

Town of Greenville Planning Board

Town Hall, Pioneer Building

PO Box 38

Greenville, NY 12083

July 31, 2012

Minutes

Attendees: Orloff Bear (Bud), Ken Elsbree, Don Teator, Brian Wickes, Tal Rappleyea

Guests: Joe Hammond, Juan Park, Orrin C. Stevens, John & Janet Dolias, Wendy E. Teller, Lisa Maxwell, Stephanie Ingalls, Joyce Roth, Franklyn Roth, Timothy Broder,

7:35 pm Pledge of Allegiance

Mr. Wickes stated that the board should save the minutes of June 26 for the end of this meeting.

The first item on the agenda is a Lot Line Adjustment for Mr. Orrin Stevens.

Mr. Stevens owns two parcels, a 6 acre lot and 3 acre lot to create a 9 acre parcel.

5.6 acres and 3.2 acres will be put together into one parcel. Mr. Stevens presented the board with a re-drawn description of the parcels to be merged including notes from Sal Santos Associates and a Mylar map including 5 copies. The approval is conditional on the proposed deed to file has the new description before the Planning Board will grant approval. Mr. Stevens is to forward a copy to, Deputy Chairman; Brian Wickes and Chairman; Arnie Cavallaro and Mr. Tal Rappleyea, Town Attorney to review.

Motion by: Ken Elsbree to Approve Altered Lot Line under the condition that the Planning Board review and accept deed description to be filed with the County Clerk's Office.

Seconded by: Orloff (Bud) Bear

All in Favor: 4

Opposed: 0

Motion carried

2nd Item

Lot Line Adjustment- Mr. Niall Donnelly

Mr. Donnelly doesn't have any maps. His surveyor, Mr. Santos is ill. Mr. Donnelly would like to pass on the Lot Line Adj. application and go forth with the application for a Miner Subdivision. He is rescheduled to appear before the board on Tuesday, August 28th at 7:30 pm to proceed with the Lot Line Adj.

A request for a proposed deed to file must be submitted to the Board Chairs and Attorney to review prior to next month's meeting. 1 Mylar map and 5 copies are to be sent to the Planning Board. The secretary is to notify all members when they arrive for review.

Motion by: Don Teator to require a maps and new deed description is reviewed by the Chair & Deputy Chair members and Tal before next month's meeting.

Seconded by: Ken Elsbree

All in Favor: 4

Opposed: 0

Motion carried

3rd Item – Mr. Joe Hammond of Buckman & Whitbeck, P.C. representing applicant Ms. Robin Broadbent of 250 Scutt Road is requesting a Lot Line Adj.

A portion of Lands belonging to: Angel Naranjo and Peter Griffiths to be annexed to Robin Broadbent. Mr. Hammond submitted letters of authorization, \$25.00 fee and Short Environmental Assessment Form.

Presently, the 20 acres parcel will become 15 acres if lot line adj. is approved.

Tal Rappleyea said that a public hearing is not necessary the applicant has written the proposed description of both parcels.

Mr. Teator read from pg. 23 of Town Ordinance Book, “The neighboring parcel owner is to file a copy of the deed and put in an acceptance on the deed description.” Mr. Hammond is to send to the proposed deed descriptions to Mr. Rappleyea for review prior to next month’s meeting.

Board members completed their section of the SEQRA Short Form.

Mr. Hammond is to appear before the board with a final survey Mylar map and 5 copies for next meeting date on Tuesday, August 28, 2012.

7:50 pm

4th Item –Minor Subdivision application for property owned by Mr. Donnelly and located on Big Woods Road. Mr. Donnelly presented survey maps showing Lot B with 3.182 acres with a house and Lot A with 6.095 acres of vacant acreage. The frontage is good and the average lot width is met.

Motion by: Ken Elsbree to open the floor to comment on Minor Subdivision Application

Seconded: Don Teator

All in Favor: 4

Opposed: 0

Motion carried

Mr. Tim Broder stated that the direction the natural water course goes through the property. He does not want to see building, bulldozing or any obstruction made to the water course. He does not have any objection to his neighbor. Mr. Border’s’ pond empties out to the Basic Creek & Catskill Creek. The water course is called Burrows Creek and exits under C.R. 67 Weed Rd. has a culvert and existing wetlands in the nearby vicinity.

