

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 17<sup>th</sup> day of April 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 Schneider, Councilman Lupinacci, Councilman Lombardi and Supervisor Schmitt. Councilwoman McDonough was absent.

The Pledge of Allegiance to the Flag was observed prior to the start of official business. A moment of silence was observed to honor those serving in the United States Armed Forces as well as for the victims of the recent Boston Marathon bombings.

**MINUTES OF TOWN BOARD MEETINGS HELD ON 3/27/13 AND 4/3/13 - 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 March 27<sup>th</sup> and April 3<sup>rd</sup> 2013 were accepted as submitted by the Town Clerk.

**POLICE DEPARTMENT - PATROL SERGEANT APPOINTED - ROBERT BAGNAROL - EFFECTIVE IMMEDIATELY**

RESOLVED that the Town Board of the Town of Carmel hereby appoints Detective Robert Bagnarol as a Patrol Sergeant of the Town of Carmel Police Department, effective immediately, subject to the provisions of Civil Service Law, the Putnam County Civil Service Rules and Regulations and the Rules and Regulations of the Police Department of the Town of Carmel.

Resolution

Offered by: Councilman Schneider  
Seconded by: Councilmen Lombardi and Lupinacci

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

Supervisor Schmitt and Police Chief Michael Johnson commended Sergeant Bagnarol for his exemplary service in the Town of Carmel Police Department.

Sergeant Bagnarol stated his appreciation to the Town Board for the appointment.

**PROPOSED LOCAL LAW #2 OF 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" - REFERRED TO THE TOWN OF CARMEL PLANNING BOARD FOR REVIEW, COMMENT AND/OR RECOMMENDATION**

RESOLVED that the Town Board of the Town of Carmel, pursuant to Carmel Town Code §156-76 hereby refers the draft of proposed Local Law #2 of 2013, in form as attached hereto and made a part hereof, to the Town of Carmel Planning Board for its review, comment and/or recommendation.

Resolution

Offered by: Councilman Lombardi  
Seconded by: Councilman Schneider

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(Cont.)

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

☒ Work Session 4/10/13

PROPOSED LOCAL LAW # \_\_\_\_\_ OF THE YEAR 2013 Agenda 4/17/13

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

#3

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.

(Cont.)

**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 section twenty-seven of the Municipal Home Rule Law.

**PROPOSED CHANGES TO TOWN CODE §156-19 WITH RESPECT TO SWIMMING POOLS; §156-15 WITH RESPECT TO STORAGE SHEDS; §156-15, §156-27 AND §156-39 WITH RESPECT TO SWIMMING POOLS - REFERRED TO THE TOWN OF CARMEL PLANNING BOARD FOR REVIEW, COMMENT AND/OR RECOMMENDATION**

RESOLVED that the Town Board of the Town of Carmel, pursuant to Carmel Town Code §156-76 hereby refers the draft of proposed changes to Town Code §156-19 with respect to swimming pools; §156-15 with respect to storage sheds; §156-15, §156-27 and §156-39 with respect to swimming pools in form as attached hereto and made a part hereof, to the Town of Carmel Planning Board for its review, comment and/or recommendation.

Resolution

Offered by: Councilman Lupinacci  
Seconded by: Councilman Lombardi

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

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(Cont.)

Pasquerello, Anne

☒ Work Session 4/10/13 (#4)

☐ Agenda \_\_\_\_\_

**From:** Carnazza, Mike  
**Sent:** Wednesday, April 03, 2013 2:43 PM  
**To:** Schmitt, Kenneth; Lombardi, Frank; McDonough, Suzanne; Lupinacci, John; Schneider, Jonathan; Pasquerello, Anne  
**Subject:** Top 4 Zoning Changes

1. Lot line adjustments- on lot line adjustments when the number of lots does not increase (no subdivision), not more than 20% of any lot is effected, and all lots conform to zoning and health department requirements, I see no reason why a landowner(s) should be required to obtain a subdivision approval from the Planning Board. I suggest that the "Lot Line Adjustment" must be submitted to the Building Inspector. Upon review and approval, the Building Inspector will have the Owner(s) prepare amended deeds for review by Council. Once approved, surveys for ALL lots must be prepared and submitted to the Building Department along with the receipt of filing with the County Clerk.

