



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

JON S. CORZINE
Governor

Pesticide Control, Coastal and Land Use Enforcement
PO Box 422
Trenton, New Jersey 08625-0422
Telephone: (609) 984-2011
Fax: (609) 777-0769

MARK N. MAURIELLO
Acting Commissioner

January 19, 2010

Brian Asarnow
55 Community Place
Long Branch, New Jersey 07740

Dear Mr. Asarnow:

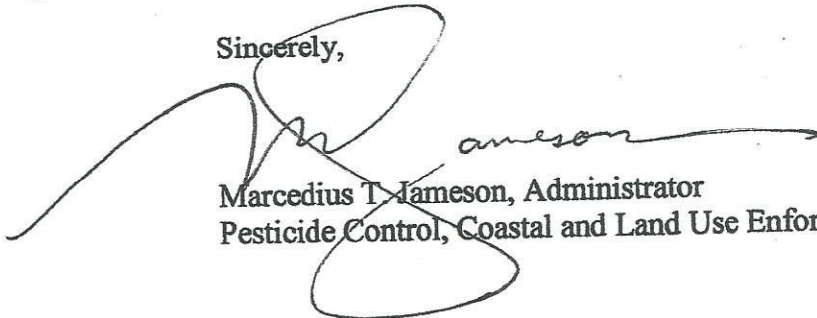
This is in response to your correspondences to former Commissioner Mauriello and Barbara Baus of the Department of Environmental Protection (Department) both dated January 6, 2010 regarding your concerns over property at 63 Community Place in Long Branch, Monmouth County.

The regulation you cite in your letter to Ms. Baus, N.J.A.C. 7:13-2.4, reflect the current Flood Hazard Area Control Act Rules which became effective on November 5, 2007. The activities of concern to you at the property clearly predate these rules. As such, they do not apply in this case.

A review of mapping indicates that the "watercourse" of concern is a drainage ditch which appears to collect runoff from the densely developed surrounding area. The Community Place side of this ditch has been subject to decades of disturbance which pre date the state's regulation of riparian zones. The continuation of historically unregulated activities is not a violation. As such, the Department does not have the jurisdiction to regulate these activities. In addition, numerous inspections by staff from the Bureau of Coastal and Land Use Compliance and Enforcement have revealed no recent activities being conducted that violate the current regulations.

Any concerns or issues you have with regard to zoning, code enforcement or local ordinances cannot be addresses by this Department.

Sincerely,



Marcedius T. Jameson, Administrator
Pesticide Control, Coastal and Land Use Enforcement

Mr. Brian D. Asarnow
55 Community Place
Long Branch, NJ 07740

Tel: 732-870-2570
Fax: 732-870-0606

January 6, 2010

Mrs. Barbara Baus, Acting Bureau Chief
Bureau of Coastal Land Use Compliance & Enforcement
PO Box 422
Trenton, NJ 08625
Fax: 609-633-6798

2 pages sent

Dear Mrs Baus:

In reply to the letter of Dec. 1, 2009 sent by Marcedius T. Jameson on your behalf, (enclosed) and acknowledging the many visits to the stream on Community Place, I direct your attention to NJAC 7:13-2.4
Regulated activities

(a) Any action that includes or results in one or more of the following constitutes a regulated activity under this chapter if undertaken in a regulated area, as described at N.J.A.C. 7:13-2.3:

- 1. The alteration of topography through excavation, grading and/or placement of fill;**
- 2. The clearing, cutting and/or removal of vegetation in a riparian zone;**
- 3. The creation of impervious surface;**
- 4. The storage of unsecured material;**
- 5. The construction, reconstruction and/or enlargement of a structure; and**
- 6. The conversion of a building into a private residence or a public building your letter**

All of these activities were/are present in the area in question. Photos have been taken all along and more recent ones are posted at fairtrialnj.org which predates your Nov. 9, 2009 visit. This conflicts with your statement "each investigation has revealed no regulated stream encroachment activities having occurred at the site" and raises serious questions about corruption in the DEP. These activities and the illegal use of this buffer zone continue to cause real damage to the area.

