

**TOWN BOARD MEETING
TOWN HALL, MAHOPAC, N.Y.**

A Regular Meeting of the Town Board of the Town of Carmel was called to order by Supervisor Kenneth Schmitt on the 7th day of August 2013 at 7:12 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Lupinacci, Councilwoman McDonough, Councilman Lombardi and Supervisor Schmitt. Councilman Schneider was absent.

The Pledge of Allegiance to the Flag was observed prior to the start of official business and a moment of silence was observed to honor those serving in the United States Armed Forces.

PRESENTATION OF PROCLAMATION - YVONNE RUSTICO

The Town Board awarded Yvonne Rustico with a proclamation for her many years of service, dedication, and commitment to the Town of Carmel and to the United States of America and nominated her to the 2013 New York State Senate 40th District Veterans' Hall of Fame.

PRESENTATION OF PROCLAMATION - MARJORIE NICHOLS KEITH

The Town Board awarded Marjorie Nichols Keith with a proclamation for her many years of service, dedication, and commitment to the Town of Carmel and nominated her as the 2013 New York State Senate 40th District Woman of Distinction.

PUBLIC HEARING HELD - PROPOSED LOCAL LAW AMENDING THE TOWN OF CARMEL TOWN CODE AND ADDING CHAPTER 95-A, THERETO ENTITLED "HYDRAULIC FRACTURING"

With no one present in objection, reading of the following Notice of Public Hearing as published in the Town's official newspaper was waived. Copies of the notice were made available to the public.

LEGAL NOTICE
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 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, 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

7 AUGUST 2013
TOWN BOARD MEETING

(Cont.)

With no one objecting to the public notice, Supervisor Schmitt opened the Public Hearing for public comment at 7:26 p.m. Ten (10) people were in attendance.

With no one present wishing to be heard on the subject of the Public Hearing, on motion by Councilman Lombardi, seconded by Councilman Lupinacci, with all members of the Town Board present in agreement the Public Hearing was closed at 7:26 p.m.

SEQR REVIEW - A PROPOSED LOCAL LAW AMENDING THE TOWN OF CARMEL TOWN CODE AND ADDING CHAPTER 95-A, THERETO ENTITLED “HYDRAULIC FRACTURING”

Gregory Folchetti, Legal Counsel along with the Town Board, reviewed the following State Environmental Quality Review Short Environmental Assessment Form:

#1A

617.20
Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR Town of Carmel	2. PROJECT NAME Hydrofracturing Local Law
3. PROJECT LOCATION: Municipality <u>Town of Carmel</u> County <u>Putnam</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) Town-wide	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: 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.	
7. AMOUNT OF LAND AFFECTED: Initially <u>Town Wide</u> acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? Describe: <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<p style="text-align: center;">I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE</p> <div style="display: flex; justify-content: space-between;"><div>Applicant/sponsor name: <u>Kenneth Schmitt, Town Supervisor</u></div><div>Date: <u>August 8</u>, 2013</div></div> <div style="display: flex; justify-content: space-between;"><div>Signature: </div><div></div></div>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment



(Cont.)

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
☐ Yes ☒ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
☐ Yes ☒ No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
NO

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
NO

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
NO

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
NO

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
NO

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
NO

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:
NO

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?
☐ Yes ☒ No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
☐ Yes ☒ No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☒ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination.

Town of Carmel Town Board
Name of Lead Agency
Kenneth Schmitt
Print or Type Name of Responsible Officer in Lead Agency
Signature of Responsible Officer in Lead Agency

August 8, 2013
Date
Town Supervisor
Title of Responsible Officer
Signature of Preparer (if different from responsible officer)

Reset

**PROPOSED LOCAL LAW AMENDING THE TOWN OF CARMEL TOWN CODE AND
ADDING CHAPTER 95-A, THERETO ENTITLED "HYDRAULIC FRACTURING"
SEQR DETERMINATION OF SIGNIFICANCE MADE - NEGATIVE DECLARATION**

WHEREAS, the Town Board of the Town of Carmel is considering enacting a local law to protect and enhance the public health and welfare of the Town of Carmel by amending the Town Code to prohibit the use and application of natural gas waste on public and private properties within the Town of Carmel; and

WHEREAS, this local law has been developed to promote the health, safety and general welfare of the persons and property of the Town of Carmel; and

WHEREAS, the project is defined as an Unlisted Action; and

7 AUGUST 2013
TOWN BOARD MEETING

(Cont.)

NOW THEREFORE BE IT RESOLVED, that pursuant to Part 617 of the SEQR Regulations, the Town of Carmel Town Board hereby designates its intention to serve as Lead Agency for the SEQR Review of this Unlisted Action, and in this capacity will conduct an Uncoordinated Review.

BE IT FURTHER RESOLVED, that pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the Lead Agency has determined that the proposed Unlisted Action will not have a significant effect on the environment for the reasons enumerated in the attached Negative Declaration Form.

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Jonathan Schneider	<u> </u>	<u> </u>	Absent
John Lupinacci	<u> X </u>	<u> </u>	
Suzanne McDonough	<u> X </u>	<u> </u>	
Frank Lombardi	<u> X </u>	<u> </u>	
Kenneth Schmitt	<u> X </u>	<u> </u>	

SEQR
617.21
Appendix F
State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number Date

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Carmel, Town Board as lead agency, has determined that the proposed action described below will not have a significant effect on the environmental and a Draft Environmental Impact Statement will not be prepared.

