

## ENVIRONMENT

# NJ proposes rules that raise building heights along Jersey Shore, expand flood zones



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Wesley Lake overflowed its banks Friday afternoon, September 29, 2023, flooding Lake Avenue (left) in Asbury Park, NJ.  
*Thomas P. Costello*

As the remnants of tropical storm Debby barreled northward toward New Jersey on Tuesday, environmentalists gathered on the Asbury Park boardwalk to rally behind an effort that — if approved — will require homes along the Jersey Shore to be built even higher than currently required and make more homeowners buy flood insurance.

On Monday, New Jersey Department of Environmental Protection officials published new draft rules — "[Resilient Environment and Landscapes](#)," or REAL, rules — in the New Jersey Register.

The proposed rules take a forward-looking perspective on protecting homes and businesses from flooding and increasingly powerful storms. The REAL rules call for higher building heights in coastal flood zones — an additional 5 feet above the Federal Emergency Management Agency's 100-year flood elevation — to account for rising sea levels over the next 75 years.

The rules would also expand existing flood zones to include more homes, would require larger stormwater management systems with greater capacity, and urge the restoration or rebuilding of natural buffers like wetlands to protect communities from storm surges.

"Today's infrastructure is not built to withstand tomorrow's storms," said Chris Sotiro, policy and program coordinator for New Jersey Future, a nonprofit organization that promotes sustainable business policies. Sotiro joined other environmentalists from various organizations Tuesday on the boardwalk to applaud the state's proposed rules.



Jim Waltman, executive director of the Watershed Institute, applauds proposed building regulations that would better protect structures from flooding in the future, while at the Asbury Park boardwalk on Aug. 6, 2024. *Amanda Oglesby / Staff Photo*

Less than a year ago, flooding temporarily shuttered some businesses in Asbury Park and led to economic hardship for workers and business owners here. Flooding has become an almost routine threat, not just in parts of this city, but in communities across the Jersey Shore.

Those floods have left a heavy financial burden for the communities impacted. Between 1980 and July, 2024, New Jersey had 12 tropical storms that caused between \$50 billion and \$100 billion in damages, according to the National Centers for Environmental Information. The state also had four flood events unrelated to tropical storms that caused an additional \$1 to \$2 billion in damages, according to the agency.

The state's "REAL (proposal) expands the area considered flood prone to account for future sea level rise," said Sotiro, of New Jersey Future. The rules "will change the way we build and rebuild in vulnerable areas, providing residents, municipalities, builders and advocates with a more holistic understanding of flood risk."

That risk is increasing over time, scientists say. By the end of the century, Rutgers University experts predict sea level will be between 2 and 8 feet higher along the Jersey Shore than in the year 2000.

Already, sea levels in New Jersey are 8 inches higher than they were in 1900, according to Rutgers' scientists.

"The traditional way we respond to storms is, right afterwards, we try to rebuild and we do a little bit better... but we don't look at the fundamentals," said Tony MacDonald, director of the Urban Coast Institute at Monmouth University. The institute works to foster sustainable development along the Jersey Shore.

"We're getting more and more science telling us that sea level rise is increasing at a pretty steady pace," MacDonald said. "We can debate... people have different opinions about exactly how much, but I don't think anybody disagrees that it exacerbates the impact of storms that might be coming."

Existing building rules looked to past storms and floods to predict how high buildings should be raised, but they fail to account for future sea level projections, advocates of the proposed changes said. New Jersey's proposed REAL rules would change that.

The rules would also require storm water management systems be built to reflect changes in precipitation that scientists say make New Jersey more prone to flash floods and intense rainfall.

"The simple fact is that we've been building in too many flood prone areas," said Jim Waltman, executive director of the Watershed Institute, an environmental organization based in Pennington, Mercer County. "We're putting people's lives at risk, and the people who live downstream from these new developments."

The New Jersey Business and Industry Association, or NJBIA, has criticized the state's proposed rules, saying they will force people out of vibrant communities like Long Branch and Hoboken and make it harder for coastal residents to rebuild from storm damage.

"While we agree that the state should consider SLR (sea level rise)... and climate change projections in their coastal regulations, what the (Gov. Phil) Murphy administration proposes goes far beyond any rational proposal," said Ray Cantor, NJBIA deputy chief of government affairs, in a news release. "In fact, no other state, federal agency, or international entity is regulating SLR (sea level rise) to this extreme extent."

The proposed rules would create "no build" zones in coastal communities and some urban areas, make redevelopment more difficult in cities, and would limit construction of affordable housing, Cantor said. The rules would also lower home values, force more people to buy flood insurance and result in lost tax revenue, he said.

Cantor said the state's proposed 5-foot additional building height requirement was "extreme" and based on just one report.

"This is not to deny climate change," he said. "But we should be denying extreme and costly policies."

Jennifer Coffey, executive director of the Association of New Jersey Environmental Commissions, a group that represents municipal boards focused on sustainable development, said the proposed REAL rules make economic sense.

"We often hear that preparing for climate change costs money, but... others have told us that not preparing for climate change costs us billions of dollars," she said. Climate change "upends communities, ruins businesses, loses jobs, and so these rules are really a smart economic investment."

Officials with the New Jersey Department of Environmental Protection will hold three public hearings on the proposed rules. An in-person hearing is scheduled for 6 p.m. Sept. 5 at Ocean County College, Gateway Lecture Hall, room 104 (Building 101), College Drive, Toms River. Two virtual hearings are scheduled for 2 p.m. Sept. 12 and 10 a.m. Sept. 19. Access the virtual hearings at <https://dep.nj.gov/njreal/hearings/>.

New Jersey residents may also submit comments on the proposed rule online at the Department of Environmental Protection website.

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