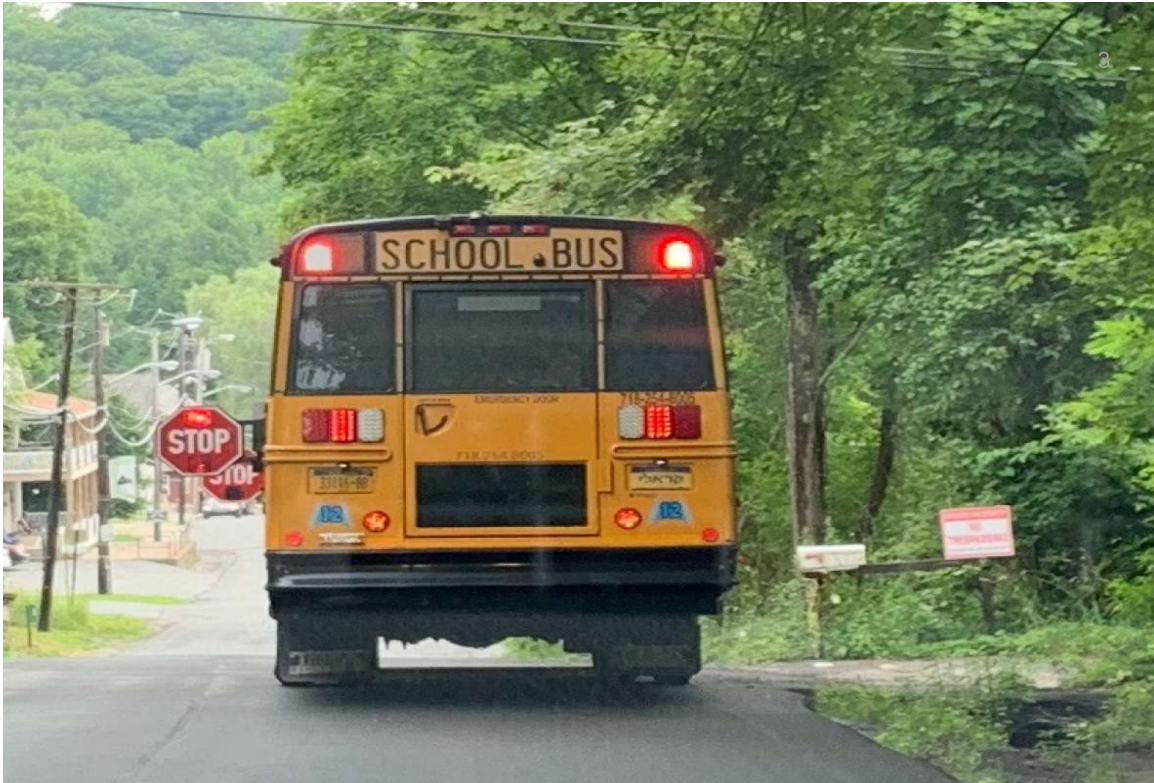
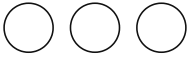


Jewish summer camps alleged to be operating outside COVID-19 rules



Brendan J. Lyons

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A bus, pictured here, is dropping off campers from an Ulster County camp at a location in Sullivan County. Six Jewish summer camps in Ulster County have been accused by local officials of health and safety violations.

Provided Photo

ALBANY — Hundreds of children have been packed into buses and brought to more than six Jewish camps in Ulster County this summer, triggering a drawn-out battle with local code enforcement officials who have asked a judge to shut down the facilities they allege are operating in violation of zoning laws and COVID-19 restrictions.

The six camps, both overnight and day camps and at least one that has operated as a school, are in the town of Wawarsing, a hilly and remote community that's nestled between two state forests about 10 miles

west of New Paltz at the base of the Catskill Mountains.

An attorney for the town said they also have received reports that the buses are driving some campers — many of them from Brooklyn and the greater New York City metropolitan area — into neighboring Sullivan County at night, where they are apparently staying at other camps.

Jeffrey Kaplan, an Ellenville attorney whose firm helps represent five of the camps, said two of the camps are not hosting children. Rather, there are families — parents and their children — who are staying in bungalows at those sites.

Kaplan said the town's enforcement efforts have wandered from one issue to another, including after it was made clear that children are not staying overnight at the camps. He also said there have been no COVID-19 cases reported at the camps.

He said the town's "sort of goal from the beginning was that, whether it was authorized by the state or not, they didn't want anyone in these camp properties. They're not doing overnight camps. (Town officials) are grasping for areas that really weren't part of the original allegations, and the camps are doing what they can to resolve any concerns or complaints being raised."

Earlier this week, after police responded to a complaint at one of the largest day camps, Camp Rav Tov on Ulster Heights Road in Wawarsing, Phillip S. Mattracion, the police chief in the nearby village of Ellenville, wrote a letter to Wawarsing town Supervisor Terry Houck describing the scene.