Name of Action:
A LOCAL LAW ENACTING CHAPTER 95-A ENTITLED "HYDRAULIC FRACTURING"

SEQR Status:
Type I Unlisted X
Conditioned Negative Declaration: Yes No X

Description of Action:
The proposed action involves enacting a local law to protect and enhance the public health and welfare of residents of the Town of Carmel by prohibiting the use and application of natural gas waste on public and private properties within the Town of Carmel.

(Cont.)

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

Town of Carmel, Putnam County

SEQR Negative Declaration
Page 2

REASONS SUPPORTING THIS DETERMINATION:

The action involves enacting a local law to protect and enhance the public health and welfare of the residents Town of Carmel by prohibiting the use and application of natural gas waste on public and private properties within the Town of Carmel. This local law has been prepared to protect the health, safety and welfare of the residents of the Town of Carmel.

As a result, it can be concluded that the proposed action will not result in any significant adverse environmental impacts.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed.

For Further Information:

Contact Person: Kenneth Schmitt, Supervisor
Address: Town Hall, 60 McAlpin Avenue, Mahopac, NY 10541
Telephone Number: 845-628-1500

For Type I Actions and Conditioned Negative declarations, a Copy of the Notice sent to:

Commissioner, Dep't of Environmental Conservation, 50 Wolf Road, Albany, NY 12233-0001
NYSDEC Region 3, 21 South Putt Corners Road, New Paltz, NY 12561
Supervisor, Town of Carmel, Town Hall, 60 McAlpin Avenue, Mahopac, NY 10541

LOCAL LAW #2 OF THE YEAR 2013 - A LOCAL LAW AMENDING THE TOWN OF CARMEL TOWN CODE AND ADDING CHAPTER 95-A, THERETO ENTITLED "HYDRAULIC FRACTURING"- ADOPTED AS NOTICED, PUBLISHED AND PRE-FILED

TOWN OF CARMEL
LOCAL LAW # 2 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:

(Cont.)

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

(Cont.)
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 of 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.

Offered by: Councilman Lombardi
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Jonathan Schneider	<u> </u>	<u> </u>	Absent
John Lupinacci	<u> X </u>	<u> </u>	
Suzanne McDonough	<u> X </u>	<u> </u>	
Frank Lombardi	<u> X </u>	<u> </u>	
Kenneth Schmitt	<u> X </u>	<u> </u>	

PUBLIC HEARING HELD - PROPOSED LOCAL LAW TO AMEND THE CODE OF THE TOWN OF CARMEL, CHAPTER 156, THEREOF, ENTITLED "ZONING" AND CHAPTER 131 ENTITLED "SUBDIVISION OF LAND" (GREENWAY CONNECTIONS)

With no one present in objection, reading of the following Notice of Public Hearing as published in the Town’s official newspaper was waived. Copies of the notice were made available to the public.

7 AUGUST 2013
TOWN BOARD MEETING

(Cont.)

LEGAL NOTICE
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

With no one objecting to the public notice, Supervisor Schmitt opened the Public Hearing for public comment at 7:32 p.m. Eleven (11) people were in attendance.

With no one present wishing to be heard on the subject of the Public Hearing, on motion by Councilman Lombardi, seconded by Councilman Lupinacci, with all members of the Town Board present in agreement the Public Hearing was closed at 7:33 p.m.

SEQR REVIEW - A PROPOSED LOCAL LAW TO AMEND THE CODE OF THE TOWN OF CARMEL, CHAPTER 156, THEREOF, ENTITLED "ZONING" AND CHAPTER 131 ENTITLED "SUBDIVISION OF LAND" (GREENWAY CONNECTIONS)

Gregory Folchetti, Legal Counsel along with the Town Board, reviewed the following State Environmental Quality Review Short Environmental Assessment Form:

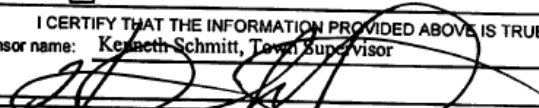
617.20
Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

#2A

7 AUGUST 2013
TOWN BOARD MEETING

(Cont.)

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR Town of Carmel	2. PROJECT NAME Local Law Adopting Greenway Connections
3. PROJECT LOCATION: Municipality Town of Carmel County Putnam	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) Town-wide	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Pursuant to Section 44-0119 of the Environmental Conservation Law of the State of New York, a local law adopting the statement of land use policies, principles and guides entitled "Greenway Connections: Greenway Compact Program and Guides for Putnam County Communities" by which action the Town of Carmel becomes a participating community in the Greenway compact.	
7. AMOUNT OF LAND AFFECTED: Initially Town Wide acres Ultimately acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input checked="" type="checkbox"/> Other Describe: Lakes, navigable waters, trails & scenic byways.	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: Kenneth Schmitt, Town Supervisor Date: August 7, 2013 Signature: 	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER
1



PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, coordinate the review process and use the FULL EAF.
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)	
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: NO	
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: NO	
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: NO	
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: NO	
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: NO	
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: NO	
C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly: NO	

(Cont.)

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?
☐ Yes ☒ No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
☐ Yes ☒ No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☒ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination.

