



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Coastal and Land Use Compliance and Enforcement
Toms River Office

CATHERINE R. MCCABE
Commissioner

SHEILA Y. OLIVER
Lt. Governor

1510 Hooper Avenue, Suite 140
Toms River, New Jersey 08753
Telephone: (732) 255-0787 Fax: (732) 255-0877

May 7, 2019

CERTIFIED MAIL/RRR
7017 2620 0000 1757 7732

809 Seaview Road LLC
2501 Seaport Drive Ste. 400
Chester, PA 19013

RE: Notice of Violation
NJDEP File #: PEA190001 - 0510-18-0003.1
102 119th Street, Block:118.02, Lot:109
Stone Harbor Borough, Cape May County, New Jersey

Dear Sir/Madame:

Enclosed for service upon you is a Notice of Violation issued by the Department.

If you have any questions concerning the enclosed Notice of Violation you may contact Harry Nicol, Environmental Specialist, of my staff at harry.nicol@dep.nj.gov or at the address or telephone number above.

Sincerely,

Michele Kropilak, Region Supervisor
Bureau of Coastal and Land Use Compliance and Enforcement

Enclosure

c: Stone Harbor Borough Construction Official



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NOTICE OF VIOLATION

Responsible Entity: 809 Seaview Road LLC
NJDEP File #: PEA190001 - 0510-18-0003.1
Site Location: 102 119th Street
Stone Harbor Borough, NJ 08247
Block: 118.02, Lot: 109

You are hereby notified that during a compliance evaluation at the above location on 02/28/2019, the following violation of the Coastal Area Facilities Review Act (N.J.S.A. 13:19-1 et seq.) and the regulations (N.J.A.C. 7:7-1 et seq.) was observed.

Requirement: Pursuant to N.J.A.C. 7:7-27.2(c)8, failure to comply with the conditions of a CAFRA permit is a violation of the Coastal Zone Management Rules.

Description of Noncompliance: failure to comply with Special condition #2 of Coastal Area Facility Review Act (CAFRA) Permit #0510-18-0003.1 CZM180001 which states, "Any disturbance to the adjacent dune is prohibited." More specifically, a site inspection on 02-28-2019 revealed approx. 2,000 sf of disturbance by grading and clearing of the adjacent dune.

ALL UNAUTHORIZED ACTIVITIES MUST CEASE IMMEDIATELY.

Corrective Actions:

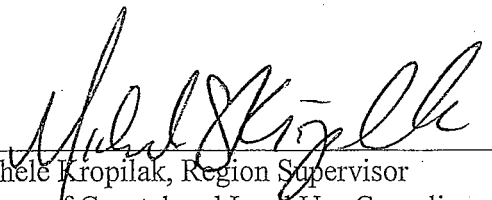
- a. Comply with the approved permit and conditions within 30 days of receipt of this document. More specifically, within 30 days of receipt of this document, submit and implement a restoration plan to restore the disturbed dune area to its pre-disturbance condition.

*For more information and guidance on preparing a restoration plan go to:
<http://www.nj.gov/dep/enforcement/clue-resources.html>.*

Within 15 calendar days of receipt of this Notice of Violation submit in writing to Harry Nicol, Environmental Specialist, an explanation of the corrective measures you have taken or will take to achieve compliance.

This **Notice of Violation** serves as notice that the NJDEP's Bureau of Coastal and Land Use Compliance and Enforcement has determined that a violation has occurred. It does not constitute final agency action and may not be appealed or contested. The issuance of this Notice or compliance therewith does not preclude the State of New Jersey or any of its agencies from initiating formal administrative and/or judicial enforcement action (including assessment of penalties), with respect to the violations listed above or for any other violations. You may appeal or contest such formal actions. Penalties may be assessed daily.

Issued by: _____


Michele Kropilak, Region Supervisor
Bureau of Coastal and Land Use Compliance and Enforcement

Date: May 7, 2019

0510

SC

019991

**MUNICIPAL COURT
OF STONE HARBOR**
9508 Second Avenue
Stone Harbor, NJ 08247

Complaint

The State of New Jersey

(Please Print)

VS.

Defendant's Name: First Initial Last

Achrstavest Developers LLC

Address City

2501 Seaport Dr. S. 08400 Chester

State Zip Code Telephone SOCIAL SECURITY NUMBER

Pa. 19013 610-577-1700

Birth Date: Mo. Day Yr. Sex Eyes Height Restrictions

DL #

State Exp. Date

STATE OF NEW JERSEY
COUNTY OF

CAPE MAY

SS:

Complaining Witness: Raymond Poudrier
of Borough of Stone Harbor (1782)
(Name)
(Identify Dept./Agency Represented) (Badge No.)

Residing at 9508 Second Ave

by certification or on oath, says that to the best of his/her knowledge or information and belief, the named defendant on or about the

January 25 2019
Month Day Yearin STONE HARBOR MUN 0510 County of CAPE MAY NJ

did commit the following offense:

Cut and destroy dune vegetation
(DESCRIPTION OF OFFENSE)

in violation of (one charge only) 156-23.D

(Statute, Regulation or Ordinance Number)

LOCATION OF OFFENSE	CODE	Describe Location
		<u>102-119th street</u>

OATH: Subscribed and sworn to before

me this 04 day of April, yr. 2019RL P

(Signature of Complaining Witness)

CERTIFICATION: I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

OR

(Date)

(Signature of Person Administering Oath)

(Signature of Complaining Witness)

PROBABLE CAUSE DETERMINATION FOR ISSUANCE OF PROCESS:

COURT USE ONLY

LAW / CODE ENFORCEMENT USE ONLY

Probable cause is found for the issuance Of this Complaint-Summons

Yes

No

(Signature of Judicial Officer)

Yes

No

(Signature of Judge)



The complaining witness is a law enforcement officer or a code enforcement officer with territorial and subject matter jurisdiction and a judicial probable cause determination is not required prior to the issuance of this Complaint-Summons.

SUMMONS

SUMMONS

YOU ARE HEREBY SUMMONED TO APPEAR

BEFORE THIS COURT TO ANSWER THIS COMPLAINT. IF YOU FAIL TO APPEAR ON THE DATE AND AT THE TIME STATED, A WARRANT MAY BE ISSUED FOR YOUR ARREST.

NOTICE TO APPEAR

COURT APPEARANCE REQUIRED	COURT DATE	Month	Day	Year	Time	AM	PM
<input type="checkbox"/>							

(Date Summons Issued)

(Signature of Person Issuing Summons)

Complaint-Summons

SF (8/09)