

**TOWN OF LIBERTY
PLANNING BOARD MINUTES
June 21, 2011**

MEMBERS PRESENT

Diane S. Deutsch, Chairman
Lynn Dowe
Ray Kelly
Dean Farrand
John Van Etten
Peter Stettner, Alternate
Denise Birmingham, Alternate

ABSENT

Walter F. Garigliano, Town Attorney

ALSO PRESENT

Mark Van Etten, Building CEO
See attached sign in sheet

CHAIRMAN DIANE S DEUTSCH CALLED THE MEETING TO ORDER AT 7:00 PM.

PUBLIC HEARING:

Mazel Tov Properties LLC
Special Use Permit
548 Cooley Road
SBL: 2.-1-13.1
Zone: RD #2011-0010

Seventeen notices sent, 16 green cards received.

Chairman Deutsch asked if there was anyone from the public who wished to comment.

Mrs. Edwards spoke about the noise and the garbage by the last tenants of the property. She also mentioned the problem of water runoff from the parking area onto her property.

Bonnie Riker said that Mrs. Edwards said most of what she would have said and just added that the noise went on to 11, 12 and sometimes 1 a.m. That the children were disrespectful. She mentioned the red staff building that was posted with keep out signs and wondered how it was still standing.

ON A MOTION MADE BY LYNN DOWE AND SECONDED BY DEAN FARRAND, THE PUBLIC HEARING WAS CLOSED. ALL IN FAVOR. APPROVED.

Gary Silver, Chris Adler and Bill Sattler appeared for this project. Mendel Tevel, the applicant and Israel Weingarten, the prospective tenant, remained seated. Bill Sattler explained that Wayne Greenblatt was hired to repair the barn and it would only be used for storage. He said that there would have to be a large rain for there to be runoff but perhaps they could divert whatever runoff there would be to the ditch. Motel A is to be a dormitory for boys. Hotel H for staff and family, recreation and a shul, Motel B for staff and family. The staff building is to be demolished, though they found that it would cost \$15,000 to \$20,000 to do so, they would secure the building temporarily. Chris Adler said it was structurally sound but they would wait until fall to demolish. They proposed boarding the windows and doors and putting fencing around to make it difficult as possible to enter. John VanEtten asked how high the fencing would be and was told five feet high and 10 feet away from building. John Van Etten said he would like to see the area between the fencing and the building larger except, of course, where it was

impossible. Chris Adler said the wall integrity in the main building was non-structural and had no effect on integrity of building.

IT WAS AT THIS POINT THAT IT WAS DISCOVERED THE RECORDER HAD BEEN OFF AND WAS SWITCHED ON.

Gary Silver: ...there will be some families there. Mostly they will be doing Talmudic studies. There will be some swimming and other sports for a few hours a day. They plan to be there from July through July and August, maybe starting a few days before July. This camp I understand was five years on Todd Road in Fallsburg and for a few years after that at UNCLEAR Road in Ulster County. I have Israel here if you have any questions for him about that, I imagine you do, that's why he's here so he can answer questions about the camp, what they intend to do, what they've done in the past.

Chairman Deutsch: I have another question.

Gary Silver: Okay, not a problem.

Chairman Deutsch: The playground and Motel B is across the road from where the pool is, the hotel is, I guess the dining room. Are young children going to be walking across that, that's a pretty fast road. People will just tear down that road.

Chris Adler: Motel B is going to be chiefly family and staff members. All of the young children are going to be on this side of the road.

Chairman Deutsch: But the playground is on that side.

Chris Adler: The line of sight should be too much of a problem. I'm assuming it was used for children before.

Dean Farrand: The line of sight coming out of Cooley is not good at all. It's not, I mean I've been there many times, I was there today. There's not a lot of sight there and Diane, it's a 60 mph road up there. It's not supposed to be, but that's what it is. Staff and family. You said 10 staff members and family.

Gary Silver: 10 staff members and their families.

Dean Farrand: And they need Hotel H which is the biggest building on the property and Motel B?

Gary Silver: We're not indicating that we're filling everything up. Not necessarily. We're just saying those are the buildings that will be used for that. Whether or not they'll be full or not...

Dean Farrand: Well is there an option not to use Motel B and keep everybody on one side of the road is where I'm going with this.

Gary Silver: Well they would still have to go to the other side of the road for the playground, so that issues isn't because that's staff and family here, I think the issue Diane raised is because the playground is on the other side.

Chairman Deutsch: Well it was both because if there are young children in Motel B they're going to be going back and forth.

Gary Silver: Maybe Mr. Weingarten can speak to the supervision of the campers. This is a camp it's not just a bunch of campers with a family barbeque with children running around. I would hope that they would be supervised. I mean they're 14 to 17 year olds, not 8 year old kids and I would hope that the supervision of the camp, perhaps he can speak to that, what their methodology is for keeping the kids in tow.

Israel Weingarten: I work with the yeshiva throughout the year and I know the staffer on a personal level and I know the Rabbis, I know the teachers. They take their responsibility very well, very safety conscious people. I know them for a while. I know their operation, know how they run their school throughout the year. It's a very, I would say a tight ship. I mean there's no loose ends with boys running around or being on their own. Supervision is all the time very closely watched. I know how they, the way they do things, the way they did things in the past in the summers, they don't just let boys go out on their own even they are 14 year olds, 15 year olds, 16 year olds, they watch their kids. I mean to say they consider them teenagers, but they consider them kids for all intents and purposes. They speak to them very well and the connection from the teachers since they are not just a summer camp they are a school throughout the year. That relationship is not just a two month relationship between the boys

and the supervision, the supervision is throughout the year. They know that. So, therefore the level of supervision and the connection between the boys and the staff who are going to be watching them are there throughout the year. And they go back to the school, so these boys aren't just having a good time for the two months and running back there wherever they are. So they have to live up to their standards and that's the way they run their operation. That's as much as I can say about the way they are.

Dean Farrand: So the boys in the dorm are between 14 and 16 years old?

Israel Weinstein: 17.

Dean Farrand: 17.

Denise Birmingham: They can jump over a five foot fence.

Dean Farrand: And the family members can be any age group because they're bringing their children up with them.

John Van Etten: I'd like to go through Mrs. Edwards's comments one at a time just to make sure we covered everything.

Chairman Deutsch: Yes.

John Van Etten: Garbage was left last time, obviously that wasn't your client, but your client needs to be made aware that that's not appreciated should it occur.

Chairman Deutsch: On that point we had talked last time about that.

Dean Farrand: About a packer.

Chairman Deutsch: Yeah, I don't see that on here.

Gary Silver: What you said actually was that perhaps a compacter would be a better idea.

Mark Van Etten: There been back in the past on the property because of the way the wind carries through, the placement of the dumpster, it was throughout the neighborhood pretty much every week. And therefore, that was one of the comments going into this that that needed to be addressed. And that up until just now I was under the assumption that it was being mandatory that a packer was put in. The second thing, let me, if you don't let me remind you that there are violations on the red building which has been outstanding for some time. In our pre-public hearing meeting we were very clear that that needed to be addressed. The second thing is those green buildings. Those green buildings do not have a C/O. There are open building permits which are violations. So just by ignoring one and saying well whatever we do later on we'll do, I got to remind the Board that they are violations and they need to be addressed regardless of what they do. And they are modular, they were brought in for a purpose, classrooms. If they can be converted to storage, I think they can through Mr. Adler's office. But that's something I have to check with the State to make sure it can be done.