Town of Carmel Town Board
Name of Lead Agency
Kenneth Schmitt
Print or Type Name of Responsible Officer in Lead Agency
Signature of Responsible Officer in Lead Agency

August 8, 2013
Date
Town Supervisor
Title of Responsible Officer
Signature of Preparer (if different from responsible officer)

Resear

PROPOSED LOCAL LAW TO AMEND THE CODE OF THE TOWN OF CARMEL, CHAPTER 156, THEREOF, ENTITLED "ZONING" AND CHAPTER 131 ENTITLED "SUBDIVISION OF LAND" (GREENWAY CONNECTIONS) - SEQR DETERMINATION OF SIGNIFICANCE MADE - NEGATIVE DECLARATION

WHEREAS, the Town Board of the Town of Carmel is considering enacting a local law to protect and enhance the public health and welfare of the Town of Carmel by adopting the land use policies, principles and guides entitled "Greenway Connections: Greenway Compact Program and Guides for Putnam County Communities; and

WHEREAS, this local law has been developed to promote the health, safety and general welfare of the persons and property of the Town of Carmel; and

WHEREAS, the project is defined as an Unlisted Action; and

NOW THEREFORE BE IT RESOLVED, that pursuant to Part 617 of the SEQR Regulations, the Town of Carmel Town Board hereby designates its intention to serve as Lead Agency for the SEQR Review of this Unlisted Action, and in this capacity will conduct an Uncoordinated Review.

BE IT FURTHER RESOLVED, that pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the Lead Agency has determined that the proposed Unlisted Action will not have a significant effect on the environment for the reasons enumerated in the attached Negative Declaration Form.

Resolution
Offered by: Councilman Lupinacci
Seconded by: Councilman Lombardi

Roll Call Vote	YES	NO	
Jonathan Schneider			Absent
John Lupinacci	X		
Suzanne McDonough	X		
Frank Lombardi	X		
Kenneth Schmitt	X		

7 AUGUST 2013
TOWN BOARD MEETING

(Cont.)

SEQR

617.21

Appendix F

**State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance**

Project Number _____

Date _____

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The _____ Town of Carmel, Town Board _____ as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action:

A LOCAL LAW AMENDING CHAPTER 156 ENTITLED "ZONING" and CHAPTER 131 ENTITLED "SUBDIVISION OF LAND"

SEQR Status:

Type I ☐

Unlisted ☒

Conditioned Negative Declaration:

Yes ☐

No ☒

Description of Action:

The proposed action involves enacting a local law to protect and enhance the public health and welfare of residents of the Town of Carmel by adopting the land use policies, principles and guides entitled "Greenway Connections: Greenway Compact Program and Guides for Putnam County Communities.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

Town of Carmel, Putnam County

SEQR Negative Declaration

Page 2

REASONS SUPPORTING THIS DETERMINATION:

The action involves enacting a local law to protect and enhance the public health and welfare of the residents Town of Carmel by adopting the land use policies, principles and guides entitled "Greenway Connections: Greenway Compact Program and Guides for Putnam County Communities This local law has been prepared to protect and enhance the health, safety and welfare of the residents of the Town of Carmel.

As a result, it can be concluded that the proposed action will not result in any significant adverse environmental impacts.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed.

For Further Information:

Contact Person: Kenneth Schmitt, Supervisor

Address: Town Hall, 60 McAlpin Avenue, Mahopac, NY 10541

Telephone Number: 845-628-1500

7 AUGUST 2013
TOWN BOARD MEETING

(Cont.)

For Type I Actions and Conditioned Negative declarations, a Copy of the Notice sent to:

Commissioner, Dep't of Environmental Conservation, 50 Wolf Road, Albany, NY 12233-0001
NYSDEC Region 3, 21 South Putt Corners Road, New Paltz, NY 12561
Supervisor, Town of Carmel, Town Hall, 60 McAlpin Avenue, Mahopac, NY 10541

LOCAL LAW #3 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" (GREENWAY CONNECTIONS) - ADOPTED AS NOTICED, PUBLISHED AND PRE-FILED

**TOWN OF CARMEL
LOCAL LAW #3 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:

(Cont.)

Article 11 Greenway Connections

§156-90. By Local Law No. 3 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. 3 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. Severability

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.

Offered by: Councilman Lombardi
Seconded by: Councilman Lupinacci

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Jonathan Schneider	<u> </u>	<u> </u>	Absent
John Lupinacci	<u> X </u>	<u> </u>	
Suzanne McDonough	<u> X </u>	<u> </u>	
Frank Lombardi	<u> X </u>	<u> </u>	
Kenneth Schmitt	<u> X </u>	<u> </u>	

7 AUGUST 2013
TOWN BOARD MEETING

PUBLIC HEARING HELD - PROPOSED LOCAL LAW TO AMEND THE CODE OF THE TOWN OF CARMEL, CHAPTER 156, THEREOF, ENTITLED "ZONING" (MISC. ZONING REVISIONS)

With no one present in objection, reading of the following Notice of Public Hearing as published in the Town's official newspaper was waived. Copies of the notice were made available to the public.

LEGAL NOTICE
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", as follows:
TOWN OF CARMEL
PROPOSED LOCAL LAW
OF THE YEAR
2013
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
§156-3 "DEFINITIONS" is hereby amended to add the following definitions:
R E S I D E N T I A L 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 a 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 other 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 sections 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.

Cont. on pg. 2

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

7 AUGUST 2013
TOWN BOARD MEETING

(Cont.)

With no one objecting to the public notice, Supervisor Schmitt opened the Public Hearing for public comment at 7:37 p.m. Eleven (11) people were in attendance.

With no one present wishing to be heard on the subject of the Public Hearing, on motion by Councilman Lombardi, seconded by Councilman Lupinacci, with all members of the Town Board present in agreement the Public Hearing was closed at 7:38 p.m.

