



M E M O R A N D U M

TO: Terry Martino, Executive Director

FROM: John M. Burth, Environmental Program Specialist 2

DATE: January 11, 2012

RE: December Enforcement Program Report

Attached is the Enforcement Program Report for December 2011, including 2011 year-end data, depicting the activities of the enforcement division and management of alleged violations within the Park.

1. This table depicts the number of open cases at the beginning of the reporting period, how many cases were opened or closed during the period, and the number of open cases at the end of 2011.

Open Cases	2011 December	2011 Totals	2010	2009
At Beginning of Period	225	371	363	467
Cases Opened	24	305	380	444
Cases Closed	24	419	372	548
At End of Period	225	225	371	363

2. This table provides a detailed description of enforcement program activity during the reporting period.

	December 2011	2011 Total	2010 Total
New Cases Opened	24	305	380
Site Visits*	14	281	224
Settlement Agreements Sent**	8	198	336
Settlement Agreements Signed	1	112	189
Notice of Violation or Hearing Sent	0	0	5
Cases Referred to AG	0	0	1
Cases Referred to the EC	0	1	0
Cases Closed: Compliance w/o SA	4	46	66
Pre-2000 Subdivisions Closed	5	112	
Cases Closed No Violation	14	149	112

* 25% increase in site visits from 2010 to 2011

** Currently 88 Open Cases with Unsigned Settlement Agreements for the following types of violations: Subdivisions (52), Shoreline Setback (11), Permit Non-compliance (6), Wetlands (6), Other (13).

3. Breakdown of New Cases:

Type of Violation	December 2011	2011 Total
Subdivision Creating Substandard Lots	3	58
Subdivision due to number of lots	0	2
Subdivision in Resource Management	0	26
Wetland Subdivision	3	45
Wetland Disturbance	7	41
Rivers Project	0	1
Permit Violation	4	29
SFD in CEA	0	6
Hunting/Fishing cabin >500 sq ft	0	1
Structure >40' height	0	2
Clearcut >25%	0	3
Commercial Use	2	5
Junkyards	0	3
Campgrounds	0	1
Mobile Home Court	0	2
Shoreline Setback	5	67
Waste Disposal Area	0	3
Sand and Gravel Excavation	0	2
Multiple Family Dwelling	0	3
Tourist Accommodation	0	2

4. **Salesweb Monitoring 2011:**

Month	# Subdivisions in Park	# Cases Opened	# Subdivisions Related to Previous JIF or Permit
January	26	0	25
February	10	0	10
March	3	0	3
April	4	0	3
May	12	0	9
June	7	0	6
July	3	0	3
August	4	0	3
September	11	0	7
October	14	0	10
November	8	1	6
December	10	0	5
TOTAL	112	1	90

Note: In 2011, Salesweb monitoring found one violation out of 112 subdivisions in the Park and 90 subdivisions were related to a previous JIF or permit. In 2010, Salesweb monitoring found 1 violation out of 98 subdivisions undertaken in the Park and 69 subdivisions were related to a previous JIF or Permit. Between 2010 and 2011, the percentage of subdivisions related to a previous JIF or Permit increased from 70% to 80%.

5. **Monthly Report of Enforcement Cases Settled:**

One enforcement case was resolved by settlement agreement executed in **December 2011** as follows:

SETTLEMENTS OF SUBDIVISION VIOLATIONS (1)

These settlements authorize the illegal lots involved in each case, allocate principal building rights, require a permit for future land use or development as appropriate, and require the filing of the settlement in the county clerk's office.