Chairman Deutsch: We're back on the list.

John Van Etten: Third item is violations on the property. The Code Enforcement Officer just addressed that. The lake should have a fence down in back.

Mark Van Etten: I believe there were comments during the DOH and my inspection, that there was a fence there that the last owner was supposed to put back up again. Only a small area, where the lake was visible to the main building where you could have lake access rights because there was a bunch of swamp there. I'm going back through last owner.

Gary Silver: This is first I've heard about comments of fence on the lake.

Mark Van Etten: Well.

Gary Silver: No, no, I understand that. When I was a kid there was no fence in the lake, unfortunately...

Mark Van Etten: Again the DOH is going to regulate these folks in what they do there, also they're going to be particular.

Gary Silver: Oh absolutely. If the DOH makes that a requirement they'll have to comply.

Mark Van Etten: It is what it is.

Gary Silver: They do understand that there are two separate sets of requirements. There's one for the Planning Board there's also one for the DOH.

John Van Etten: The next comment was that the old building is full of paint cans. I didn't look inside. I didn't really get that close to it.

SEVERAL TALKING AT ONCE

Gary Silver: The red staff house.

Mrs. Edwards: A fence around it.

John Van Etten: That the back modular shouldn't be there. There's runoff on her property and I believe we're going to require a berme and maybe make a condition that if that berme doesn't work that the applicant will have to do something else to remedy the issue. She said that there's much work that needs to be done. Her daughter basically mentioned the same sort of items, that there's garbage in her yard as well. The amount of children and the red building should be demolished. So I had a couple questions myself. One, are there any loudspeakers up there? I didn't notice any but is there any intention to use any loudspeakers at the camp.

Israel Weingarten: No, no intention.

Bill Sattler: No, no loudspeakers.

John Van Etten: The other questions was on the lighting. I know sometimes I've gone by there at night and there's some strange spotlights shining in my eyes along the road and things like that.

Bill Sattler: It's Parksville, not Roswell.

LAUGHTER

John Van Etten: So I'm not sure how the Board wants to address that.

Chairman Deutsch: The usual requirements I would think.

John Van Etten: Cutoff shoebox fixtures to replace the downcast floodlights there now.

Gary Silver: You hear that?

John Van Etten: That was all...

Chairman Deutsch: Anyone else?

Peter Stettner: I was concerned about the age of the kids. Just give them a locked building and dare them to try and get into it, they're gonna. I just feel they're going to find a way to get into it. I don't know. Push the fence out, make it higher. I don't know. Kids will be kids. I worked with them for too many, for too long, too many years. They'll try to get in. So I really thing that's something you really gotta...

Bill Sattler: In that case it might work even better to apply chain link fencing right to the building.

Peter Stettner: Okay.

Bill Sattler: There's nothing for them to climb, they can't get a finger hold on that.

Peter Stettner: I grew up in the city, you climbed over chain link all the time.

Bill Sattler: Two layers high so it would be eight foot tall.

Denise Birmingham: Five foot tall. I've seen a kid jump over five foot tall fence, just jumped right over.

Dean Farrand: I can get over that and I'm not a kid, LAUGHTER, in case you didn't realize it. MORE LAUGHTER

Bill Sattler: It depends on what was chasing you.

Dean Farrand: Yeah, that's true too.

John Van Etten: Dean, can I cut you off for just a second.

Dean Farrand: Yeah, you can certainly.

John Van Etten: So to get back to what our Code Enforcement Officer was saying, I don't know if a chain link fence addresses the open violations on that, does it?

Mark Van Etten: Not really.

Gary Silver: What we're looking for now, we're not looking for that to be a permanent solution whatsoever. We're not saying we'll put chain link on UNCLEAR my client just because of the financial burden he has, as I told you last time, this was a company owned by the father who passed away and kind of left it, I'm sure he didn't think of it as a burden, but it's turned out to be a burden upon his children who have been trying to figure out a way to make this property work and to do something with it. And if they can have the camp come in the summer that will free up some for them and then all these other things, and that's why you discussed last time making this a very temporary special use permit just for the summer or for one year or for whatever you want to call it and then after the summer when they'd have funds, then all the more permanent solutions will be a lot easier to be

addressed and that's UNCLEAR That red building even on the plan says to be demolished, it has to come down. Because of funds right now and they recently just went into agreement with the County to pay for a tax plan to pay it off. They are a tax paying entity. It's not that they have free funds because they don't have to pay taxes. They've worked off something with the County to pay the taxes off in time and they're hoping that with this camp coming in the summer with the income it will generate they can induce cancelled renovations and the first thing of course would be to take that red building down.

Chairman Deutsch: Dean?

Dean Farrand: Yeah, I mean I was going to approach the violation issues and I mean beyond the very real issue of safety for the children I don't believe this Board has ever approved a site plan with open violations and if we do that we need to have a very clear understanding of those violations and when they're going to be taken care of. Because while I might be able to understand the difficulty with taking care of the red building violation, I'm not sure I understand why the buildings up here can't be taken care of now. And from what I understand from Mark is that there are violations there.

Gary Silver: I think we're probably focusing more on the one on the right. Because the one on the left, if in fact it is open, should be converted to storage.

Dean Farrand: You're missing the point. I don't mean to cut you off.

Gary Silver: No, no, no.

Dean Farrand: We have made a stance in this Planning Board that if there's an open violation on that property, there is no approval for the site plan until the violations are taken care of. I think that's been a long standing from way back when you guys, I mean you guys have been on the Planning Board for 90 years. Forever. LAUGHTER In the perspective of what we're talking about. So you're in front of the Board asking us to change something that's always been a stand fast rule for the exact reason Ray has said it. In our experience, if we don't make it happen, it doesn't happen. And again, while I might understand the red building because it's a timing issue and maybe there's ways, and I'm saying maybe right now. Maybe there's ways to mitigate that. I need to hear and understand why those violations cannot be taken care of on these two buildings. Now.

Gary Silver: One I believe it can, I believe it can get a c/o.

Dean Farrand: Do we know what they are?

Mark Van Etten: I need to check. But the right building is illegal residences, period. And that should be vacated immediately.

Bill Sattler: If I could speak on that. The building on the right.

Chairman Deutsch: Could we refer to it as C and D so we're clear.

Nancy: C is on the right, D is on the left.

Bill Sattler: Building C, modular building C is group of five units grouped together to form one. That building has for years had numerous roof leaks infiltration through missing siding to the point where there is mold and mildew hazard in the building and needs to be demolished. So we propose to secure it so it cannot be entered for this summer. Once the campers leave, it will be taken away and disposed of.

Chairman Deutsch: Why can't it be taken away and disposed of now?

Bill Sattler: It's a matter of timing and TOO FAINT but once the people who rent the property for the summer; it will produce funds that will allow all these violations to go away.

Gary Silver: And remember one thing you do have additional authority as opposed to most special use permits is because you will only be giving for the summer, so any use of this property in the future, they can't get it because they'll have plenty of time to address it. So it's not as if you're giving a special use permit forever as you normally do hoping that they'll cure the violations or you'll have to prosecute. In this sense they won't be able to use it again if they don't cure. If you insist we can give dates when they have to be removed after the summer as a condition to coming back before this Board. I think there's creative ways we can address this.

