



**ANDREW M. CUOMO**  
Governor

**TERRY MARTINO**  
Executive Director

**MEMORANDUM**

**TO:** Terry Martino, Executive Director

**FROM:** John M. Burth, Environmental Program Specialist 3

**DATE:** February 5, 2020

**RE:** Regulatory Programs Enforcement Report

The following is the Regulatory Programs Enforcement Program Report for the months of November and December 2019, summarizing the activities of the Enforcement Program and management of alleged violations within the Park.

**1. Enforcement cases opened and closed during the reporting period.**

	<b>November 2019</b>	<b>December 2019</b>	<b>2019</b>
<b>Beginning of Period</b>	<b>212</b>	<b>216</b>	<b>163</b>
<b>Cases Opened</b>	<b>12</b>	<b>10</b>	<b>217</b>
<b>Cases Closed</b>	<b>8</b>	<b>15</b>	<b>169</b>
<b>End of Period</b>	<b>216</b>	<b>211</b>	<b>211</b>

**2. Detailed description of enforcement program activity.**

	<b>November 2019</b>	<b>December 2019</b>	<b>Total 2019</b>
<b>New Cases Opened</b>	<b>12</b>	<b>10</b>	<b>217</b>
<b>Site Visits</b>	<b>12</b>	<b>6</b>	<b>161</b>
<b>Settlement Agreements Sent*</b>	<b>9</b>	<b>3</b>	<b>91</b>
<b>Settlement Agreements Signed</b>	<b>4</b>	<b>5</b>	<b>48</b>
<b>Notice of Violation or Hearing Sent</b>	<b>0</b>	<b>0</b>	<b>1</b>
<b>Cases Referred to Attorney General</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Cases Referred to Enforcement Committee</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Compliance w/o Settlement Agreement</b>	<b>4</b>	<b>0</b>	<b>24</b>
<b>Cases Closed No Violation</b>	<b>1</b>	<b>10</b>	<b>91</b>

\* 25 Currently Open Cases with Unsigned Settlement Agreement

3. Types of Cases Opened:

Alleged Violation	November 2019	December 2019	2019 Total
Substandard Lot Subdivision	0	0	24
Lot Counting Subdivision	0	0	6
Resource Management Subdivision	0	0	10
Critical Environmental Area Subdivision	0	0	1
Wetland Subdivision	0	0	9
Wetland Project	4	1	53
Development in River Area	0	0	3
Permit Violation	3	3	36
Structure Over 40 Feet	0	0	2
25-Acre Clearcut	0	0	2
Commercial Use	0	0	3
Junkyard	0	0	5
Shoreline Structure Setback	4	0	28
Shoreline Cutting	1	2	20
Commercial Sand and Gravel Extraction	0	0	2
Septic w/in 100' of a wetland	0	1	2
Tourist Attraction	0	0	1
Multiple Family Dwelling	0	0	2
Watershed Management	0	0	1
Waste Disposal Area	0	0	4

4. Salesweb Monitoring 2019:

Month	Subdivisions In Park	Cases Opened	Cases Closed After Investigation	Subdivisions Reviewed as JIF or Permit
January	14	0	1	10
February	14	2	1	11
March	7	0	0	5
April	9	0	1	5
May	4	0	0	3
June	16	3	0	12
July	2	0	0	0
August	12	2	0	6
September	7	0	0	3
October	2	0	0	2
November	7	0	0	5
December	10	0	0	7
<b>TOTAL</b>	<b>104</b>	<b>7</b>	<b>3</b>	<b>69</b>

## **5. Monthly Report of Executed Settlement Agreements:**

Nine enforcement cases were resolved by settlement agreements executed in **November and December** as follows:

### **E2019-0137, Hefter (Hopkinton, St. Lawrence County)**

Subdivision involving wetlands in a Hamlet land use area in 2019. Settlement requires filing in the County Clerk's Office and requires that the lots be merged.

### **E2019-0123A, Brotman (Dresdan, Washington County)**

Subdivision in 2019 creating a substandard-sized lot and resulting in five or more lots in a Rural Use land use area. Settlement recognizes the lot as lawful, allocates one principal building, authorizes the construction of one single family dwelling pursuant to authorized plans, requires an Agency permit for any future subdivision, and requires filing in the County Clerk's Office.

### **E2017-0001, Northampton Beach Properties, LLC (Northampton, Fulton County)**

Establishment of a new commercial use in a Moderate Intensity Use land use area in 2015. Settlement recognizes the commercial use as lawful, allocates principal buildings, authorizes the construction of one single family dwelling, and requires prior written Agency authorization for any change to the authorized development.

### **E2019-0052, Jones (Bellmont, Franklin County)**

Construction of a structure greater than 100 square feet in size within 50 feet of the mean high-water mark of Lower Chateaugay Lake involving the expansion of an existing structure within the shoreline setback area in 2016. Settlement requires removal of portions of the structure pursuant to authorized plans, a compliance inspection, and filing in the County Clerk's Office.

### **E2018-0113, Oak Room Associates, LLC (North Elba, Essex County)**

Noncompliance with Conditions 8, 13, and 15 of Agency Permit 2017-0076 in 2018 for a new access road on slopes greater than 15 percent involving ground disturbance, vegetative cutting and expanded hours of operations. Settlement limits vegetation removal and requires prior written authorization for changes to the previously authorized zipline. Settlement requires maintenance of stormwater runoff structures and filing in the County Clerk's Office.

### **E2019-0014, Leichter (Westport, Essex County)**

Subdivision of Resource Management Lands in 1986 within 300 feet of the edge of the right-of-way of a state highway and within a designated Recreational River Area. Settlement recognizes the lot as lawful, authorizes the construction of one single family dwelling and requires filing in the County Clerk's Office.

**E2019-0172, Redmond (Saranac, Clinton County)**

Subdivision involving wetlands in a Rural Use land use area without a valid Agency Permit. Settlement requires filing with a copy of previously unrecorded Agency Permit 2018-0115 in the County Clerk's Office.

**E2019-0172A, Carter (Saranac, Clinton County)**

Subdivision involving wetlands in a Rural Use land use area without a valid Agency Permit. Settlement requires filing with a copy of previously unrecorded Agency Permit 2018-0115 in the County Clerk's Office.

**E2019-0182, Trinkle, (Chester, Warren County)**

Construction of a single family dwelling and vegetative cutting in noncompliance with the requirements of Agency Permit 2009-0258. Settlement recognizes dwelling as lawful subject to restrictions on lighting and removal of vegetation. Settlement requires filing in the County Clerk's Office.

**6. Regulatory Programs Enforcement Staff Coordination**

	<b>Nov. 2019</b>	<b>Dec. 2019</b>	<b>2019 Total</b>
<b>Jurisdictional Determinations Issued</b>	<b>5</b>	<b>3</b>	<b>55</b>
<b>Assigned Project Pre-Applications</b>	<b>4</b>	<b>5</b>	<b>47</b>
<b>Assigned Permit Applications</b>	<b>12</b>	<b>6</b>	<b>116</b>
<b>Site Visits for Review of Project Applications</b>	<b>7</b>	<b>6</b>	<b>121</b>
<b>Permits Issued</b>	<b>12</b>	<b>15</b>	<b>84</b>
<b>Shoreline Photo Inventories</b>	<b>0</b>	<b>0</b>	<b>0</b>