



**ANDREW M. CUOMO**  
Governor

**TERRY MARTINO**  
Executive Director

**MEMORANDUM**

**TO:** Terry Martino, Executive Director

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

**DATE:** March 12, 2020

**RE:** Regulatory Programs Enforcement Report

The following is the Regulatory Programs Enforcement Report for the months of January and February 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.**

	<b>January 2020</b>	<b>February 2020</b>
<b>Beginning of Period</b>	<b>211</b>	<b>216</b>
<b>Cases Opened</b>	<b>26</b>	<b>9</b>
<b>Cases Closed</b>	<b>21</b>	<b>9</b>
<b>End of Period</b>	<b>216</b>	<b>216</b>

2. Detailed description of enforcement program activity.

	January 2020	February 2020	Total 2020
<b>New Cases Opened</b>	<b>26</b>	<b>9</b>	<b>35</b>
<b>Site Visits</b>	<b>2</b>	<b>8</b>	<b>10</b>
<b>Settlement Agreements Sent*</b>	<b>8</b>	<b>5</b>	<b>13</b>
<b>Settlement Agreements Signed</b>	<b>4</b>	<b>1</b>	<b>5</b>
<b>Notice of Violation or Hearing Sent</b>	<b>1</b>	<b>2</b>	<b>3</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>2</b>	<b>2</b>
<b>Compliance w/o Settlement Agreement</b>	<b>4</b>	<b>2</b>	<b>6</b>
<b>Cases Closed No Violation</b>	<b>13</b>	<b>6</b>	<b>19</b>

\* 23 Currently Open Cases with Unsigned Settlement Agreements

3. Types of Cases Opened:

Alleged Violation	Jan. 2020	Feb. 2020	2020 Total
<b>Substandard Lot Subdivision</b>	<b>4</b>	<b>1</b>	<b>5</b>
<b>Lot Counting Subdivision</b>			
<b>Resource Management Subdivision</b>		<b>1</b>	<b>1</b>
<b>Critical Environmental Area (CEA) Subdivision</b>			
<b>Wetland Subdivision</b>	<b>7</b>	<b>1</b>	<b>8</b>
<b>Wetland Project</b>	<b>3</b>		<b>3</b>
<b>Development in River Area</b>			
<b>Permit Violation</b>	<b>6</b>	<b>2</b>	<b>8</b>
<b>Development in CEA</b>			
<b>Structure Over 40 Feet</b>			
<b>25-Acre Clearcut</b>	<b>2</b>	<b>2</b>	<b>4</b>
<b>Commercial Use</b>			
<b>Junkyard</b>			
<b>Shoreline Structure Setback</b>	<b>1</b>		<b>1</b>
<b>Shoreline Cutting</b>			
<b>Waste Disposal Area</b>			
<b>Commercial Sand and Gravel Extraction</b>		<b>1</b>	<b>1</b>
<b>Dwelling in Resource Management</b>			
<b>Septic w/in 100' of a wetland</b>	<b>2</b>	<b>2</b>	<b>4</b>
<b>Tourist Attraction</b>	<b>1</b>		<b>1</b>
<b>Multiple Family Dwelling</b>			
<b>Group Camp</b>			

4. **Salesweb Monitoring 2020:**

<b>Month</b>	<b>Subdivisions In Park</b>	<b>Cases Opened</b>	<b>Subdivisions Reviewed as JIF or Permit</b>
<b>January</b>	<b>12</b>	<b>1</b>	<b>9</b>
<b>February</b>	<b>4</b>	<b>0</b>	<b>3</b>
<b>March</b>			
<b>April</b>			
<b>May</b>			
<b>June</b>			
<b>July</b>			
<b>August</b>			
<b>September</b>			
<b>October</b>			
<b>November</b>			
<b>December</b>			
<b>TOTAL</b>	<b>16</b>	<b>1</b>	<b>12</b>

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

Five enforcement cases were resolved by settlement agreements executed in **January and February** as follows:

**E2019-0157A, Smith, Northampton (Fulton County)**

Subdivision in 2019 creating a substandard-sized lot in a Rural Use land use area within 150 feet of the edge of the right-of-way of a state highway. Settlement recognizes the lot as lawful, allocates principal buildings, requires a permit for any new land use and development or subdivision within the highway critical environmental area or any activity involving wetlands, and requires filing in the County Clerk’s Office.

**E2019-0077, Wallace, Schroon (Essex County)**

Subdivision in 2005 involving wetlands. Settlement recognizes the lot as lawful, requires a permit prior to undertaking any subdivision involving wetlands or the construction of any on-site wastewater treatment system within 100 feet of wetlands, requires a letter of non-jurisdiction or a permit prior to undertaking construction of any road, driveway, or structure within 100 feet of wetlands and requires filing in the County Clerk’s Office.

**E2019-0077B, Nightingale, Schroon (Essex County)**

Subdivision in 2013 involving wetlands. Settlement recognizes the lot as lawful, requires a permit prior to undertaking any subdivision involving wetlands or the construction of any on-site wastewater treatment system within 100 feet of wetlands, requires a letter of non-jurisdiction or a permit prior to undertaking construction of any road, driveway, or structure within 100 feet of wetlands and requires filing in the County Clerk's Office.

**E2019-0077D, Fleury, Schroon (Essex County)**

Subdivision in 2018 involving wetlands. Settlement recognizes the lot as lawful, requires a permit prior to undertaking any subdivision involving wetlands or the construction of any on-site wastewater treatment system within 100 feet of wetlands, requires a letter of non-jurisdiction or a permit prior to undertaking construction of any road, driveway, or structure within 100 feet of wetlands and requires filing in the County Clerk's Office.

**E2019-0193, Pacewicz, Keene (Essex County)**

Construction of a single family dwelling without necessary Agency approval as required by Settlement Agreement E2007-0069. Settlement recognizes the single family dwelling as lawful, requires prior written authorization for any expansion of the dwelling, subdivision or new land use and development and restricts exterior lighting and vegetation removal. Settlement supersedes Settlement Agreement E2007-0069 and Permit 83-102 and requires filing in the County Clerk's Office.

**6. Regulatory Programs Enforcement Staff Coordination**

	<b>Jan. 2020</b>	<b>Feb. 2020</b>	<b>2020 Total</b>
<b>Jurisdictional Determinations Issued</b>	<b>4</b>	<b>1</b>	<b>5</b>
<b>Assigned Project Pre-Applications</b>	<b>3</b>	<b>6</b>	<b>9</b>
<b>Assigned Permit Applications</b>	<b>14</b>	<b>16</b>	<b>30</b>
<b>Site Visits for Review of Project Applications</b>	<b>6</b>	<b>4</b>	<b>10</b>
<b>Permits Issued</b>	<b>6</b>	<b>9</b>	<b>15</b>
<b>Shoreline Photo Inventories</b>	<b>0</b>	<b>0</b>	<b>0</b>