

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

A Special Meeting of the Town Board of the Town of Carmel was called to order by Supervisor Kenneth Schmitt on the 24th day of May, 2017 at 7:06 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.

**PUBLIC HEARING HELD - PROPOSED LOCAL LAW AMENDING THE CODE OF THE TOWN OF CARMEL, CHAPTER 156 HEREOF, ENTITLED "ZONING" BY THE ADDITION OF SECTION 156-39.5 COOPS AND ATTACHED RUNS FOR CHICKENS**

Supervisor Schmitt asked the Deputy Town Clerk to read the following Notice of Public Hearing as published in the Town's official newspapers:

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, May  
24, 2017 at 7:00 p.m. or as soon  
thereafter that evening as  
possible on a proposed Local  
Law amending Chapter 156 of  
the Code of the Town of Carmel,  
entitled "Zoning" by the Addition  
of Section 156-39.5 Entitled  
"Coops and Attached Runs for  
Chickens" as follows: TOWN OF  
CARMEL PROPOSED LOCAL  
LAW # \_\_\_ OF THE YEAR 2017  
A LOCAL LAW AMENDING  
CHAPTER 156 OF THE CODE  
OF THE TOWN OF CARMEL,  
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: PURPOSE  
The purpose of this local law is  
to amend the Town Code to  
allow the ownership and housing  
of chickens as a permitted  
accessory use under Chapter  
156 of the Town Code of the  
Town of Carmel Entitled  
"Zoning". SECTION 2:  
AUTHORITY This chapter is  
adopted pursuant to the  
authority, of Article 2, § 10 of the  
New York State Municipal Home  
Rule Law. SECTION 3:  
AMENDMENT OF CHAPTER  
156 The Town Code

comprising such lot. No lot may house  
more than 18 (eighteen) chickens in  
total. C. Coops and runs may not be  
located in any front yard as defined in  
this chapter. Coops and runs shall be  
situated completely in a side or rear  
yard, at least 15 feet from all rear and  
side property lines. D. All coops and  
runs must be kept clean neat and free  
of debris and be in compliance with all  
state and local laws pertaining to  
animals generally. E. All coops and any  
attached run shall be screened from  
view at ground level from adjacent lots  
by using 4 ft. to 6 ft. fencing,  
landscaping, or a combination thereof  
and the screening must be present  
throughout the year. i.e. evergreen  
landscaping F. All feed shall be kept in  
rodent-proof containers. G. All chickens  
will be contained in coops and runs  
unless property size is in excess of  
three acres. H. Any lot which houses  
chickens pursuant to the terms of this  
chapter and section shall be required to  
obtain a permit issued by the Town  
Clerk of the Town of Carmel. Such  
permit and application therefor shall be  
in form and content as prescribed and  
approved by resolution of the Town  
Board of the Town of Carmel. I. Any  
such permit issued pursuant to the  
terms of this chapter and section shall  
require a fee to be established by  
resolution of the Town Board of the  
Town of Carmel on an annual basis.

competent jurisdiction to compel  
compliance with or to restrain by  
injunction any violation of this  
chapter. SECTION 4: HOME  
RULE Nothing in this Local Law  
is intended, or shall be construed  
(a) to limit the home rule authority  
of the Town under State Law to  
limit the Town's discretion in  
setting fees and charges in  
connection with any applications  
requiring Town approval.  
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.  
At said Public Hearing, all  
interested persons

