

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will conduct a Public Hearing at the Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday, August 7, 2013 at 7:00 p.m. or as soon thereafter that evening as possible on a Local Law amending the Code of the Town of Carmel, Chapter 156 thereof, entitled "Zoning" and Chapter 131 thereof, entitled "Subdivision of Land"; as follows:

PROPOSED LOCAL LAW # _____ OF THE YEAR 2013

**A Local Law to Amend the Code of the Town of Carmel,
Chapter 156, thereof, entitled "Zoning" and Chapter 131
Entitled "Subdivision of Land"**

BE IT ENACTED by the Town Board of the Town of Carmel, County of Putnam, State of New York as follows:

Section 1. Adoption of Greenway Connections

1. Pursuant to the provisions of Section 44-0119 of the Environmental Conservation Law of the State of New York, the Town of Carmel hereby adopts the statement of land use policies, principles and guides entitled "Greenway Connections: Greenway Compact Program and Guides for Putnam County Communities" (hereinafter referred to as "Greenway Connections"), by which action the Town of Carmel becomes a participating community in the Greenway compact.
2. Proposals to amend Greenway Connections may from time to time be made by The Hudson River Valley Greenway Communities Council (hereinafter referred to as "Greenway Council") in response to requests from participating communities. Within ninety days of receipt of any such proposal from the Greenway Council, the Town Board of the Town of Carmel shall determine by resolution whether to accept or to reject such proposed amendment. Any proposed amendment so accepted shall be considered an amendment of Greenway Connections as adopted by the Town of Carmel. Any proposed amendment rejected by the Town Board will not be considered to be an amendment of Greenway Connections for the Town of Carmel, and notice of such rejection shall promptly be provided to the Greenway Council.
3. It is the stated policy of the Town of Carmel, that to the extent the Town amends its current, or enacts new, land use laws and regulations, such new or amended laws and regulations, where appropriate, will be designed to be consistent with the Greenway Connections.

Section 2. Amendment of Zoning Law

To implement Greenway Connections in the Town of Carmel, the Zoning Law of the Town of Carmel is hereby amended by the addition of the following provision:

Article 11 Greenway Connections

§156-90. By Local Law No. ____ of the year 2013 the Town of Carmel has adopted the "Greenway Connections: Greenway Compact Program and Guides for Putnam County Communities," as amended from time to time, as a statement of land use policies, principles and guides. In its discretionary actions under this zoning law, the reviewing agency should take into consideration said statement of policies, principles and guides.

Section 3. Amendment of Subdivision Law

Article VII Greenway Connections

To implement Greenway Connections in the Town of Carmel, the Subdivision Law of the Town of Carmel is hereby amended by the addition of the following provision:

§131-33 Greenway Connections. By Local Law No. ____ of the year 2013 the Town of Carmel has adopted the "Greenway Connections: Greenway Compact Program and Guides for Putnam County Communities," as amended from time to time, as a statement of land use policies, principles and guides. In its discretionary actions under this subdivision law, the reviewing agency should take into consideration said statement of policies, principles and guides.

Section 4. Home Rule Authority and Withdrawal

Nothing in this local law, in the adoption of the Greenway Connections, or in becoming a participating community in the Greenway compact is intended or shall be construed (a) to limit the home rule authority of the Town under state law to make local land use and zoning decisions, (b) to authorize any other entity to supercede the Town's land use laws and regulations or to impose any requirements on the Town, or (c) to prevent the Town in its sole discretion from adopting a local law at a later date for the purpose of withdrawing from the Greenway compact or the Greenway Connections.

Section 5. Separability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Carmel hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 6. Effective Date

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with the Municipal Home Rule Law.

At said Public Hearing, all interested persons shall be heard on the subject thereof. The Town Board will make every effort to assure that the Public Hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

By Order of the Town Board
of the Town of Carmel
Ann Spofford, Town Clerk

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TOWN OF CARMEL
PROPOSED LOCAL LAW # _____ OF THE YEAR 2013

A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF CARMEL, CHAPTER 156, THEREOF, ENTITLED "ZONING"

BE IT ENACTED by the Town Board of the Town of Carmel, County of Putnam, State of New York as follows:

SECTION 1. The following sections of Chapter 156 of the Code of the Town of Carmel are hereby amended to read as follows:

ARTICLE I: GENERAL PROVISIONS

§156-8 "DEFINITIONS" is hereby amended to add the following definitions:

RESIDENTIAL STORAGE SHED

A building in excess of 150 square feet with a height no greater than 14 feet, accessory to a one-family dwelling, for storage such as but not limited to residential tools, gardening supplies, furniture, sporting goods, etc. located in a rear or side yard of a lot in the residential zone.