Mr. Arnie Cavallaro, Chairman of the Planning Board entered at 8:00 pm

Mr. Wickes asked, “Is there any other comments from the audience?”

Motion by: Don Teator to close to open comment period.

Seconded: Ken Elsbree

All in Favor: 4

Opposed: 4

8:05 pm

Mr. Elsbree stated that, "it is obvious where someone may build."

The only issue is the stream which runs through the middle of the property.

Short Environmental Review Short Form to complete by the PB at 8:10 pm

Motion by: Ken Elsbree to approve the minor subdivision with no diversion of natural water course including damming, without a Building Permit and Planning Board approval and review.

Seconded: Orloff Bear

All in Favor: 4

All opposed: 0

Abstain: 1 (*Arnie Cavallaro*)

Motion carried

Discussion: Don Teator would like the Approval Resolution and Minutes to be copied and given to the Building Dept. Code Enforcement Officer; Mr. Bill Silk.

Motion by: Mr. Cavallaro that a copy be given to Mr. Broder for his own records.

Seconded by: Orloff Bear

All in Favor: 5

Opposed: 0

Motion carried

Mr. Wickes stated," the board will move onto the issue of Camp Malka. I have personally Driven by many times and Mr. Cavallaro has also seen the property's condition. We are going to have our engineer do a complete, 100 % site review."

Ms. Wendy Teller from the audience read the following letter from:

**Mr. & Mrs. J. Drasser
329 Ingalside Road
Greenville, NY 12083**

July 19, 2012.

To the Board of Greenville:

My husband and I bought 57 and 1/2 acres so that nobody could build around us, we moved here approximately nine years ago for peace, quiet and tranquility. We had all of that until the abandoned Ingalside Resort was purchased by this new owner. Now, we have a city on our road. We have no street lights but, because of their religious beliefs they walk in the roadway wearing all black at night.

The deer crossing road at night is really enough of a hazard, without their help. There is a crossing guard booth, however, I have never seen manned. The stench that comes from their septic is horrendous.

Their loud speaker is overbearing if we attempt to enjoy outside activities. The buses are a major inconvenience when they hang up and block the entire road. That means turning around, going back to Rt. 81 and going north to get back to our home. Children dart into the roadway without even looking. I would truly not want to see what might happen if someone should need an ambulance while the buses block the roadway.

Attached are signatures from everyone on Ingalside Road, who agrees with this matter.

Thank you in advance for looking into this hazardous condition.

Sincerely,

Mr. & Mrs. J. Drasser

Jimmy & Jill Drasser

Daniel K. Morse (Dan's Shop)

Denise Ridings

Frank A. Conte

James Drogh (sp)

Thomas Drogh (sp)

Wendy E. Teller

Barbara (sp).....

Tabetha Pravato

Gary Bivone

Amy Bivone

Nicholas Bivone

Maria Palmer

Sean Tilly

Karen Bryant

Mr. Rappleyea stated, " The Building Code Enforcement Officer has conditions that are not being met by Camp Malka. Septic, water, lights and sound are to be addressed by the C.E.O.

Mr. Wickes stated, "Stipulations were made by the Planning Board and we are to trying to correct this. We want to send the Town Engineer (Delaware Engineering) to go back in and do a walk through. That will verify or not verify what is going on."

Mr. Rappleyea stated, "The Camp will have to pay for the engineer".

"Bill Silk went to do an inspection and he was misled in regard to the walkway.

At no time have any crossings been done without a cross guard there.

Mr. Silk made note that there was a crossing guard."

Mr. Cavallaro addressed the audience. "Just recently, I drove up Ingalside Road past the crosswalk on the right side of street. I put on my four way lights and parked my truck for 20 – 30 minutes. I observed 100 crossings of kids around my truck, kids without any supervision. Camp managers were crossing down by the construction site."

Mr. Wickes stated, "I have never seen a crossing guard."

