recommendations regarding any policies needed to achieve that goal."

Assemblyman Chivukula discussed a wide variety of energy issues. He noted that the State obtains 50 percent of its electricity from nuclear power and that the 640MW Oyster Creek facility is supposed to be decommissioned by 2018. We have to find a means of replacing that source, he observed, and in a post-Sandy world we might be better served by having more distributed generation (i.e., onsite generation or generation of energy from many small and closer sources). Chivukula pointed out that a highly efficient form of distributed generation for large users is combined heat and power (the simultaneous production of useful thermal and power output).

Chivukula also spoke about fracking (hydraulic fracturing) and reminded the audience that fracking is exempt from EPA regulations requiring disclosure of the

pollutants released into the environment. His belief is that this exemption should be eliminated.

In closing, Chivukula stressed that we all have a role beyond influencing legislation. Too often, he said, environmental legislation is passed, but the relevant State agency just sits on it. It is important that public pressure be exerted to force implementation.

Potosnak: rebuild smarter

The third speaker was Ed Potosnak, Executive Director of the NJ League of Conservation Voters (NJLCV). The non-partisan, statewide organization serves as a political voice for the environment. It is dedicated to holding elected officials accountable for all their actions that impact precious natural resources; seeks to inform and educate decision makers on environmental issues, policies, and legislation; and works to educate voters about important environmental issues.

Potosnak stated that for NJLCV and 20 other environmental organizations, a major issue before the State is to ensure that recovery from Hurricane Sandy is done in a manner that does not leave us as vulnerable as we are now. The group has developed a set of principles that urges rebuilding in ways that acknowledge the realities of sea level rise and climate change and aims to protect lives, property and our environment.

Potosnak strongly urged the audience to become actively involved in the legislative process. He particularly advocated developing a relationship with one's legislators prior to coming with a specific request and



The audience in the hearing room listens to Ed Potosnak, Executive Director of NJ League of Conservation Voters.

stressed the value of informal meetings. Other suggestions included writing letters to media editors, legislators and committee chairs.

Funding the future of open space


Finishing the morning was Kelly Mooij, NJ Keep It Green (NJKIG) Coordinator. NJKIG represents more than 175 State, local and regional organizations committed to sustaining New Jersey's commitment to parks, open space, clean water, farmland and historic preservation. She discussed the need to find a source of long-term funding for open space acquisition throughout the State. NJKIG led successful campaigns to pass statewide ballot measures in 2006, 2007 and 2009 generating \$600 million for State open space, farmland and historic preservation programs, as well as dedicated annual funding for capital improvements to State parks and other public lands.

With funds from the 2009 bond act set

to run dry in 2012, NJKIG launched the Sustainable Funding Campaign to secure a long-term source of funding for the preservation and stewardship of New Jersey's natural, recreational and historic treasures for generations to come. The campaign's goal is to provide a dedicated source that will generate \$200 million in open space funds per year. One approach that Mooij suggested is a constitutionally protected water user fee.


At the end of the morning program many of the attendees stayed for lunch and lively networking in the cafeteria. A tour of our handsome Capitol followed.

INFORMATION

For more information about pending legislation and ANJEC's positions, please visit www.anjec.org, email resourcecenter@anjec.org or call (973) 539-7547. 


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ANJEC in the City

By **Julie Lange Groth**, ANJEC Report Editor

Camden takes grassroots approach to stormwater management

As spring arrives in the City of Camden, bright patches of color are returning to the places where volunteers labored with shovels and rakes and lots of enthusiasm last summer, bringing new life into the City's built-out landscapes. The 19 rain gardens they have planted over the past two years are not only beautiful – they have an important job to do. They are part of the solution to manage stormwater and mitigate flooding in Camden.

As in some other New Jersey cities, Camden's water infrastructure is not only crumbling, but it has insufficient capacity to handle the volume of runoff produced by heavy rain events. That's when the system defaults to combined sewer overflow (CSO), allowing the wastewater and stormwater to share the same pipes feeding directly into the Delaware River. It's a messy business, not only polluting the river but also flooding many City streets and buildings.

Getting SMART about stormwater

Enter Camden SMART, short for Camden Stormwater Management Resource Training. It's an initiative to develop a comprehensive network of green infrastructure programs and projects for the City, beginning at the grass roots level. The collaboration is powered by a host of public and private partners that includes the City, Camden County Municipal Utilities Authority, the Cooper's Ferry Partnership, Rutgers Cooperative Extension Water Resources Program, New Jersey Tree Foundation, New Jersey's Department of



Volunteers from Campbell's Soup planting a tree at the Brimm School Rain Garden.

Photo courtesy of Camden SMART

Environmental Protection, and community organizations and residents.

According to Cooper's Ferry Partnership Vice President Meishka Mitchell, it all began with neighborhood organizations and small nonprofits coming together to plan and begin making people aware of what was happening to cause the flooding and what could be done about it. But it was clear early on that the program needed to move out of the meeting rooms and into the streets to get people in the neighborhoods engaged in producing measurable results.

"We looked across the river at Philadelphia where they had launched massive green infrastructure projects to address the same issues, all driven by an EPA consent decree," Mitchell recalls. "But for us it was a community effort to proactively address



The Nature Conservancy's LEAF Interns and staff partner with the SMART Team to help with the weeding, planting, mulching, and watering of the Woodrow Wilson High School rain garden in Camden. Photo courtesy of Camden SMART

real world neighborhood issues of flooding and to restore and revitalize neighborhoods."

Harvesting the rain

In addition to installing rain gardens all over the City, SMART completed two major rainwater harvesting projects last year involving large cisterns that are being used to water community gardens, and there are plans to install more this year.