SMALL RESIDENTIAL STORAGE SHED

A building, not more than 150 square feet with a height no greater than 14 feet, accessory to a one-family dwelling, for storage such as but not limited to residential tools, gardening supplies, furniture, sporting goods, etc. located in a rear or side yard of a lot in the residential zone.

WATERCRAFT

A boat, ship, or water vehicle driven by air, motor, or human power, intended for recreational purposes.

ARTICLE III: DISTRICT REGULATIONS

§156-19 "Private Swimming Pools and Tennis Courts" is hereby amended to read as follows:

§156-19 Private Swimming Pools and Tennis Courts

Private swimming pools and tennis courts for use by the residents and their guests on the premises shall be permitted, provided that:

- A. Said pools or tennis courts and all appurtenances thereto shall not be located in the front setback area of the lot or within 10 feet of any property line.
- B. All private swimming pools shall be fully enclosed by a fence or wall in compliance with the New York State Building Code
- C. A fence around a tennis court shall not exceed 10 feet in height. Said fence must be an "open air" fence.

§156-27 "Private Water-Related Facilities" is hereby amended as follows:

§156- 27 Private Water-Related Facilities

A private beach, wharf, dock, boathouse or bathhouse shall be permitted, provided that:

- A. A private beach, wharf, dock, boathouse or bathhouse, when not located on a parcel improved by at least one (1) residential dwelling unit, shall require minimum lake frontage of at least 50 feet, a minimum mean depth of at least 30 feet and a minimum area of at least 3,000 square feet.
- B. The use of the site shall be limited to the owner or lessee and the immediate family or bona fide guests of such owner or lessee of the parcel.
- C. No boathouse, wharf or dock or such similar improvement, which is physically attached to any lakefront property, shall extend into or over the surface of any lake for a distance of more than 25 feet from the high-water mark. Boathouses shall not exceed 10 feet in height. A side yard of at least 15 feet shall be provided adjoining a boathouse.
- D. No bathhouse shall be designed and/or used for cooking, sleeping or functions generally occurring in a dwelling and is erected at least 15 feet from any property line. Such bathhouse shall be no more than 10 feet in height and may be equipped with appropriate sanitary facilities approved by the County of Putnam and subject to any other standards of the Town's Environmental Conservation Board.
- E. One off-street parking space shall be provided for each 750 square feet of lot area or major portion thereof for any parcel improved not by at least one (1) residential dwelling unit.
- F. Fencing or screening of any such parcel shall not exceed four feet in

height.

ARTICLE VII: PLANNING BOARD

§156-60 “POWERS AND DUTIES” is hereby amended to read as follows:

§156-60 Powers and Duties

- A. The Planning Board shall have power and authority to employ experts, clerks and a secretary and to pay for their services and such other expenses as may be necessary and proper, not exceeding in all the appropriation that may be made therefor by the Town Board.
- B. The Planning Board shall have all the powers and duties prescribed by law and by this chapter, which are more particularly specified as follows, provided that none of the following provisions shall be deemed to limit any power of said Board that is conferred by law:
 - (1) The Planning Board shall have full power and authority to make such investigations, maps and reports and recommendations in connection therewith relating to the planning and development of the Town.
 - (2) The Planning Board shall have full power and authority to approve, conditionally approve or disapprove:
 - (a) Site plan applications as defined herein.
 - (b) Subdivision plats in accordance with the Subdivision Ordinance of the Town of Carmel. Editor's Note: See Ch. 131, Subdivision of Land.
 - (c) Lot Line Changes and/or Lot Line Adjustments in accordance with the provisions §156-61(M) herein.
 - (3) The Planning Board may prepare and change a Comprehensive Master Plan for the development of the entire area of the Town, in accordance with § 272-a of the Town Law of the State of New York.
 - (4) The Planning Board may review any matter or class of matters referred to it by other boards and commissions of the Town of Carmel, as provided by Town Law.