Mr. Cavallaro stated, "Mr. Kaplan called and spoke to me and expressed concerns if he was served with a code violation. Mr. Kaplan was very concerned about a public meeting and the letter he received never stated what the violations were."

Mr. Teator stated, "I only once saw a crossing guard there." He has bicycled by many times.

Mr. Cavallaro state, "There is concern here. A guard is supposed to be there to protect the kids."

Mr. Wickes mentioned that if Camp Malka couldn't have a guard then they could build a tunnel or a bridge for a walkway. "The construction going on there is not approved. There is a trailer approx. 14' X 70' set up on blocks. It is not a new trailer. It was seen six weeks ago." A member of the audience stated, "The septic pipe that comes from it has been covered with dirt on two occasions recently. The first time they did not cover sufficiently and the second time they put more dirt over the exposed septic pipe."

Mr. Wickes stated, "Malka had said they cancelled Phase II of their project."

Specific things need to be addressed:

No. 1 Crossing Guard

No. 2 an addition has been put on the pool supply building and residents Ingalside Rd. are concerned that campers are using it as sleeping quarters. Are they over occupancy?

No. 3 the loud speakers need to have decibel rating needs to be measured.

No. 4 the lighting on the campground and surrounding areas need to be assessed. Is it sufficient for crosswalks, etc?

No. 5 the trailer located on the property. Do they have a permit for it? Is it in compliance with town building code?

The planning board is going to have Mr. Rappleyea write a letter to the Town Supervisor to request Mr. Silk to re-inspect.

Mrs. Janet Dolias stated, "*Our property borders the accident where the waste water spill DEC has discovered. There are nasty things in my pond. The Environmental Police closed the WWTP three weeks ago for one week. There were septic trucks driving in and out of the camp every day. I spoke to an engineer, Mr. Joe Myers and asked how much waste came out of the plant?*"

Since August of 2011 a flow meter was required to be installed by Camp Malka per the NYS D.E.C. “

Mr. John Dolias stated, “They are not paying for the meter. Mr. Kaplan paid by credit/debit card and it bounced. The company that installed it came back and has removed it from the facility. Approximately 27,000 gallons of waste is pouring out of the Camp and into the stream and our pond. The powers that be at Camp Malka feel that they can do whatever they want. They have anywhere from 500 – 600 campers there every week. “

“The Department of Health issued a Certificate of Compliance on June 25, 2012. The DEC has flow meter questions”

Mr. Wickes stated, “The DEC has not done their job. The DEC had their hands tied by the DOH”

An audience member complained about an audible alarm system and a red light went off signaling another near miss regarding the WWTP.

A comment from Ms. Wendy Teller, *“Two years ago residents were promised that nothing like what is happening now would ever happen. Now it is a reality!”*

Mr. Wickes stated, "The DEC is in charge of it." Camp Malka is supposed to have a fail proof WWTP system (septic).

Mr. Rappleyea, stated, “Number 1 stipulation of Camp Malka was that the Waster Treatment Center shall be constructed.”

Mr. Cavallaro stated, “The Town of Greenville is the lead agency.” This is in regards to the Camp Malka project.

Mr. Wickes stated, “The Planning Board needs to approve a letter to be written by Tal to the DEC, attention to Mr. James Malcolm to shut them down”

An audience member expressed concerns about construction vehicles on the road.

“The discharging of campers on the road from buses should not be taking place in the road but on their property. There are constant speeding vehicles with the drivers using cell phones and not paying attention to the traffic laws. They are flying in and out. The camp has bread delivered from Brooklyn in a Budget Rental vehicle in the early am and that truck is always speeding.”

Parent’s weekend is a concern because of crowd control and traffic issues.

Their loud speaker system was heard yesterday and last week. It is not an everyday occurrence.

Ms. Lisa Maxwell would like them to, *“cease and desist”* they should not be disturbing the entire neighborhood with their activities.

Mr. Wickes stated, “Mary Beth from Delaware Engineering is to check the PA Speakers, each and every one of them, and make sure they are within proper working condition in relation to decibel limits per NYS laws”.

