

STATE OF NEW YORK: DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the Application for a Freshwater
Wetlands Permit Pursuant to Article 24 of the
Environmental Conservation Law and Part 663 of
Title 6 of the Official Compilation of Codes,
Rules and Regulations of the State of New York

**ORDER OF
DISPOSITION**

- by -

Permit Application No.
1-4722-03795/00001

JOHN O. BEYERNHEIMER,

Applicant.

PROCEEDINGS

Applicant John O. Beyernheimer filed an application for a freshwater wetlands permit with the New York State Department of Environmental Conservation ("Department") for the construction of a single-family residence and associated activities (the "project") on property situated on the south side of West Third Street in the Village of Patchogue, Town of Brookhaven, Suffolk County, New York. The project is to be located within the adjacent area of Class I freshwater wetland P-5.

A notice of public hearing was published by the Department on June 10, 2009, in the Environmental Notice Bulletin and by applicant on June 11, 2009, in the Long Island Advance newspaper. In accordance with the hearing notice, a legislative hearing, issues conference and adjudicatory hearing were held on July 7, 2009.

By memorandum dated December 8, 2009, the Commissioner delegated decision making authority in this proceeding to Louis A. Alexander, the Assistant Commissioner for Hearings and Mediation Services. By interim decision dated December 17, 2009, Assistant Commissioner Alexander directed Department staff to draft permit conditions for the project using applicant's proposed locations for the residence and septic system. The interim decision further directed that, if staff and applicant were able to reach agreement on the terms of the permit, "they shall so advise the ALJ who shall then issue an order of disposition in this matter" (interim decision at 5).

On February 9, 2010, Department staff advised this office that it had issued a permit to applicant for the project. Department staff filed a copy of the permit with this office on February 19, 2010, and that copy has been entered into the hearing record.

ORDER OF DISPOSITION

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

/s/

Richard A. Sherman
Administrative Law Judge

Dated: February 23, 2010
Albany, New York