Section 156-61(M) is hereby added to the Town of Carmel Town Code and shall read as follows:

§156-61 (M) Lot Line Adjustment/lot Line Change

DEFINITION

- (1) Lot Line Adjustment and /or Lot Line Change shall be defined as any change in existing property lines between two or more adjoining properties, excluding the joinder or combination of one or more lots into a larger single parcel.

SUBMISSION REQUIREMENTS

- (2) In order that the Planning Board may adequately understand the proposed lot line adjustment, the initial submission shall consist of eight (8) copies of the following documents:
 - (a) Application Form
 - (b) Copies of all prior actions of the Town Board, Zoning Board of Appeals, and any other County, State, or Federal Agency.
 - (c) Copies of any restrictions or easements on the land (copy of deed).
 - (d) Lot line Adjustment Plan. The Lot line Adjustment Plan shall contain the information as outlined in sections 156-61(M)(9)(a) through (m).
 - (e) A short form Environmental Assessment Form (EAF).
- (3) The review fee for lot line adjustment consideration in an amount as set forth by the Town Board and accepted in the Town of Carmel Annual Fee Schedule.

PROCEDURES FOR THE REVIEW OF A LOT LINE ADJUSTMENT.

- (4) An application for a lot line adjustment shall be submitted to the Secretary or Clerk of the Planning Board at least fourteen (14) days prior to a regular meeting of the Board accompanied by ten (10) copies of the items described in A.
- (5) A lot line adjustment plan shall not be considered complete until a negative declaration has been filed or until notice of completion of the draft environmental impact statement (DEIS) has been filed in accordance with the provisions of the state environmental quality review act (SEQRA). The time periods for review of such plat shall begin upon filing of such negative declaration or such notice of completion.
- (6) Within sixty-two (62) days of the receipt of a complete application the Planning Board by resolution shall disapprove or approve, with or without modifications and/or conditions and authorize the signing of the plat.
- (7) A conditional Final Approval of lot line adjustment plat shall expire within one hundred eighty (180) days of the approval if the conditions of the approval have not been complied with. The signature of the duly authorized officer(s) of the Planning Board shall constitute final approval by the Planning Board of the plat. Final plat approval shall expire within sixty-two (62) days of the signing of the plat unless such plat has been

- filed or recorded by the owner in the office of the County Clerk.
- (8) A lot line adjustment shall not result in additional lots, any lot becoming substandard nor increase/decrease of any lot by more than twenty-percent (20%) or twenty thousand (20,000) square feet of its original lot area.

LOT LINE ADJUSTMENT DETAILS

- (9) Lot line adjustments submitted to the Planning Board shall be drawn to a scale of not more than 1" = 50', submitted on uniform size sheets not more than 36" by 48" and shall show the following information:
- (a) Proposed project name or identifying title. (MUST INCLUDE "LOT LINE ADJUSTMENT" IN THE TITLE)
 - (b) Date, North Point, and Scale.
 - (c) Name, address, seal and signature of professional engineer or land surveyor preparing the plat.
 - (d) A key map at a scale of one inch equals 800 feet, showing the relation of the portion to be subdivided to the entire tract and the relation of the entire tract to its neighborhood for at least 1,000 feet beyond its boundaries.
 - (e) A legend, including, names of all adjacent landowners and those within 500 feet of any property line; zoning district the site is located in with the requirements of said zone compared to the proposed standards, as well as the abutting zones in the subdivision; names and addresses of owner(s).
 - (f) All proposed lot lines, dimensions in feet and the areas of all lots in square feet. Meets and bounds description of all proposed lot lines.
 - (g) The location of proposed setback lines (setback envelope).
 - (h) Existing or proposed covenants or deed restrictions applying to the site.
 - (i) Location, composition, and approximate size of all monuments.
 - (j) Signature Block for Planning Board Chairman to endorse approved Plat.
 - (k) Label "old" and "new" property lines.
 - (l) Location of all structures, wells, and septic systems.
 - (m) Putnam County Dept. of Health approval.

SECTION 2

Chapter 134 of the Town Code of the Town of Carmel entitled: "Swimming Pools" from §134-1 through §134-8 inclusive, is hereby repealed in its entirety.

SECTION 3 SEPARABILITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Carmel hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 4 – Effective Date

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with law.