However, if the lot(s) do not conform, all subdivision requirements must apply (Planning Board, Zoning Board, etc.).

I am currently searching for copies of other Town's Lot Line Change Law and will send them once I get copies.

2. Residential tool sheds. All tool sheds (not only small residential tool sheds) on residential properties need to have a maximum height of 10 to 12 ft. (that is measured to ½ of the gable as per code). I also recommend that they are only allowed to be one story.

#### 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.

#### SCHEDULE OF DISTRICT REGULATIONS

The maximum permitted height of detached garages for the storage of vehicles used by the residents of the premises shall be limited to 20 feet.

The Town has a height allowance/requirement for Small Residential Tool Sheds (Under 150 s.f. and under 14 ft. high) which allows the setbacks to be minimized to 10 ft. on the sides and the rear.

The Town has a maximum height of detached garages of 20 ft. in the schedule of district regulations.

If somebody builds a shed 15 ft. x 15 ft., they can make the building 35 ft. tall according to the code. We need to control this "medium" sized shed building's height allowance.

3. Pool Fences. Contradictory. Required 4 ft. fence in Zoning (Chapter 156) then requires 6 ft. fence in Swimming Pool (Chapter 134). This should be removed from code and require compliance with New York State Building Code.

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156-19A contradicts 134-5A(1)

156-19B contradicts 134-5A(2)- NY State Code Requires 4 ft.

#### § 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 of substantial construction not less than four feet in height, with no openings larger than 2 1/2 inches except for gates and doors. The fence or wall shall be so constructed as to prevent any unauthorized person from gaining access to the pool by going beneath or over such fence or wall. A dwelling or accessory building wall may be used as part of the enclosure.

(Cont.)

C. Every fence or wall shall be provided with one or more gates or doors of the same height as the fence or wall, equipped with a self-closing or self-latching device capable of keeping them securely closed.

D. No private swimming pool shall be maintained in the Town of Carmel unless in conformance with this section and Chapter 134 of the Town Code.

E. A fence around a tennis court shall not exceed 10 feet in height. Said fence must be an "open air" fence.

#### **§ 134-1. Definitions.**

The words, items or phrases listed below, for the purpose of this chapter, except when the context requires a different meaning, shall be defined as follows:

##### **PORTABLE POOL**

A body of water or receptacle for water contained in a wholly or partially aboveground level outdoor receptacle of more than 75 cubic feet capacity and having a depth at any point greater than 18 inches, not stationary or fixed, and capable of being removed for storage, which is erected, maintained and used or intended to be used for swimming, wading or bathing solely by the owner, tenant or lessee of the premises upon which the pool is situated, and by his family or friends and guests invited to use it without payment of any fee.

##### **SWIMMING POOL**

Any body of water or receptacle for water having a depth at any point greater than 24 inches and an area greater than 75 square feet, designed, used or intended to be used for wading, bathing or swimming, outside any building by an individual for use by his household and guests without fees, and located on property owned, leased or otherwise used and maintained by the owner of said swimming pool.

#### **§ 134-2. Intent.**

This chapter is enacted in recognition of the need to regulate the installation and maintenance of swimming pools in residential zones and is not applicable to the use of land for a public bathing beach or swimming pool maintained for profit.

#### **§ 134-3. Required plans and specifications; permit and fees.**

A. No person or persons, corporations or organizations shall construct a private swimming pool unless the plans and specifications therefor meet the minimum Town of Carmel Building Department construction requirements or unless the owner of the premises has filed with the Building Department a certification approved by the Town Engineer, or by a professional engineer licensed by the State of New York, that the source of water, chemical treatment and drainage of such pool and the plumbing, electrical, filtering and heating installations serving such pool are adequate and will not interfere with private or public water supply systems existing, public and private sanitary facilities or with the public highways.