Last year local partners and volunteers, with help from the NJ Tree Foundation, planted 151 trees and 25 shrubs in five Camden neighborhoods. The plantings have not only beautified the landscape and enhanced the quality of life in those neighborhoods, but also removed approximately 2,500 square feet of impervious surface to improve infiltration of rain water. As the trees grow to maturity, they'll also provide welcome shade, improve air quality and offset greenhouse gases that contribute to climate change.

A rain barrel program is also on the drawing board for 2013 that will provide 100 residents with the materials and training to make rain barrels for their own use.

The Camden SMART initiative is already producing results. The green infrastructure installed so far will capture, treat and infiltrate about 1.5 million gallons of stormwater per year. "That's a drop in the bucket, but every gallon we keep out of the combined sewer is a gallon that isn't

flooding our streets," says Mitchell.

In recognition of its impact, the program received a 2012 New Jersey Governor's Environmental Excellence Award.

"Camden is known for a lot of things, not all positive," Mitchell acknowledges. "But this program has really kicked off a new sustainability effort in Camden. The City today is becoming known as an example and is kind of leading the way

for sustainability and green infrastructure in the State and it's really good to be at the forefront of that movement."

For more information about Camden SMART, visit the initiative's web site at www.camdensmart.com.

Fighting pests in an urban environment

In any home, keeping bed bugs, cockroaches and rodents at bay without harm to human inhabitants and pets can be tricky, but it's especially important in the multifamily housing found in more densely populated areas. A network of staff, pest management professionals and residents must cooperate in urban residential settings to successfully manage pests building-wide, according to the Northeastern IPM Center.

Integrated Pest Management (IPM) is a coordinated approach that focuses on preventive measures – getting at the root of the problem before an infestation occurs, and working with the least possible hazard to people, property, and the environment.

The Northeastern IPM Center recently released a 51-page guide to help affordable housing managers, owners, and agents use IPM to contend with a variety of urban pests in their facilities. *Integrated Pest Management: A Guide for Affordable Housing* can be downloaded from the Stop Pests in Housing web site at www.stoppests.org/what-is-ipm/guide/?thvqr.




Institute for Conservation Leadership Consultant Nancy Oswald leads a discussion at ANJEC's offsite retreat for trustees and staff in January.

ANJEC reinventing itself

Late last year, ANJEC began a strategic planning process. A variety of techniques were used to help us to reflect on our mission and goals so we can determine how best to move into the future. For example, we surveyed our members and conducted focus groups to explore how to meet their needs and expectations and help them be effective in their roles as local environmental champions. We also asked for input from funders and peer

organizations. And in January we held a two-day retreat for trustees and staff where we held in-depth discussions and out-of-the-box brainstorming sessions aimed at uncovering a clearer vision of what ANJEC is and can be.

We would like to thank everyone who contributed to this process, which will conclude this spring, and we will keep you apprised of any new directions that may emerge from it. 

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For more information contact ANJEC at (973) 539-7547 today.

Municipalities and contaminated site remediation

New Jersey's Licensed Site Remediation Professional (LSRP) program has fundamentally changed the way remediation of contaminated sites is conducted in New Jersey. Every municipality and school board that is in any way responsible for remediating a contaminated site should become familiar with the requirements of the *Site Remediation Reform Act (SRRRA, N.J.S.A. 58:10C)* and the corresponding regulations establishing the program, i.e., the Administrative Requirements for the Remediation of Contaminated Sites (ARRCS, N.J.A.C. 7:26C). With few exceptions, all contaminated sites in NJ were required to retain an LSRP by May 2012, when the program became fully implemented.

A basic tenet of the program is that protection of public health, public safety and the environment is every LSRP's highest priority under the law.

The regulations state that all LSRP services shall first and foremost protect public health, safety and the environment. Each LSRP must exercise reasonable care and diligence, and apply their knowledge and skill within their area of competency in remediating a site. Any immediate environmental concerns or discharges are to be identified to the New Jersey Department of Environmental Protection (NJ DEP). LSRPs are prohibited from engaging in any fraudulent or dishonest

business or professional practices, and are required to cooperate in an investigation, with penalties that include LSRP license suspension or revocation by the Licensing Board.

NJ DEP has provided:

- A listing of LSRPs at www.nj.gov/dep/srp/srra/lrsp/temporary_lsrp_list.htm;
- Helpful resources on the LSRP program at www.nj.gov/dep/srp/srra/lrsp/lrsp_program_overview.htm.

Help for municipalities

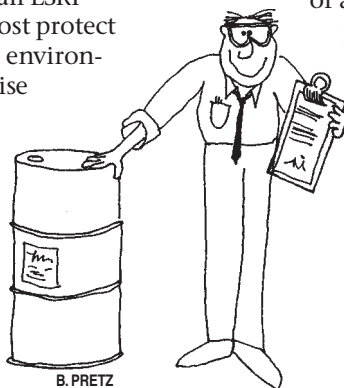
NJ DEP recognizes the importance of brownfield remediation so that underutilized properties can be returned to productive use, producing jobs and tax revenues. It also recognizes that the funding of a brownfield remediation area by a public entity can be challenging.

That's why NJ DEP has minimized its requirements for municipalities under certain circumstances. For example, when a municipality involuntarily acquires a site, or acquires it for the purpose of promoting redevelopment,

they are exempt from several liabilities under the State's *Spill Act*.