of the Town of Carmel is hereby  
amended by the amendment of  
Chapter 156 entitled "Zoning" is  
hereby amended to add §156-  
39.5 which shall read as follows:  
§ 156-39.5 Coops and Attached  
Runs for Chickens. Definitions:  
Coop: a cage or pen designed to  
contain or house chickens and  
shall contain all of the following  
components: Nesting place for  
each chicken to lay eggs (at least  
four inches deep) Elevated Roost  
or Perch area for chickens to  
sleep Ventilation Insulation to  
prevent drafts & dampness  
Accessibility to eggs and ability to  
clean out properly Run: a fenced  
or fully enclosed area attached to  
or encompassing a chicken coop  
in which chickens are allowed to  
run around and peck. A. A coop  
for housing chickens and an  
attached run shall be permitted  
as an accessory use. The  
combined square footage of the  
coop/run area should allow at  
least four square feet for each  
chicken being kept in the area.  
Roosters are prohibited. B. No  
coop or run for housing of  
chickens shall be located on a lot  
comprised of less than forty-  
thousand (40,000) square feet of  
lot area. A lot may only house a  
maximum of six chickens for  
every forty-thousand (40,000)  
square feet of lot area

J. Penalties for offenses. 1.  
Any complaint received by the  
building department or police  
department  
pursuant to this chapter  
pertaining to the cleanliness or  
sanitary condition of the  
run/coop may be referred to  
the Putnam County SPCA for  
investigation and who is  
hereby empowered to enforce  
any and all violations of this  
code. 2. Any person or entity  
that shall violate any of the  
provisions of this chapter shall  
be guilty of a violation and  
shall be punished as follows:  
(1) For a first offense: by a fine  
not to exceed \$50. (2) For a  
second offense: by a fine not  
to exceed \$100. (3) For a third  
offense or any subsequent  
offenses: by a fine not to  
exceed \$200 or removal of  
chickens, coop, and run from  
said premises, or by both such  
fine and cessation of use. (4)  
Each violation of any provision  
of this chapter and each week  
that each such violation shall  
continue shall be deemed to  
be a separate and distinct  
offense. (5) In addition to the  
above provided penalties and  
punishment, the Town may  
also maintain an action or  
proceeding in a court of

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

**MAY 24, 2017  
TOWN BOARD SPECIAL MEETING**

With no one objecting to the public notice as read, Supervisor Schmitt opened the Public Hearing for public comment at 7:10 p.m. Approximately sixteen (16) people were in attendance.

Dave Nichols, Mahopac resident, commented that the 15 foot set back was not enough. He was concerned that breathing in the dust from the droppings could cause respiratory problems.

Alison Palm-Bevilacqua, Mahopac resident, pointed out that if the coops are kept clean there shouldn't be any issues as it would only smell if the coops were neglected. She stated that the required barriers would also prevent a problem.

Ms. Palm-Bevilacqua noted there are many positive reasons to have chickens and that people in the Town of Carmel take care of their animals. She suggested that if someone is concerned about the humane treatment of chickens they should look at where the store bought eggs come from.

Diane Henry, Mahopac resident, reported that despite the Town of Carmel being involved she is still having problems with neighbors that have chickens. She stated that 40,000 square feet is not adequate and that a full acre should be required. She expressed her concern that the compliance officers will not be able to keep up with the complaints.

Ms. Henry noted that her neighbor's chickens are 40 feet from the property line and there are still issues. She asked if there would be a visual inspection before a permit is issued.

Supervisor Schmitt explained that this law has been totally vetted out. He stated that Michael Carnazza, Building Inspector did a lot of research and Greg Folchetti, Legal Counsel reviewed it. He stated that the coops need a building permit.

Mr. Carnazza noted that the coops will need a building permit and a Certificate of Compliance. He further stated that he did not feel that the set backs should be a problem.

Supervisor Schmitt explained that if there is a complaint it should be reported to the Building Department.

Joseph Charbonneau, Legal Counsel stated that a violation would be issued. They would have to go to court and be charged.

Mr. Carnazza explained that it would not be an offense until they were proven guilty.

Rob Lena, Mahopac resident, stated that it is up to the owners. He pointed out that this is not a chicken issue but a neighbor issue. He suggested that the law will make it likely that only people that are serious about raising chickens will do so.

Kricket Dyckman, Mahopac resident, stated that people who want chickens will keep everything the way it is supposed to be. She asked if the limit of 18 chickens was always in the law.

Councilwoman McDonough responded that the limit was added.

Ms. Dyckman asked if the coop has to be moved.

