

RESOLUTION #74-2021
CITY OF MARGATE
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 likely have a significant negative economic impact to Margate property owners; and

WHEREAS, the regulations known as Protecting Against Climate Threats (PACT) propose 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 may be prohibitively expensive and not reasonably based on need; 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 proposed NJDEP freeboard requirement is based on sea level rise projections for the year 2100. Municipalities are required to prepare Master Plans with 20 or 30 year planning horizon, and the State should use the same time horizon that they require municipalities to use; and

WHEREAS, the science behind these 80 year projections has been questioned by many; and

WHEREAS, when municipalities impose new regulations, the State requires that they must be consistent with the adopted Master Plan after public input and revisions. In this case, NJDEP is proposing significant regulatory changes without a completed Resiliency Plan. The New Jersey Coastal Resiliency Plan is being prepared and has yet to be released or subject to public input or adoption; 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 must engage in a meaningful, economic impact analysis, and not simply rely on an analysis of potential impacts from future, projected climate change related threats.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Margate, New Jersey that it opposes the Protecting Against Climate Threats (PACT) regulations as drafted, and

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

BE IT FURTHER RESOLVED, that the NJDEP regulations be based on 20 or 30 year timeframe and adjusted over time to the actual impacts of sea level rise decade by decade rather than based on an 80-year projection, and

BE IT FURTHER RESOLVED that NJDEP ensure that policy officials and stakeholders have an opportunity to review and evaluate the New Jersey Coastal Resiliency Plan before proposing rules that seek to solve many issues the report will purportedly identify, and

BE IT FURTHER RESOLVED, that the NJDEP seek the counsel from an independent economist to considering potential economic impacts prior to commencing the rule making process, and

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

1. Governor Phil Murphy
2. Individual State Legislator's (Atlantic County)
3. Atlantic County Coastal Municipalities
4. Jim Rutala, Municipal Planning Consultant

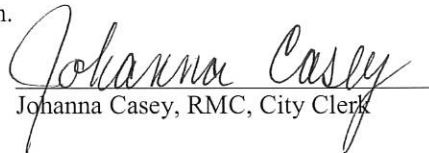
ROLL CALL:

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker			X			
Amodeo	X		X			
Blumberg		X	X			

Date: April 1, 2021

CERTIFICATION

I, **Johanna Casey**, Clerk of Margate City, Atlantic County, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Commissioners of the City of Margate City at a meeting of said Commission held on April 1, 2021 and said resolution was adopted by not less than a two-thirds vote of the members of the Commission.


Johanna Casey, RMC, City Clerk