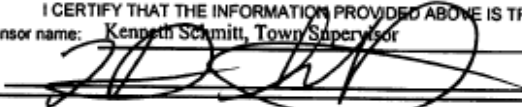
SEQR REVIEW - A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF CARMEL, CHAPTER 156, THEREOF, ENTITLED "ZONING" (MISC. ZONING REVISIONS)

Gregory Folchetti, Legal Counsel along with the Town Board, reviewed the following State Environmental Quality Review Short Environmental Assessment Form:

617.20
Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

#3A

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR Town of Carmel	2. PROJECT NAME Local Law Making Miscellaneous Amendments to Zoning Ch 156
3. PROJECT LOCATION: Municipality Town of Carmel County Putnam	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) Town-wide	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Miscellaneous technical and substantive amendments to Zoning Code Chapter 156, including definitions; schedule of district regulations; private water related facilities; swimming pools and tennis courts; and lot line adjustment/lot line change ; Repealing existing Chapter 134 of Town Code entitled: "Swimming Pools"	
7. AMOUNT OF LAND AFFECTED: Initially Town Wide acres Ultimately acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: Kenneth Schmitt, Town Supervisor Date: August 8, 2013 Signature: 	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

7 AUGUST 2013
TOWN BOARD MEETING

(Cont.)

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? ☐ Yes ☒ No If yes, coordinate the review process and use the FULL EAF.

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. ☐ Yes ☒ No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
NO

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
NO

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
NO

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
NO

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
NO

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
NO

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:
NO

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? ☐ Yes ☒ No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? ☐ Yes ☒ No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☒ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination.

Town of Carmel Town Board
Name of Lead Agency
Kenneth Schmitt
Print or Type Name of Responsible Officer in Lead Agency
Signature of Responsible Officer in Lead Agency

August 8, 2013
Date
Town Supervisor
Title of Responsible Officer
Signature of Preparer (If different from responsible officer)

Reset

PROPOSED LOCAL LAW TO AMEND THE CODE OF THE TOWN OF CARMEL, CHAPTER 156, THEREOF, ENTITLED "ZONING" (MISC. ZONING REVISIONS) SEQR DETERMINATION OF SIGNIFICANCE MADE - NEGATIVE DECLARATION

WHEREAS, the Town Board of the Town of Carmel is considering enacting a local law to protect and enhance the public health and welfare of the Town of Carmel by making miscellaneous revisions to the Town of Carmel Zoning Code, Chapter 156, specifically relating to:

- Article I – Definitions;
- Article III – District Regulations; Private Swimming Pools and Tennis Courts;
- Article III – Private Water Related Facilities;
- Article VII – Planning Board Powers and Duties;
- Article VII – Planning Board – Lot Line adjustment/Lot Line Change; and

(Cont.)

Repealing Chapter 134 entitled “Swimming Pools”.

WHEREAS, this local law has been developed to promote and enhance the health, safety and general welfare of the persons and property of the Town of Carmel; and

WHEREAS, the project is defined as an Unlisted Action; and

NOW THEREFORE BE IT RESOLVED, that pursuant to Part 617 of the SEQR Regulations, the Town of Carmel Town Board hereby designates its intention to serve as Lead Agency for the SEQR Review of this Unlisted Action, and in this capacity will conduct an Uncoordinated Review.

BE IT FURTHER RESOLVED, that pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the Lead Agency has determined that the proposed Unlisted Action will not have a significant effect on the environment for the reasons enumerated in the attached Negative Declaration Form.

Resolution

Offered by: Councilwoman McDonough

Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Jonathan Schneider	<u> </u>	<u> </u>	Absent
John Lupinacci	<u> X </u>	<u> </u>	
Suzanne McDonough	<u> X </u>	<u> </u>	
Frank Lombardi	<u> X </u>	<u> </u>	
Kenneth Schmitt	<u> X </u>	<u> </u>	

SEQR

617.21

Appendix F

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Project Number

Date

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Carmel, Town Board as lead agency, has determined that the proposed action described below will not have a significant effect on the environmental and a Draft Environmental Impact Statement will not be prepared.

Name of Action:

A LOCAL LAW AMENDING CHAPTER 156 ENTITLED “ZONING” and REPEALING CHAPTER 134 ENTITLED “SWIMMING POOLS”

SEQR Status:

Type I Unlisted X

Conditioned Negative Declaration: Yes No X

7 AUGUST 2013
TOWN BOARD MEETING

(Cont.)

Description of Action:

The proposed action involves enacting a local law to protect and enhance the public health and welfare of the Town of Carmel by making miscellaneous revisions to the Town of Carmel Zoning Code, Chapter 156, specifically relating to:

Article I – Definitions;
Article III – District Regulations; Private Swimming Pools and Tennis Courts;
Article III – Private Water Related Facilities;
Article VII – Planning Board Powers and Duties;
Article VII – Planning Board – Lot Line adjustment/Lot Line Change; and

Repealing Chapter 134 entitled “Swimming Pools”.

Location: (Include street address and the name of the municipality/county. A location

map of appropriate scale is also recommended.) Town of Carmel, Putnam County

SEQR Negative Declaration
Page 2

REASONS SUPPORTING THIS DETERMINATION:

The action involves enacting a local law to protect and enhance the public health and welfare of the residents Town of Carmel protect and enhance the public health and welfare of the Town of Carmel by making miscellaneous revisions to the Town of Carmel Zoning Code, Chapter 156, specifically relating to:

Article I – Definitions;
Article III – District Regulations; Private Swimming Pools and Tennis Courts;
Article III – Private Water Related Facilities;
Article VII – Planning Board Powers and Duties;
Article VII – Planning Board – Lot Line adjustment/Lot Line Change; and

Repealing Chapter 134 entitled “Swimming Pools”.

This local law has been prepared to protect and enhance the health, safety and welfare of the residents of the Town of Carmel.

As a result, it can be concluded that the proposed action will not result in any significant adverse environmental impacts.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed.

