



ANDREW M. CUOMO
Governor

TERRY MARTINO
Executive Director

MEMORANDUM

TO: Terry Martino, Executive Director

FROM: John M. Burth, Environmental Program Specialist 3

DATE: July 8, 2020

RE: Regulatory Programs Enforcement Report

The following is the Regulatory Programs Enforcement Program Report for the months of March, April, May, and June 2020 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.

	March 2020	April 2020	May 2020	June 2020
Beginning of Period	216	216	222	237
Cases Opened	8	12	19	14
Cases Closed	8	6	4	13
End of Period	216	222	237	238

2. Detailed description of Enforcement Program activity

	March 2020	April 2020	May 2020	June 2020	Total 2020
New Cases Opened	8	12	19	14	88
Site Visits	2	0	0	4	16
Settlement Agreements Sent*	7	1	5	3	29
Settlement Agreements Signed	2	4	1	4	16
Notice of Apparent Violation Sent	0	0	0	0	0
Cases Referred to Attorney General	1	0	0	0	1
Cases Referred to Enforcement Committee	0	0	0	0	1
Compliance w/o Settlement Agreement	2	0	0	0	8
Cases Closed No Violation	4	2	3	9	37

*22 Currently Open Cases with Unsigned Settlement Agreements

3. Types of Cases Opened:

Alleged Violation	March 2020	April 2020	May 2020	June 2020	2020 Total
Substandard Lot Subdivision			1	1	7
Lot Counting Subdivision			2	1	3
Resource Management Subdivision	1				2
Critical Environmental Area Subdivision					
Wetland Subdivision		2	2	1	13
Wetland Project	2	3	8	1	17
Development in River Area					
Permit Violation	1	4		1	14
Development in CEA					
Structure Over 40 Feet					
25-Acre Clearcut					4
Commercial Use					
Junkyard			1		2
Shoreline Structure Setback				5	6
Shoreline Cutting	3	1	2	3	9
Waste Disposal Area		1			1
Commercial Sand and Gravel Extraction					1
Dwelling in Resource Management			2		2
Septic w/in 100' of a wetland		1			5
Tourist Attraction					1
Multiple Family Dwelling					
Group Camp	1				1
Watershed Management Project					
Waste Disposal Area					

4. Salesweb 2020 Monitoring

Month	Subdivisions In Park	Cases Opened	Subdivisions Reviewed as JIF or Permit
January	12	1	9
February	4	0	3
March	2	0	2
April	6	0	6
May	6	0	1
June	5	1	5
July			
August			
September			
October			
November			
December			
TOTAL	35	2	26

5. Executed Settlement Agreements: Eleven enforcement cases were resolved by settlement agreements executed in March, April, May, and June as follows:

E2009-0172, Esola (Altona, Clinton County)

Non-compliance with Agency Permit 96-1 and a subdivision in Resource Management involving wetlands in 2006 and installation of a driveway and travel trailers in Rural Use. Settlement recognizes the lot and existing land use and development as lawful, allocates density, restricts clearing and vegetation removal and requires filing in the County Clerk's office.

E2019-0154, Cummings (Schroon, Essex County)

Construction of a single family dwelling in Resource Management without the necessary agency permit. Settlement recognizes the single family dwelling as lawful, requires prior written Agency authorization for the installation of any on-site wastewater treatment and filing in the County Clerk's office.

E2020-0018, Eldred (Dannemora, Clinton County)

Installation of two mobile homes in Resource Management in 1984 and 1992 without the necessary Agency permits. Settlement recognizes the mobile homes as lawful, restricts additional principal buildings, real or potential occupancy increases and exterior lighting. Settlement also requires prior Agency review of any new or replacement on-site wastewater treatment system and filing in the County Clerk's Office.

E2018-0153, Harden/Larzelere (North Elba, Essex County)

Placement of fill in wetlands and subdivision involving wetlands in 2018. Settlement recognizes the lot as lawful, requires removal of the wetland fill, restricts expansion of existing structures within wetlands, requires an Agency permit for any future subdivision or new land use and development, and requires filing in the County Clerk's office.

E2019-0121, Tatro (Ellenburg, Clinton County)

Placement of fill and an accessory structure in wetlands in 2012 and non-compliance with Agency Permit 2010-0275. Settlement amends and supersedes P2010-0275 in relation to the property, authorizes construction of an accessory structure outside of the wetland boundary, requires prior Agency authorization for any additional land use and development, requires removal of the fill and accessory structure, restricts vegetation removal and any disturbance of the intermittent stream on the property.

E2019-0183, Adirondack Vacation LLC (Ottenstien) (Wilmington, Essex County)

Non-compliance with Agency Permit 2015-0173C. Settlement requires modification of the existing on-site wastewater treatment system, prior Agency review of any expansion of the existing dwelling, a civil penalty of \$750.00 and filing in the County Clerk's office.

E2018-0019, Wright (Moriah, Essex County) Subdivision involving wetlands in 2017. Settlement recognizes the lot as lawful, allocates density, requires written authorization from the Agency prior to construction of any on-site wastewater system on the property and filing in the County Clerk's office.

E2020-0032, Jung (Caroga, Fulton County)

Subdivision involving wetlands in 2019. Settlement recognizes the lot as lawful, authorizes a two-lot subdivision, requires prior written Agency approval for driveways and structures, requires an Agency permit prior to any future subdivision of the property or installation of any on-site wastewater treatment system and requires filing in the County Clerk's office.

E2020-0032A, Ruby (Caroga, Fulton County)

Subdivision involving wetlands in 2019. Settlement recognizes the lot as lawful, restricts property against construction of principal buildings, requires prior written Agency approval for driveways and structures, requires an Agency permit prior to any future subdivision of the property or installation of any on-site wastewater treatment system and requires filing in the County Clerk's office.

E2019-0173, Two Loon Ponds, LLC (Franklin, Franklin County)

Subdivision involving wetlands within a designated Study River Area in 2015. Settlement recognizes the lot as lawful, authorizes construction of one single family dwelling, restricts exterior lighting and clearing, requires an Agency permit for any new land use and development within the designated Study River Area, allocates density, requires installation of the approved on-site wastewater treatment system and filing in the County Clerk's Office.

E2019-0184, Rhodehamel (Franklin, Franklin County)

Non-compliance with Agency Permits 1974-0035 and 1993-0084. Settlement recognizes the on-site wastewater treatment system as lawful, requires prior written Agency authorization for any expansion of the dwelling, construction of a guest cottage or any upgrade or replacement of the existing onsite wastewater treatment system, authorizes one dock and requires filing in the County Clerk's office.

6. Regulatory Programs Enforcement Staff Coordination

	March 2020	April 2020	May 2020	June 2020	2020 Total
Jurisdictional Determinations Issued	1	3	2	3	14
Assigned Project Pre-Applications	2	1	2	6	20
Assigned Permit Applications	8	10	14	16	78
Site Visits for Review of Project Applications	3	0	0	4	17
Permits Issued	12	7	5	5	44
Shoreline Photo Inventories	0	0	0	0	0