Bill Sattler: It seems like many of the violations that are outstanding can be remedied before the camp is used. More can be fixed than left behind. What's left behind can be secured so that in such a way that no one can enter the building. That building is full of mold and mildew and is a serious health

hazard. Mendel wasn't happy when I told him, the owner. But it needs to be torn down and removed, there's no fixing it. Once it's in the wall, the studs, the cellular structure, you're not going to get it out.

Dean Farrand: That's one thing I would like to see. What are the list of violations. What can be fixed and what can't be. And for lack of better terms, a show of good faith that things that can be fixed are actually going to be fixed so that as Ray said, we're not sitting here next year having this same, very same conversation we're having today, which has happened way too often.

Bill Sattler: Well maybe I can make an appointment with Mark early tomorrow morning and have some sort of punch list items and they'll know when to expect them to be remedied or what will close off so that we can get around it. Most of it should be repairable.

Gary Silver: Mark, to the best of your recollection are there violations on anything other than the two modulars and red staff building?

Mark Van Etten: I think everything else was taken care of. Except for the one wall. I'm still...

Gary Silver: That one that they said is not, the one inside that they said is not structural.

Mark Van Etten: Yeah, I'll have to look at it again.

Bill Sattler: There's a couple other issues that we saw that were, that Mendel UNCLEAR that Mark hasn't mentioned, so we're probably a little tougher on him than Mark is. Some items of safety that we want done. The railing shortcomings, minor things, quick fixes, but still need to be fixed. UNCLEAR

Lynn Dowe: What is the date that the campers would be coming to the camp if it were allowed.

Gary Silver: What is the date you intend to commence?

Israel Weinstein: June 27th, July 1st.

Chairman Deutsch: That's in a week.

Ray Kelly: Have you even made an appointment with the Board of Health to open this camp yet?

Gary Silver: I'm not involved in that process.

Mendel: They've sent in the applications and they're moving along with that.

Gary Silver: They understand, they have two tracks they have to...

Chairman Deutsch: Anything else?

Lynn Dowe: I was hoping it was a little longer than that because there are quite a few demo companies in this county that do not take very long and they can have a building down and out of there in one or two days. But I know cost is the other factor, but...

Gary Silver: If it weren't we wouldn't even be here. I would have insisted that my client if he had the financial ability to do it now to do it now. That's obviously the preferable course. And that's the course that he would prefer also.

Bill Sattler: I tried very hard to persuade UNCLEAR – TOO FAINT it's conditional so by next year all these violations should be cleared up.

Gary Silver: Well, they're going to have to come back and apply again. Whatever they want to use it for they're going to have to come back to you folks anyway.

Ray Kelly: My only problem with that is, we're giving the condition to the renter of the property, we're not addressing this with the owner of the property and those violations will still be here if you chose not to come back again. We don't have an agreement with him that they will be ripping these buildings down.

Bill Sattler: We're stating it now, so I don't know what else.

Dean Farrand: With all due respect, lots of people have stated things in front of this Board and we're still arguing with them years later to do what they said they'd do. And I don't mean any disrespect to you folks, don't take it that way. But, we're nervous about we're being asked to do because of our own past experience about what we've been promised and what's not actually transpired in the past. Okay. So you need to understand why we're questioning that a thousand times.

Bill Sattler: But like the attorney said, if he doesn't follow up on everything he's promising, this time next year, he's shut back down again.

Chairman Deutsch: But that's not taking care of the problems that we're trying to address.

Bill Sattler: But he would lose because that would detract from the value of his property. It would sit idle and cost him money rather than generate income.

Dean Farrand: Our typical response has been a bond, but that doesn't seem to be an opportunity to here either because you don't have money to start with. Our typical response is fine, we assume the cost to demolish is going to be this, you're going to put a Bond in place with the Town Board to make sure that it happens but it's a financial, more than anything, I think it's a financial issue, if I'm understanding between the lines.

Bill Sattler: It probably was inherited; these costs and things were not effectively planned for.

Chairman Deutsch: I'm a little confused, because I would assume that the campers pay their fees whatever it costs to go to camp up front, so why would they be asking to wait until after camp is over?

Bill Sattler: Right now there are no fees paid up front because they're not sure if they're going to be able to operate the camp. Until they have approval, no one's going to put a deposit on a maybe property.

Gary Silver: They're sure not going to let them use that money.

Chairman Deutsch: Any other comments or thoughts.

Lynn Dowe: How many campers would be there.

Chairman Deutsch/Dean Farrand: 60 to 70 boys

Dean Farrand: And maybe 10 staff members and families so you're probably looking at what 100 people give or take.

Gary Silver: What's the total you anticipate including family, staff and campers. Approximately.

Israel Weinstein: Approximately 100.

Lynn Dowe: This is only me, and I know we've never done it before, but just for the camp's sake, I would be willing to, if they can prove they can secure the buildings, satisfy Mark, satisfy the Health Department and give us a guarantee that the buildings that are in either violation or agreed to be demolished, will come down and violations taken care of. I would like to see them open but they would have a lot of conditions to meet.

Chairman Deutsch: And are you suggesting a date that these be taken care of?

Lynn Dowe: I don't know what the date would be, but I just see, I just think...

Ray Kelly: Obviously before the

SEVERAL TALKING AT ONCE

Ray Kelly: ...before the approval or extension of the permit for next year.

John Van Etten:you don't want to demolish when the kids are there.

Ray Kelly: if they're coming back again, they have to be demolished.

Chairman Deutsch: One at a time.

Gary Silver: What is the latest that the camp will be open until.

Israel Weingarten: The end of August.

Gary Silver: So it doesn't go into like the Labor Day weekend. I'm just trying to...cause they're obviously going to want to issue a permit with a time to end, so perhaps there could be some discussion of "permit will end there" so you can have the camp till then and perhaps within a certain period of time after that or a period of time you have to then, you know if the two buildings, well we know the two buildings have to go. We already know that, the back modular and the red building. Would it be reasonable to agree to a reasonable period of time after that in which they would have to come down? And that would obviously be, that could be even a condition to them coming back next year. If they wanted to come back and apply.

Ray Kelly: Well, I wish we had the owner here.

Gary Silver: Mendel's here.

Ray Kelly: We have the owner.

Dean Farrand: I thought we just had the renter here.

Gary Silver: I'm sorry I didn't make that clear.

Ray Kelly: Then it's going to be perfectly clear that we will never make another approval if these things are not taken care of. So if he finds another renter who is willing to come here and say these same things again, nothing's going to be approved.

Gary Silver: My client and I have had discussions about what his obligations are in respect to the Planning Board and the Health Department and he is very aware of that.

Ray Kelly: Okay.

Gary Silver: He is very aware of the fact that the future use of this property is tied to his satisfying this Board and this Town.

Chairman Deutsch: Alright so that satisfies you.

Ray Kelly: Yes, we know that we're giving a temporary use permit, the buildings must be secured. I'm not making a motion yet.

LAUGHTER

Lynn Dowe: The violations should be corrected too whatever possible because that is really...

Ray Kelly: Well the violations are on buildings that are going to be secured.

Dean Farrand: No.

Ray Kelly: Which ones..

Dean Farrand: Building D may or may not have violations. We don't know that. Other buildings may or may not have violations...

