



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

**TO:** Terry Martino, Executive Director

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

**DATE:** October 3, 2012

**RE:** September Enforcement Program Report

Attached is the Enforcement Program Report for September 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.

Open Cases	2012 August	2011	2010
At Beginning of Period	137	371	363
Cases Opened	17	305	380
Cases Closed	20	419	372
At End of Period	134	225	371

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

	<b>August 2012</b>	<b>2012 Total</b>	<b>2011 Total</b>
<b>New Cases Opened</b>	<b>15</b>	<b>190</b>	<b>305</b>
<b>Site Visits</b>	<b>38</b>	<b>203</b>	<b>281</b>
<b>Settlement Agreements Sent*</b>	<b>4</b>	<b>98</b>	<b>198</b>
<b>Settlement Agreements Signed</b>	<b>3</b>	<b>44</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>8</b>	<b>55</b>	<b>46</b>
<b>Pre-2000 Subdivisions Closed</b>	<b>0</b>	<b>67</b>	<b>112</b>
<b>Cases Closed No Violation</b>	<b>10</b>	<b>100</b>	<b>149</b>

\* Currently 53 Open Cases with Unsigned Settlement Agreements

**3. Breakdown of New Cases:**

Type of Violation	August 2012	2012 Total	2011 Total
Subdivision Creating Substandard Lots	1	27	58
Subdivision due to number of lots	1	9	2
Subdivision in Resource Management	2	8	26
Wetland Subdivision	0	8	45
Wetland Disturbance	5	51	41
Rivers Project	0	3	1
Permit Violation	1	16	29
SFD in CEA	0	2	6
Hunting/Fishing cabin >500 sq ft	0	1	1
Structure >40' height	0	0	2
Clearcut >25%	3	7	3
Commercial Use	0	7	5
Junkyards	1	1	3
Campgrounds	1	1	1
Mobile Home Court	0	0	2
Shoreline Setback	5	35	67
Waste Disposal Area	1	11	3
Sand and Gravel Excavation	0	3	2
Multiple Family Dwelling	1	1	3
Tourist Accommodation	1	2	2

4. **Salesweb Monitoring 2012:**

Month	# Subdivisions in Park	# Cases Opened	# Subdivisions Related to Previous JIF or Permit
January	15	0	9
February	3	0	2
March	6	0	6
April	8	0	6
May	14	0	7
June	4	0	2
July	9	0	8
August	8	0	5
September	8	0	5
October		0	
November		0	
December		0	
TOTAL	75	0	50

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

Three enforcement cases were resolved by settlement agreements executed in **September 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.

- **Resource Management Subdivision (1)**  
Bedard, E2012-0102 (AuSable, Clinton County)
- **Number of Lots Subdivision (1)**  
Manley, E2012-0054 (Saranac, Clinton County)

***OTHER VIOLATIONS (1)***

- E2007-0309, Zelanis (Putnam, Washington County)  
On August 24, 2009, the Agency issued an Enforcement Committee Determination finding three violations of Agency Permit 82-1 on the property, which set forth relief and a penalty with respect to those violations. In a June 1, 2010 decision in a CPLR Article 78 proceeding brought by the Zelanises challenging the Determination, New York Supreme Court, Essex County (i) enforced the Agency's determination of violation and relief with respect to one of the violations of Agency Permit 82-1 involving a waterfront structure; (ii) annulled the Agency's determination of violation and relief with respect to the other two violations of Agency Permit 82-1; (iii) remitted two issues from the Determination regarding the on-site wastewater treatment system and civil penalty back to the Agency for further consideration; and (iv) dismissed the petition and the counterclaim in all other respects. The waterfront structure violation has been remediated and the Settlement Agreement resolves the on-site wastewater treatment system and civil penalty issues remitted back to the Agency.