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SGT. BOB ANDRZEJCZAK
ASSEMBLYMAN
First Legislative District
AsmAndrzejczak@nileg.org
June 15, 2015

Mr. Bob Martin
Commissioner, DEP
401 E State Street
PO Box 402
Trenton, NJ 08625

Dear Commissioner Martin:

I am writing on behalf of the Tony Novak family and their associates at Money Island, New Jersey and their efforts to find a sustainable future for their community and its anchor business Money Island Marina. Mr. Novak has worked with a range of government, commercial and non-profit entities in developing this plan. However, he reports difficulty getting a clear response from the NJ Department of Environmental Protection. He requested my assistance in reaching a high level staff member who would be able to respond to the range of issues that are causing their recovery plan to stall.

Money Island is the smallest and most remote community in the most rural township of New Jersey. Money Island in Downe Township, Cumberland County is described as the southwest point of New Jersey. Money Island is a working waterfront that serves as the primary landing port for the multi-million Delaware Bay oyster industry. There is also an active crabbing industry there and a few other commercial watermen. Facilities, docks, labor and other resources are commonly shared by the several small businesses here. Money Island Marina is transitioning from a former existence serving recreational fishing to a future serving eco-tourism and aquaculture.

Tony Novak is a long-time resident of Money Island with a history of active support for his Bay Shore community. He has especially been an active proponent of community-based response to sea level rise and regional economic sustainability. In 2009 he was cited by Downe Township for his long term efforts to obtain various government approvals for the Money Island bulkhead that is considered the most essential part of his community's response to sea level rise. In 2013 my office, including Assemblymen Bob Andrzejczak and Nelson Albano awarded Tony with a Joint Legislative Commendation for his efforts to make boating available to lower income veterans in our area. Money Island Marina remains a valuable resource to the area's low income veterans. Mr. Novak is a Certified Public Accountant who serves as volunteer Treasurer and board member of the Delaware River Greenway Partnership, a multi-state non-profit that manages federal improvement projects in the watershed. His accounting business works with a number of local watermen and aquaculture businesses in helping to develop sustainable businesses in this challenging environment.

Mr. Novak's primary concerns with DEP on issues critical to Money Island are:

1. **Lost DEP waterfront development permit file** - In 2010 Novak made application **#0604-10-0010.1 WFD100001** for repairs to a site to be used for aquaculture. Vivian Fanelli in the Division of Land Use Regulation was the primary contact. Ms. Fanelli communicated verbally that the approval of a Zane exception for the majority of work on the site was determined by August 2, 2012 and that a pending application status for the remainder of the work remained in pending status as indicated by Ms. Fanelli's emails. Novak states that the pending portion of the permit application was limited to a small section of bulkhead that was not visibly clear in the 1970s site photographs. Then she reported that the DEP reportedly lost the entire permit file in 2014. The Department of Agriculture apparently issued the site permit based on an email communication that site approval was granted. Novak's entire office building was lost in Sandy, so they have no copy of any paper records. Now it appears that DEP is contesting the entire matter again and denying approval of the Zane exemption.

The contact information is:

Vivian M. Fanelli
Division of Land Use Regulation
Environmental Specialist 3
Mail Code 501-02A
PO Box 420
Trenton, New Jersey 08625
(609) 633-2289
Vivian.Fanelli@dep.nj.gov

1. **Faulty modification of Money Island bulkhead design** - Novak and his neighbors lobbied government for a bulkhead to protect Money Island's eroding beach. The project (**NJDEP – BCE Project No. 4228-09**) was approved and apparently funded, however the final drawing omits protections for the "point" of the island. The township engineer said he was instructed to omit that work due to budgetary concerns. Novak's engineer and the township engineer both agreed that the current construction plan will increase erosion at the "point" at Money Island Marina by routing tidal waters around the end of the proposed bulkhead. Novak made a formal written comment on July 13, 2013 via certified mail to:

Mr. Dave Fanz
Bureau Chief, Division of Land Use Regulation
P.O. Box 439
501 East State Street
Trenton NJ 08625

Mr. Novak says that his concern as stated in his public comment letter dated June 4, 2013 remain unaddressed by the DEP and that this poses a serious risk to the physical sustainability of Money Island Marina.

2. **Stalled sale/gift of land to the state** - In 2012 Novak acquired underutilized land under the name of the non-profit BaySave Corporation for further conveyance to the state at his cost of acquisition under **Land Offering Number 6722.01 (0604)**. Negotiations were primarily verbal but seemed to be on track for likely completion until after Sandy when the DEP seemed to lose interest in the proposed deal. Novak now feels "stuck" after purchasing this land that has no other practical use and inadequate cash flow to maintain ownership.

The primary contact for this program was:

Fawn Z. McGee
NJDEP Green Acres Program
Mail Code 501-01
P.O. Box 420
Trenton NJ 08625-0420

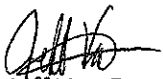
3. **DEP lien based on errant information** - In the months after Sandy, while the marina was struggling to rebuild even basic, the DEP issued liens against the property (**File #0604-10-0015.1 TD1130001**) that was intended to be conveyed to the state. Novak believes this action was hostile and unsympathetic to the residents who were (and still are) struggling to put their lives back together after the devastation of Sandy. Additionally Novak notes that the lien contains factually inaccurate information. He has been in contact with:

Randy Bearce, Regional Supervisor
Bureau of Coastal and Land Use Compliance and Enforcement
Trenton Office
401 East State Street
Mail Code 401-04C P.O. Box 422
Trenton, New Jersey 08625

Mr. Novak has been frustrated that the DEP staff seems unwilling to consider the possibility that the lien is factually incorrect and he has been unable to get additional information to correct the apparent errors or negotiate a solution.

I am writing to request that you help Mr. Novak find a qualified point of contact within the DEP who can address these overlapping and contradicting issues, so that they may continue to rebuild their community and businesses within the regulations of the DEP.

Sincerely,



Jeff Van Drew
Senator, 1st District

Cc: David Glass, DEP Deputy Commissioner