

Thomas M. Sider #2717.

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SEP 29 2008

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ENVIRONMENTAL QUALITY BOARD

Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105-8477

September 25, 2008

Re: Proposed Rulemaking, Environmental Quality Board
(25 PA. CODE CH. 85)
Bluff Recession and Setback
(38 Pa.B. 4617)
(Saturday, August 23, 2008)

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2008 OCT -6 PM 1:59
INDEPENDENT REGULATORY
REVIEW COMMISSION

Dear Sir or Madam:

I am writing to you with my comments regarding the above referenced Proposed Rulemaking.

As background information, I reside at 11810 Old Lake Road in North East Township, PA. I am located approximately 3 miles west of the New York/Pennsylvania State line along the shore of Lake Erie. My property includes beach, bluff (approx. 18-20 feet rise above the beach) and level land with my residence. I have lived here for approximately 16 years. Prior to my purchase of this property in 1992, the former owner reinforced the foot of the bluff during the mid 1970's. The bluff has had zero recession for at least the past approximate 33 years. In addition, since the bluff is not very high on either side of me (ranging from 25 down to 15 feet high) there has been no recession on either side of me. This very modest bluff line is due to the fact of a natural drop in topography on either side of a stream that empties into Lake Erie and is located about 150 feet to the east of my property. In fact, nearly the entire stretch of beach front property (about 1 1/2 miles) to the immediate east and west of me has had little to no bluff recession for at least the 16 years that I have lived here.

During the summer of 2006, I sought permission to add on to the lake side of my residence. I was told that I could construct an addition of no more than 6 feet deep since my residence sat 56 feet from the "bluff line". My reaction to this was one of surprise that the existing regulations approached the issue of bluff recession with what I would describe as a kind of "one size fits all" approach. Why was an 18

foot high bluff that had been stable for over 30 years, treated the same as a 100 foot bluff losing 2-3 feet per year?

The Proposed Rulemaking referenced above is, in my opinion, a much, much fairer approach to the problem of bluff recession. It allows local authorities the flexibility to treat a very low stable bluff differently from a very high bluff while maintaining a minimum of 25 feet of setback. I strongly support adoption of the Proposed Rulemaking allowing local authorities to provide for bluff setback of as little as 25 feet. The Proposed Rule would allow me and others in similar circumstances, the ability to improve and expand our properties and provide additional living space impossible to do under the current regulations.

Thank you for the opportunity to give you my comments.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Tom Sider". The signature is written in a cursive, flowing style with a large initial "T" and "S".

Thomas M. Sider