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B. Upon arrival of the Building Inspector, a permit for construction may be granted upon the payment of the appropriate fee. The permit fees shall be established annually by the Town Board and shall be on file in the office of the Town Clerk.

#### **§ 134-4. Use restrictions.**

Swimming pools may be installed in residential districts only as accessory to a dwelling for the private use of the owners or occupants of such dwelling and their families and guests, or as accessory to a nursery school or day camp for children; and only on the conditions provided in this chapter. Swimming pools other than private are prohibited.

#### **§ 134-5. Installation and maintenance standards.**

A. All swimming pools and portable pools now existing or hereafter constructed, installed, established or maintained shall not be installed or maintained unless:

- (1) Such pool is located in the rear or side yards of the premises.
- (2) Such pool is completely and continuously surrounded by a good quality protective fence not less than six feet in height above grade with posts firmly embedded in the ground to a depth of not less than four feet at intervals of not more than eight feet, which fence shall be so constructed as to have no opening, mesh, hole or gap larger than 2 1/2 inches in any dimension.
- (3) All gates used in conjunction with the above-described enclosings conform to the specifications required above as to height and dimensions of openings, mesh, holes or gaps and are equipped with self-closing and self-latching devices for keeping the gate or door securely closed at all times when not in actual use. Gates and doors shall be locked when the pool is not in use or is unguarded or unattended.
- (4) Such pool shall not be erected closer than four feet to the rear and side property lines of the premises or, in the case of a corner lot, closer than 10 feet to any property line along an abutting street.
- (5) Such pool does not occupy more than 40% of the area of the rear yard, excluding all garages or other accessory structures located in such area.

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(6) There shall be no cross-connection with a public water supply system if the water for such pool is supplied from a private well.

(7) The inlet shall be above the overflow level of the pool if the water for such pool is supplied from a public water supply system.

B. Every portable pool shall be enclosed by a good-quality protective fence described in Subsection A(2), unless such portable pool is emptied and stored when not in use.

C. No loudspeaker device which can be heard beyond property lines of the premises on which any swimming pool has been installed may be operated in connection with such pool; and all lights shall be so placed or shaded as to eliminate direct or reflected rays of light beyond the property lines.

4. **156-15 (Schedule of District Regulations)-PRIVATE docks for the mooring of not more than 4 watercraft, should be changed to accessory uses as opposed to a conditional use. There is no reason why an applicant should have to go to the Planning Board to build a small dock on their residential property as long as there is a one family residence on the same parcel of property. The applicant would require a wetland permit from the ECB. If the applicant had a vacant parcel of lakefront property, Site plan approval would be required from the Planning Board.**

By leaving 156-27 (Private water related facilities) the way it is now, applicants may seek site plan approval for docks (on vacant land), boathouses, beaches, etc. from the Planning Board as they currently do.

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- Add Definition to §156-8- Watercraft- A boat, ship, or water vehicle driven by air, motor, or human power, intended for recreational purposes.
- § 156-15 Schedule of District Regulations shall be amended as follows:
- Add "Private Water Related Facilities (see 156-39.3)" to the list of permitted accessory uses in the R-zoning district.

§ 156-39.3. Private water-related facilities.

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

- A private wharf, or dock, when located on a residential lot, shall be a permitted accessory use to a one family dwelling.
- The use of the site shall be limited to the owner or lessee of the parcel and the immediate family or bona fide guests of such owner or lessee of the parcel.
- No wharf or dock may extend into or over the surface of any lake for a distance of more than 25 feet from the high-water mark nor shall it be designed to allow the mooring of more than four (4) watercraft. A setback of 20 ft to any side property line shall be maintained for any Boathouse.
- Approval of the Town's Environmental Conservation Board shall be obtained prior to issuance of a permit.