As no permits were issued, please levy fines and vacate the buffer immediately as required in the regulations to avoid further appearance of corruption. F.Y.I, Long Branch has a 100 foot buffer requirement. A mass mailing is planned to inform all in Long Branch of what has been allowed to occur. The gig is up.

Very Truly Yours,


Brian D. Asarnow

cc. Gov. Jon Corzine Fax: 609-292-3454
Mark Mauriello, DEP Commissioner Fax: 609-292-7695
Marcedius T. Jameson, Administrator Fax: 609-984-6555



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pesticide Control, Coastal and Land Use Enforcement

PO Box 422

Trenton, New Jersey 08625-0422

Telephone: (609) 984-2011

Fax: (609) 777-0769

JON S. CORZINE
Governor

MARK N. MAURIELLO
Acting Commissioner

December 1, 2009

Brian Asarnow
55 Community Place
Long Branch, New Jersey 07740

Dear Mr. Asarnow:

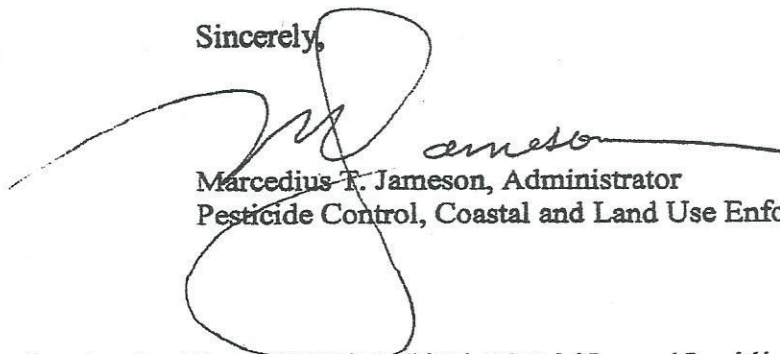
I am writing in response to your October 6, 2009 correspondence to Governor Corzine regarding numerous issues and concerns in Long Branch, Monmouth County.

While many of the issues you raise are not within the purview of the Department on Environmental Protection's (Department) Bureau of Coastal and Land Use Compliance and Enforcement (CLUE), CLUE can address your concerns regarding alleged encroachment of a riparian area at 63 Community Place.

According to the Department's records, you had contacted CLUE in August of 2002 with concerns of filling and paving along the watercourse at the property. A representative of CLUE investigated the site and observed that no regulated activities had occurred on the site. Additional complaints of a similar nature regarding this property were received by CLUE on March 2004, April 2005, June 2005 and September 2009 and site investigations were conducted by CLUE staff on August 21, 2002, April 5, 2004, April 20, 2005 and October 2, 2009 and most recently on November 9, 2009. Each investigation has revealed no regulated stream encroachment activities having occurred at the site. In addition, please note that this watercourse has no associated freshwater wetlands or transition areas.

Thank you for your interest in this matter. Should you have any further questions regarding this matter, please contact Barbara Baus, Acting Chief, Bureau of Coastal and Land Use Compliance and Enforcement at (609) 292-1240.

Sincerely,



Marcedius F. Jameson, Administrator
Pesticide Control, Coastal and Land Use Enforcement

Mr. Brian D. Asarnow
55 Community Place
Long Branch, NJ 07740

Tel: 732-870-2570
Fax: 732-870-0606

January 6, 2010

Mr. Mark N. Mauriello, DEP Commissioner
PO Box 402
Trenton, NJ 08625
Fax: 609-292-7695

3 pages sent

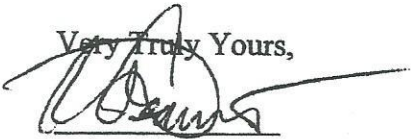
Dear Commissioner:

Please find correspondence regarding a matter previously brought to the Governor's attention and which seems to involve corruption within the DEP.

As I see you were in charge of the Bureau of Coastal Land Use, you no doubt are already intimately aware of the riparian requirements.

I hope you will see that this is now properly and expeditiously addressed as the damage to the area is continually increasing. I note that a demolition-recycling business (Rosario-Mazza Demolition) is attempting to establish itself at this site, to the further detriment of the area.

Very Truly Yours,



Brian D. Asarnow

cc: Gov. Jon Corzine Fax: 609-292-3454