"Upon arrival I observed numerous school buses coming and going out of the entrance and dropping off hundreds of people to the camp," Mattracion wrote. "The people were walking together in large groups, they got off the buses which were filled to capacity, and no one had masks on, or were social distanced on those buses. At a time when the pandemic has taken hold of our society, and we have executive orders

from the governor of this state, this camp put hundreds of lives at stake, and the safety of this community should the people venture out into the nearby areas."

On Friday, Matracion said that he didn't recall how many children were in the groups. He also said that a rabbi associated with the camp had assured him this week they are following health department guidelines and are taking the temperatures of the children on the buses. The chief said he had responded to the camp to assist State Police after a motorist complained a bus had forced his vehicle off the road — and that the town's supervisor had asked him to document what he saw there.

Houck declined to comment on the litigation and the town's code enforcement efforts, but said the town "is very concerned about the safety and health of all of our visitors and all of our residents."

John W. Bailey, an attorney for the town, said code enforcement officers were initially denied access to the camps earlier this summer and the town obtained a court order to gain entry. They found multiple code-enforcement problems, he said, including inoperable smoke detectors, a cooking stove operating without an exhaust system and barricaded doors.

"Initially, it was clear they were going to operate overnight camps, whether they were permitted or not ... and apparently Mr. Kaplan has admitted (to the Times Union) that there are people sleeping in camps," Bailey said. "It's clear from observations made by code enforcement officers and citizens that there are many hundreds of children being ferried around Ulster County jam-packed in buses without the proper distancing ... and there are mask-wearing issues. ... To this day the town has not been provided with their plan of operation."

On June 2, Gov. Andrew M. Cuomo announced that day camps could open on June 29, but only if they were following occupancy guidelines and implementing social distancing, hand-washing and the use of face coverings. However, the guidelines do not require children to wear masks, although they must be kept separated in groups of no more than 15 and counselors and other employees are required to wear masks.

Bailey also said that code enforcement officers have had difficulty investigating the situation, in part, because the operators prevented them from entering the camps' buildings or only consented to an inspection if they are given a day's notice.

It's unclear how many people are staying overnight at the camps that hold bungalows.

Ten days after the governor's announcement on summer camps, state Health Commissioner Howard Zucker issued a directive that overnight camps would be prohibited from opening this summer. Zucker noted that overnight camps "have congregate settings and sleeping arrangements in close quarters that present too many risks. In such a setting, even a single positive case in a camper or staff member could create an untenable quarantine situation and overwhelm camp health personnel that may not be able to handle a serious infectious outbreak of this nature."

But the camp operators have waged a formidable legal counterattack, including obtaining "temporary residence" permits from the Ulster County Department of Health. In addition, a group representing many of the camps filed a federal lawsuit in Albany in June challenging Cuomo's order shutting down overnight camps.

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In the federal lawsuit, attorneys for the Association of Jewish Camp Operators alleged the governor's order violates their constitutional rights, including religious freedom, and noted that it was issued "without

making any exceptions for Jewish overnight camps, notwithstanding that these overnight camps involve core religious exercise."

"The success of Jewish overnight camps is owed to their immersive experience that separates children from the outside world and envelops them in an enclosed, safe society," the federal complaint states. "The need for Jewish overnight camps is particularly true this summer, after several months of shutdowns of the yeshiva schools, to provide for the structured Jewish learning and living offered by the Jewish overnight camps."

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The federal lawsuit is pending, but on July 6 U.S. District Court Judge Glenn T. Suddaby issued an order denying the camps' request for an injunction overturning Cuomo's order.

In a parallel legal battle, the town of Wawarsing filed a petition in state Supreme Court a month ago asking a judge to order the camps to shut down and alleging they are operating in violation of local zoning laws and also the state's coronavirus orders governing occupancy and health safety measures.

The town argues, in part, that the facilities are permitted to operate only as "overnight" camps and are violating their permits by hosting day camps — with hundreds of children bused in and out each day, and the failure to follow social distancing and other requirements.

The camps this summer obtained "temporary residence" permits from the Ulster County Department of Health, and have asserted that those permits allow them to operate. But Kaplan, the attorney for the camps who is also the mayor of the nearby Village of Ellenville, said those permit were used at the camps where parents and their children are staying in bungalows.

The town, in its court petition, contends a temporary residence use "must be a permitted use for the Zoning District in which the parcel is located and the property owner must receive the required approvals from the town Planning Board or Zoning Board of Appeals along with any necessary certificates of occupancy and/or building permits from the Town's Building Department." They said that has not been done.

The town's court petition includes an affidavit from Arkady Aleksandryants, a neighbor of Camp Rav Tov, who said that the camp's buses frequently park illegally on his property and that he has observed hundreds of children at the camp throughout the summer and buses "literally loaded with children."

"I have observed the children not wearing masks and not engaged in any social distancing," Aleksandryants said in the affidavit.

Attorneys for the Association of Jewish Camp Operators did not immediately respond to a request for comment on Friday. A spokesman for the state Department of Health could not be reached for comment.

With the pace of the court system slowed due to the coronavirus pandemic, it's possible the case in state Supreme Court, in which the town is seeking a permanent injunction shutting down the camps, may not be resolved before they close for the season at the end of the month.

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