The parking calculation for Private Water Related Facilities does not work. Our current code requires one off-street parking space shall be provided for each 750 square feet of lot area or major portion thereof. The parking calculation is not practical for any lot over 2000 sq. ft.

An ordinary ½ acre lot with a dock is required to provide 27 parking spaces.

An ordinary full acre lot with a dock is required to provide 54 parking spaces.

This is not the intent of the law. It is appropriate for the small 20 x 100 ft Dock Lot that 3 parking spaces are required.

Michael Carnazza  
Director of Code Enforcement  
Building Inspector  
Town of Carmel  
60 McAlpin Ave.  
Mahopac, N.Y. 10541  
(845) 628-1500 ext 170



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(Cont.)

**Pasquerello, Anne**

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**From:** Carnazza, Mike  
**Sent:** Wednesday, April 03, 2013 2:50 PM  
**To:** Schmitt, Kenneth  
**Cc:** Lombardi, Frank; McDonough, Suzanne; Lupinacci, John; Schneider, Jonathan; Pasquerello, Anne  
**Subject:** Proposed Lot Line Adjustment Law

## Lot Line Adjustment

**Definition-** Any change of existing property lines, excluding the joining or combining of one or more lots into a single larger parcel.

### Lot Line Adjustment

- A. Submission Requirements-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:
  - (1) Application Form
  - (2) Copies of all prior actions of the Town Board, Zoning Board of Appeals, and any other County, State, or Federal Agency.
  - (3) Copies of any restrictions or easements on the land (copy of deed).
  - (4) A Lot line Adjustment Plan. The Lot line Adjustment Plan shall contain the information as outlined in
  - (5) A short form Environmental Assessment Form (EAF).
  - (6) 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.
- B. Procedures for the review of a lot line adjustment. 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.
  - (1) 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.
  - (2) 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.
  - (3) 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.
  - (4) 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

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.

(Cont.)

- 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.

Michael Carnazza  
Director of Code Enforcement  
Building Inspector  
Town of Carmel  
60 McAlpin Ave.  
Mahopac, N.Y. 10541  
(845) 628-1500 ext 170

**THE WEEK OF MAY 18<sup>TH</sup> THROUGH MAY 24<sup>TH</sup> 2013 DECLARED SAFE BOATING WEEK**

WHEREAS, while being a significant source of enjoyment and relaxation, boating to the unprepared, can be a risky sport where knowledge and skills are important in reducing human error and improving judgment;

WHEREAS, it is critical to implement precautionary measures to protect those participating in boating activities to reduce and eliminate accidents and fatalities in boating activities; and

WHEREAS, The Town Board of the Town of Carmel hereby recognizes the efforts of the United State Coast Guard Auxiliary in reducing accidents and fatalities in boating activities, thereby making the waters of this country safer;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel hereby declares the week of May 18, 2013 through May 24, 2013 as Safe Boating Week in the Town of Carmel; and

BE IT FURTHER RESOLVED, that it is urged that all levels of government within the County of Putnam, all school districts, divisions of law enforcement, place of worship, youth service organizations, and all citizens of the Town of Carmel and the County of Putnam promote safety and awareness in boating activities during this week.

Resolution

Offered by: Councilman Schneider  
Seconded by: Councilman Lupinacci

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

**BOND RELEASE AUTHORIZED - D&L REALTY, LLC - TM #55.12-2-2**

WHEREAS application has been made by D&L Realty, LLC for the total release of a site plan bond posted in accordance with the Land Subdivision and/or Zoning Regulations for Tax Map #55.12-2-2; and

WHEREAS said applications have been reviewed by the Town Engineer Ronald J. Gainer, P.E. and release of the bonds has been recommended and approved by the Town Engineer and Town of Carmel Planning Board,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the release of the site plan for D&L Realty, LLC, Selective Insurance Company Bond no. B187539 in the amount of \$98,655.00.



(Cont.)

