



**M E M O R A N D U M**

**TO:** Terry Martino, Executive Director

**FROM:** John M. Burth, Environmental Program Specialist 2

**DATE:** February 8, 2012

**RE:** January Enforcement Program Report

Attached is the Enforcement Program Report for January 2012 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 the reporting period.

<b>Open Cases</b>	<b>2012 January</b>	<b>2011</b>	<b>2010</b>
<b>At Beginning of Period</b>	225	371	363
<b>Cases Opened</b>	18	305	380
<b>Cases Closed</b>	41	419	372
<b>At End of Period</b>	202	225	371

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

	<b>January 2012</b>	<b>2012 Total</b>	<b>2011 Total</b>
<b>New Cases Opened</b>	<b>18</b>	<b>18</b>	<b>305</b>
<b>Site Visits</b>	<b>3</b>	<b>3</b>	<b>281</b>
<b>Settlement Agreements Sent*</b>	<b>18</b>	<b>18</b>	<b>198</b>
<b>Settlement Agreements Signed</b>	<b>8</b>	<b>8</b>	<b>112</b>
<b>Notice of Violation or Hearing Sent</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Cases Referred to AG</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Cases Referred to the EC</b>	<b>0</b>	<b>0</b>	<b>1</b>
<b>Cases Closed: Compliance w/o SA</b>	<b>5</b>	<b>5</b>	<b>46</b>
<b>Pre-2000 Subdivisions Closed</b>	<b>22</b>	<b>22</b>	<b>112</b>
<b>Cases Closed No Violation</b>	<b>6</b>	<b>6</b>	<b>149</b>

\* Currently 80 Open Cases with Unsigned Settlement Agreements

**3. Breakdown of New Cases:**

Type of Violation	January 2012	2012 Total	2011 Total
Subdivision Creating Substandard Lots	4	4	58
Subdivision due to number of lots	4	4	2
Subdivision in Resource Management	2	2	26
Wetland Subdivision	3	3	45
Wetland Disturbance	1	1	41
Rivers Project	1	1	1
Permit Violation	0	0	29
SFD in CEA	0	0	6
Hunting/Fishing cabin >500 sq ft	0	0	1
Structure >40' height	0	0	2
Clearcut >25%	0	0	3
Commercial Use	0	0	5
Junkyards	0	0	3
Campgrounds	0	0	1
Mobile Home Court	0	0	2
Shoreline Setback	2	2	67
Waste Disposal Area	0	0	3
Sand and Gravel Excavation	1	1	2
Multiple Family Dwelling	0	0	3
Tourist Accommodation	0	0	2

4. **Salesweb Monitoring 2012:**

Month	# Subdivisions in Park	# Cases Opened	# Subdivisions Related to Previous JIF or Permit
January	15	2	7
February		0	
March		0	
April		0	
May		0	
June		0	
July		0	
August		0	
September		0	
October		0	
November		0	
December		0	
TOTAL	15	2	7

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

Eight enforcement cases were resolved by settlement agreements executed in **January 2012** as follows:

***SETTLEMENTS OF SUBDIVISION VIOLATIONS (2)***

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)**  
Rieckermann, E2011-0184A, (Lake Luzerne, Warren County)
- **Wetland Subdivision (1)**  
Parker, E2009-0008, (Tupper Lake, Franklin County)

**Other Violations (6)**

- E2011-0191, Harris (Fort Ann, Washington County)  
Operation of a commercial sand and gravel extraction in 2011 outside the hours of operation authorized by Settlement Agreement E2009-0030. Settlement Agreement requires operations outside of the authorized hours to cease immediately, and payment of a \$2500 civil penalty.
- E2010-0045, Dattola (Tupper Lake, Franklin County)  
Construction of a cabin in 2009 within 75 feet of the mean high water mark of an unnamed pond and installation of a greywater wastewater treatment system in 2009 or 2010 within 100 feet of the unnamed pond and wetlands without the necessary Agency Variance and in violation of Agency Permit 2001-0087. Construction of a cabin and pit privy in 2004 in violation of Agency Permit 2001-0087. Settlement Agreement requires implementation of an Agency-approved remediation plan, requires construction of an Agency-approved wastewater treatment system, requires submission of on-site wastewater treatment plans for Agency approval prior to any increased occupancy or change in use of the cabin constructed in 2004, places restrictions on removal of vegetation on the property, requires payment of a \$2500 civil penalty, and requires filing in the county clerk's office.
- E2011-0198, Collins (Saranac, Clinton County)  
Operation of a used automobile sales commercial use since 2000 without the necessary Agency permit. Settlement Agreement requires landowner to obtain an after-the-fact permit for the commercial use.
- E2011-0207, Mitchell (Fort Ann, Washington County)  
Construction of a retaining wall and a portion of a single family dwelling within 75 feet of the mean high water mark of Hadlock Pond in 2011 without the necessary Agency Variance. Settlement Agreement requires implementation of an Agency-approved remediation plan, imposes restrictions on the removal of vegetation on the property, requires payment of a \$350 civil penalty, and requires filing in the county clerk's office.

- E2011-0094, Pelerin (Ticonderoga, Essex County)  
Subdivision involving wetlands in 1985 and installation of a mobile home on Resource Management lands in 2010 without the necessary Agency permits. Settlement Agreement requires implementation of an Agency-approved plan for the on-site wastewater treatment system to serve the mobile home, places restrictions on the color and lighting of the mobile home, requires transfer of a principal building right to be associated with the mobile home, and requires filing in the county clerk's office.
- E2011-0094A, Pelerin (Ticonderoga, Essex County)  
Subdivision involving wetlands in 1985, single family dwelling constructed on Resource Management lands in 1986, and installation of an on-site wastewater treatment system within 100 feet of a wetland in 1986 without the necessary Agency permits. Settlement Agreement recognizes the single family dwelling as a lawful structure, requires a permit for any expansion of the single family dwelling, allocates principal building rights to the property, requires upgrading of the on-site wastewater treatment system upon replacement or failure, places restrictions on the color and lighting of the single family dwelling, and requires filing in the county clerk's office.