March 26, 2019

Ms. Maya K. van Rossum
Delaware Riverkeeper
925 Canal Street, Suite 3701
Bristol, PA 19007

Re: Eldred Preserve, 1040 State Route 55
DEC Permit #: 3-4834-00038/00005(P3S), /00006(SD) & /00008(FW)
Town of Highland, Sullivan County
Public Comment Extension Request

Dear Ms. van Rossum:

The New York State Department of Environmental Conservation (Department) has received your request, on behalf of the Delaware Riverkeeper, to extend the public comment period by 60 days for the above-referenced project. An additional request for an unspecified timeframe was received from James Periconi, Periconi, LLC, copied here. The public notice was issued by the Department on February 27, 2019. The notice was published in the Sullivan County Democrat on February 26, 2019. The end of the public comment period is March 29, 2019 or 30 days after the later publication date of the notice.

As you may be aware, the Department processes applications for various permits, including State Pollutant Discharge Elimination Systems (SPDES) permits, Article 17, Titles 7, 8 of the Environmental Conservation Law (ECL), in accordance with 6 NYCRR Part 621, Uniform Procedures (UPA). Under UPA, the Department is required by law to adhere to specific timeframes. Upon determination that an application is “complete,” the Department has 60 days to determine whether to conduct a public hearing and 90 days (for a “major” project) to make a final decision on permit issuance. In this particular case, the date to determine if a public hearing is necessary is April 22, 2019 and the deadline for a decision on permit issuance is May 22, 2019.

The Department is unable to change the above referenced timeframes without the mutual consent of the applicant. However, the Department can grant an extension of the public comment period to a deadline of April 12, 2019 without conflicting with these timeframes. This will allow the Department one week to evaluate any additional comments received on the application prior to making a determination on the need for a public hearing.
Re: DEC Permit #: 3-4834-00038/00005-8
Eldred Preserve – Town of Highland, Sullivan County
Public Comment Extension Request

If there are any questions, please feel free to contact me at 845-256-3050 or by email at sarah.pawlickak@dec.ny.gov.

Respectfully,

Sarah Pawlickak
Division of Environmental Permits

cc: Michael Fraatz, NYSDEC Bureau of Ecosystem Health
Lisa Masi, NYSDEC Bureau of Wildlife
Manju Cherian, NYSDEC Division of Waterp
Lorraine Holdridge, NYSDEC Regional Water Engineer
Brian Orzel, USACE
Amytra Development, Property Owner
Town of Highland Town Clerk
James Periconi, Periconi, LLC
James Veneruso, Veneruso, Curto, Schwartz and Curto, LLP
Christina Zolezi, Langan Engineering
Mike Finan, Langan Engineering