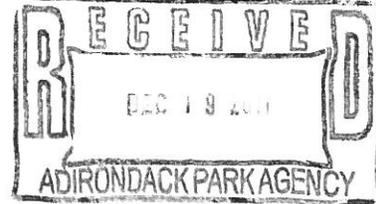
- **Substandard Lot Subdivision (1)**
Moffitt, E2011-0184 (Lake Luzerne, Warren County)

STATE OF NEW YORK: ADIRONDACK PARK AGENCY

-----X
In the matter of the apparent
violations of
Executive Law § 809(2)(a)
on lands owned by:

**WILLIAM MOFFITT
NANCY MOFFITT**

SETTLEMENT AGREEMENT
Agency File E2011-0184



Respondents, on property located in
the Town of Lake Luzerne, Warren County
(Tax Map Parcel 274.-1-74.1)
LUA: Low Intensity Use
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WHEREAS:

1. Pursuant to Executive Law Section 809(2)(a), a permit is required from the Adirondack Park Agency prior to any subdivision of Low Intensity Use lands that results in the creation of a non-shoreline lot smaller than 2.75 acres in size in the Adirondack Park.
2. Tax Map Parcel 274.-1-74.1 ("Lot 74.1"), shown on the map attached hereto as Exhibit A, is an approximately 4.97-acre parcel containing wetlands, located at 17 Gailey Hill Road on Low Intensity Use lands.
3. Respondents are the current owners of Lot 74.1, as described in two deeds recorded in Book 606, Page 485, and Book 3610, Page 12, in the Warren County Clerk's Office.
4. Lot 74.1 is shown on a survey entitled "Map of Survey of lands for Chris and Birgit Rieckermann" prepared by D.L. Dickinson Associates, dated March 31, 1994 and last revised October 2, 2007.
5. Agency investigation reveals that, in 2008, Respondents undertook a boundary line adjustment subdivision creating the current boundaries of Lot 74.1.

No permit was obtained from the Agency prior to this subdivision.

6. As of the August 1, 1973 effective date of the Adirondack Park Land Use and Development Plan, Lot 74.1 was improved by a single family dwelling. Lot 74.1 is currently

improved by a single family dwelling constructed on the property in 1985 that replaced the dwelling constructed prior to 1973, and 2 sheds constructed in 1977.

7. Respondents desire to resolve this matter and agree to be bound by the terms of this Settlement Agreement.

NOW, THEREFORE, THE AGENCY AND RESPONDENTS AGREE AS FOLLOWS:

1. The two portions of Tax Map Parcel 74.1, described in separate deeds as referenced in Paragraph 3 on Page 1 above, shall be considered merged for purposes of Agency jurisdiction.
2. There shall be 1 principal building right associated with Lot 74.1 in addition to the pre-existing single family dwelling or any replacement structure for this dwelling as allowed by 9 NYCRR § 573.6.
3. This settlement is binding on Respondents and all present and future owners of Lot 74.1. All deeds conveying all or a portion of the lands subject to this settlement shall contain references to this Settlement Agreement.
4. By April 1, 2012, Respondents shall file an original copy of this Settlement Agreement under their names in the Warren County Clerk's Office in the same manner as an Agency permit and shall provide proof of such filing to the Agency.
5. This Settlement Agreement resolves the violation cited in Paragraph 5 on Page 1 above. This Agreement shall not be construed as limiting the Agency's right to seek additional relief or penalties for any violation on Lot 74.1 of the Adirondack Park Agency Act or the Freshwater Wetlands Act not cited herein.

Exhibit A: annotated portion of tax map



APA Land Classification	Industrial Use	Historic	NWI Wetland Covertypes	Topographic Contour
Hamlet	Wilderness	State Administrative	Wetland	100 foot
Moderate	Canoe Area	Pending Class.	Linear Wetland	20 foot
Low Intensity	Primitive	Open Water	Tax Map	
Rural Use	Wild Forest	Regulatory Wetlands	Parcel Boundary	
Resource Mgmt.	Intensive Use	EPA Wetland Covertypes		

This map is advisory only and should not be used to confirm the exact presence or location of wetlands, nor any exact boundary for determining Agency jurisdiction.

New York State
Adirondack
Park
Agency
Geographic
Information
System

■ Parcel Search Results:
County: WARREN
Town/Village: Lake Luzerne
Tax Parcel #: 274-1-74.1
2009 Owner: MOFFITT WILLIAM & NANCY
xxlibrorytp133744.epp 09/19/11 Scale 1:6000

E2008-105
Exhibit A

