

**STATE OF NEW YORK
LAKE GEORGE PARK COMMISSION**

In the Matter of the Application for a Stormwater Management Permit Pursuant to Environmental Conservation Law § 43-0112 and Parts 645 and 646 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York,

**ORDER OF
DISPOSITION**

LGPC Application
No. 5328-13-11 SW2
Major

- by -

December 18, 2014

DAVID JERSEN,

Applicant.

PROCEEDINGS

On May 22, 2012, the above referenced permit hearing matter was referred to the New York State Department of Environmental Conservation, Office of Hearings and Mediation Service (OHMS), for the conduct of adjudicatory hearings pursuant to 6 NYCRR subpart 645-6. Applicant David Jersen sought to challenge the Lake George Park Commission's May 7, 2012, notice of intent to deny applicant's application for a stormwater management permit for a project located in the Town of Fort Ann, Washington County.

The matter was assigned to Administrative Law Judge (ALJ) Helene G. Goldberger (see Issues Conference Exhibit 5), who conducted an issues conference on August 7, 2012. After the issues conference, Judge Goldberger issued an issues ruling joining several issues for adjudication (see Matter of Jersen, ALJ Issues Ruling, Nov. 19, 2012).

By letter dated February 15, 2013, applicant requested that Commission staff temporarily suspend review of the application, and that the ALJ suspend permit hearing proceedings (see Letter from Mark Schachner to Helene Goldberger, ALJ [2-15-13]). By letter dated February 19, 2013, Judge Goldberger granted applicant's request to suspend the permit hearing proceedings.

In June 2014, Judge Goldberger retired from State service, and the matter was reassigned to the undersigned ALJ. The parties were so informed by letter dated June 11, 2014.

By letter dated November 17, 2014, I requested that applicant advise me concerning the status of his permit hearing request. Specifically, I requested that applicant advise whether the request for a hearing was withdrawn, whether the hearing record may be closed, and whether the matter may be struck from the OHMS docket. I gave notice that if applicant failed to respond to my letter within thirty days, applicant's hearing request would be deemed withdrawn, and the hearing record closed without any further proceedings.

By letter dated December 17, 2014, applicant's counsel advised that applicant does not intend to proceed with his application at this time, and understands that the application may therefore be deemed withdrawn.

ORDER OF DISPOSITION

Based upon applicant's December 17, 2014, letter, **IT IS HEREBY ORDER THAT** applicant David Jersen's request for a hearing is deemed withdrawn, the permit hearing record is hereby closed, and the matter is remanded to the Lake George Park Commission for those further administrative proceedings deemed appropriate by the Commission.

The original permit hearing file is being returned to David Wick, Executive Director, Lake George Park Commission.

/s/

James T. McClymonds
Chief Administrative Law Judge

Dated: December 18, 2014
Albany, New York