Resolution

Offered by: Councilman Lombardi  
Seconded by: Councilman Schneider

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

**BOND RELEASE AUTHORIZED - AUTO ZONE NORTHEAST, INC. - TM #55. 6-1-49**

WHEREAS application has been made by Auto Zone Northeast Inc. for the total release of a site plan bond posted in accordance with the Land Subdivision and/or Zoning Regulations for Tax Map #55.6-1-49; and

WHEREAS said applications have been reviewed by the Town Engineer Ronald J. Gainer, P.E. and release of the bonds has been recommended and approved by the Town Engineer and Town of Carmel Planning Board,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the release of the site plan for Auto Zone Northeast, Inc., Travelers Insurance Company Bond no. 105446282 in the amount of \$584,531.00.

Resolution

Offered by: Councilman Lupinacci  
Seconded by: Councilman Schneider

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

**DEPARTMENT OF RECREATION AND PARKS - BID AWARDED FOR BUS TRANSPORTATION 2013 SUMMER CAMP PROGRAM - BAUMANN & SONS BUSES, INC.**

WHEREAS the Town Board of the Town of Carmel has previously authorized advertisement for the solicitation of bids for bus transportation for the 2013 summer camp program administered by the Town of Carmel Department of Recreation and Parks, as requested by Director of Parks and Recreation, James R. Gilchrist, and

WHEREAS such bids were received and opened on March 14, 2013 and has prepared a bid opening memo which is on file with Town Clerk Ann Spofford, and

WHEREAS, James R. Gilchrist has recommended the awarding of the aforesaid bid to Baumann & Sons Buses, Inc., Ronkonkoma, NY, the low responsible bidder meeting specifications for all bus trips scheduled by the Recreation and Parks Department for Summer 2013,

BE IT FURTHER RESOLVED that upon review of insurance certificates in form acceptable to Town Counsel, Kenneth Schmitt, Town Supervisor is hereby authorized to execute any other and further documentation necessary to accept such bid and contract for said services.

Resolution

Offered by: Councilman Schneider  
Seconded by: Councilman Lupinacci

(Cont.)

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

**DEPARTMENT OF RECREATION AND PARKS - ADVERTISEMENT FOR BIDS  
AUTHORIZED - CONSTRUCTION OF A RESTROOM, CONCESSION AND UTILITY  
BUILDING AT CAMARDA PARK**

RESOLVED that, pursuant to the request of James R. Gilchrist, Director of Recreation and Parks, Town Clerk Ann Spofford is hereby authorized to advertise for bids for the construction of a restroom, concession and utility building at Camarda Park in the Town of Carmel; and

BE IT FURTHER RESOLVED that the Director or Recreation and Parks is to furnish detailed specifications for the above to the Town Clerk to be used in conjunction with the Town's general bid conditions and specifications.

Resolution

Offered by: Councilman Lombardi  
Seconded by: Councilman Lupinacci

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

**DEPARTMENT OF RECREATION AND PARKS - ADVERTISEMENT FOR BIDS  
AUTHORIZED - CONSTRUCTION AND INSTALLATION OF NEW DOCK SYSTEMS  
AT SYCAMORE PARK**

RESOLVED that, pursuant to the request of James R. Gilchrist, Director of Recreation and Parks, Town Clerk Ann Spofford is hereby authorized to advertise for bids for the construction and installation of new dock systems at Sycamore Park in the Town of Carmel; and

BE IT FURTHER RESOLVED that the Director or Recreation and Parks is to furnish detailed specifications for the above to the Town Clerk to be used in conjunction with the Town's general bid conditions and specifications.