SEVERAL TALKING AT ONCE

Chairman Deutsch: One at a time. Please.

Gary Silver: Or Nancy can't get this.

Nancy: That's okay. If you want I'll just put tape "everybody talks at once".

Dean Farrand: I was talking, but that's okay, I'll stop.

Ray Kelly: I thought the violations on building D that they didn't have to satisfy the permits.

Mark Van Etten: Both C and D have violations because they have expired building permits. They do not have c/o's

Gary Silver: And we are hopeful and optimistic that building D will be satisfied and able to be used for storage.

Dean Farrand: Whispers>> I'll raise my hand, can I speak?

Chairman Deutsch: Yes, Dean.

Dean Farrand: I'm not against them opening. However, the resolution to allow this to happen is lengthy and I'm not in favor of approving this tonight without a resolution that very clearly spells all these issues out so there's no misunderstanding about what this Board is saying. Because we've been down this road before and we've had people come back and say "well we still don't have any money" and "We still can't fix these" and year after year after year after year and you know what, God forbid somebody does fall over. I'm listening to you tell me that the building won't fall over this summer. Okay. I, that's not comforting to me that it won't fall over "this summer", okay. I've been up there and I have an engineering background and that building is NOT a safe building by anybody's stretch of the imagination. He's a builder by trade (pointing to Lynn Dowe) and I can see by the smile on his face that he feels somewhat the same way at least and Lynn and I are very often on different spectrums of things, but this is not a simple request. So the only way, and I'm being real blunt and clear so we all understand where I'm coming from. The only way I'll even entertain saying yea to this is that the resolution is written very clearly and very completely. I want to know what the violations are on this property. I want to know which ones are going to be solved and which ones can't be solved. I want to know how the buildings are going to be locked from 60 to 70 fourteen year old boys that are only going to be watched by 10 adults. That's a heck of a match. I have children. Ask me to watch seven boys at night when I'm tired because I've had my own family to take of. That's a long summer for those poor 10 staffers. That's your problem particularly, but here's an opportunity for those boys to do things that boys do. We're concerned about that. To be blunt, I'm concerned about if this Board approves this, what liability the Town accepts and I want that addressed in the resolution because I don't think with the hesitation that we're all having and I know that the Building Inspector has that we need to clearly identify that we have no liability. That's it's being taken on by the engineering firm that says the buildings are safe. None of us thing they are, and that's a major issue for me.

Bill Sattler: We agree it's not a safe building.

Dean Farrand: Okay, these are all things that we need to have ironed out, because when it happens, everybody gets funny and everybody forgets conversations. And I'm not being rude or disrespectful to anybody. I'm just being blunt, honest so we can get moving forward on this thing. Without a resolution that spells all this out, we cannot vote on this tonight.

Chairman Deutsch: I believe Walter had mentioned last meeting something about a sunset being stipulated if we do decide to approve. I don't know where Walter is tonight.

Dean Farrand: I don't either.

Nancy: I haven't heard.

Dean Farrand: You know, I'm looking for the demolition agreement to be sometime this year, not, I don't want to hear in April of next year, "well we're gonna do it".

Gary Silver: That's what I said, a reasonable period of time after camp ends.

John Van Etten: Tentative thing I'm thinking of for the conditions is that it be granted temporary to let's say September 10th that the berme be constructed to divert the runoff and if the berme is not successful that the applicant has to address that and fix it. That building C be secured before the camp opens and demolished within two months of the sunset, so that would be like November 10th, staff house to be secured before opening and demolished in the fall within two months of the sunset which is again November 10th. That the barn will be repaired before they open and that the lights will be converted to shoebox cutoff. I'm sure I missed a few things, but that's...

Dean Farrand: Building D violations.

Mark Van Etten: Engineering letter that states the buildings are safe.

Dean Farrand: We need a letter from the engineering firm that states the buildings are safe.

Gary Silver: Okay.

Chairman Deutsch: Anything else?

Dean Farrand: Yeah, I want to get to the point in the resolution that we just don't say that things are being repaired. I want to know what's being repaired. Okay. And I'm being over the top on it because I think that this application, if approved, needs to be over the top because it's requires it. Requires it, I'll leave it at that.

Bill Sattler: I guess it would be beneficial that you give them the opportunity to fail that at least some improvements will be made rather than another year that no one uses the property at all and it's further been compromised TOO FAINT with those stipulations and once I get the violations from Mark in the morning, we can clear up before we get our approved additional map back. But a lot of these things could be corrected before we're handed anything. We're just looking for something verbal to start investing time and money to make some use of this property for the summer.

Dean Farrand: You can get them a list of violations by tomorrow.

Mark Van Etten: I have classes tomorrow. I'm out from 7:30 until about 5:00. It will be on Thursday.

Dean Farrand: Okay.

Bill Sattler: But many of them, we're already aware of what they are.

Mark Van Etten: Nancy, you're aware of them.

Bill Sattler: So we can start working on them immediately. TOO FAINTshort period of time and there's still the Department of Health to talk about. He has many hurdles left to jump over, but willing to try.

Mark Van Etten: There should be, Nancy and the Board, there should be in the file a history of inspection sheets for the camp that go back three or four years. So with those, get copies of those and will give you a real good understanding of what you need to do.

Bill Sattler: E-mail them to me and we'll TOO FAINT ...and we'll get going.

Chairman Deutsch: Denise, did you have something?

Denise Birmingham: How are they going to secure that house. The staff house and modular building C. How will that be secured?

Bill Sattler: Building C is pretty high off the ground. Apparently, they were built to be some kind of prison being very hard to break out of. So I'm told they're very hard to break into.

LAUGHTER

Dean Farrand: What kind of camp is this? Wait a minute.

LAUGHTER

Mark Van Etten: Those buildings were originally used down south. They were brought up as commercial classrooms. I think if I'm not mistaken hurricane Andrew I think is what they were left over from.

Dean Farrand: Okay.

Mendel: Sorry. When me and Mark did go in there, I did some research on it with the old owners and it was actually bought from a prison. It was used in a prison somewhere.

Dean Farrand: I was just making light. I was trying to bring some levity to the...

SEVERAL TALKING AND LAUGHING

Chairman Deutsch: Okay. So to answer Denise's and all of our question here. We're talking about, especially the staff house and trying to mitigate 14 year old, 17 year old boys from trying to get in, which is what they'll most likely be trying to do. So we're all pretty much in agreement that a five foot fence is not going to cut it.

Bill Sattler: if we apply it to the building, we can put two (2) four foot sections fastened right to the building. I think that would make it more secure than a fence further away.

John Van Etten: I think we should ask our Code Enforcement Officer what his feeling is because something in my mind says I'd like to see the fence back from the building just in case stuff falls off it.

Dean Farrand: Well, I'm worried about fall over.

Ray Kelly: I agree with you, I'd like to see the plywood over the doors and the windows and the entrances.

Gary Silver: That they're doing.

Dean Farrand: It's already boarded.

Gary Silver: Our question is what else we can do in addition to that.

Chairman Deutsch: It is boarded, it was this evening.

Ray Kelly: Again, they're not going to guaranty that a kid will never get in there. A reasonable amount of security and in the past a fence around the perimeter and then the plywood secured to all openings has always satisfied everybody.

