



**TOWNSHIP OF DOWNE  
CUMBERLAND COUNTY, NEW JERSEY**

	YES	NO	ABSTAIN	ABSENT
Bart, E.				X
Byrne, S.	X			
Jordan, L.	X			
Rothman, M	X			
Campbell, R.	X			

**Resolution Number: R-55-2022  
Dated: April 11, 2022  
Offered By: CAMPBELL  
Seconded By: BYRNE**

**RESOLUTION OPPOSING NJDEP'S PROPOSED COASTAL REGULATIONS**

**WHEREAS**, the New Jersey Department of Environmental Protection (NJDEP) is planning to adopt new land use regulations that will significantly devalue land and stymie construction in the Township of Downe known as the Protecting Against Climate Threats (PACT) Regulations; and

**WHEREAS**, the NJDEP is proposing to require five feet of freeboard above the base flood elevation for new construction in the flood zone. Elevating new and substantially improved homes an additional five feet is not only prohibitively expensive for our residents but may not be feasible on many sites; and

**WHEREAS**, historically when NJDEP issues new rules they have been in alignment with corresponding legislation. In this case there is no legislation that has authorized the NJDEP to require more stringent requirements than the federal regulation that are now in place; and

**WHEREAS**, the NJDEP freeboard requirement is based on sea level rise projections for the year 2100. Municipalities are required to prepare Master Plans with a 20- or 30-year planning horizon, the Township of Downe would strongly suggest that the State use the same time horizon that they required municipalities to use; and

**WHEREAS**, the science behind these 80-year projections have been questions as reported in a guest editorial in the Press of Atlantic City on Sunday, February 28, 2021; and

**WHEREAS**, there has been no major discussion concerning the magnitude of the economic impact of the proposed regulations or how to assist residents who will be negatively impacted. NJDEP's proposed regulatory re-alignment is expected to result in extensive and immediate economic impacts. NJDEP must engage in a meaningful, holistic economic impact analysis, and not simply rely on a one-sided analysis of potential economic impacts from future, projected climate change related threats; and

**WHEREAS**, in advance of the NJ PACT regulations being released the NJDEP is requiring municipalities to adopt a new Flood Damage Protection Ordinance that automatically imposes the NJ PACT regulations once they are adopted through the State rule making process.

**WHEREAS**, the new Flood Damage Protection Ordinance also requires that road and parking areas proposed in the flood hazard are be constructed at least one foot above the Flood Hazard Area Design elevation, that permits be issued for ordinary maintenance and minor work, that seasonally occupied homes be built on a foundation, among other new regulations.

**NOW, THEREFORE, BE IT RESOLVED**, that the governing body of the Township of Downe opposes the Protecting Against Climate Threats (PACT) Regulations and the State's proposed Flood Damage Protection Ordinance as presented.

**BE IT FURTHER RESOLVED**, that the sea level rise projections being used by NJDEP be subject to a scholarly peer review prior to commencing the rule making process.

**BE IT FURTHER RESOLVED**, that the NJDEP regulations be based on a 20- or 30-year timeframe and adjusted over time to cater to the impacts of sea level rise and resiliency measures rather than based on an 80-year projection.

**BE IT FURTHER RESOLVED**, that the NJDEP seek the counsel from an independent economist to considering potential economic impacts prior to release of the NJ PACT proposals.

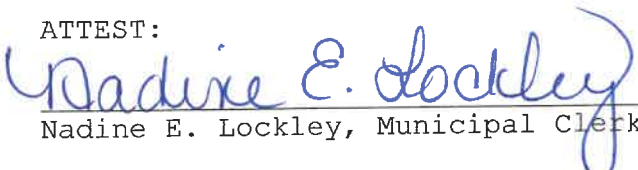
**BE IT FURTHER RESOLVED**, that the NJDEP follow the same practice as FEMA and provide detailed maps so that communities and residents can clearly understand how these regulations effect specific properties.

**BE IT FURTHER RESOLVED**, that the NJDEP abandoned changes in the local Flood Damage Protection Ordinance until the NJ PACT regulations are approved by the State Legislature.

**BE IT FURTHER RESOLVED** that a copy of this resolution be sent to Governor Phil Murphy, Lt. Governor Sheila Oliver, New Jersey Department of Environmental Protection Commissioner Shawn LaTourette, Senate President Nicholas Scutari, Assembly Speaker Craig Coughlin, Senator Vince Polistina, Senator Michael Testa, Assemblyman Don Guardian, Assemblywomen Clair Swift, Assemblyman Eric Simonsen, and Assemblyman Antwan McClellan.

**RESOLUTION** was adopted by the Township Committee of the Township of Downe on April 11, 2022.

ATTEST:

  
Nadine E. Lockley, Municipal Clerk

  
Michael L. Rothman, Mayor

C E R T I F I C A T I O N

I, **NADINE E. LOCKLEY, RMC, CMR**, Municipal Clerk of the Township of Downe, County of Cumberland, State of New Jersey do hereby certify the foregoing to be a true and accurate copy of the Resolution adopted by the Downe Township Committee of the Township of Downe, County of Cumberland, State of New Jersey, at their Regular Meeting held on April 11, 2022 at 7:00 pm at the Municipal Complex.

\_\_\_\_\_  
Date

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**NADINE E. LOCKLEY, RMC, CMR**  
Municipal Clerk