



ANDREW M. CUOMO
Governor

TERRY MARTINO
Executive Director

MEMORANDUM

TO: Terry Martino, Executive Director

FROM: John M. Burth, Environmental Program Specialist 3

DATE: February 4, 2021

RE: Regulatory Programs Enforcement Report

The following is the Regulatory Programs Enforcement Program Report for the months of September, October, November, and December 2020, including year-end data, 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

	September	October	November	December
Beginning of Period	262	259	267	261
Cases Opened	20	22	11	7
Cases Closed	23	14	17	9
End of Period	259	267	261	259

2. Detailed Description of Enforcement Program Activity

	Sept. 2020	Oct. 2020	Nov. 2020	Dec. 2020	Total 2020
New Cases Opened	20	22	11	7	200
Site Visits	8	9	5	2	69
Settlement Agreements Sent*	4	1	2	4	46
Settlement Agreements Signed	5	1	1	1	26
Notice of Apparent Violation Sent	0	0	0	0	0
Cases Referred to Attorney General	0	0	0	0	1
Cases Referred to Enforcement Committee	0	0	0	0	1
Compliance w/o Settlement Agreement	1	4	2	0	18
Cases Closed No Violation	14	8	13	8	103

*23 Currently Open Cases with Unsigned Settlement Agreements

3. Types of Cases Opened

Alleged Violation	Sept. 2020	Oct. 2020	Nov. 2020	Dec. 2020	Total 2020
Substandard Lot Subdivision		2	2		11
Lot Counting Subdivision		1			4
Resource Management Subdivision			1		3
Wetland Subdivision					15
Wetland Project	4	5	2		42
Rivers Project		1	1		5
Permit Violation	7	4	1	3	37
25-Acre Clearcut	2	1	1		8
Commercial Use		2			4
Junkyard				1	3
Shoreline Structure Setback	2	5	1	3	26
Shoreline Cutting		1			15
Waste Disposal Area	2				4
Commercial Sand and Gravel Extraction	1				3
Dwelling in Resource Management	1				4
Septic w/in 100' of a wetland	1				11
Tourist Attraction					1
Group Camp					1
Watershed Management Project					1
Campground			2		2

4. Salesweb Monitoring 2020

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	4
June	5	1	5
July	19	0	18
August	1	0	1
September	11	0	5
October	10	0	8
November	5	0	4
December	28	0	24
TOTAL	109	2	89

5. Executed Settlement Agreements: Eight enforcement cases were resolved by settlement agreements executed in September, October, November, and December 2020:

E2020-0008, Lookout Mountain Chalet, (Wilmington, Essex County)

Establishment of an on-site wastewater treatment system absorption field within 100 feet of a wetland and stream in 2011. Settlement recognizes the on-site wastewater treatment system as lawful and requires prior Agency review of any new land use or development, including any expansion in occupancy of the existing single family dwelling, and filing in the County Clerk's Office.

E2020-0009, Adirondack Vacation LLC, (Wilmington, Essex County)

Subdivision involving wetlands resulting in a substandard sized lot in Moderate Intensity Use in 2011, and establishment of an on-site wastewater treatment system absorption field within 100 feet of wetlands in 2012. Settlement recognizes the lot as lawful, allocates principal buildings, requires prior Agency review of any new land use and development on the lot and filing in the County Clerk's Office.

E2020-0030, Cornell University, (North Elba, Essex County)

Construction of a multiple family dwelling on Resource Management lands in 1980, subdivision involving wetlands in 1981, and two subdivisions in Resource Management in 1993 and 1994. Settlement recognizes the multiple family dwelling and previously created lots as lawful, supersedes prior Agency permits and settlements, authorizes a prospective subdivision and boundary line adjustment, allocates principal buildings, requires prior Agency review of new land use, development, on-site wastewater treatment replacement, a merger deed and filing in the County Clerk's Office.

E2020-0048, Myers, (Saranac, Clinton County)

Subdivision involving wetlands in 1986. Settlement recognizes the lot as lawful, authorizes a prospective two-lot subdivision, allocates density, requires prior Agency review of any further subdivision or additional land use and development and restricts lighting and on-site wastewater treatment. Settlement requires filing in the County Clerk's Office.

E2020-0099, Kries, (Keene, Essex County)

New land use and development in a Resource Management land use area within 300 feet of the edge of right-of-way of a state highway, within one eighth mile of a wilderness area and within one quarter mile of a designated Recreational River in 2008, 2011 and 2016. Settlement recognizes the land use and development as lawful, authorizes the construction of a single family dwelling and installation of an on-site wastewater treatment system, allocates principal buildings, restricts lighting, building color, subdivision and new land use and development and requires removal or registration of an existing travel trailer, and filing in the County Clerk's Office.

E2020-0112, Hamlin, (Schroon, Essex County)

Subdivision within one eighth mile of a wilderness area in a Moderate Intensity Use land use area in 2014. Settlement recognizes the lot as lawful, authorizes a single family dwelling and installation of an on-site wastewater treatment system, allocates principal buildings, restricts lighting, and requires filing in the County Clerk’s Office.

E2020-0168, Olcott, (Ticonderoga, Essex County)

Subdivision into sites in Rural Use in 1980, 1989, and 2015 involving the construction of a single family dwelling and the installation of three mobile homes. Settlement requires removal of the three mobile homes and an Agency permit for any future subdivision of the property. The settlement restricts the lot to one principal building and must be filed in the County Clerk’s Office.

6. Regulatory Programs Enforcement Staff Coordination

	Sept. 2020	Oct. 2020	Nov. 2020	Dec. 2020	2020 Total
Jurisdictional Determinations Issued	25	23	5	4	103
Assigned Project Pre- Applications	8	5	7	5	49
Assigned Permit Applications	19	15	15	16	190
Site Visits for Review of Project Applications	12	7	10	5	73
Permits Issued	19	20	14	10	138
Shoreline Photo Inventories	1	0	0	0	1