Bill Sattler: one door is still left for Mendel to get access to the building that's because there's still some items he wants to get out.

Chairman Deutsch: There's a mention of paint cans and other maybe flammables.

Mark Van Etten: All the hazards need to come out of there. Obviously under supervision of safety.

Bill Sattler: I don't remember seeing paint cans, but we'll take another look to be sure there's nothing that would be any kind of logical things that are flammable. Mostly what I saw in there was a lot of hardware supply type stuff on the first floor and then an awful lot of ski boots and skis. Hundreds of pairs.

Dean Farrand: I think we should be in agreement that securing the red staff house is a five foot fence, reasonably far. A minimum of 10 feet where it can be from the building. Because what we're worried about is debris falling off the building and whopping somebody in the head. Windows and doors screwed with plywood. Okay. And not a whole lot of battery charged screw guns laying around on the property so the little boys can go have fun. If they want to get in, they're going to have to break in. Probably the same thing for the mold infest. Which is to some degree is an even bigger risk because that's further away from everything. They want to go up there and have some time by themselves in the summer time and they're sitting in the middle of a bunch of black mold and then we've got a whole different problem. So I think the same scenario has to occur up there and to me that's what has to be in the resolution and that's what the Board is expecting to see so that Mark has very clear. Very clear...Boom.

Gary Silver: What exactly do you want to see. Windows and doors – you want them all shut and screwed shut, right?

Dean Farrand: Screwed shut with plywood. Right.

Ray Kelly: Correct.

Dean Farrand: That's what we've asked for in the past, as Ray has pointed out. Chain link fence as reasonably far away as possible. A minimum of 10 feet and I think on that red building in between the buildings you're not even going to be able to get that. But on the back side of that building, you can get much more than 10 feet.

Chairman Deutsch: Also, there's a downed tree there. It would be attractive for kids to climb on the tree to try to climb onto the staff building.

Bill Sattler: Common sense will prevail. We'll remove the tree so they can't climb on the tree and get over the fence. We hope that wouldn't even need to be said.

Chairman Deutsch: No, it has to be said because if it's not said it could not happen. Everything has to be very clearly spelled out. So the tree would have to be removed.

Bill Sattler: Any obstacle that would let them gain a height advantage to clear the fence will be removed.

TOO FAINT

Dean Farrand: We've got to go back to the beginning of this discussion. We went through it and I don't think we really addressed it and I think it needs to be part of the resolution is the garbage. And garbage blowing down the street and neighbors having to pick up garbage. I know we bounced around and I think, I don't think we ever came to a decision at the last meeting we had with you folks on what we were going to do about the garbage. I know we talked about compactors but I don't think we absolutely expect a compactor but we certainly absolutely expect garbage blowing down the street on neighbor's properties.

Chairman Deutsch: Mark, what do we generally now require.

Mark Van Etten: Compactors. They're done for pretty much everywhere.

Dean Farrand: Are there portable ones?

Mark Van Etten: There are different sizes that are available now, sure. For the usage and the number of people. Different sizes. There's different voltages. At first they were all three phase so they were cost preventative, but now they're 220 that work pretty well.

Dean Farrand: Do you have that service available there?

Bill Sattler: Yeah.

Dean Farrand: I'm just asking to make sure because I wanna be...I know the answer for that.

Bill Sattler: The dumpsters are being picked up twice a week.

Chairman Deutsch: How big a dumpster?

Bill Sattler: The sizes are based on population.

John Van Etten: So we make the packer a condition...

SEVERAL TALKING AT ONCE

Dean Farrand: We're just having a conversation so we're all on the same page.

Chairman Deutsch: Put that in the resolution too.

Dean Farrand: Compactor for next fall, but in the meantime, it's twice a week pickup for garbage and it's going to be a property sized garbage container for a minimum of 100 people.

Lynn Dowe: With a lid.

Dean Farrand: With a lid.

Bill Sattler: And enclosed.

Dean Farrand: Yes.

Bill Sattler: That will prevent the wind...

Mark Van Etten: There should actually be two dumpsters. One for cardboard and one for regular.

Dean Farrand: Right.

John Van Etten: Right.

Chairman Deutsch: Whatever is required as far as the dumpster or dumpsters.

Dean Farrand: Destructive campers. These are new campers. They may not be destructive, they may be destructive. There's only one remedy for that. If it does happen, call people. I'm not downplaying it. We have to give them the benefit of the doubt that they're going to control their campers better than

the previous client did. Okay? If they don't, that's what he's for. (nodding in direction of Mark Van Etten).

Mark Van Etten: I will say one thing in Israel's defense. I first got involved four years ago at his other facility. I've had a history with the facility he is at prior. Since he's taken over that facility, we've had little issues, but they are addressed quickly.

Dean Farrand: Yes, this is no reflection on you at all. Don't even take it that way please.

Chairman Deutsch: Is there anything else anyone needs to see addressed? So, we're going to obviously have to get all of this to Walter for a resolution. Is everyone comfortable?

Dean Farrand: You've got speakers on there, right?

John Van Etten: Yes.

Dean Farrand: No speakers. Downcast lighting, 'cause there are several places where it says floodlights.

Chairman Deutsch: Yeah, floodlights are to be removed.

John Van Etten: Floodlights to be moved and replaced with shoebox style.

Chairman Deutsch: Floodlights removed and replaced with the down.

Dean Farrand: The only issue I think we have open is the fence around the pond.

Ray Kelly: I would leave that to the Board of Health.

Dean Farrand: Yeah.

Chairman Deutsch: Yes.

Ray Kelly: They're going to have to be in there.

Dean Farrand: Yeah, I'm just...all the issues that came out in front.

Ray Kelly: Well, they'll decide whether they're going to use it as a swimming area and need all of the safety precautions for a swimming area.

Bill Sattler: I can tell you that if they plan to use that pond as a swimming area, there is a swimming report that we have to prepare for the Department of Health before they're allowed to use that pond. It's almost as strict as this.

Ray Kelly: It's actually more strict.

Bill Sattler: The beaching area is involved, the shoreline.

Ray Kelly: That's why I'm suggesting we leave it to the Board of Health.

Dean Farrand: Yep, that's fine, but in the interest of being complete, so there's no ambiguity in the middle of July...

Denise Birmingham: Does the Board of Health also require the fencing off of the County road or is that State?

Ray Kelly: This will be a State children's camp inspection.

Denise Birmingham: But this is a County road as opposed to a State road. Does that make a difference?

Ray Kelly: It all depends the inspector that's coming. Usually camps like this they send an inspector from Albany down, not just one of the local inspectors.

Denise Birmingham: Oh.

Ray Kelly: For children's camps, when they have problems, they send a specialist in.

Chairman Deutsch: Okay, on the County vein, we did receive the 239 review and they have determined that there is no adverse with the County impact and it's for local determination.

Nancy: The question that Denise had about the fencing and the road. I didn't hear the answer.

Lynn Dowe: To leave it to the Board of Health decision.

Nancy: Right, for the lake. For the road as well?

Denise Birmingham: Yes.

Ray Kelly: Quite a few camps in this County have fences between the two sections.

Dean Farrand: Right.

Denise Birmingham: But on Route 42, it's a State and they do have and I'm just wondering if it's because it's a State road.

Ray Kelly: Nope. Not up on old Route 17.

Denise Birmingham: It's a County.

