

Camp Gabriels deal tied up

Summer camp plan may need amendment of state Constitution

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GABRIELS - It may take approval of a state constitutional amendment for New York to sell the former Camp Gabriels prison.

More than a year-and-a-half after the state auctioned the former minimum-security prison to Adam Fine of Rockland County, the deal still hasn't closed.

Fine's partner, Rabbi Eli Hersh of Monsey, says he's had difficulty getting title insurance and securing the necessary financial backing for his plan to turn Camp Gabriels into a summer camp. He says that's because of concerns environmentalists raised that the 92-acre former prison is state Forest Preserve land that can't be sold without an amendment to Article 14, the "forever wild" clause, of the state constitution.

Article 14 says state Forest Preserve properties "shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed."

"The people are getting nervous to invest in something because of this title issue," Hersh said Wednesday. "If we had the title insurance, we would have opened the camp last year. But when they started realizing the environmentalists were going to get involved, there were a lot of people who said, 'I'm not dealing with environmentalists.'"

Hersh said he's talked with state Sen. Betty Little about drafting a constitutional amendment.

"That's something that she's still working on and putting together for us," Hersh said. [Camp Gabriels' new life](#)

Little didn't make any mention of seeking a constitutional amendment when the Enterprise asked her about Camp Gabriels last week. Her spokesman, Dan Mac Entee, told the Enterprise Wednesday she would pursue it if that's what it takes.

A constitutional amendment requires approval from two separately elected legislatures, then approval by the voters in a statewide referendum.

"Betty's been successful in doing this a number of times, but it is a lengthy process and I'm not sure Eli could wait as long as it would take for that to happen," Mac Entee said.

Hersh said he is willing to wait. He hopes the constitutional amendment process, if necessary, could start this year so he could potentially open the camp in 2016.

However, under the current legislative timeline, the earliest an amendment could be put on the ballot would be the fall of 2017.

The state closed Camp Gabriels in 2009 as a way to cut costs amid a declining inmate population. No one bid on the property the first two times it was auctioned, in 2010 and 2011. It eventually went to Fine, who bid \$166,000, when the state auctioned it a third time in the fall of 2013.

At a public meeting at the Paul Smith's College VIC the following April, Hersh said he planned to convert the shuttered prison into a seven-week summer camp that would draw between 150 and 250 boys from Orthodox Jewish communities, mostly in the New York City area.

Most people in the audience welcomed the idea. The project was set to go before the state Adirondack Park Agency for approval last summer but was pulled from its agenda at the last minute, and it's been stalled since then.

"My understanding is the potential buyer wasn't able to obtain title insurance, and that all the applications have been pulled from the APA," Peter Shrope, supervisor of the town of Brighton in which Gabriels lies said Tuesday. "All indications are that it's a dead deal."

APA spokesman Keith McKeever said Wednesday that the agency hasn't had any contact with Hersh or his representatives for five months.

"I'm not sure," Little said last week when asked if she knew the status of the project. "I emailed them and didn't get an answer back. I think they've been up here a couple times, and they may still be interested."

In a phone interview with the Enterprise Wednesday, Hersh said he's still pursuing the project.

"We still have interest. Nothing's changed with that," he said. "My partners and I, we weren't able to get enough money to put together. I don't want to start the project until I have all the money, so I thought it would be worth it to wait until next year.

"Title insurance was the original problem. We were able to get one company to give us title insurance, but two or three of the big companies denied it. That's really what stopped us from opening up last year."

Even though he was ultimately able to get title insurance, Hersh said his investors are "very wary and nervous" about moving forward with the project if environmentalists maintain that the camp is part of the Forest Preserve and can't be sold without a constitutional amendment.

"That's the reason why I needed Senator Little to be involved," he said. "Senator Little said she would try to make a constitutional change and there wouldn't be an issue."

Forest Preserve?

Environmentalists have argued that Camp Gabriels is part of the Forest Preserve since the state first put it up for auction. David Gibson, a partner with Adirondack Wild: Friends of the Forest Preserve, said it's state land in a Forest Preserve county, as defined by an 1893 statute, and doesn't meet any of the legal exceptions to the law.

"I'm not saying there is Forest Preserve-quality land on the property now," he said. "That issue was dealt with when the state did acquire portions of the property and added it to the Forest Preserve in years past. Nonetheless, this is state land subject to Article 14. We urge the state to call a meeting and, if necessary, begin drafting a constitutional amendment."

Gibson said he's not surprised that the issue is now holding up the sale. He said the state Department of Environmental Conservation and APA should have stopped the Office of General Services from auctioning off the property until the constitutional issues were resolved.

"The state shot itself in the foot," he said. "But it's not too late. They need to put together a meeting and discuss this so something positive can happen there."

In 2011, another environmental group, Protect the Adirondacks, sent a letter to Gov. Andrew Cuomo saying the former prison is constitutionally protected and can't just be sold off as surplus property.

"It certainly appears that the cleanest way forward is a constitutional amendment to clear that title and resolve those issues," Protect Executive Director Peter Bauer said Wednesday.

Bauer stressed that his group's stance "isn't about the prospective buyers or their very good intentions.

"We've heard from some people in Albany that our letter is holding up progress," he said. "Our letter asked a lot of questions that they refused to answer. Can we get the APA and DEC to make a legal determination as to the status of that property? If it's Forest Preserve, how can it be sold without a constitutional amendment? If it's not Forest Preserve, tell us that."

The Enterprise asked the Park's largest environmental group, the Adirondack Council, to weigh in on the issue Wednesday, but its spokesman, John Sheehan, didn't return a call as of press time.

APA

In July of last year, the APA board approved a map amendment that changed the classification of the 92-acre property from state administrative to moderate intensity, a private land use classification. The change wouldn't take effect until after the property is transferred, but it had a one-year expiration date that's fast approaching.

There was no discussion at that meeting of the constitutional questions raised by the environmentalists. However, agency officials acknowledged that transferring state land to a private entity isn't something that happens often in the Park.

"This is an uncommon occurrence," APA legal counsel James Townsend said at the time. "In asking people, I think it might be a first. I'm not sure."

Asked Wednesday whether the agency believes the former prison is Forest Preserve land, McKeever wrote in an email that the agency doesn't make constitutional determinations.

Hopeful

Little said last week the state initially took the property off the market after the Forest Preserve questions were raised.

"The state worked with their attorneys and clarified among themselves that it didn't need to go back to Forest Preserve," she said. "They put it back on the market, but when the title company did the research, they found (the letter from Protect), it became questionable.

"The state said it would defend its right to sell the property. But by that point (Hersh and his backers) were terribly afraid of starting the camp, and if these groups went to court, they could have an injunction against them in the middle of camping season."

"I'm just hopeful they'd still consider it. They love the site. I know the town was very receptive. I'd love to see it happen."