

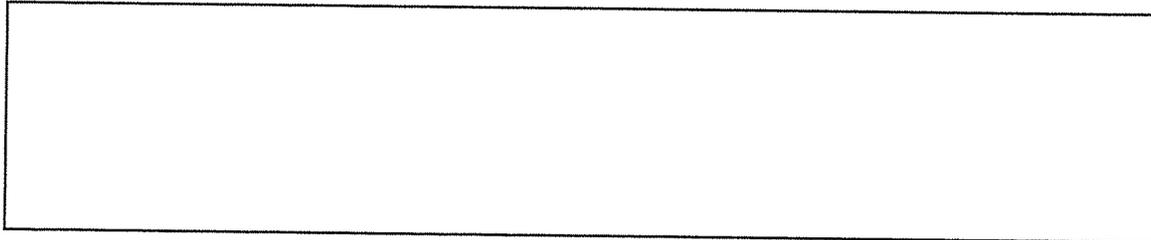
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Susan Gouveia

From: Lashway, Lisa
Sent: Thursday, May 16, 2013 11:13 AM
To: Canning, Sean; Susan Gouveia
Subject: FW: Assembly Approves 3 Sandy Related Bills

Lisa Lashway
Mt. Olive Twp. Clerk
973-691-0900 Ext. 7291
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Budd Lake, NJ 07828

From: NJLM to Municipal Officials [mailto:njlm-clerks@njslom.org]
Sent: Thursday, May 16, 2013 10:42 AM
To: Lashway, Lisa
Subject: Assembly Approves 3 Sandy Related Bills



May 16, 2013

Re: Assembly Environment Committee approved 3 Sandy related bills

Dear Mayor:

On Monday, the Assembly Environment Committee approved three bills of particular interest to municipalities impacted by Sandy. The League, joined by Middletown Township Administrator Anthony Mercantante, testified in **opposition to** these three bills.

First, and of immediate concern, is A-3890, which would provide limited exemption from local land use restrictions to allow certain existing structures to be raised to new FEMA base flood elevations. **This bill was approved by the Committee and now is scheduled for a vote by the full Assembly on Monday, May 20.**

This exemption would allow a person to raise the structure to the “highest applicable flood elevation standard,” defined as either the new FEMA base flood elevation plus two additional feet, or any applicable flood elevation standard required pursuant to rules and regulations adopted by the Department of Environmental Protection (DEP) pursuant to the “Flood Hazard Area Control Act,” whichever is higher. A “new FEMA base flood elevation” is any advisory base flood elevation or effective base flood elevation proposed or adopted after October 29, 2012, by the FEMA.

This bill was reviewed and opposed by the League’s Special Sandy Legislative Committee as an intrusion on local discretion and as it would not allow for full public participation.

The Senate companion, S-2598, was previously approved the Senate Environment Committee and could be scheduled for a vote by the full Senate as soon as May 30. Since this legislation appears to be fast-tracked, **we would urge the municipalities impacted by the bill to contact their State Legislators immediately and express your concerns with A-3890 and S-2598.**

Second, the Assembly Committee also approved A-3920, which would create a “Coastal Commission” that would “...administer, enforce, implement, and oversee all activities related to land use permitting and approvals within the coastal commission area.” The “coastal commission” area is defined in NJSA 13:19-4 and includes lands in Atlantic, Cape May, Middlesex, Monmouth and Ocean counties. The League **opposes** this legislation because it effectively undermines and usurps the discretion of local officials as well as the Department of Environmental Protection’s well established oversight.

This bill included a \$20 million appropriation and was second referenced to the Assembly Appropriations Committee. As of this date, there is no Senate companion legislation.

Third, the Assembly Committee approved A-3921, which would amend the “Coastal Area Facility Review Act” (CAFRA), to change the types of development that require a CAFRA permit from the Department of Environmental Protection (DEP).

The League **opposes** this bill as it would delay development at a time when the areas hardest hit by Sandy are rebuilding and recovering. The CAFRA permitting system works quite well as it is and these amendments do not seem necessary.

A-3921 was also second referenced to the Assembly Appropriations Committee. As of this date, there is no Senate companion.

For more information on these bills, please contact Mike Cerra at mcerra@njslom.com or at (609) 695-3481 x120.

Very truly yours,

William G. Dressel, Jr.
Executive Director

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