



KATHY HOCHUL
Governor

TERRY MARTINO
Executive Director

MEMORANDUM

TO: Terry Martino, Executive Director

FROM: John M. Burth, Environmental Program Specialist 3

DATE: January 7, 2022

RE: Regulatory Programs Enforcement Report

The following is the Regulatory Programs Enforcement Program Report for 2021, 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.

2021 Totals	
Open Cases at Start of Reporting Period	259
Cases Opened	188
Cases Closed	134
End of Period	313

2. Description of enforcement case activity

	2021 Total
New Cases Opened	188
Enforcement Site Visits	75
Settlement Agreements Sent	31
Settlement Agreements Signed	25
Compliance Without Settlement Agreement	23
Cases Closed No Violation	77
Notice of Apparent Violation Sent	1
Enforcement Committee Determinations	2
Cases Requiring Attorney General Representation	1

3. Types of Cases Opened:

Type of Alleged Violation	2021 Total
Substandard Lot Subdivision	9
Lot Counting Subdivision	5
Wetland Subdivision	8
Wetland Project	64
Development in River Area	6
Permit Violation	27
25-Acre Clearcut	3
Commercial Use	5
Junkyard	1
Shoreline Structure Setback	14
Shoreline Cutting	22
Waste Disposal Area	5
Commercial Sand and Gravel Extraction	1
Dwelling in Resource Management	5
Septic w/in 100' of a wetland	4
Multiple Family Dwelling	1
Campground	5
Septic w/in 100' of a waterbody	1

4. Salesweb Monitoring 2021

Month	Subdivisions In Park	Cases Opened	Subdivisions Reviewed as JIF or Permit
January	3		1
February	19		13
March	25		17
April	14	1	7
May	15		10
June	16		9
July	19		9
August	10	1	7
September	10		5
October	6		4
November	7		5
December	6		3
TOTAL	150	2	90

5. Executed Settlement Agreements:

Nine enforcement cases were resolved by settlement agreements executed in August, September, November, and December 2021 as follows:

E2007-0112D, Simpson (Town of Moriah, Essex County)

Amended settlement agreement to resolve subdivision involving wetlands. Settlement recognizes lot as lawful, requires a permit for construction of a dwelling or further subdivision or activities involving wetlands, and must be filed in the county clerk's office.

E2021-0136, Kirollos (Town of Harrietstown, Franklin County)

Expansion of a single family dwelling in 2014 in noncompliance with Permit 2004-0153. Settlement recognizes dwelling as lawful, requires on-site wastewater treatment system upgrades to meet standards, and requires filing in the county clerk's office.

E2019-0153, Heroux (Town of Webb, Herkimer County)

Commercial use in a Recreational River Area undertaken since 1973. Settlement recognizes commercial use as lawful, requires Agency authorization for any expansion or changes, restricts outdoor lighting, and requires filing in the county clerk's office.

E2021-0142, Massaro/Deyo (Town of Ausable, Clinton County)

Construction of two single family dwellings in a designated Recreational River Area creating substandard-sized sites in 1991 and 1997. Settlement recognizes dwellings as lawful, requires Agency authorization for any expansion of the dwellings, requires upgrading of the on-site wastewater treatment systems upon replacement or failure, restricts lighting, allows for a two-lot subdivision of the property, and requires filing in the county clerk's office.

E2020-0153, Levine (Town of Hague, Warren County)

Wetland fill in 2020. Settlement requires implementation of an Agency-approved remediation plan by December 30, 2021.

E2021-0129, Carver Sand and Gravel, LLC (Town of Ephratah, Fulton County)

Operation of a commercial sand and gravel extraction in 2021 in noncompliance with Agency Permit 2008-0248C. Settlement requires payment of a \$1,500 civil penalty.

E2021-0100, Eissenstat (Town of Webb, Herkimer County)

Construction of a single family dwelling within the shoreline setback of Easka Lake by a prior owner in 1983. Settlement recognizes dwelling as lawful, requires Agency authorization for any expansion, places restrictions on septic and lighting, and requires filing in the county clerk's office.

E2021-0147, Harris (Town of Johnsburg, Warren County)

On-site wastewater treatment system installed within 100 feet of wetlands in 2004. Settlement requires replacement of the system and payment of a \$100 civil penalty.

E2021-0157, Conibear (Town of Greig, Lewis County)

Subdivision in 2021 involving ten or more lots in a Low Intensity land use area since 1973. Settlement recognizes lot as lawful and allows for construction of a single family dwelling subject to conditions on footprint, height, lighting, and septic. Settlement allocates principal buildings and requires filing in the county clerk's office.