Municipalities may be exempt from annual remediation fees when local budgets do not contain monies for remediation, and mandatory deadlines may be relaxed, including those for receptor evaluations and other documents that were due by

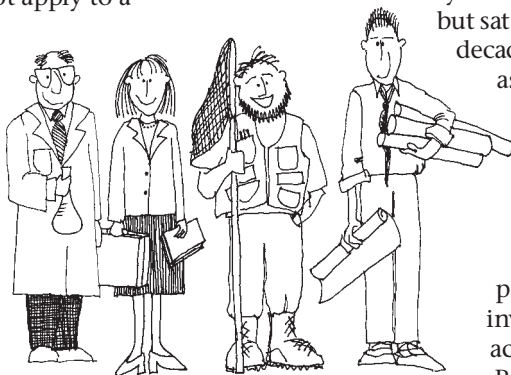
March 1, 2012. These towns may also be exempt from establishing a remediation



funding source. NJ DEP will consider multi-site Brownfield Development Areas as a single site in calculating the annual remediation/contaminated media fee. These exemptions are available to public entities working on private redevelopment area sites via their innocent party status as well.

A municipality can be held accountable for remediation

The exemptions do not apply to a municipality's operational site(s) that they own, i.e., Department of Public Works yards and pump stations. Like other "persons responsible for conducting remediation," municipalities still have an affirmative obligation to remediate the discharge of a hazardous substance and must comply with SRRA requirements.



B. PRETZ

Case Studies

Lakewood Development Corporation, Lakewood Township, Ocean County

One of the member firms of the New Jersey Licensed Site Remediation Professionals Association, Brilliant Environmental Services, LLC, worked with the Lakewood Development Corporation (LDC) to conduct an environmental investigation at two adjoining properties. In one of the early successes of the LSRP Program, the Township's Planning Board and LDC collaborated to repurpose the properties into a parking lot for the historic Strand Theater and surrounding area.

This work included preliminary assessment (PA), site investigation (SI), and remedial investigation (RI) activities. After completion of the RI, the project was enrolled in the newly established LSRP program. The LDC was able to complete the remedial action, assuring it was protective of human health and the environment while meeting the construc-


tion needs of the project. The project converted unused properties into useful space for this national landmark.

City of Asbury Park, Monmouth County

Brilliant also worked with Asbury Park's Zoning and Planning Department in environmental profiling of brownfield properties for reuse as a park within a new gateway zone. The properties had been occupied by various businesses, including a dry cleaning operation, but sat unused for decades because assessing the environmental impact of the sites had been considered too time consuming. Under the LSRP program, the investigation was accelerated and the PA/SI indicated that the former dry

cleaning operation did not pose a threat to the public under the proposed redevelopment plan.

Asbury Park worked with County and State officials to convert the brownfield properties into a park that would benefit both the local community and tourism. Once planning is complete, the LSRP will issue a Remedial Action Outcome (RAO) establishing that the property has been investigated and remediated in accordance with all applicable statutes, regulations and guidance.

For additional information, contact the ANJEC Resource Center at resourcecenter@anjec.org or Susan Boyle, Executive Director of the LSRPA, at SBoyle@geiconsultants.com. 

Susan Boyle of GEI Consultants, Kathi Stetser of Roux Associates; Casey Twele of Brilliant Environmental Services, and Lisa Voyce* of HDR, Inc., all contributed to this article.*

*Current or past member of a local environmental commission

Smart Planning Updates



Model ordinances for Highlands municipalities

By **David Peifer**, ANJEC Highlands Project Director

The New Jersey Highlands Council has released three new model ordinances for municipalities to use to meet the requirements of Plan Conformance. Another model ordinance allows a municipality to voluntarily make specific exemption determinations at the local level. Currently, applicants must go to the New Jersey Department of Environmental Protection (NJ DEP) for exemptions in the Preservation Area or to the Highlands Council for Planning Area exemptions. The new model ordinances were prepared by the Council planning staff but were not reviewed or approved by the Council members.

The new model ordinances are posted on the Highlands Council's website and deal with:

- Exemption Determination Assumption (voluntary) www.highlands.state.nj.us/njhighlands/planconformance/#15
- Checklist for Applications (required first) www.highlands.state.nj.us/njhighlands/planconformance/
- Highlands Master Plan Element (required next) www.highlands.state.nj.us/njhighlands/planconformance/Model_HE_Pres_Plan_Combined_Dec_2012.pdf
- Highlands Land Use (required, follows Master Plan Element) www.highlands.state.nj.us/njhighlands/planconformance/

This article discusses the first two ordinances. ANJEC will provide information on the more complex Master Plan and Land Use Ordinances in the upcoming *ANJEC Report*. However, because these ordinances are long and complex, commissions should begin review now. Adoption of these ordinances must follow normal

procedures under the Municipal Land Use Law (MLUL). Commissions may review and comment on them prior to adoption by the governing body.

The new model ordinances differ considerably from the previous versions. If your town has adopted any of them already, there is no need to re-do the process.

ANJEC and members of the NJ Highlands Coalition reviewed the new models and were immediately concerned with the extensive revisions the Council staff had made, and raised questions and concerns in an extended meeting on February 6. The staff was forthcoming and addressed many of our concerns.

The Highlands Council anticipates that negotiation will take place in finalizing these local ordinances as a normal part of the Conformance Process. Municipalities and environmental commissions should carefully review these documents with the understanding that, as models, they represent the minimum requirements of the Highlands Council. More stringent or more effective protections and policies may be applied by municipalities with the approval of the Highlands Council during the Conformance Process.

The ERI – still fundamental

All land use ordinances must be consistent with the municipal master plan. ANJEC always recommends that commissions review their Environmental Resource Inventory (ERI), to assure that objective information is present to support changes to the master plan and the land use ordinances that will implement it.