For Further Information:

Contact Person: Kenneth Schmitt, Supervisor
Address: Town Hall, 60 McAlpin Avenue, Mahopac, NY 10541
Telephone Number: 845-628-1500

For Type I Actions and Conditioned Negative declarations, a Copy of the Notice sent to:
Commissioner, Dep’t of Environmental Conservation, 50 Wolf Road, Albany, NY 12233-0001
NYSDEC Region 3, 21 South Putt Corners Road, New Paltz, NY 12561
Supervisor, Town of Carmel, Town Hall, 60 McAlpin Avenue, Mahopac, NY 10541

LOCAL LAW #4 OF THE YEAR 2013 - LOCAL LAW TO AMEND THE CODE OF THE TOWN OF CARMEL, CHAPTER 156, THEREOF, ENTITLED "ZONING" (MISC. ZONING REVISIONS) - ADOPTED AS NOTICED, PUBLISHED AND PRE-FILED

TOWN OF CARMEL
LOCAL LAW #4 OF THE YEAR 2013

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

7 AUGUST 2013
TOWN BOARD MEETING

(Cont.)

TOWN OF CARMEL
LOCAL LAW #4 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.

**7 AUGUST 2013
TOWN BOARD MEETING**

(Cont.)

- 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 other 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:

(Cont.)

§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.

(Cont.)

- (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 - SEVERABILITY

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.

Offered by: Councilman Lombardi
Seconded by: Councilman Lupinacci

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Jonathan Schneider	<u> </u>	<u> </u>	Absent
John Lupinacci	<u> X </u>	<u> </u>	
Suzanne McDonough	<u> X </u>	<u> </u>	
Frank Lombardi	<u> X </u>	<u> </u>	
Kenneth Schmitt	<u> X </u>	<u> </u>	

MINUTES OF TOWN BOARD MEETINGS HELD ON 7/3/13 AND 7/10/13 - ACCEPT AS SUBMITTED BY THE TOWN CLERK

On motion by Councilman Lombardi, seconded by Councilman Lupinacci, with all members of the Town Board present voting "aye", the minutes of the Town Board meetings held on July 3rd and July 10th 2013 were accepted as submitted by the Town Clerk.

POLICE DEPARTMENT - APPLICATION FOR TUITION REIMBURSEMENT OF LT. BRIAN KARST - APPROVED

RESOLVED that the Town Board of the Town of Carmel hereby approves the application for tuition reimbursement of Town of Carmel Police Lt. Brian Karst dated July 9, 2013, for the Summer 2013 Academic Term at CUNY John Jay College and authorizes payment of \$705.71 to Lt. Karst.

Resolution
Offered by: Councilman Lombardi
Seconded by: Councilman Lupinacci

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Jonathan Schneider	<u> </u>	<u> </u>	Absent
John Lupinacci	<u> X </u>	<u> </u>	
Suzanne McDonough	<u> X </u>	<u> </u>	
Frank Lombardi	<u> X </u>	<u> </u>	
Kenneth Schmitt	<u> X </u>	<u> </u>	

SUBMISSION OF 2013 JUSTICE COURT ASSISTANCE PROGRAM GRANT APPLICATION - AUTHORIZED

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the submission of the 2013 Justice Court Assistance Program Grant Application to the New York State Office of Court Administration; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to execute any and all necessary documentation required in connection with the aforesaid application.

Resolution
Offered by: Councilman Lupinacci
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Jonathan Schneider	<u> </u>	<u> </u>	Absent
John Lupinacci	<u> X </u>	<u> </u>	
Suzanne McDonough	<u> X </u>	<u> </u>	
Frank Lombardi	<u> X </u>	<u> </u>	
Kenneth Schmitt	<u> X </u>	<u> </u>	

CARMEL WATER DISTRICT #8 WATER MAIN CONSTRUCTION - AMENDMENT TO ENGINEERING CONSTRUCTION SERVICES CONTRACT WITH J. ROBERT FOLCHETTI & ASSOCIATES, LLC - AUTHORIZED

WHEREAS the Town Board has been advised that J. Robert Folchetti & Associates, LLC is seeking an increase in the contract price for the engineering services incurred in connection with the extended construction time in the Carmel Water District #8 Water Main Construction Contract; and

WHEREAS, Town Engineer Ronald Gainer, P.E., has recommended that the Town of Carmel Town Board approve the proposed increased costs for engineering services for the aforesaid contract the amount of \$5,000;

NOW, THEREFORE, BE IT RESOLVED Town of Carmel Town Board hereby approves the proposed increased costs for engineering services for the aforesaid contract dated October 2, 2012 in the amount of \$5,000, amending the total contract price from \$110,000 to \$115,000; and

BE IT FURTHER RESOLVED that payment of the additional amount referenced herein to J. Robert Folchetti & Associates, LLC is hereby authorized.

Resolution
Offered by: Councilwoman McDonough
Seconded by: Councilman Lupinacci

(Cont.)

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Jonathan Schneider			Absent
John Lupinacci	X		
Suzanne McDonough	X		
Frank Lombardi	X		
Kenneth Schmitt	X		

LAKE MAHOPAC PARK DISTRICT, LAKE CASSE PARK DISTRICT AND TEAKETTLE SPOUT LAKES PARK DISTRICT - PROPOSAL ACCEPTED FOR HYDRAULIC STUDIES AND EMERGENCY ACTION PLANS - INSITE ENGINEERING - NOT TO EXCEED \$34,380.00

WHEREAS, Town Engineer Ronald J. Gainer, P.E. has previously solicited proposals from engineering firms to perform hydraulic studies and emergency action plans for the impoundments lying within the Lake Mahopac, Lake Casse and Teakettle Lake Park Districts; and

WHEREAS, said proposals have been received and reviewed by the Town Board of the Town of Carmel and The Town Engineer has recommended the acceptance of the proposal of Insite Engineering, Carmel, NY to perform the aforesaid services in connection with the hydraulic studies and emergency action plans, which are required pursuant to NYSDEC regulations;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of the Lake Mahopac, Lake Casse and Teakettle Lake Park Districts, hereby accepts the proposal of Insite Engineering, Carmel, NY to perform the aforesaid services in conformance with the request for proposals, for a cost not to exceed \$34,380.00; and

BE IT FURTHER RESOLVED, that Town Supervisor, Kenneth Schmitt is hereby authorized to execute any and all necessary documentation required to accept said proposal pursuant to the terms authorized herein.