Bill Sattler: Usually the State won't let me put fencing within the UNCLEAR, which is sixteen and a half feet (16 ½). The County road is a little more forgiving, but this will be, that fence if we try to hold 10 to 15 feet off the building it will still be 20 plus feet off the road. So I don't see where it would hinder vision with the property UNCLEAR.

Denise Birmingham: To fence off the staff house you mean?

Bill Sattler: Yeah.

ALL TALKING AT ONCE

Ray Kelly: But you require them to put a fence on both sides of the road because they have facilities on both sides of the road. Again, I don't think they would agree to that at this point.

Denise Birmingham: That's okay. I'm just curious if the Board of Health...

Ray Kelly: All I would be concerned with is the site distances along there, that there are no walking... Towards DayTop now, my wife complained this afternoon, "they're popping out of the bushes and just walking across the street"...that there's no way of doing that up and down the road.

Lynn Dowe: Are there any signs on the road for pedestrian crossings?

John Van Etten: No.

Lynn Dowe: There should be.

Chairman Deutsch: You do have a specific crosswalk indicated on here. On the map.

Chris Adler: That's just the area showing where they would be allowed. That way they're not just crossing anywhere across the property.

UNCLEAR

Ray Kelly: I don't know what the regulations are for having those walkways, but you might want to look into them because of the new State laws about having to stop for pedestrians. I don't know what signs have to be up. UNCLEAR

Bill Sattler: It's something to be looked into.

Ray Kelly: I know in the last couple years they passed regulations in the State about having to stop for pedestrians in crosswalks. But I guess you would have to have it designated a crosswalk.

Bill Sattler: Right, that's why when they UNCLEAR, it's not stripped so it's not a designated crosswalk.

Lynn Dowe: It's just something to alert the drivers.

Bill Sattler: Like a warning, UNCLEAR

Ray Kelly: But there's two different issues there. One about making sure they're aware of it but then again another legal responsibility for the driver to have to stop.

Gary Silver: If it was a designated, State directed...

Ray Kelly: I know in the Village, somebody steps in that crosswalk, you better stop your car. That's a change in the law. I don't know what it is in the outlying areas like DayTop or camps like this.

Gary Silver: I know the State definitely has a right to that on the roads. Most likely, municipalities do also and it probably has to be a municipal issue. It could be a County issue in this case.

Denise Birmingham: My question is, this is a County road. In order to get a pedestrian crosswalk, wouldn't you need permission from the County?

Bill Sattler: To make the stripes like the other crosswalks?

Denise Birmingham: Yes, and to have it designated as one.

Bill Sattler: Absolutely. How long that takes and what the process involves I really don't know. But we're willing to find out.

Denise Birmingham: So we really can't call this a pedestrian crosswalk at this point.

Bill Sattler: I think the intent on the site map was to show that this is where they would walk and not just anywhere along the road.

Gary Silver: One of your requirements for your law was to show what pedestrian access was. That's where we're showing where the pedestrians are going to cross there, not to imply it was a State, or it was going to be stripped and show where pedestrians would access from the side.

Dean Farrand: I think in the interest of safety it would make sense to at least have some signs up alerting drivers that there are children crossing here because the speed on that road is...

Chairman Deutsch: Very fast.

Dean Farrand: Yeah, I almost got clipped this afternoon and I'm a fairly careful driver.

Gary Silver: We'll again have to check with the County, because you can't put anything within their right of way without their permission.

Dean Farrand: Yeah, that's the intent.

Bill Sattler: Dean, they put a sign up on our road, "Deer Crossing". So many deer got hit there...

LAUGHTER

Dean Farrand: The deer are reading it and they said, well we can go across here, right? That's the joke, right.

LAUGHTER

Dean Farrand: I know. It's just, our intent is to let drivers know there are children, that's all.

Bill Sattler: You can't be too safe.

Dean Farrand: Right.

Chairman Deutsch: Anything else from this?

Gary Silver: I think you have to do the SEQR.

Chairman Deutsch: Did we do SEQR?

Dean Farrand: We didn't do SEQR last time.

UNCLEAR

Chairman Deutsch read and completed the SEQR.

Gary Silver: SPEAKING BUT UNCLEAR ON RECORDING – TOO FAINT

ON A MOTION MADE BY JOHN VAN ETEN, SECONDED BY DEAN FARRAND, A NEGATIVE DECLARATION WAS DECLARED. ALL IN FAVOR. APPROVED.

Ray Kelly: People in Swan Lake may disagree with you about protected areas.

Gary Silver: No, I know. Critical environmental areas is a defined terms in the regs. and at some point several years ago it was explained to me UNCLEAR – PAPER SHUFFLING

Chairman Deutsch: So time wise, we need to get this to Walter so we can get a resolution. You need to get all your lists of potential and...

Bill Sattler: UNCLEAR-TOO FAINT before he left he promised that he would be aggressive and start with violation remedy as early as tomorrow. I told him it was his word on the line.

Chairman Deutsch: Okay.

Gary Silver: I guess you're going to come back then to vote on the actual formal resolution after it's drafted. When will that be? Technically its after they want to be open.

UNCLEAR

Gary Silver: Is it possible they could start after July 5th, the camp?

Israel: It's happened before that they've cancelled camp.

Gary Silver: That's a good answer.

Unknown voice: Okay, so July 5th it is.

Dean Farrand: Yeah, I mean it's going to take Walter time to put the resolution together.

Bill Sattler: Walter's work is light compared to what work is on the property owner...

Dean Farrand: Yeah, but I mean in order for us to approve it, you realize we've already stated the resolution has to be a good part of the document.

Chairman Deutsch: Okay.

SEVERAL TALKING AT ONCE

Dean Farrand: I mean July 5th is only two weeks away.

Chairman Deutsch: Do you have a list of everything you want?

SEVERAL TALKING AT ONCE

Gary Silver: On behalf of my client, I really want to thank this Board. You guys have really gone beyond with trying to work with the new law to assist my client. I understand the short time period we have

and I really appreciate the fact you guys have UNCLEAR – TOO FAST & FAINT to work with us. That really says a lot about this Board. I'm not just saying that because you're helping my client. UNCLEAR Thank you.

Chairman Deutsch: Okay.

Samuel Goldberger / Green Acres Cottages Inc.

Special Use Permit
20 Denman Road
SBL: 30.-1-90.3
Zone: SC #2011-0005

Chaim Tauber appeared for this project. The contractor made a mistake. Built it actual size but moved it over to the middle and he is asking now if the Board can approve the whole thing. He'd build what was shown in color and wants to build what is shown in black and bring them together and make it one. During the discussion for clarification, Chairman Deutsch said she was confused as to how the contractor who was working with a plan could take it upon himself to just build something else. Mr. Tauber said "He made a mistake, that's what he said and he built it and that's why we're coming here and we try to get it approved." Mark Van Etten was asked if he'd seen it yet. He said no. Mr. Tauber said he was told that building number 8, Mark keeps on telling him it's in violation because it wasn't on the plan.

Mark asked to see map and which building was number 8. He said: "there's one building that has a stop work order on it because the builder when he was putting piers in for the sunroom there was rot, extensive rot, on the building and I told him that he needed to stop. And between him and the engineer said it doesn't affect the new building, so they just kept building. So they just kept building. So I told them to stop to, they need to fix that rot before they went any further and up until a couple days ago we've been going back and forth with it. This whole plan is out of control."