The Highlands Council has prepared a *Highlands ERI* that must be adopted to supplement a town's existing ERI or, if it does not have one, to serve in its place. Commissions should understand that the *Highlands ERI* is designed to assist in the implementation of the *Highlands Act* and the *Regional Master Plan (RMP)*, but does not contain all the information that would be included in a municipal ERI.

Before "plunging into" modifying the master plan and developing land use ordinances, commissions should review the *Highlands ERI*. It is important that it be factually correct before it is adopted. ANJEC recommends that the *Highlands ERI* be simply appended to the municipal ERI.

- For further information on use of the Highlands ERI see:
www.highlands.state.nj.us/njhighlands/planconformance/mod_4_instructions.pdf.
- For information on municipal ERIs see ANJEC's new Resource Paper at:
www.anjec.org/pdfs/ERI2013.pdf.

Model exemptions ordinance

The "Exemptions Ordinance" allows municipalities to assume responsibility for determining whether proposed projects qualify for certain *Highlands Act* exemptions rather than going to NJ DEP or the Highlands Council. (See the "Exemptions and Waivers" fact sheet at www.highlands.state.nj.us/njhighlands/about/contact/exemptions.pdf to clarify exactly what these exemptions are.)

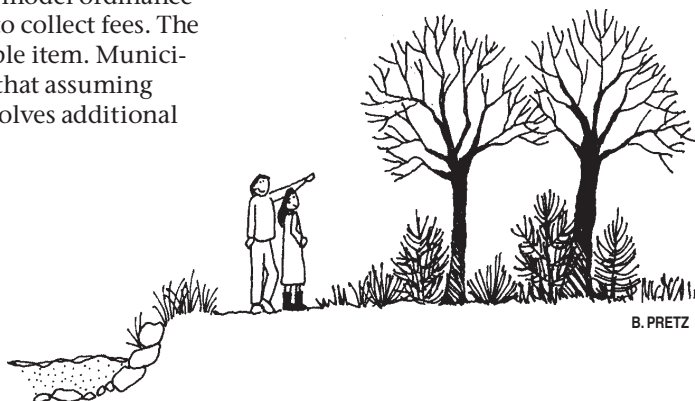
The Council believes that this local approach will provide quicker results for qualified applicants. The model ordinance allows the municipality to collect fees. The fee schedule is a negotiable item. Municipalities should be aware that assuming these responsibilities involves additional work by their staffs.

Exempt projects are not covered by any provision of the *Highlands Act*, the *Regional Master Plan*, the NJ DEP Highlands Rules or any ordinance adopted by the municipality to achieve Highlands Conformance. Non-Highlands-related municipal ordinances continue to apply to "exempt" projects. In order to assume this authority, municipalities must be in conformance, adopt an ordinance and complete Highlands Council training for appropriate municipal officials. Training is expected to be offered in this spring.

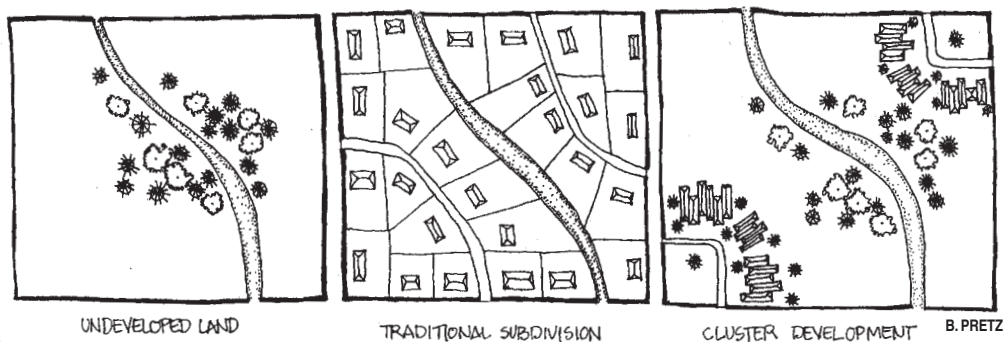
Checklist ordinance

There are three model checklist ordinances, including Preservation Area only, Planning Area only, and Preservation and Planning Areas combined. The checklist is intended as an interim measure to assure the Council that the intent of the *Highlands Act* and the provisions of the *RMP* are being met prior to the adoption of the *Highlands ERI*, the Highlands Master Plan Ordinance and the Highlands Land Use Ordinance. The checklist requirements do not apply to all applications. See the text of the ordinance for details.

For more information about the new ordinances, contact your town's Highlands Council municipal liaison by calling (908) 879-6737 or by emailing highlands@highlands.state.nj.us.



B. PRETZ



New cluster development legislation

A recent amendment to the NJ Municipal Land Use Law (MLUL) expanded the provisions for cluster development, and clarified lot-size averaging to make these planning tools easier for municipalities to use. As of this writing, the cluster bill (A3761/S2608) is awaiting the approval of the State legislature.

Cluster zoning allows developers to build at a higher density on a portion of the site or sites and preserve the remaining land. This avoids sprawl development, because it concentrates building, and it keeps the remaining portion of the land as open space, allowing for preservation without additional cost to the municipality. Other benefits include more efficient provision of infrastructure and local government services, and the potential protection of sensitive environmental features.

The MLUL amendment allows the use of both contiguous and noncontiguous clustering. Contiguous clustering is when a parcel or adjacent parcels are developed so that a portion of the land is built on and the rest is preserved. In noncontiguous clustering, non-adjacent parcels are developed, resulting in concentrated growth and land preservation on one or more of the parcels.

