

APR 18 2011

CENAN-OP-RW

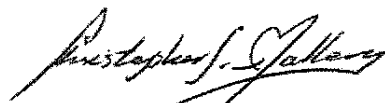
MEMORANDUM FOR RECORD

SUBJECT: Enforcement Case No. 2004-047 (NAN-2004-00505)

Scenic Development, LLC

Town of Ramapo, Rockland County, New York

1. To insure completeness of the administrative record, I have been asked to document the disposition of a request for a regulatory determination with regard to Scenic Development, LLC, and the development of a residential project known as Patrick Farm, contained in a letter to this office and attached submittals from Mark Chertok, of Sive, Paget & Riesel, PC, dated 2 Oct 2008.
2. In a subsequent telephone conversation with Mr. Chertok a few months after these submittals (I do not recall the exact date), I pointed out to Mr. Chertok that my letter of 1 Feb 2007 had stated that any modifications to the project that would have additional impacts to wetlands and waters of the United States would require additional written authorization from this office. In this context, the review of these submittals for such authorization would involve the necessity for further information concerning jurisdictional and cultural resources issues that was not required for the authorization of the previously proposed project.
3. Mr. Chertok stated that it would not be necessary to proceed with the additional processing of these requests.
4. A letter to this office from Ann Cutignola, of Tim Miller Associates, Inc., dated 28 Sep 2009, contained a similar request for a determination. It was determined that Ms. Cutignola was not aware that Mr. Chertok had declined the further review of the matter.
5. Accordingly, no further action was necessary for these requests and submittals.



CHRISTOPHER S. MALLERY
Chief, Western Section