Dean Farrand: This plan here does not line up with the site plan, at all. There's a propose sunroom not shown here that's on here. Maybe that's why the builder put things in wrong, because...

Chaim Tauber: I believe the architect just delivered a new site plan.

SEVERAL TALKING

Chairman Deutsch: One at a time please. Now go ahead.

Chaim Tauber: I'm sorry, I believed what I got told that the architect dropped off today new site plans, seven pieces.

PAPER SHUFFLING

Chairman Deutsch: But it doesn't look anything like this sketch that we have, this floor plan that we have.

Denise Birmingham: It's different.

Dean Farrand: It's different. This sunroom and this sunroom aren't even the same because this one extends way past the building, this one doesn't. This deck...

Chairman Deutsch: This is not this.

Chaim Tauber: This is what he just built. Right here.

Mark Van Etten: I need to go out there.

Dean Farrand: Let's make it real simple. When these things match, when Mark has seen it, we'll look at it. Because I'm not going this when this is here.

Chairman Deutsch: Which is which?

Chaim Tauber: Let me tell you. This one is the sunroom and this one is the deck. Actually the deck he mistake, he built the deck a little of so he wants to extend the deck together with the sunrooms.

Dean Farrand: When these plans match these plans, then we can look at something that makes sense.

Denise Birmingham: This area here does not match this at all.

Chaim Tauber: We're not coming for this, we're coming for this.

Denise Birmingham: Then why is this here, and why is this here?

Chaim Tauber: This is what, this is number 8?

Chairman Deutsch: Yes. So it says.

Denise Birmingham: So we're going to have another mistake before it happens?

Lynn Dowe: This building does match 8 except the sunroom is way off.

Denise Birmingham: This up here.

Lynn Dowe: Right, but if you follow this, this is the outline of the building, however the sunroom is off. They've come off of the corner here instead of the back.

Chaim Tauber: No, no, we're not coming for this one, we're coming for this one right here.

Lynn Dowe: We know you're not, but it's not right on here either.

Denise Birmingham: So, before the mistake happens, because there's going to be a mistake. These do not match. There will be a mistake in the future. The same with this.

Chaim Tauber: This is done already.

Ray Kelly: Well which is done?

Chaim Tauber: The pink is done, right here.

Chairman Deutsch: That's not what we're talking about.

Denise Birmingham: The pink is done, but what about this?

Chaim Tauber: I don't know about this.

Chairman Deutsch: That's wrong.

Chaim Tauber: They didn't tell me about this. What they told me is that want the pink to be approved.

Chairman Deutsch: Well we can't approve it, because first of all Mark has to go look at it and we need to know, and all of us need to go look at it. We didn't know it was going to be this issue. And you need to have this match this, or this match. Whichever is the real one.

Dean Farrand: This is the third time this guy's been before us.

Mark Van Etten: More than that. This is an ongoing thing, a situation. What's happened here with these buildings are, the drawings that they have, the approved size of the buildings are on the buildings as they were approved. The issue here is very basically the way the roof line came out to the addition that was approved. The roof had to turn and go back into the building. In a lot of cases, they ended up taking half the roof off some of these structures because they're rebuilding the roofline in order to put the covered over top of, because of the elevation of the building being short being bungalows, they had to come back into the building and a lot of these valley and hips are runbacks over the roof from the sunrooms. Because these sunrooms, quite honestly guys are half again the size, in some cases, half again the size of the bungalow. They really are.

Ray Kelly: So a lot of these changes and modifications were made during the building process.

Mark Van Etten: Yeah, the size of them, the location of them are fine based on your approvals, but the way the roof lines go...

Ray Kelly: This would be normal in building something.

Mark Van Etten: Yes.

Ray Kelly: Don't do anything 'till he tells you you're in violation to come back here.

Mark Van Etten: But if these buildings...

Chaim Tauber: He did.

Mark Van Etten: There's one deck here that was off and I'm thinking it is this one here. This was supposed to be back this way and because of the doorway, they can't and they were coming back to do something. And again, it's to the point that they don't even tell me what they're doing, they're just coming here.

Chaim Tauber: I'm sorry, so let me explain it. Mark, thank you for helping me. So, we're coming back since he built the one on the pink, he wants to get the black all the way to the end. Because it was only approved on the black. So he want to approve now that it should be approved on the pink too.

Lynn Dowe: Which is already built?

Chaim Tauber: Which is already built?

John Van Etten: I think it's already built and he wants approval for this piece.

Chaim Tauber: For the whole thing.

Ray Kelly: No, he wants approval for the pink that he wasn't allowed to build.

Lynn Dowe: Is the black built also, is everything here built?

Chaim Tauber: No, this one. The one with the cut out, whatever it's called, right here.

SEVERAL TALKING AT ONCE

Chairman Deutsch: Could we have one at a time please?

Chaim Tauber: This one is built, the sunroom is built, it's done. The black is not built, only the pink is built. Because what happened is the door is right here.

Dean Farrand: Okay, stop right here for one second, okay. We're doing this out of memory because none of us have information with us. This is what we approved last time, right here.

Chaim Tauber: Right, correct.

Dean Farrand: So instead of doing what was approved, you went and built this and didn't bother to build this.

Lynn Dowe: This is built also, everything except his deck is.

Dean Farrand: Okay, so there's two ways we can look at this and Ray already said it. This is a minor change, this certainly is a minor change. I could take the attitude "I don't even know why you're here". Okay. That's just one extreme. The other extreme that I'm viscerally reacting to is I cannot for the life of me understand how this happened and this is at least the third time these folks have been in front of us in the last three months and it makes me nervous that Mark hasn't seen it. And none of us have seen it.

Chaim Tauber: Mark did see it.

Dean Farrand: Mark tells me he didn't.

Chaim Tauber: Mark just explained it.

Mark Van Etten: This one, I did see that and they were trying to explain what they were going to do. Take it down. They were going to take the excavator and move it where it was supposed to be moved because they're all on pre-cast sono-tubes, okay.

Dean Farrand: Okay.

Mark Van Etten: So they're digging same with sono-tubes, which are approved, which they can do and what the, this is the last time that a set of plans are going to come in front of me like this. Because this is way out of hand. The structurals are not, the structurals are not there. I'm doing a lot of the work that, uh, the initials should not have been done. This whole colony is UNCLEAR

Chairman Deutsch: Plus we had asked a long time ago that these, this whole thing be cleaned up because everything says proposed. And most of the stuff that says proposed on here is already done. So we asked a long time ago that this be corrected.

Mark Van Etten: I saw five or six permits up on my desk that I'm trying to get to look at. I haven't had time because the camps have been keeping me so busy, but I'll try and look at. Yesterday, I opened it up for just a second and Nancy gave me approvals. And the plans, the site plan that they're looking for permits for, don't match anything that Nancy's given me so far. So I'm hoping that there's a second approval there that I'm going to be able to go forward with these other buildings. Until that happens, guys, I would hate to see what's going to happen.

Lynn Dowe: Mark, where they built this deck, or both decks, is there...

Mark Van Etten: It's just this little square.

Lynn Dowe: Is there a reason why we should not approve it, is there a disadvantage to having it there or is it okay?

Mark Van Etten: It's really not a problem it being there, I mean as far as that goes.