Not just for residential development

The organization New Jersey Future has worked to develop this bill and shepherd it through the legislature because it identified some problems under current

law. Previously, some court decisions struck down municipal cluster ordinances because of a lack of statutory authorization in the MLUL. Current law limits use of clustering to residential development, with the goal of preserving open space. The bill expands this by allowing clustering of residential, nonresidential, and mixed-use development, with the additional goals of preserving farmland and historic sites, as well as open space.

In addition, the current MLUL authorizes cluster development only within planned unit developments – larger-scale developments that must meet several other requirements. The new bill expands the use of clustering, so municipalities can, through their zoning ordinance, encourage the more effective development of smaller-scale subdivisions and site plans. As an incentive for cluster development, municipalities can assign density bonuses to developers employing this tool.

The bill also defines “lot-size averaging,” allowing different sized lot areas and dimensions, and yards and setbacks within a conventional subdivision. Planning boards can approve varied sized lots, provided that the authorized density on the parcel or set of contiguous parcels is not exceeded.

With these new provisions for clustering, municipalities now have another planning tool to help them meet their land use goals for the community.

Preserving a precious and dwindling resource

Dozens of New Jersey towns, counties, government agencies and organizations have now passed resolutions urging the establishment of a dedicated source of State funding for preservation and stewardship of open space, parks, farmland and historic sites in New Jersey.

"Funding for preservation programs is running dry, yet the need is greater than ever," said Kelly Mooij, NJ Keep It Green coordinator. Approximately 1 million acres (20 percent of the State) are still unprotected and developable, and an additional 350,000 acres of farmland still need to be preserved to maintain a viable agricultural industry in the Garden State, Mooij added.


NJ Keep It Green commissioned a survey of 600 registered voters in the spring of 2012 that found 75 percent would support dedicating \$200 million annually for 30 years for open space, farmland and historic preservation. The survey also found that 89 percent of voters believe it is

important to protect coastal and inland areas prone to or affected by flooding.

In addition, a recent statewide poll by Fairleigh Dickinson University's PublicMind and co-sponsored by the New Jersey Farm Bureau found that 83 percent of New Jersey residents support the continuation of funding for the preservation of open space and farmland.

Pass a resolution in your town

The NJ Keep It Green web site (www.njkeepitgreen.org/) offers plenty of ammunition to help make the case that a sustainable, dedicated funding mechanism for open space in New Jersey is the right thing to do.

A model municipal resolution is available at www.njkeepitgreen.org/endorsements.htm and the ANJEC Resource Center also has samples of actual resolutions that various towns have passed. Please contact resourcecenter@anjec.org or call (973) 539-7547 for more information. 

Save the Dates!

Thursday, July 18 - Sunday, July 21



A.J. Meerwald Tours on the Hudson River

Join us for a series of sails on New Jersey's official tall ship, the *A.J. Meerwald*, a restored 115-foot oyster schooner built in 1928. View the New York Skyline and majestic Palisades while learning about the history, environment and culture along the Hudson. Most sails depart from Alpine Boat Basin. Check the ANJEC web site (www.anjec.org) for times, starting points and destinations.

To register contact ANJEC at info@anjec.org or (973) 539-7547 or Martha Lieblich at marthapl@verizon.net (201) 592-7887.

Cosponsored by Tenaflly Nature Center and Crossroads of the American Revolution National Heritage Area

New this year! Additional cruises on Raritan Bay are planned for the weekend of June 14, departing from Perth Amboy. Watch the ANJEC web site (www.anjec.org) for details.



Neighboring commissions pull trail plans together

By **Kerry Miller**, ANJEC Assistant Director

The critical concept in trails planning is “connectivity.” A local trail is good, but one that is connected to other trails and other communities is exponentially better. The Environmental Commissions of Chester Township and Chester Borough grasped this concept and ran with it, creating a physical plan and a working partnership that will make their communities walkable and more sustainable in the coming years.

The adjacent municipalities of Chester Township and Borough – thanks to significant preservation efforts by the towns, the county and area land trusts – have a wealth of open space and trails within their borders, including over 50 miles of pathways. However, many of the trails and parcels are not connected to each other, limiting their effectiveness as part of a non-motorized transportation network and their use and visibility as community resources.

The Environmental Commissions for both towns saw the potential for an integrated trails system that would make their open space resources available for greater public use and appreciation, and link the library, schools, shopping and

neighborhoods via walking and biking routes. They also believed that working together on trails planning might make the two communities more cohesive and pave the way for additional collaborations.

Funding the project

The Commissions obtained a 2011 Sustainable Land Use Planning Grant from ANJEC, and supplemented it with small matching amounts from the municipalities’ open space trust funds, the Chester Historical Society, and the Raritan Highlands Compact, a regional alliance of municipalities.

Tapping local groups for financial contributions not only reduced the towns’ cash obligation, but drew in other partners for the project. As work progressed, the



Rutgers Professor John Puffer leads a Chester Geologic Tour.

project team engaged additional businesses and groups, including bike and track stores, bicycling and running clubs, the local business association, canoeing groups, scouts and bird watchers.

The project team selected Conservation Resources Inc. (CRI), a statewide nonprofit, as consultant to help them create a plan that would facilitate a diversity of trails, uses and users.

The team and CRI utilized a full range of online resources to engage the community in the trails project. They created **ChesterTrails.org** as an online hub for information, including announcements of trails planning meetings and hikes, photos, a public survey, and detailed maps that residents could comment on. They updated the site often, adding photos and new information from community input sessions, which drew crowds of 30 or more. For these sessions, CRI provided large paper GIS maps that meeting attendees could draw and make notes on. The team sent out press releases to traditional print media, messages through social media, and email blasts through the towns' recreation alert networks.