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman Lupinacci

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Jonathan Schneider			Absent
John Lupinacci	X		
Suzanne McDonough	X		
Frank Lombardi	X		
Kenneth Schmitt	X		

Supervisor Schmitt explained that the costs associated with the hydraulic studies and emergency action plans will be borne by the residents within the aforementioned park districts.

CARMEL WATER DISTRICT #12 - PROPOSAL ACCEPTED FOR REPLACEMENT OF WATER SERVICE LINES ON OR WITHIN TOMMY COURT - ED KUCK EXCAVATING - NOT TO EXCEED \$33,870.00

WHEREAS, Town Engineer Ronald J. Gainer, P.E. has previously requested and solicited proposals to replace leaking water service lines located on or within Tommy Court within Carmel Water District #12; and

WHEREAS, the Town Engineer has recommended the acceptance of the proposal of Ed Kuck Excavation, Carmel, NY to perform the installation of the aforesaid water service lines in accordance with the request for proposals developed by the Town Engineer;

7 AUGUST 2013
TOWN BOARD MEETING

(Cont.)

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #12, hereby accepts the proposal of Ed Kuck Excavating, Carmel, NY to perform the aforesaid services in conformance with the request for proposals, for a cost not to exceed \$33,870.00; and

BE IT FURTHER RESOLVED, that Town Engineer Kenneth Schmitt is hereby authorized to execute any and all necessary documentation required to accept said proposal pursuant to the terms authorized herein.

Resolution

Offered by: Councilman Lupinacci
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Jonathan Schneider	<u> </u>	<u> </u>	Absent
John Lupinacci	<u> X </u>	<u> </u>	
Suzanne McDonough	<u> X </u>	<u> </u>	
Frank Lombardi	<u> X </u>	<u> </u>	
Kenneth Schmitt	<u> X </u>	<u> </u>	

Supervisor Schmitt explained that the costs associated with replacing the leaking water service lines will be borne by the residents within Carmel Water District #12.

TOWN OF CARMEL BOARD OF ETHICS - APPOINTMENT MADE - JOSEPH POLITO

WHEREAS the Town of Carmel, pursuant to Article 18 of the New York General Municipal Law has established a Board of Ethics; and

WHEREAS, pursuant to §13-6 of the Town Code of the Town of Carmel, the members of the Board of Ethics serve in such capacity at the Town Board's pleasure;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel hereby appoints Joseph Polito of Mahopac, NY to the Town of Carmel Board of Ethics commencing immediately, replacing Angela Howard who resigned on July 17, 2013.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Jonathan Schneider	<u> </u>	<u> </u>	Absent
John Lupinacci	<u> X </u>	<u> </u>	
Suzanne McDonough	<u> X </u>	<u> </u>	
Frank Lombardi	<u> X </u>	<u> </u>	
Kenneth Schmitt	<u> X </u>	<u> </u>	

PARK RENTAL PERMIT FEES WAIVED - APPLICATIONS OF THE JOSEPH C. CARVALHO MEMORIAL FUND, TY LOUIS CAMPBELL FOUNDATION AND YOUNG SURVIVOR COALITION

RESOLVED that the Town Board of the Town of Carmel hereby waives the park rental permit fees for the following applications:

The Joseph Carvalho Memorial Foundation for an event scheduled for September 21, 2013 at Camarda Park;

Ty Louis Campbell Foundation for an event scheduled for September 21, 2013 at the Mahopac Chamber Park

The Young Survivor Coalition for an event scheduled for September 22, 2013 at Sycamore Park.

(Cont.)

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman Lupinacci and Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Jonathan Schneider	<u> </u>	<u> </u>	Absent
John Lupinacci	<u> X </u>	<u> </u>	
Suzanne McDonough	<u> X </u>	<u> </u>	
Frank Lombardi	<u> X </u>	<u> </u>	
Kenneth Schmitt	<u> X </u>	<u> </u>	

TOWN OF CARMEL EMPLOYEE HANDBOOK – AMENDED AMENDED 11/20/13

WHEREFORE, the Town Board for the Town of Carmel (“Town Board”) seeks to modify the wages, benefits and other terms and conditions of employment for elected officials commencing a new term of office on or after January 1, 2014, management/confidential employees including but not limited to the Chief of Police, and all other Town employees working in positions not represented by a collective bargaining representative and/or within a collective bargaining unit;

WHEREFORE, the Town Board seeks to modify the Town of Carmel Employee Handbook to reflect these modifications to the wages, benefits, and other terms and conditions of employment for elected officials commencing a new term of office on or after January 1, 2014, management/confidential employees including but not limited to the Chief of Police, and all other Town employees working in positions not represented by a collective bargaining representative and/or within a collective bargaining unit;

NOW THEREFORE BE IT RESOLVED that effective January 1, 2014, all elected officials commencing a new term of office on or after January 1, 2014, management/confidential employees including but not limited to the Chief of Police, and all other Town employees working in positions not represented by a collective bargaining representative and/or within a collective bargaining unit, who elect to participate in a health insurance benefits plan offered to Town employees, will pay an amount periodically set by the Town Board via payroll deduction toward the annual cost of health insurance premiums charged to the Town for the level of health insurance coverage that the Town employee selects;