An audience member complained, that *"children can be heard screaming at 6:00 o'clock in the morning on Sundays."*

Mrs. Stephanie Ingalls stated, *"I thought Camp Malka was going to install screening/trees and bushes. This has not been done. They do not have a parking lot in place."*

An audience member stated, *"I do not see a parking lot in place. The existing illegal trailer and buildings (additions) should be "Red Tagged" as illegal structures without permit. "I thought that the Building Code Enforcement Officer could Red Tag the Buildings. I have seen this done in other towns."*

Mr. Wickes stated, "DEC pre-empts the town written law with New York State Law.
Mr. Wickes stated, "The State Agencies have dropped the ball. The Planning Board will be getting in touch with Mary Beth from Delaware Engineering tomorrow morning.

Mr. Teator stated, "Your fears are now here. You tried to prevent this situation. You have been good neighbors." The guidelines the Planning Board put together with Camp Malka was meant to prevent what is happening. "I understand your frustration that this is happening."

Mr. Wickes stated, "We are going to conduct a surprise visit by our engineer."

Mr. Cavallaro stated, "Mr. Kaplan has asked the neighbors to call him with any of their concerns."

Many audience members stated that they have contacted Mr. Kaplan numerous times. Ms. Wendy Teller stated, *"We have tried to be good neighbors and spoken to Mr. Kaplan to only be ignored."* Mr. Dolias stated, *"I invited Mr. Kaplan to come and see the damage to my pond from their sewage and Mr. Kaplan said he was heart-broken and couldn't see what happened to their pond."*

Mr. Franklyn Roth stated that the issues of: *"noise/screening and parking lots have been raised to Mr. Kaplan was told that they are doing the best we can do."*

Mr. Wickes stated, "We need to know if they are in compliance or not in in compliance."

More items to add to list:

No. 6 The most obvious concern for health and safety is the Waste Water Treatment Plant (Septic system). Do they have a flow meter or not? Are they within parameters set forth by the Department of Environmental Conservation?

No. 7 Is the occupancy limit being complied to in regards to other buildings, trailers and is the Department of health aware of how many campers are there?

No. 8 Are the DEC and DOH in contact with one another in regards to the conditions at Camp Malka?

Mr. Rappleyea is to send a letter to NYS Dept. of Environmental Conservation, NYS Dept. of Health and Town Supervisor, Paul Macko in regard to this situation with Camp Malka.

Mr. Teator suggested, "Call you town board members."

Mr. Wickes stated, "A special meeting maybe scheduled."

Pastor Winnie of Christian Life Center located on State Rt. 32. Apparently, a survey map was not recorded with the County Clerk's Office in 1988.

In 1993, the Center put a school building up according to the subdivision map that was never filed with the County. (They had a Permit and Site Plan reviewed by the PB) Mr. Winnie is looking to do an altered lot line application and is working closely with the neighbor regarding this matter. He will call us when he is ready to correct the boundary lines.

Motion by: Don Teator to accept the minutes **at 9:25 pm**

Seconded by: Arnie Cavallaro

All in Favor: 5

Opposed: 0

Motion carried

Discussion: Does, "Home Rule" to apply for Fracking?

Tal Rappleyea said the Town of Livingston has a company with a lease to land for fracking. Local Law is Home Rule.

A Moratorium for at least 6 months can be proposed as a resolution by the town board.

Fracking companies are considered "quasi utility", listing and no site plan are required.

Mr. Rappleyea recommends the Town Board to enact a local law stating The Town of Greenville has a moratorium against fracking. Presently, the Supreme Court has lost its case against fracking. Now the case is going before the Appellate court. The Court of Appeals is the highest court in the State of New York. It has yet to hear this case. The question of allowing fracking could be in the court system for at least another year.

Motion to recommend the Town Board make a local law for a moratorium on fracking and related activities in the Town of Greenville **by:** Ken Elsbree

Seconded by: Arnie Cavallaro

All in Favor: 5

Opposed: 0

Motion carried

Motion to adjourn meeting by: Don Teator

Seconded by: Bud Bear

All in Favor: 5

Opposed: 0

Motion carried

9:40 pm