Resolution

Offered by: Councilman Lupinacci  
Seconded by: Councilman Schneider

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

17 APRIL 2013  
TOWN BOARD MEETING

**CARMEL WATER DISTRICT #10 - CONVEYANCE OF REAL PROPERTY IN EXCHANGE FOR MAINTENANCE EASEMENT AUTHORIZED - ROBERT TSENG, SENIOR AVENUE - SUBJECT TO PERMISSIVE REFERENDUM**

WHEREAS, the Town of Carmel is currently the owner in fee simple of a strip of residentially zoned real property within Carmel Water District #10 within which a district water main is located; and

WHEREAS, the aforesaid strip of real property is located wholly within the boundaries of a residential parcel of property on Senior Avenue owned by Robert Tseng; and

WHEREAS, the owner of the real property has requested that the Town of Carmel convey title to the aforesaid real property to him in exchange for the grant of a permanent easement for maintenance, repair and/or replacement of the referenced water main located therein; and

WHEREAS, Town Engineer Ronald J. Gainer, P.E. has recommended the exchange of the Town of Carmel's fee interest in the aforesaid strip of land in exchange for the conveyance of a permanent easement for maintenance, repair and/or replacement of the referenced water main located therein;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel hereby authorizes the conveyance of title in fee interest of the aforesaid real property to Robert Tseng in exchange of a permanent easement for maintenance, repair and/or replacement of the referenced water main located therein; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to execute any and all documentation necessary to effect to transfers of property interests contemplated herein as prepared by Town Counsel; and

BE IT FURTHER RESOLVED, that Robert Tseng bear all costs of recording of the conveyance documents, including the permanent easement being granted in favor of the Town of Carmel herein; and

BE IT FURTHER RESOLVED that this resolution is subject to permissive referendum.

Resolution  
Offered by: Councilman Schneider  
Seconded by: Supervisor Schmitt

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

**TOWN ASSESSOR'S OFFICE - ATTENDANCE AT HOMESTEAD TAX OPTION WORKSHOP ON 4/8/13 - AUTHORIZED**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes Town Assessor, Glenn Droese and Real Property Appraiser, Brian Scott McMillan to attend the Homestead Tax Option Workshop offered by Dutchess County Assessor's Association in Fishkill, NY on April 8, 2013; and

BE IT FURTHER RESOLVED that the cost of registration and other necessary expenses be advanced or reimbursed by the Town Comptroller's Office upon audit and approval.

Resolution  
Offered by: Councilman Lombardi  
Seconded by: Councilman Schneider

(Cont.)

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

**PUBLIC COMMENTS - AGENDA ITEMS**

No member of the public wished to comment at this time.

**TOWN BOARD MEMBER COMMENTS - AGENDA ITEMS**

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

**OPEN FORUM - PUBLIC COMMENTS**

No member of the public wished to comment at this time.

**OPEN FORUM - TOWN BOARD MEMBER COMMENTS**

Councilman Lupinacci announced that the Town Board Work Session scheduled for April 24, 2013 will be held at the Carmel Fire House on Vink Drive.

Councilman Schneider announced that this year’s Community Clean-up and Zoning Code Compliance Week will commence on April 22, 2013. He welcomed all businesses and civic associations to participate. He stated that safety vests and orange trash bags will be available at the Highway Department.

Supervisor Schmitt added that the filled trash bags may be left along the roadways for pick up by the Highway Department. He urged residents to be careful while working along the curbs.

Councilman Lombardi congratulated Town of Carmel K-9 Police Officer Thomas Raffaele and his dog Cache for their recent first place finish in the United States Police Canine Association competition amongst participants from New York, New Jersey and Connecticut. He stated that they are now eligible to represent the tri-state region in the national championships to be held in June 10<sup>th</sup> through June 13<sup>th</sup> in New Orleans, Louisiana.

Supervisor Schmitt announced that the American Cancer Society will “Paint the Town Purple” by displaying purple decorations throughout the community on May 3, 2013 to raise awareness of their annual Relay for Life event.

**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 7:38 p.m. to Executive Session to discuss a matter of personnel in connection with the Building Department as well as for an update on a matter of litigation - Harriton v. Town of Carmel.

Respectfully submitted,

Ann Spofford, Town Clerk