



**SHERMAN CRAIG**  
Chairman

**TERRY MARTINO**  
Executive Director

**MEMORANDUM**

**TO:** Terry Martino, Executive Director

**FROM:** John M. Burth, Environmental Program Specialist 2

**DATE:** November 2, 2016

**RE:** Enforcement Program Report

Attached is the Enforcement Program Report for the month of October 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.

| <b>Open Cases</b>             | <b>2016<br/>October</b> | <b>2015</b> | <b>2014</b> |
|-------------------------------|-------------------------|-------------|-------------|
| <b>At Beginning of Period</b> | <b>146</b>              | <b>138</b>  | <b>121</b>  |
| <b>Cases Opened</b>           | <b>13</b>               | <b>213</b>  | <b>207</b>  |
| <b>Cases Closed</b>           | <b>17</b>               | <b>199</b>  | <b>190</b>  |
| <b>At End of Period</b>       | <b>142</b>              | <b>152</b>  | <b>138</b>  |

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

|  | <b>October<br/>2016</b> | <b>Total<br/>2016</b> | <b>2015<br/>Total</b> |
|--|-------------------------|-----------------------|-----------------------|
| <b>New Cases<br/>Opened</b>                        | <b>13</b>               | <b>180</b>            | <b>213</b>            |
| <b>Site Visits</b>                                 | <b>26</b>               | <b>160</b>            | <b>182</b>            |
| <b>Settlement<br/>Agreements<br/>Sent*</b>         | <b>6</b>                | <b>86</b>             | <b>115</b>            |
| <b>Settlement<br/>Agreements<br/>Signed</b>        | <b>4</b>                | <b>53</b>             | <b>63</b>             |
| <b>Notice of<br/>Violation or<br/>Hearing Sent</b> | <b>0</b>                | <b>0</b>              | <b>0</b>              |
| <b>Cases<br/>Referred to<br/>AG</b>                | <b>0</b>                | <b>0</b>              | <b>1</b>              |
| <b>Cases<br/>Referred to<br/>the EC</b>            | <b>0</b>                | <b>0</b>              | <b>0</b>              |
| <b>Cases<br/>Closed:<br/>Compliance<br/>w/o SA</b> | <b>9</b>                | <b>35</b>             | <b>41</b>             |
| <b>Cases<br/>Closed No<br/>Violation</b>           | <b>4</b>                | <b>89</b>             | <b>86</b>             |

\* Currently 23 Open Cases with Unsigned Settlement Agreements

### 3. Breakdown of New Cases:

| Type of Violation                     | October 2016 | 2016 Total | 2015 Total | Outcome of Closed* 2015 Cases(Violation or No Violation) |
|---------------------------------------|--------------|------------|------------|--|
| Subdivision Creating Substandard Lots |              | 4          | 2          | V-1<br>NV-1  |
| Subdivision due to number of lots     | 3            | 9          | 21         | V-11<br>NV-7   |
| Subdivision in Resource Management    | 3            | 12         | 10         | V-0<br>NV-4  |
| Wetland Subdivision                   | 1            | 12         | 17         | V-15<br>NV-1   |
| Wetland Disturbance                   |              | 38         | 55         | V-20<br>NV-14  |
| Rivers Project                        |              | 4          | 5          | V-5<br>NV-0  |
| Permit Violation                      | 3            | 27         | 27         | V-6<br>NV-3  |
| SFD in CEA                            |              |            | 0          | V-0<br>NV-0  |
| Hunting/Fishing cabin >500 sq ft      |              | 0          | 0          | V-0<br>NV-0  |
| Structure >40' height                 |              | 4          | 2          | V-0<br>NV-1  |
| Clearcut >25 Acres                    |              | 2          | 1          | V-0<br>NV-1  |
| Commercial Use                        |              | 8          | 3          | V-1<br>NV-0  |
| Junkyards                             |              | 3          | 1          | V-0<br>NV-1  |
| Campgrounds                           |              | 2          | 2          | V-0<br>NV-1  |
| Mobile Home Court                     |              |            | 0          | V-0<br>NV-0  |
| Shoreline Setback                     | 1            | 19         | 44         | V-9<br>NV-22   |
| Shoreline Cutting                     |              | 15         | 8          | V-0<br>NV-6  |
| Waste Disposal Area                   |              | 4          | 2          | V-0<br>NV-1  |
| Septic Setback                        | 1            | 1          | 0          | V-0<br>NV-0  |

