

10 East Drive
Stanhope, NJ 07874
Nov 1, 2002

New Jersey State Soil Conservation Committee
P.O. Box 330
N.J.D.A.
Trenton, New Jersey 08625

Attn: Acting Executive Secretary, Jim Sadley
Sent via fax to 609-633-7229 and confirmed receipt by the Secretary Office.
Sir:

I appealed the decision of the Sussex County Soil Conservation District Manager to the District Chairman and committee and lost my appeal as I requested them to forward the appeal to your committee so a full formal hearing could be done.

I appeal their decision formally. However, I suggest before officially starting the clock you have the appropriate office within the Dept of Agriculture conduct a thorough review in joint review with Ms Lisa Jackson, the Assistant Commissioner for Compliance and Enforcement of the DEP.

Yesterday I called the New Jersey State Police, the Borough of Stanhope's Police and the Sussex County Soil Conservation District concerning violations of numerous public laws regarding Health, Soil Erosion and Soil Conservation, Drainage, Environmental Protection, Wetlands, and failure by the contractor to update data to the DEP when for over one year he had knowledge of the canyon, non-isolation of the wetland as he himself connected the flow to the conservation area across the street on Valley Road, never notified the DEP that the Board of Adjustment added the topography of a swale back in the details and notes, added the wetland, preserved trees to be protected in the open area, a restricted deed which included a drainage easement. The storm pipe system that was supposed to be installed during the construction of 6 Oak Drive that spans sits atop the wetland that is filled and is required to now connect across two different property owners.

The district has never forwarded the certificate and accompanying drawing (with the wrong owner) to the Borough of Stanhope Land Use Board or the Town Council. In addition, the District certificate of approval does NOT indicate when plan was approved, the "certified" drawing I have been unable to obtain via an OPRA request for weeks as the district is investigating if I can get a copy of the plan via my valid OPRA request. How can the approved plan be copyrighted and not be available so one can review the plan in great detail?

The owner or engineer did not date the "copy of the plan". In fact the "owner" is not that shown ON THE PLAN as the property was sold to E.N.F. Development LLC and if one put the original site plan under the "District" plan one will see all the signatures are identical to the plan submitted in 1999. The review by the District's engineer was 1.1 hours for \$82. The review was deficit in scope and magnitude as even the property owner was NOT Eleanor Dawalt. She sold the property to E.N.F. Development L.L.C. owned by herself and her husband Mr. Franklin Dawalt.

The Borough of Stanhope Codes are much more severe then the State of New Jersey as the land has excessive critical slope variances and properties on 1 Valley Road, 3 Valley Road, 5 Valley Road all have suffered damage as no proper environmental controls, storm drain systems were not installed and lay on land the has buried a stream. The lots were never developed because they were impacted by water draining from a large marshland area about two streets away and homes in the past on the East West "profile" had in the past has basements collapse, and other flooded. All the neighbors have complained for over a year at the Board of Adjustment. The Board put back the wetland in the resolution and added many details and notes the drawings. That is why the Commission in charge of Land Development and Environmental Protection are stating their position. A complete review of the actions of the Mayor and Governing Town Council is recommended for all actions starting with the entire subdivision on Block 10-11-12, restricted deeds, topography, overall water assessments and compliance with all Federal, State and Local laws.

The Land Use Board has never received the District's certified plan for consideration as required by law to assure compliance with Chapter 100 Land Development rules and procedures of the municipality.

As can be seen by the attached petition and the newspaper, all the citizens boarding the pro

There has been no compliance with the Board of Adjustment Resolution or Details and Notes in the "Borough's Site Plan and Soil Erosion Plan". This plan was never submitted to the DOA for approvals as the land disturbed exceeded 17,000 square feet with excessive critical slope variances. A building of occupancy for 6 Oak Drive I believe was issued in violation of DOA rules and procedures. The contractor yesterday and today violated too many laws to count as the contractor attempted to emplace the storm drains that now would cross two properties owned by two owners without any permits or authorization.

One should investigate the Borough of Stanhope's Police force as the Mr Dawalt apparently violated many laws. Please assure all violations of DEP and DOA, and other Health and safety and permits, and certificate and records are valid by inspecting the original sealed, signed and dated valid documents. Have a Title Search done on the properties, there is a restricted deed and resolution that has an 18 feet non-disturbed area and as witnessed by the Sussex County Soil Conservation Engineering contractor and your in-

spector the lower wall was completely illegally placed on the property after the land on 6 Oak Drive was deeded to the new owners on July 12, 2002.

I suggest the DOA and the DEP do what the Land Use Board Attorney and the Borough of Stanhope Environmental Board suggest. Conduct a detailed investigation of the entire submission from the Original Board of Adjustment reviews for the Lot 10-11-12 Block 10902, Board of Adjustment Resolution, compliance with all appropriate State Rules and Procedures and Permits.

The truth can be seen in the Borough of Stanhope's Borough Engineer's John Cilo, Jr. Associates, Inc letter to Mr. Tom Pershouse, the Construction Code Official dated January 8, 2002. Even the rear wooden deck is built on the wrong part of the house at 6 Oak Drive as the deck should be on the northern side but it is constructed on the southern side; no fence was needed but when the construction contractor violated the site plan he built a wall that violated Stanhope Codes and never even submit the design as required as it started to fall apart within a week of construction with soil and rocks falling into the properties of 3 Valley Road and 5 Valley Road past the 18 ft buffer over 20 feet into their properties. The drainage is a disaster. One the wetland and spring was buried, I was the first of many to have their property and homes adversely environmentally impacted by water and significant drainage problems. An 8 ft deep sinkhole of irregular shape on the lower levels appeared in my front property. I have been living here for 30 years and never had a problem as the water was in the spring across the street in a canyon. On 1 Valley, small sinkholes are appearing and the back lawn is wet. On 3 Valley the garage was full of mud and since no protection was provided, slit up to 7 inches deep is 16 ft into her property. She also has small sinkholes. On 5 Valley Road, the back yard gets flooded, silt has flowed 20 feet into their property and rocks and silt are throughout their backyard.

I suggest you get minutes and tapes of the last two Town Council Public meeting and Land Use Board Public hearings in Sep and Oct 2002.

Mr James McDonald, Principal Sanitary Inspector, Division of Health, Office of Environmental Health and Sanitation, Sussex County Administrative Center, One Spring Street, Newton, New Jersey 07860, 973-579-0370, was visiting the area on another matter and I pointed out to him where the wetland, canyon and stream were buried. The contractor never obtained required DOA approvals to start construction on these properties nor do a certificate of occupancy on 6 Oak Drive that was I believe improperly issued on Jul 7, 2002 by the Borough of Stanhope's construction authority and would therefore be invalid.

I can be contacted via email at thomas_caggiano@yahoo.com, fax 775-743-3347.

I look forward to talking with you first before any formal hearing is conducted.

Please review the documents from the various bodies of the Borough of Stanhope and they both ask for an official investigation by the State. If I can be of assistance, please do not hesitate to call me as recommended by the Land Use Board Attorney. I have signifi-

cant data, which I can present to the DOA and DEP prior to any hearing, as I believe the suggested investigation will make the Sussex County Soil Conservation District's certification moot.

Sincerely,

Thomas Caggiano