Creating a vision


The team, which contributed many hours of site investigation, ground-truthing and other research, envisioned a trails system as more than just walking paths. Says Chester Borough Environmental Commission Chairman Edward Ng, "We looked at history, geography, geology, business and agriculture, and tried to incorporate them all into the trails plan."

The plan envisions an array of themed hiking routes, some of which are already complete and in use. Rutgers professor John Puffer created a Chester geology trail with 50 points of interest. Last August he led several dozen people on a guided tour of some of those points, including an old shale quarry, the ancient Mendham Fault, and 1.2 billion-year-old rock called Losee gneiss.

A virtual auto and walking historic tour offers photos and descriptions of historic features keyed to a Google Earth map. Future themed hikes will spotlight agricultural resources, bird/hawk watching, commercial points of interest and routes for other non-motorized modes of transportation such as horseback. The plan recommends rerouting parts of some existing paths so that they will pass by a significant panoramic view or other feature.

The *Integrated Trails Ecosystem Plan* for Chester was completed and adopted by the Planning Boards of both municipalities in May 2012. With a very modest budget supported by great enthusiasm and participation from local environmental boards, this project has yielded a multitude of benefits that are truly greater than the sum of the parts. Township Environmental Commissioner Julie Gause, also a member of the Green Team, observes, "This project started a dialog among residents, politicians, and the business community, who are now more open to future sustainability efforts."

MORE INFORMATION

To see the *Integrated Trails Ecosystem Plan* for Chester, trail maps and points of interest, go to <http://chestertrails.org/>. 

ANJEC's 2013 Environmental Achievement Awards

To be presented at the 40th Annual Environmental Congress in October
Date and location to be announced

Deadline: Nominations must be received by September 6, 2013

Mail entries to ANJEC, PO Box 157, Mendham, NJ 07945,
fax (973) 539-7713 or email info@anjec.org

For categories, application form and additional details,
call ANJEC at (973) 539-7547

Growing greener by getting “MAD”

Shuttle service adds a new transit option in Madison

By **Judy Bortman**, TransOptions Marketing Specialist

Sustainable transportation is thriving and growing in the Borough of Madison. This charming, cosmopolitan and environmentally-friendly university town in northwestern New Jersey has been implementing alternative transportation programs that improve mobility and the quality of life for people living, working and visiting the town.

Madison's support for sustainable transportation manifests in many forms and for multiple audiences. TransOptions, the nonprofit Transportation Management Association (TMA) for northwest New Jersey, works closely with representatives within town government as well as the Downtown Development Commission, employers, residents, commuters, colleges and universities, the school district and senior groups.

The Borough has attained the bronze level of certification in Sustainable Jersey and has been recognized by the State's Department of Transportation (DOT) as a New Jersey Smart Workplace for providing employee transit options. Electric cars on display, including a Tesla, are a highlight at the Borough's annual Green Fair. The ability to rent bike lockers at the NJ TRANSIT train station, implemented by TransOptions, enables residents to have a car-free commute. NJ TRANSIT has two bus lines that transport employees, commuters, college students and residents to nearby towns.

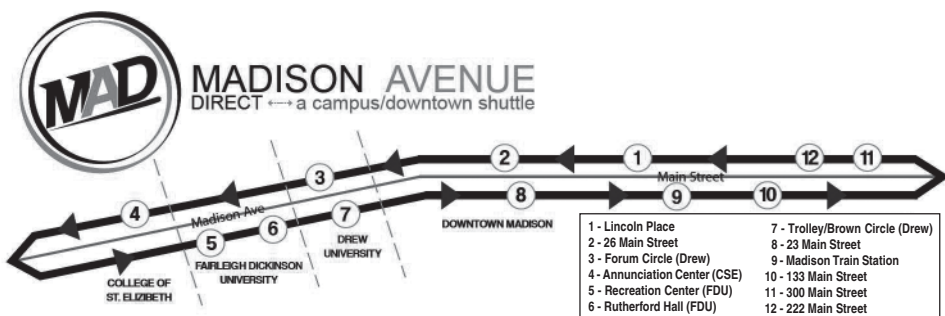


A colorful wrap helps identify the MAD (Madison Avenue Direct) Shuttle as it travels through town.

Filling the missing link

The Madison Avenue Direct (MAD) shuttle was created to offer an affordable, local transit option that enables college students, residents and commuters to get around town without the use of a car. The Madison area is home to three colleges, Drew University, Fairleigh Dickinson University and the College of St. Elizabeth, with approximately 6,000 college students, faculty and staff living and working within a short distance of downtown shops and services. A number of faculty and staff commute by train, which curbs their access to Madison's downtown area. Freshman resident students at two of the colleges also have a need for alternative transportation for off-campus activities since they are restricted from having cars on campus.

To address this need, Borough representatives, residents, schools, employers and the local universities have been working in concert with TransOptions for the past five years to develop and implement a shuttle



service. The collaboration proved fruitful after years of discussion and development when the Madison Avenue Direct (MAD) shuttle was launched in downtown Madison in September 2011.

Funded in part by a congestion management grant from NJ TRANSIT, MAD is a partnership of the three colleges it serves and the Madison Downtown Development Commission. TransOptions administers the grant for the three-year pilot program with funding support from the Borough and the three Madison colleges. Municipal and college officials heartily support the shuttle and hope that it will grow to become self-sustaining by 2014.

The MAD shuttle accommodates 15 passengers and runs six days per week, connecting the downtown area, the NJ TRANSIT Train Station and several shopping centers with the three Borough colleges. A shuttle ride costs \$1.50 with discount books of 20 tickets reducing the cost to \$1.00 per ride.

A complete loop on the MAD Shuttle takes 46 minutes and makes a total of 12 stops, including on-campus locations, the train station, shopping centers, services and the local movie theater.