BE IT FURTHER RESOLVED that effective January 1, 2014, all elected officials commencing a new term of office on or after January 1, 2014, management/confidential employees including but not limited to the Chief of Police, and all other employees working in positions not represented by a collective bargaining representative and/or within a collective bargaining unit, who elect to participate in any health insurance benefits plan offered to Town employees and who retire on or after January 1, 2014, will pay in retirement the same percentage of the annual cost of health insurance premiums charged to the Town for the level of health insurance coverage the retiree selects that they paid, or would have been required to pay, at the time of their retirement, as required by Section 808 of the Town of Carmel Employee Handbook;

BE IT FURTHER RESOLVED that the Town Board reserves the right in the future to change the percentage of the annual cost of health insurance premiums paid by elected officials commencing a new term of office on or after January 1, 2014, management/confidential employees including but not limited to the Chief of Police, and all other employees working in positions not represented by a collective bargaining representative and/or within a collective bargaining unit;

BE IT FURTHER RESOLVED that all full-time employees and Elected Officials who are eligible to be enrolled in the Town’s medical insurance plan, and who voluntarily withdraw from or do not enroll in the Town’s medical insurance plan on or after January 1, 2014, shall be eligible for the Medical Insurance Buy-out as provided by Section 807 of the Town of Carmel Employee Handbook, as modified herein;

(Cont.)

BE IT FURTHER RESOLVED that effective immediately the Town Board will cease connecting the salary of the Chief of Police and Lieutenants in the Town of Carmel Police Department to the salary and other compensation negotiated in the collective bargaining agreements of subordinate police officers;

BE IT FURTHER RESOLVED that effective immediately the Town Board directs that Section 701 of the Town of Carmel Employee Handbook shall be replaced with the following:

701 Wage and Salary

Rate of Pay - An employee's rate of pay will be established by the Town Board.

Merit Increases - An employee may receive a pay increase based upon the employee's past performance. The merit increase will be granted at the discretion of the Town Board.

Longevity Bonus - An employee shall be eligible to receive a longevity bonus in accordance with the schedule established by the Town Board, provided the employee has not received an unsatisfactory evaluation. The bonus will be at the discretion of the Town Board. The bonus will be paid in a lump sum on the employee's anniversary date.

Union Employees - An employee who is a member of a collective bargaining unit is not covered by the Wage and Salary provisions set forth above and should refer to the applicable collective bargaining agreement.

BE IT FURTHER RESOLVED that effective immediately the Town Board directs that Section 803 of the Town of Carmel Employee Handbook shall be replaced with the following:

803 Sick Leave

Eligibility – A full-time employee is eligible for paid sick leave in accordance with this policy. A part-time, temporary, or seasonal employee is not eligible for paid sick leave.

Allowance - A newly hired employee will be credited with one and one-quarter days of paid sick leave on the first day of each month during the initial calendar year of employment. Thereafter, a full-time employee will be credited with fifteen days of paid sick leave each January 1. An employee may take sick leave only after it has been credited.

Family Sick Leave - An employee may use up to five days of sick leave credits annually for family illness or injury if the employee must provide direct care to an immediate family member. Such leave will be subtracted from the employee's accumulated sick leave credits. For purpose of family sick leave, "immediate family member" will mean the employee's parent, spouse or child, including step-child and foster child.

Accrual During Leaves of Absence - An employee will be credited with sick leave credits while on a paid leave of absence, but not while on an unpaid leave of absence.

(Cont.)

Proper Use of Sick Leave - Sick leave is provided to protect an employee against financial hardship during an illness or injury. An employee may use sick leave credits for personal illness or injury that inhibits the employee’s work. Sick leave credits may not be used in increments of less than one-half day.

Abuse of Sick Leave - An employee who, after investigation, is found to have abused the use of sick leave or falsifies supporting documentation, will be subject to disciplinary action.

Accumulation - An employee may accumulate sick leave credits to a maximum of two hundred days, in accordance with current CSEA contract or negotiations otherwise.

Separation of Employment – A non-union employee whose employment with the Town is terminated due to a disciplinary discharge will not receive cash payment for unused sick leave.

A full-time employee employed by the Town prior to January 1, 2014 who is separated from Town service for any reason other than disciplinary discharge is eligible to receive cash payment for accumulated unused sick leave in accordance with the schedule below.

Years of Employment:	*Portion of Accumulated Days for which Reimbursement will be made:
After 5 years of continuous service	40%
After 10 years of continuous service	50%
After 15 years of continuous service	60%
After 20 years of continuous service	75%

A full-time employee with a starting date of January 1, 2014 or later who is separated from Town service for any reason other than disciplinary discharge is eligible to receive cash payment for accumulated unused sick leave in accordance with the schedule below.

Years of Employment:	*Portion of Accumulated Days for which Reimbursement will be made:
After 5 years of continuous service	40%
After 10 years of continuous service	50%

*The number of days for which payment shall be made shall be rounded up to the next full day, if the percentage applied to the accumulation results in a fractional part of a day. Payments shall be made at the employee’s then current base rate of pay without addition of overtime, etc.

Death of Employee – If an employee with at least five years of continuous service dies while employed by the Town of Carmel, the employee’s beneficiary would receive payment for accumulated unused sick leave in accordance with the schedule applicable for cashing in unused sick leave upon separation. In the event that an employee has not reached the tenth anniversary, the 40% reimbursement of accumulated sick leave would be paid.

(Cont.)