Lynn Dowe: Okay.

Mark Van Etten: I mean it's just an extra piece of deck. I mean what happened was. It was one of the first decks they did I believe. The explanation is very simple. One of the first decks they did and the documentation when they were still getting familiar with documentation as good as it is, and they put it, they built it where they thought it was but it was wrong. Instead of tearing it off and re-doing it, they were put on hold because the owners said well let's see, maybe we can just extend it. That's the honest thing.

Dean Farrand: Okay.

Lynn Dowe: I agree with Dean, that it's a minor change. But I think we're talking to the wrong person about the, these plans that are a mess. We should be talking to the camp director.

Chaim Tauber: I got told that the architect dropped off today a cleaned up.

Chairman Deutsch: That's what these are?

Nancy: That's what these are.

Chaim Tauber: These are the ones that were cleaned up? That's what I got told. I don't know, I don't work over there.

Chairman Deutsch: No.

Mark Van Etten: There's an issue. There's a real issue. Lisa was the first one involved. She was here. Lisa left. Dumped it in Derek's hands and Derek's trying to work through this, but they're constantly trying to change things on his end and on my end and this is. Again, going forward, we will not do another one like this. We will not. Period. Meanwhile, we're here.

Dean Farrand: Meanwhile we're here. Meanwhile I honestly think that in any other set of circumstances we would look at this as a minor change and wonder why we're here.

Mark Van Etten: Well.

Dean Farrand: However, I do, we have made this comment to people before and we are going to make it to the wrong person. These plans that we have repeatedly asked these plans of Lisa and of Derek to get them cleaned up. And we told the person once before, "don't come in front of us for another approval until your plans are cleaned up." Because we're tired of seeing proposed deck when it's been there for 10 years. It's not proposed anymore, it's a deck. It makes it hard for us to go out on site and you to sit there and look at it and say "well what am I looking at" anymore. So I don't have a problem tonight saying it's a minor change, but not spending any more conversation on it. But we do need to somehow, maybe it's through you, make it clear to the property owner, don't come here without this thing accurate 'cause it's

nonsense. It's a pain in the neck. It really is. I'm being blunt. I hate to be blunt, because it's annoying.

Chairman Deutsch: No, I agree.

Dean Farrand: I know. We shouldn't be spending this much time.

Chairman Deutsch: We were very clear the last time they appeared before us about this matter. And the time before that as well.

Dean Farrand: I don't usually give my kids three warnings. But...

LAUGHTER

Chairman Deutsch: I don't know what your pleasure is...

Chaim Tauber: They told me they want to extend the deck, just the open deck. They want to extend to the sunroom all the way in the front.

Chairman Deutsch: What they're looking for is a re-approval of this map. I don't want to approve this map.

Ray Kelly: No, it's not a re-approval. If we have to re-approve, then we have to approve the changes and we have to go through the process. I would suggest that you call Mark out there. Mark can decide whether they're substantial changes and need approval.

Chaim Tauber: Well Mark was there and he knows.

Ray Kelly: No Mark was there to attend to violations that he says he's been addressing with a rotten beam.

Mark Van Etten: I have been doing some inspections on some sunrooms and some UNCLEAR

Ray Kelly: Have you found anything to warrant that they need a change of approval.

Mark Van Etten: On this issue it will end up being larger. My suggestion is I think I have another six sets of plans on my desk. I would suggest let them continue the path we're going letting it report back to the Board when we get that far.

SEVERAL BOARD MEMBERS: Okay.

Mark Van Etten: I don't really see any sense.

Chaim Tauber: I'm sorry, they want to come out and it should be done by the 30th of this month. They don't want any construction in there.

Mark Van Etten: Well there's no way there's not going to be construction on the 30th. today's already the 21st.

Chaim Tauber: They're almost done.

Mark Van Etten: No they're not. They have 15 more addition they're looking to put on this year. They're no where near done.

Chaim Tauber: Everything is standing.

Mark Van Etten: You're asking...you're asking..no it's not. You were asking me sitting here if I had the other permits ready for you.

Chaim Tauber: No the C of O's. They told me to ask for the C of O's.

Mark Van Etten: Okay, fine.

Chaim Tauber: Because they told me that you were there Monday morning.

Mark Van Etten: Yeah, I walked through one bungalow that needed, that had an open building permit they were supposed to take care of back three years ago. But they're also, the landowners, called me probably 20 times in the past four days, looking for these building permits, left messages so that he's going to get it done, now you're saying by the 30th. It's impossible. They need...never mind.

Chaim Tauber: I'm just here to represent and that's...

Chairman Deutsch: It's what we already said. Mark is going to go look at it, decide and report to us. We're not making any kind of decision here for you. We're going to wait to get a report from Mark.

Dean Farrand: If we make a decision, then it will go back through the whole process and you'll be here in months.

Chaim Tauber: Not me. You're not going to see me. I'm just representing because I'm already upstate.

Dean Farrand: The advice you're getting is let the system work and you should never have come here tonight.

Denise Birmingham: It's not a big problem for you.

Chaim Tauber: For me, nothing.

LAUGHTER

Chaim Tauber: I'm from upstate, I'm in Fallsburg.

Chairman Deutsch: Okay, so you can tell them that that's what we said.

Chaim Tauber: Okay.

Brittenham Summers/Camp Chedvah

Lot Improvement

Muhlig Road

SBL: 14.-1-18 & 19.2

Zone: SC #2011-0008

Gary Silver, Carolyn Summers and Rabbi Levi of Camp Chedvah appeared for this project. Gary Silver, said that from what he understood was that the Board wanted some proof that the property, 19.2 does have road frontage. Walter had told him that a copy of the tax map would be fine so he brought a copy of the tax map to show the Board members. It shows that 19.2 and 19.1 both parcels being owned by Carolyn Sommers, both have road frontage. And 18 fronts on Aden. She wants to swap 3.5 acres with Camp Hedvah. Ms. Summers also brought two sets of transfer documents including two Bargain and Sale Deeds with Covenant Against Grantor's Acts with descriptions for each deeding her 3.5 acres to Camp Chedvah and Camp Chedvah deeding their 3.5 acres to her. After a short discussion it was determined that the file was complete once a note was placed on the map to show that the portion of parcel 14.-1-19.2 being transferred to Camp Chedvah is not subject to the Forestry Tax Exemption and Timber Harvesting Plan that another portion of parcel 14.-1-19.2 is subject to.

ON A MOTION MADE BY JOHN VAN ETEN, SECONDED BY DEAN FARRAND, APPROVAL OF THE LOT IMPROVEMENT FOR BRITTENHAM SUMMERS/CAMP CHEDVAH WAS GRANTED WITH THE CONDITION THAT A NOTE BE ADDED TO THE MAP ADDRESSING THE FORESTRY TAX EXEMPTION AND TIMBER HARVESTING PLAN. ALL IN FAVOR. APPROVED.

ON A MOTION BY LYNN DOWE AND SECONDED BY DEAN FARRAND, THE MEETING WAS ADJOURNED AT 9:20 PM.

Respectfully submitted,

Nancy Saucier, Planning Board Secretary

The foregoing represents unapproved minutes of the Town of Liberty's Planning Board from a meeting held on June 21, 2011 are not to be construed as the final official minutes until so approved.

 X Approved as read