

STATE OF NEW YORK: DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the Application for a Tidal
Wetlands Permit Modification Pursuant to Article
25, Title 4 of the Environmental Conservation
Law and Part 661 of Title 6 of the Official
Compilation of Codes, Rules and Regulations of
the State of New York by

**ORDER OF
DISPOSITION**

DEC Project No.
1-4738-01665/00003

CAROL R. DENSON,

Applicant.

PROCEEDINGS

Applicant, Carol R. Denson, applied to the Department of Environmental Conservation for a modification of Tidal Wetlands Permit Number 1-4738-01665/00003. Applicant is the owner of the Old Barge Restaurant located at 750 Old Main Road, Town of Southold, New York, and sought the modification to allow for the construction of a second story addition, observation deck, and drainage system at the restaurant.

The application was the subject of a notice of public hearing in the Department's Environmental Notice Bulletin, on March 11, 2009. The notice was also published in the March 19, 2009 edition of the Suffolk Times newspaper.

In accordance with the hearing notice, a legislative hearing and an issues conference were held on April 14, 2009 at the Human Resources Center, 750 Pacific Street, Mattituck, New York. One member of the public attended the legislative hearing, but no written or oral comments were received. During the issues conference, the parties advised that settlement was probable, although not imminent, and requested additional time to continue negotiations. In light of the foregoing, I adjourned the issues conference, without date, to provide the parties time to conclude their negotiations. No petitions for party status were filed with this office.

The parties continued their negotiations through the latter part of 2009 and provided periodic updates to this office. On January 22, 2010, Department staff advised this office that all outstanding issues had been resolved and that the permit had been issued. Department staff filed a copy of the permit with this office on February 1, 2010, and that copy has been placed in the hearing record.

ORDER OF DISPOSITION

The parties have resolved all outstanding issues and Department staff has issued the modified permit. Accordingly, the hearing record is now closed.

/s/

Richard A. Sherman
Administrative Law Judge

Dated: February 2, 2010
Albany, New York