Retirement Credit - The Town Board has elected to provide Section 41 (j) of the Retirement and Social Security Law which allows credit for a portion of accumulated sick leave at the time of retirement.

Union Employees - An employee who is a member of a collective bargaining unit is not covered by the Sick Leave provisions set forth immediately above, **except** for Proper Use of Sick Leave, and should refer to the applicable collective bargaining agreement. The three supervisors in the Police Department that are non-unionized (Chief, Captain, Lieutenant) will receive benefits at least at the minimum of the negotiated Police Contract.

BE IT FURTHER RESOLVED that effective immediately the Town Board directs that Section 806 of the Town of Carmel Employee Handbook shall be replaced with the following:

806 *Medical Insurance*

Eligibility - The Town will make available medical insurance coverage to each full-time employee, Elected Officials, and their eligible family members. A part-time, temporary, or seasonal employee is not eligible for medical insurance coverage.

When Coverage Begins - Coverage will begin on the first day of the month following either the employee's date of hire, or for Elected Officials, the first day of office, provided all eligibility requirements of the insurance plan are met.

Premium Payment— The Town will pay the full premium for individual or family medical insurance coverage, as the case may be, for each eligible full-time employee and Elected Officials. Effective January 1, 2014, the Town will fix the level and amount of contribution paid by the Town and each Town employee and Election Official whose term commences on or after January 1, 2014. Town employees and Elected Officials shall pay their contributions for individual or family coverage via payroll deduction.

Changes in Premium Contributions – The amount of the insurance premium an employee or Elected Official is required to contribute is subject to change by resolution of the Town Board. The Town Board will provide six (6) weeks' written notice of such change.

Union Employees - An employee who is a member of a collective bargaining unit is not covered by the Medical Insurance provisions set forth immediately above and should refer to the applicable collective bargaining agreement.

BE IT FURTHER RESOLVED that effective immediately the Town Board directs that Section 807 of the Town of Carmel Employee Handbook shall be replaced with the following:

807 *Medical Insurance Buy-out*

Eligibility and Payment - Full-time employees and Elected Officials who are eligible to be enrolled the Town's medical insurance, and who voluntarily withdraw from or do not enroll in the Town's medical insurance plan on or after January 1, 2014 shall receive:

(Cont.)

- 1) five thousand dollars (\$5,000.00) on the first day of the thirteenth (13th) month following the month of withdrawal and every twelfth (12th) month thereafter if they were receiving or were eligible for family coverage and provided that they have remained uncovered under the Town’s plan for the twelve (12) consecutive months immediately preceding any payment due; or
- 2) two thousand five hundred dollars (\$2,500.00) on the first day of the thirteenth (13th) month following the month of withdrawal and every twelfth (12th) month thereafter if they were receiving or were eligible for individual coverage and provided that they have remained uncovered under the Town’s plan for the twelve (12) consecutive months immediately preceding any payment due.

To be eligible for the medical insurance buy-out, the employee or Elected Official must provide documentation of eligibility for the appropriate level of coverage and of comparable medical health insurance coverage in a manner and form to be determined by the Town and sign an appropriate waiver of health insurance coverage and waiver of liability to the Town.

The medical insurance buy-out payment is in addition to the compensation and/or salary to which the employee is otherwise entitled, and will be treated as part of the employee’s gross income and will be subject to the appropriate withholding for income and payroll tax purposes.

Reinstatement - In the event the employee or Elected Official loses coverage under the alternate insurance plan, the employee or Elected Official may resume coverage under a medical insurance plan made available through the Town, with a level of contribution toward medical insurance premiums as set by the Town Board. Coverage will become effective in accordance with the provisions specified in the plan documents, provided that the employee meets all eligibility requirements of the insurance plan.

Resolution

Offered by: Councilman Lupinacci
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Jonathan Schneider	<u> </u>	<u> </u>	Absent
John Lupinacci	<u> X </u>	<u> </u>	
Suzanne McDonough	<u> X </u>	<u> </u>	
Frank Lombardi	<u> X </u>	<u> </u>	
Kenneth Schmitt	<u> X </u>	<u> </u>	

PUBLIC COMMENTS - AGENDA ITEMS

John Butler commented that because of the significance of the matter, the vote in connection with the Resolution Amending the Town of Carmel Employee Handbook should have been tabled until a meeting when all five Town Board members are present.

Councilman Lupinacci stated that throughout the previous five months of discussions in connection with the resolution, Councilman Schneider has been in favor of it.

7 AUGUST 2013
TOWN BOARD MEETING

(Cont.)

Councilman Lombardi added that the enactment of the resolution only required the affirmative vote of three of the five Board members.

Mr. Butler spoke against employees being financially compensated for unused sick days. He commented that this does not occur in the private sector. He then went on to cite the section in the Town of Carmel Employee Handbook which states that a part-time, temporary, or seasonal employee is not eligible for medical insurance coverage and commented with the exception of the Supervisor, the Town Board should not qualify for medical insurance. Mr. Butler inquired if all members of the Town Board are receiving health insurance from the Town of Carmel.

Supervisor Schmitt stated that two members of the Town Board have elected to waive the benefits. Two other members contribute toward their health insurance.

Mr. Butler spoke against medical insurance buyouts and once again stated that this does not occur in the private sector.

Councilman Lupinacci disagreed. He said that it was very relevant in the private sector. Discussion ensued regarding the matter.

TOWN BOARD MEMBER COMMENTS

No member of the Town Board wished to comment at this time.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilman Lupinacci, with all Town Board members present in agreement, the meeting was adjourned at 8:09 p.m. to the previously scheduled Special Work Session.

Respectfully submitted,

Ann Spofford, Town Clerk