



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION BUREAU OF COASTAL AND LAND USE COMPLIANCE AND ENFORCEMENT

PHILIP D. MURPHY

Governor

SHEILA Y. OLIVER

Lt. Governor

Toms River Office

1510 Hooper Avenue, Suite 140

Toms River, New Jersey 08753

Telephone: (732) 255-0787 Fax: (732) 255-0877

www.nj.gov/dep

SHAWN M. LATOURETTE

Commissioner

October 20, 2022

Via email only

The Honorable Patrick Rosenello
City of North Wildwood
901 Atlantic Avenue
North Wildwood, New Jersey 08260

RE: Notice of Violation

NJDEP File #: PEA220002 - 0507-03-0009.3

Oceanfront Beach

Block 317.03, Lot 1

North Wildwood City, Cape May County, New Jersey

Dear Mayor Rosenello:

Enclosed for service upon you is a Notice of Violation issued by the NJ Department of Environmental Protection. A written response is required immediately.

To respond to this Notice of Violation you may contact Michael Lutz, Environmental Specialist, at michael.lutz@dep.nj.gov, or at the address indicated at the top of this Notice.

Sincerely,

Michele Kropilak, Manager

Bureau of Coastal and Land Use Compliance and Enforcement

Enclosure

c: Neil Yoskin, Cullen & Dykman
Colleen Keller, DEP, DLRP
Jennifer Moriarty, DEP, DLRP
Kimberly Cahall, DEP, OEP
Janet Stewart, DEP, DLRP, Coastal Permitting



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The Honorable Patrick Rosenello
City of North Wildwood
901 Atlantic Avenue
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NOTICE OF VIOLATION

Responsible Entity: City of North Wildwood
Site Location: Oceanfront Beach
North Wildwood City, New Jersey 08260
Block 317.03, Lot 1
NJDEP File #: PEA220002 - 0507-03-0009.3

You are hereby notified that during a compliance evaluation at the above location on October 20, 2022, the Division of Land Resource Protection's Bureau of Coastal and Land Use Compliance and Enforcement ("Division") observed violations of the Coastal Area Facilities Review Act (N.J.S.A. 13:19-1 et seq.) and the Coastal Zone Management regulations (N.J.A.C. 7:7-1 et seq.). In the days prior to these violations, the Division was in contact with the City regarding post-storm restoration. Specifically, the City requested an Emergency Authorization ("EA") on October 5, 2022, seeking deployment of jersey barriers and associated removal of decking, reshaping of dune remnants, and installation of 404LF of bulkhead, all located between 15th and 16th Avenues, as well as reconstruction of accessways at 16th Avenue and 25th Avenue. By e-mail correspondence dated October 7th and October 12th, 2022, which are attached for reference, the Division approved deployment of jersey barriers and associated removal of decking but denied the remainder of the proposed activities due to lack of emergency conditions and concerns that the activities would exacerbate erosion. The denial **specifically stated that dune disturbance or reshaping was not authorized and, if undertaken, would warrant enforcement action.**

On October 20, 2022, the Division received a letter from the City's counsel advising that the City was beginning regrading and reshaping of the dunes and bulkhead construction, notwithstanding the Division's denial of the EA request. Division staff immediately inspected the site. The following violations were observed:

CAFRA AREA

Requirement: A CAFRA permit is required for any regulated activity on a beach or a dune. [N.J.A.C. 7: 7- 2.2]

Description of Noncompliance: North Wildwood has commenced the excavation of sand from the beach berm at and near 11th Street and is transporting and placing the excavated sand on the beach between 14th and 16th Streets. The sand is currently being graded towards the dunes located between 14th and 16th Streets. North Wildwood did not seek or obtain NJDEP approval to excavate sand from 11th Street, and the request to grade the sand to “reshape” the dune remnants was specifically denied by the Division on October 12, 2022.

ALL UNAUTHORIZED ACTIVITIES MUST CEASE IMMEDIATELY

CORRECTIVE ACTION(S) REQUIRED:

Immediately cease any further regulated activities and submit the appropriate complete land use permit application(s) or emergency authorization request to the Department’s Division of Land Resource Protection (DLRP) to attempt to legalize/obtain approval for the activities identified in this Notice.

Permit review may result in approval, partial approval, withdrawal or denial. Any regulated activity that does not receive permit approval must be restored. Information on DLRP permit application(s) and emergency authorizations can be found at www.nj.gov/dep/landuse/.

REQUIRED WRITTEN RESPONSE TO THIS NOTICE:

Immediately upon receipt of this Notice of Violation, submit **in writing** to Michael Lutz an explanation of the corrective actions you have taken or will take to achieve compliance in this matter. The response to this Notice of Violation may be submitted via email at michael.lutz@dep.nj.gov.

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 a 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 on a daily basis for each violation.



Issued by:

Michele Kropilak, Manager
Bureau of Coastal and Land Use Compliance and Enforcement

Date: 10/20/2022