It's working!

College students have welcomed the shuttle service for its economy, environmental friendliness and added mobility. It's been especially well received by underclassmen, who are not allowed to have cars on campus. While MAD was implemented primarily for college students, faculty, staff and the general public are also permitted to ride.

Since MAD's inception in fall 2011 ridership has grown steadily. In just three

months ending December 2012, over 1,200 riders boarded the MAD Shuttle, and interest in riding the economical, local transport has spread to expanded audiences. One Madison commuter regularly rides the MAD Shuttle to the NJ TRANSIT train station for a car-free commute that also reduces the cost of getting to work. Madison's active senior community is also exploring the MAD Shuttle as a cost-effective mobility option for those who do not drive.

Starting a shuttle in your town

Communities interested in developing a local shuttle can reach out to TransOptions, who will guide them through the process. Towns outside our northwestern New Jersey territory will be referred to the TMA organization for their area. The local TMA can help them assess demand, develop a route and timeline, create a request for proposals or put them in direct contact with vendors.

While the Madison Shuttle is funded through an NJ DOT Congestion Mitigation and Air Quality grant, other towns, such as Livingston, have decided to develop pilot programs paid for by the municipality. Any TMA can assist an employer interested in establishing shuttle service to a nearby transit location. Connecting to sustainable transportation may help expand their employee pool and improve their workforce productivity.

MORE INFORMATION

- Learn more about the MAD shuttle at www.MadAveDirect.com or contact dcallas@TransOptions.org with any questions about the program.
- For more information about TransOptions' alternative transportation programs, visit www.TransOptions.org.

Swamp pink delays development of sensitive site

By **Joe Ingerson-Mahar**, Chair, Alloway Township Environmental Commission

Beginning in July of 2007, the Alloway Township Environmental Commission reviewed a new major subdivision application for the development of a 92-acre lot that is comprised of mixed hardwood and softwood forest and headwaters for two small permanent streams. The streams converge on an adjacent property to flow into a small, pristine lake surrounded by six homes. The resulting stream corridor hosts a large population of the federally endangered swamp pink from the headwaters to the lake. The property had previously been a farm and a dump site for equipment, vehicles and miscellaneous materials, and also has a natural gas transmission line running through it.

Our challenge: We needed to determine how to proceed in evaluating conditions on the property; who were the appropriate State and federal agencies that needed to be involved; what requests we could make via the planning board to the property owner; and how to keep this review organized without members of the Environmental Commission and public taking independent actions that could threaten the entire process.

Our issues:

- Site accessibility – After two site visits, the owner declined any further requests. After some debate, we determined that, for future major development proposals, the Planning Board would make site visits a condition of approval.


- Determining the extent of wetlands on the site and what buffers should be required considering the presence of two distinct populations of swamp pink – It was not clear which agency had priority in the buffer delineation: the New Jersey Department of Environmental Protection, or US Fish and Wildlife. Ultimately, the State determined that broader buffer zones were required. The project did not trigger involvement by US Fish and Wildlife.
- Need for a hydrologist to determine the source of the stream water and the stratigraphy underlying the site – A hydrologist could assist with evaluating



Swamp Pink

the impact that construction of homes, detention pond, and resulting changes to the water drainage would have on the swamp pink populations and water quality downstream.

- Lack of a single point of contact on the Environmental Commission caused confusion in working relationships with both public and private groups. This was ultimately resolved.

All this played out over a number of years. Ultimately, the landowner won his lawsuit charging that the Township had capriciously denied his application. While the judge's decision was disappointing, the Environmental Commission is now much better prepared for the next major application. 

Good Earthkeeping



Information commissions can duplicate to use in their communities

Water, water...everywhere?

By **Lucy Halse**, environmental law student

Every day we use water. We shower, brush our teeth, fill glasses from the tap, and water plants. And summer's hot, sunny days make activities such as swimming, washing the car, and running through the lawn sprinkler especially appealing. All that water, however, adds up quickly.

The New Jersey Department of Environmental Protection (NJ DEP) estimates that people in our State use, on average, 100 gallons of water each day – enough to fill 1,600 eight-ounce bottles of water! That number can even double during the summer months, when seasonal activities such as filling pools, watering lawns, and washing cars consume huge amounts of water.

Our ever-increasing demand for water is straining New Jersey's freshwater sources, which makes water conservation more important than ever. The State's freshwater supply is increasingly threatened by population growth (which results in a greater demand for water) and loss of open space, wetlands and aquifer recharge areas that infiltrate and store rainwater instead of sending it down the storm sewer.

Water-wise gardening

Fortunately, we can take simple measures to help protect and conserve New Jersey's water resources. Outdoor water use can be reduced by "thinking local" when it comes to planning and arranging gardens and landscapes. When choosing plants for a garden, select native species whenever possible. Plants that are native to our area are accustomed to local climate, rainfall patterns, and soil condi-

tions and therefore require less watering, fertilizer, pesticides and other maintenance than imported species.

If your garden or landscape does need additional irrigation, try improving your sprinkler system's efficiency by installing timers, fixing leaks, and installing low-flow nozzles. Watering plants with rainwater collected in barrels or containers is another great way to use less potable water by reusing what Mother Nature supplies. Reducing soil compaction (which is caused by heavy equipment and foot traffic, and prevents water from easily reaching plant roots) can also improve water efficiency.

Bring the savings indoors

Conserving water indoors will also reduce water waste, and even save money and energy! According to the NJ DEP, limiting shower time to five minutes can save up to 76,000 gallons of water and \$500 per year for a typical household, and turning off the bathroom faucet while brushing teeth can save up to 11,000 gallons and \$75 annually.

