



EMBARGOED MATERIAL

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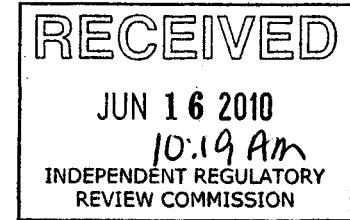
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June 15, 2010

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Sent via email irrc@irrc.state.pa.us
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The Independent Regulatory Review Commission



RE: Proposed Revisions to Title 25, Chapter 102 E&S Control and Storm water Mgt. Impacts of Riparian Buffers

Dear Sir/Madam:

I am writing to oppose the proposed buffer regulations with respect to the arbitrary nature in which the regulations propose to "take" riparian land without just compensation.

The Fourteenth Amendment to the United States Constitution extended the confiscation protection to citizens against their own states, and in so doing created both significant new protections for individual rights and a new avenue for federal interference with State and local democracy. Section 1 of the Fourteenth Amendment states:

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The proposed regulations "Riparian Forest Buffer Guidance" should be removed from the proposed regulation, or at least studied with respect to its cost to business in Pennsylvania.

As an attorney, I have a number of individual lot owners who will completely lose their right to construction a vacation home or retirement home on their property. Some of these owners have been paying dues and taxes on their property for 10-15 years in hopes of some day building a home.

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I am also an owner of commercial property in Blakeslee, Pennsylvania. The recession has affected my business significantly. The promise of new commercial development in the area, namely, 2,000,000 square feet of commercial space to be located off Route 80 in Blakeslee, will be all but thwarted. I urge you to not adopt the regulation as proposed.

Regards,

MERWINE, HANYON & KASPSZYK, LLP

By:



JOSEPH P. HANYON, ESQ.

JPH/lfe

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