



Adirondack Park Agency

LEILANI CRAFTS ULRICH
Chairwoman

TERRY MARTINO
Executive Director

MEMORANDUM

TO: Terry Martino, Executive Director

FROM: John M. Burth, Environmental Program Specialist 2

DATE: February 3, 2016

RE: January 2016 Enforcement Program Report

Attached is the Enforcement Program Report for the month of January 2016, 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	2016 January	2015	2014
At Beginning of Period	152	138	121
Cases Opened	18	213	207
Cases Closed	31	199	190
At End of Period	139	152	138

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

	January 2016	Total 2016	2015 Total
New Cases Opened	18	18	213
Site Visits	6	6	182
Settlement Agreements Sent*	13	13	115
Settlement Agreements Signed	13	13	63
Notice of Violation or Hearing Sent	0	0	0
Cases Referred to AG	0	0	1
Cases Referred to the EC	0	0	0
Cases Closed: Compliance w/o SA	3	3	41
Cases Closed No Violation	10	10	86

* Currently 29 Open Cases with Unsigned Settlement Agreements

3. Breakdown of New Cases:

Type of Violation	January 2016	2016 Total	2015 Total	Outcome of Closed* 2015 Cases(Violation or No Violation)
Subdivision Creating Substandard Lots	1	1	2	V-1 NV-1
Subdivision due to number of lots			21	V-11 NV-7
Subdivision in Resource Management	3	3	10	V-0 NV-4
Wetland Subdivision			17	V-15 NV-1
Wetland Disturbance	6	6	55	V-20 NV-14
Rivers Project	1	1	5	V-5 NV-0
Permit Violation			27	V-6 NV-3
SFD in CEA			0	V-0 NV-0
Hunting/Fishing cabin >500 sq ft			0	V-0 NV-0
Structure >40' height	1	1	2	V-0 NV-1
Clearcut >25 Acres			1	V-0 NV-1
Commercial Use	1	1	3	V-1 NV-0
Junkyards	1	1	1	V-0 NV-1
Campgrounds			2	V-0 NV-1
Mobile Home Court			0	V-0 NV-0
Shoreline Setback	1	1	44	V-9 NV-22
Shoreline Cutting	2	2	8	V-0 NV-6
Waste Disposal Area			2	V-0 NV-1

Septic Setback			0	V-0 NV-0
Sand and Gravel Excavation			1	V-0 NV-1
Multiple Family Dwelling			2	V-1 NV-1
Tourist Accommodation	1	1	0	V-0 NV-0
25% Expansion			0	V-0 NV-0

*Annual calculation of closed cases only, remaining cases under investigation as of 12/31/15

4. **Salesweb Monitoring 2016:**

Month	# Subdivisions in Park	# Cases Opened	# Subdivisions Related to Previous JIF or Permit
January	12	1	8
February			
March			
April			
May			
June			
July			
August			
September			
October			
November			
December			
TOTAL			

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

Thirteen enforcement cases were resolved by settlement agreements executed in **January 2016** as follows:

SETTLEMENTS OF SUBDIVISION VIOLATIONS (7)

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 LOTS (1)**
E2015-0117, Moriarty (Black Brook, Clinton County)
- **SUBSTANDARD LOT AND WETLANDS SUBDIVISION (1)**
E2015-0069, O'Connor (Ticonderoga, Essex County)
- **SUBSTANDARD LOT AND LOT COUNTING (1)**
E2008-0146B, Tafuro Trust (Fort Ann, Washington County)
- **LOT COUNTING (2)**
E2015-0120, Nichols (Franklin, Franklin County)
E2015-0120A, Urban (Franklin, Franklin County)
- **SUBSTANDARD LOT, LOT COUNTING, AND HIGHWAY CEA (1)**
E2014-0111C, Liddell (Ticonderoga, Essex County)
- **WETLAND SUBDIVISION (1)**
E2015-0003, Fort Miller Co., Inc. (Queensbury, Warren County)

SETTLEMENTS OF OTHER VIOLATIONS (6)

E2015-0161, Gruber (Schroon, Essex County)

Construction of a single-family dwelling in 2015 within a highway CEA and the designated Schroon River Recreational River Area. Settlement recognizes dwelling as lawful, requires Agency review of any leaching on-site wastewater treatment system, requires tree planting to screen the dwelling from NYS Route 9, and restricts color, lighting, and removal of existing vegetation. Settlement must be filed in County Clerk's Office.

E2015-0138, Cole (Johnsburg, Warren County)

Construction of a 53 foot tall residential windmill. Settlement recognizes windmill as lawful, restricts any expansion of or addition of lighting or communication antennas to the windmill. Settlement restricts removal of vegetation on the property, requires payment of a \$150 civil penalty, and requires filing in the County Clerk's Office.

E2015-0103, Cotes-DeLorenzo (Warrensburg, Warren County)

Construction of a single family dwelling and placement of a mobile home in 1986 by a prior owner within the designated Schroon River Recreational River Area. Settlement recognizes structures as lawful, requires installation of a new on-site wastewater treatment system(s), and requires filing in the County Clerk's Office.

E2015-0121, Verizon Wireless (Crown Point, Essex County)

Undertaking blasting to construct an access road to a telecommunications tower in noncompliance with Agency Permit 2014-0066. Settlement requires payment of a \$1,500 civil penalty.

E2014-0065, Drew (St. Regis Falls, Franklin County)

Undertaking of a major public utility use and construction of an 80 foot tall communications tower in 1980. Subdivision creating a substandard-sized parcel on Rural Use Lands in 2002. Settlement requires submission of an after-the-fact permit for communications tower, recognizes property as lawful, and requires filing in the County Clerk's Office.

E2014-0124, Amarosa (Forestport, Oneida County)

Construction of a fence in 2014 that is greater than 100 square feet in size and located within 50 feet of the mean high water mark of Otter Lake. Settlement requires implementation of an Agency-approved remediation plan.

Inter-Division Coordination

This table provides a description of coordination activities between enforcement staff and other programs within the Agency.

	January 2016	2016 Total	2015 Total
Jurisdictional Determinations Issued from Enforcement	4	4	62
Project Pre-applications Assigned to Enforcement Staff	2	2	38
Permit Applications Assigned to Enforcement Staff	8	8	74
Site Visits by Enforcement Staff for Review of Project Applications	3	3	49
Permits Issued With Enforcement Staff as Assigned Project Review Officer	4	4	21
Shoreline Photo Inventories	0	0	15