If you enjoy a long hot shower on a cold winter morning or jumping in the hot tub after a day of skiing, consider this statistic: according to the US Environmental Protection Agency (EPA), hot water accounts for 15 percent of the average home's total energy use, and it comprises nearly 30 percent of all water used indoors. Running hot water through the faucet for five minutes is the equivalent of burning a 60W bulb for 14 hours, so using less hot water is a great way to conserve electricity too! That's something to think about when you're cleaning, dish washing, and clothes washing.

Tips for saving water

- Upgrade bathroom, kitchen, and laundry room appliances, and fix leaks. Installing low-flow showerheads, toilets, sink faucets, dishwashers and washing machines can save impressive volumes of water and significantly reduce water bill costs each year.
- Wash fruits and vegetables in a basin instead of under running water, and thaw frozen vegetables in the fridge rather than running under cold water.
- Run the dishwasher only when full.
- Sweep driveways, sidewalks and stairs rather than using a hose.

- If you have a pool, keep it covered as much as possible to reduce evaporation, fix any leaks, and use energy-efficient filters.

MORE INFORMATION

Please visit these web sites for more information about conserving water:

- NJ DEP Water Savers program (www.nj.gov/dep/watersupply/conserve.htm)
- EPA WaterSense program (www.epa.gov/watersense/)
- H₂O Conserve (www.H2Oconserve.org - includes a water footprint calculator)



A group carries lumber off the beach in Long Branch on the first Wave of Action day on December 8.

Volunteers available for cleanup projects



Does your town have any nature or wildlife areas affected by Superstorm Sandy that could really use some volunteer help with debris cleanup? Clean Ocean Action's Waves of Action "for the shore" program is a long-term volunteer effort to assist the communities, businesses, families and individuals impacted by Superstorm Sandy.

Building on the organization's grassroots community networks and skills, the program is designed to match volunteers with projects. The website www.ForTheShore.org serves as a platform to streamline the process by:

- Outlining the specific responsibilities of a project so volunteers can match their skill sets while projects can attract people with the tools and skills needed;
- Distributing volunteers effectively so that projects are not overwhelmed and volunteers always feel a sense of purpose;
- Matching volunteers with locations that work best for them;
- Providing health and safety standards to protect the volunteers and the project leaders.

Much has been accomplished in the first three Waves of Action held so far, including cleanups of beaches, waterways and parks as well as dune restoration and community cleanup projects.

For more information contact Clean Ocean Action's Lindsay McNamara at Communications@cleanoceanaction.org or call (732) 872-0111.



Obeying the environmental rules

By **Cheryl Reardon**, ANJEC Project Director

The Alloway Township Environmental Commission hosted an ANJEC networking event on the topic of wetlands protection on February 25, attended by 36 commissioners from Camden, Cumberland, Gloucester and Cape May Counties.

Ginger Benckert and Randy Bearce of the New Jersey Department of Environmental Protection's (NJ DEP) Bureau of Land Use Compliance and Enforcement were the featured speakers. They discussed the *Freshwater Wetlands Protection Act*, the *Flood Hazard Area Control Act*, and the Coastal Zone Management Rules with emphasis on jurisdiction and the enforcement process as they pertain to each of the regulations covering wetlands, transition areas and conservation easements.

According to Benckert and Bearce, once the NJ DEP is informed of a suspected rule violation, it investigates and confirms it through a site visit, and then issues a Notice of Violation to the property owner. The property owner then has 10 days to reply as to their course of action. If the issue is resolved quickly and satisfactorily, the Bureau may reduce or forego a penalty on a case-by-case basis.

When a violation is not quickly resolved by the property owner, the Bureau may issue an Administrative Order that may include assessment of penalties. The property owner can appeal to the Office of Administrative


Law. If all parties agree, the NJ DEP can enter into an Administrative Consent Order, which may require compensation for any land disturbance that has not been satisfactorily restored.

If the property owner is uncooperative, the NJ DEP has the authority under certain statutes to record the Notice of Violation on the property's deed of record, and it will not be removed until the violation is corrected to NJ DEP's satisfaction.

Given that wetlands can exist even when no water is visible, planning boards should require applicants to provide a Letter of Interpretation (LOI), which uses a three-parameter approach for identifying and classifying wetlands:

1. Presence of hydric soils;
 2. Dominance of hydrophytic vegetation;
 3. Presence of hydrology indicators.
- NJ DEP will determine buffers and transition areas based on the LOI.

More information

- Environmental Commissions with questions on coastal land use and wetland issues and the laws and regulations may contact NJ DEP's Bureau of Enforcement at (609) 292-1240 or email Randy Bearce at randy.bearce@dep.nj.us.
- The NJDEP also has a 24-hour hotline for reporting suspected violations at (877) 927-6337.
- The Bureau's entire presentation can be viewed at: www.anjec.org/Presentations.htm.
- The ANJEC Resource Center is ready to offer help at resourcecenter@anjec.org or call (973) 539-7547. 

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www.anjec.org



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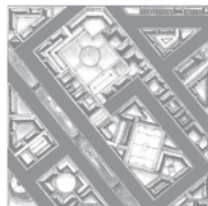
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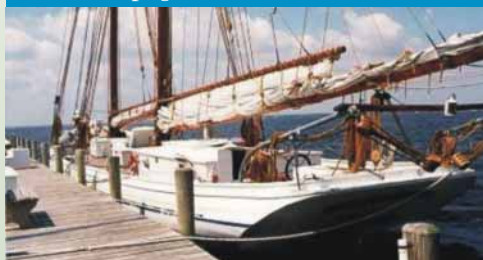


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