|                                      |          |          |          |                     |
|--------------------------------------|----------|----------|----------|---------------------|
| <b>Sand and Gravel Excavation</b>    |          |          | <b>1</b> | <b>V-0<br/>NV-1</b> |
| <b>Multiple Family Dwelling</b>      |          |          | <b>2</b> | <b>V-1<br/>NV-1</b> |
| <b>Tourist Accommodation</b>         | <b>1</b> | <b>2</b> | <b>0</b> | <b>V-0<br/>NV-0</b> |
| <b>25% Expansion</b>                 |          | <b>2</b> | <b>0</b> | <b>V-0<br/>NV-0</b> |
| <b>New Land Use in CEA</b>           |          | <b>1</b> |          | <b>V-0<br/>NV-0</b> |
| <b>Commercial or Private Airport</b> |          | <b>1</b> |          | <b>V-0<br/>NV-0</b> |
| <b>SFD in RM</b>                     |          | <b>3</b> |          | <b>V-0<br/>NV-0</b> |
| <b>Marina</b>                        |          | <b>1</b> |          | <b>V-0<br/>NV-0</b> |
| <b>Lot Width</b>                     |          | <b>1</b> |          | <b>V-0<br/>NV-0</b> |

\*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     | 7                      | 0              | 7  |
| March        | 3                      | 0              | 3  |
| April        | 9                      | 0              | 2  |
| May          | 1                      | 0              | 1  |
| June         | 3                      | 0              | 3  |
| July         | 9                      | 0              | 6  |
| August       | 12                     | 1              | 9  |
| September    | 10                     | 2              | 8  |
| October      | 9                      | 0              | 5  |
| November     |                        |                |  |
| December     |                        |                |  |
| <b>TOTAL</b> | <b>75</b>              | <b>4</b>       | <b>52</b>  |

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

Four enforcement cases were resolved by settlement agreements executed in **October 2016** as follows:

- **E2016-0138, Hidenbrandt and Piccone, (Hope, Hamilton County)**  
Construction of a 600 square foot single family dwelling in 1980 by a prior owner within 150 feet of the designated Sacandaga Recreational River and 1/8 mile of the designated Silver Lake Wilderness Area. Settlement recognizes dwelling as lawful, requires Agency review of replacement of the on-site wastewater treatment system, and places restrictions on lighting, building color, and vegetation removal on the property. Settlement allows for a proposed 2-lot subdivision of the property and requires filing in the County Clerk's Office.
- **E2016-0114, Mountain Air Holdings, LLC, (North Elba, Essex County)**  
Outside storage and display of products in noncompliance with Permit 96-117B. Settlement requires implementation of an Agency-approved screening plan and filing in the County Clerk's Office.

- **E2013-0116, Cram & Horrigan, (Hope, Hamilton County)**  
Construction of a 600 square foot single family dwelling in 1980 by a prior owner within 100 feet of the designated Sacandaga Recreational River and construction of a 512 square foot lateral and rearward expansion in 2013 by a prior owner. Settlement recognizes 2016 on-site wastewater treatment system upgrade pursuant to Agency-approved plans, recognizes dwelling as lawful, places restrictions on lighting and vegetation removal on the property and requires filing in the County Clerk's Office.
- **E2013-0094, Dickinson, (Lake George, Warren County)**  
Subdivision involving wetlands in 2013. Settlement allocates principal buildings, requires a permit for future subdivision or on-site wastewater treatment system within 100 feet of wetlands and requires Agency review of any road, driveway, or structure within 100 feet of wetlands. Settlement must be filed in the County Clerk's Office.

### **Inter-Division Coordination**

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

|   | <b>October<br/>2016</b> | <b>2016<br/>Total</b> | <b>2015 Total</b> |
|---|-------------------------|-----------------------|-------------------|
| <b>Jurisdictional<br/>Determinations Issued from<br/>Enforcement</b>                        | <b>5</b>                | <b>28</b>             | <b>62</b>         |
| <b>Project Pre-applications<br/>Assigned to Enforcement<br/>Staff</b>                       | <b>7</b>                | <b>44</b>             | <b>38</b>         |
| <b>Permit Applications<br/>Assigned to Enforcement<br/>Staff</b>                            | <b>16</b>               | <b>124</b>            | <b>74</b>         |
| <b>Site Visits by Enforcement<br/>Staff for Review of Project<br/>Applications</b>          | <b>9</b>                | <b>70</b>             | <b>49</b>         |
| <b>Permits Issued With<br/>Enforcement Staff as<br/>Assigned Project Review<br/>Officer</b> | <b>4</b>                | <b>42</b>             | <b>21</b>         |
| <b>Shoreline Photo<br/>Inventories</b>  | <b>0</b>                | <b>2</b>              | <b>15</b>         |