



## State of New Jersey

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

**PHILIP D. MURPHY**

*Governor*

**TAHESHA L. WAY**

*Lt. Governor*

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**SHAWN M. LATOURETTE**

*Commissioner*

May 31, 2024

Louis Di Ventura  
Ventura's Greenhouse/Yo-Levin Inc.  
106 South Benson Avenue  
Margate, NJ 08402

**RE: Demand for Stipulated Penalties and Invoice**

Final Administrative Consent Order - June 13, 2023

NJDEP File #: NEA230001 - 0116-07-0006.2

Louis DiVentura/Ventura's Greenhouse/Yo-Levin Inc.

Block: 25, Lot: 4 Margate City, Atlantic County, New Jersey

Dear Mr. DiVentura:

This letter serves as notice that pursuant to Paragraph 22 of the (attached) June 13, 2023, Final Administrative Consent Order (ACO) entered by Louis Di Ventura/Ventura's Greenhouse/Yo-Levin Inc., the State of New Jersey, Department of Environmental Protection (the "Department") hereby demands payment of stipulated penalties for your failure to comply with the ACO.

Pursuant to paragraph 13 of the ACO, within 45 days of the ACO effective date, you (Respondents) were required to submit a complete CAFRA application to the Department's Division of Land Resource Protection (DLRP) to attempt to legalize the structures onsite *OR* remove all unauthorized structures from the site.

On July 12, 2023, a Coastal General Permit (CAFRA) application (File No. 0116-07-0006.4 LUP230001) was received by the DLRP. Subsequently, on November 16, 2023, the same CAFRA application was withdrawn by the applicant.

Pursuant to paragraph 16 of the ACO, if a CAFRA permit application is withdrawn, the Respondent is required to submit a restoration plan to the Department's Bureau of Coastal and Land Use Compliance and Enforcement (CLUE) for the full restoration and removal of all structures and all regulated activities not approved via a CAFRA permit or appeal. As the above mentioned CAFRA application was withdrawn on November 16, 2023, you were required to submit a restoration plan for the removal of all unauthorized structures onsite by January 1, 2024.

On February 20, 2024, you were issued an ACO Compliance Warning letter (attached). The warning letter stated, “You are required to immediately comply with the terms of the ACO agreement which you entered with the Department.” and “Failure to comply with the ACO within 30 days, will result in further enforcement action by CLUE, including the assessment of stipulated penalties, termination of the ACO and issuance of an Administrative Order and Notice of Civil Administrative Penalty Assessment, and/or referral of this matter to the Office of the Attorney General for litigation.”

On February 26, 2024, Eric Goldstein of Nehmad, Davis & Goldstein, PC responded to the ACO Compliance Warning Letter stating that “Pursuant to your correspondence of February 20, 2024, my client will be resubmitting the CAFRA application to continue its attempt to legalize the structures on-site, and we will request NJDEP to issue a formal decision on the application.”

On April 17, 2024, a compliance evaluation found the unauthorized structures cited in the ACO remaining on-site in preparation for the coming 2024 tourism season. In addition, to this date, no new CAFRA application has been submitted to the DLRP as stated by your legal counsel.

At this time, in accordance with paragraph 22 of the ACO, “Stipulated penalties shall be paid to the Department as set forth below for the failure to comply with any requirement of this ACO, unless the Department has notified the Respondents in writing that a stipulated penalty will not be assessed for the violations pursuant to the force majeure provisions of this ACO. Each deadline or schedule not complied with shall be considered a separate violation. Payment of the stipulated penalties shall be made according to the following schedule.

<u>Calendar Days After Due Date</u>	<u>Stipulated Penalties</u>
1 - 7	\$100.00 per calendar day
8 - 14	\$200.00 per calendar day
15 – over	\$500.00 per calendar day

The ACO compliance warning letter was received by you on February 24, 2024. The warning letter provided 30 days to achieve compliance, ending on March 25, 2024. Stipulated penalties are therefore being assessed starting as of March 26, 2024. The resulting stipulated penalties are as follows:

March 26, 2024 – April 1, 2024 (7 days) \$100.00/day x 7 days = \$700.00  
April 2, 2024 – April 8, 2024 (7 days) \$200.00/day x 7 days = \$1,400.00  
April 9, 2024 – May 30, 2024 (52 days) \$500.00/day x 52 days = \$26,000.00

**TOTAL STIPULATED PENALTIES: \$28,100.00**

Please be aware that stipulated penalties shall continue to accrue until the ACO non-compliance has been corrected.

As per paragraph 23 of the ACO, payment of the stipulated penalties for failure to comply with the ACO shall be due and payable thirty (30) calendar days following receipt of a written demand from the Department. Accordingly, the Department hereby demands payment of the above

stipulated penalties within thirty calendar days of your receipt of this letter in the amount of **\$28,100.00**. The payment of stipulated penalties shall be made by a cashier's or certified check payable to the "Treasurer, State of New Jersey" and shall be submitted to the address on the enclosed payment invoice.

Should you have any questions, you may contact Harry Nicol, Environmental Specialist, at [harry.nicol@dep.nj.gov](mailto:harry.nicol@dep.nj.gov), or at the telephone number or address at the top of this correspondence.

Sincerely,



Colleen Keller, Assistant Director  
Division of Land Resource Protection

Enclosure

c: Eric Goldstein, Esq., Nehmad, Davis & Goldstein  
Jessica Patterson, NJDEP, Office of Transactions & Public Land Adm.  
Jill Denyes, NJ Division of Law  
Ken Mosca, Business Administrator, Margate City