At said Public Hearing, all interested persons shall be heard on the subject thereof. The Town Board will make every effort to assure that the Public Hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

By Order of the Town Board
of the Town of Carmel
Ann Spofford, Town Clerk

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NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will conduct a Public Hearing at the Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday, August 7, 2013 at 7:00 p.m. or as soon thereafter that evening as possible to consider the adoption of a proposed local law amending the Town of Carmel Town Code and adding Chapter 95-a, thereto entitled "Hydraulic Fracturing"; as follows:

TOWN OF CARMEL
PROPOSED LOCAL LAW # _____ OF THE YEAR 2013

A LOCAL LAW PROHIBITING THE USE OF NATURAL GAS WASTE WITHIN THE TOWN OF CARMEL

Be it enacted by the Town Board of the Town of Carmel, Putnam County, State of New York as follows:

Section 1: PURPOSE

The purpose of this local law is to amend the Town Code to prohibit the use and application of natural gas waste on public and private properties within the Town of Carmel.

Section 2: AMENDMENT OF THE TOWN CODE

The Town Code of the Town of Carmel is hereby amended by the addition of a new chapter entitled, "CHAPTER 95-A, HYDRAULIC FRACTURING" which shall read as follows:

CHAPTER 95-A HYDRAULIC FRACTURING

§ 95-A-1. Definitions.

1. As used in this Chapter the term "hydraulic fracturing" shall mean the fracturing of shale formations by man-made fluid-driven techniques for the purpose of stimulating natural gas or other subsurface hydrocarbon production.
2. As used in this Chapter the term "natural gas extraction activities" shall mean all geologic and/or geophysical activities related to the exploration for and/or extraction of natural gas and/or other subsurface hydrocarbon deposits, including but not limited to core and rotary drilling and/or hydraulic fracturing.
3. As used in this Chapter the term "natural gas waste" shall mean any waste which is generated as a result of natural gas extraction activities, which

may consist of water, chemical additives or naturally occurring radioactive materials [NORMS] and heavy metals. Natural gas waste includes, but is not limited to leachate from solid wastes associated with natural gas extraction activities.

4. As used in this Chapter the term “application shall mean the physical act of placing or spreading natural gas waste.

95-A--2. Prohibitions

1. The introduction of natural gas into any wastewater treatment facility within the Town of Carmel, regardless of whether owned by The Town of Carmel, and duly formed improvement district of the Town of Carmel or any other entity, public or private, is prohibited.
2. The application of natural gas waste on any Town of Carmel owned road, Town owned property or privately owned real property with the Town of Carmel is prohibited.

95-A-3. Bids & Contracts

1. All contracts and bid specifications related to the purchase or acquisition of materials to be used to construct or maintain a Town road shall include a provision stating that no materials containing natural gas waste shall be provided to, utilized or incorporated within the goods and/or services rendered/provided to the Town of Carmel in connection therewith.
2. All contracts and bids related to the retention or securing of services in connection with the construction, maintenance and/or reclamation of any Town road shall include a provision stating that no materials containing natural gas waste shall be provided to, utilized or incorporated within the goods and/or services rendered/provided to the Town of Carmel in connection therewith.

95-A-4. Duty of Employees

The Town Supervisor, or at the option of the Town Supervisor, any department head or Superintendent of Highways is authorized to develop policies and procedures to ensure the familiarity of Town Employees to the provisions of this Chapter and to take such steps as are directed by the Supervisor or Superintendent of Highways to ensure a diligent effort by the Town that materials supplied to the Town or used on Town roads or property comply with this chapter. This section shall not excuse non-compliance by a Contractor or Vendor of the Town.

95-A-5. Penalties and Enforcement

1. This Chapter shall be enforceable by the Town of Carmel Building Inspector and/or any other individual duly authorized by Resolution of the Town of Carmel Town Board.
2. Any violation of this Chapter shall be an unclassified misdemeanor offense punishable by a minimum fine of \$1,000 and not to exceed \$10,000 per violation of this Chapter and/or up to thirty (30) days imprisonment.

95-A-6. Severability

If any clause, sentence, subparagraph, subsection or section of this Chapter shall be held invalid by any court of competent jurisdiction or the application of this Chapter to any person or set of circumstances shall be held invalid, such invalidity or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subparagraph, subsection or operation of this Chapter directly involved in the controversy in which the judgment shall have been rendered. To further this end, the provisions of this chapter are hereby declared to be severable.

Section 3: EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

At said Public Hearing, all interested persons shall be heard on the subject thereof. The Town Board will make every effort to assure that the Public Hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

By Order of the Town Board
of the Town of Carmel
Ann Spofford, Town Clerk