Mr. Carnazza responded that it doesn't have to but if it is moved it must keep to the setbacks.

With no one else 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 7:30 p.m.

**SEQR REVIEW IN REGARDS TO PROPOSED LOCAL LAW AMENDING THE CODE OF THE TOWN OF CARMEL, CHAPTER 156 HEREOF, ENTITLED "ZONING" BY THE ADDITION OF SECTION 156-39.5 COOPS AND ATTACHED RUNS FOR CHICKENS**

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

617.20  
Appendix B  
Short Environmental Assessment Form

**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Town of Carmel			
Name of Action or Project: Local Law Amending Chapter 156 of the Town Code Entitled "Zoning" and adding Section 156.39-5			
Project Location (describe, and attach a location map): Town-wide within the boundaries of the Town of Carmel			
Brief Description of Proposed Action: The action involves enacting a local law to protect and enhance the public health and welfare of the residents Town of Carmel by making miscellaneous revisions to the Town of Carmel Zoning Code, Chapter 156 and permitting the ownership and harboring of chickens within the Town of Carmel subject to specific regulatory requirements and standards relating to the minimum lot size, count per acre, physical location on a permitted property, as well as housing and sheltering standards and for such activity.			
Name of Applicant or Sponsor: Town of Carmel c/o Kenneth Schmitt, Town Supervisor		Telephone: 845-628-1500 E-Mail: ks@ci.carmel.ny.us	
Address: 60 McAlpin Avenue			
City/PO: Mahopac		State: NY	Zip Code: 10541
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		n/a acres	
b. Total acreage to be physically disturbed?		n/a acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		n/a acres	
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	

8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor name: _____ Date: _____ Signature: _____		

**Part 2 - Impact Assessment.** The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Part 3 - Determination of significance.** The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☒ 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.

Town of Carmel

5/25/2017

Name of Lead Agency

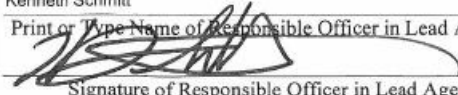
Date

Kenneth Schmitt

Town Supervisor

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer



Gregory L. Folchetti, Town Counsel

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

MAY 24, 2017  
TOWN BOARD SPECIAL MEETING

**SEQR DETERMINATION OF SIGNIFICANCE - NEGATIVE DECLARATION  
REGARDING PROPOSED LOCAL LAW AMENDING THE CODE OF THE TOWN OF  
CARMEL, CHAPTER 156 HEREOF, ENTITLED "ZONING" BY THE ADDITION OF  
SECTION 156-39.5 COOPS AND ATTACHED RUNS FOR CHICKENS**

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 and amendments to the Town of Carmel Zoning Code, Chapter 156, specifically to amend said Chapter to provide for the addition of §156.39-5 entitled "Coops and Attached Runs for Chickens"; and

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: 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>	

SEQR

617.21

Appendix F

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

Project Number   N/A  

Date April 12, 2017

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.

MAY 24, 2017  
TOWN BOARD SPECIAL MEETING

Name of Action:

A LOCAL LAW AMENDING CHAPTER 156 ENTITLED “ZONING” and adding §156-39.5 to said Chapter entitled “Coops and Attached Runs for Chickens”

SEQR Status:

Type I ☐ Unlisted ☒

Conditioned Negative Declaration: Yes ☐ No ☒

Description of Action:

The proposed action involves enacting local law designed to protect and enhance the public health and welfare of the Town of Carmel by making miscellaneous revisions to the Chapter 156 of the Town of Carmel Zoning Code, specifically adding §156.39-5 entitled “Coops and Attached Runs for Chickens”

**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 making miscellaneous revisions to the Town of Carmel Zoning Code, Chapter 156 and permitting the ownership and harboring of chickens within the Town of Carmel subject to specific regulatory requirements and standards relating to the minimum lot size, count per acre, physical location on a permitted property, as well as housing and sheltering standards and for such activity.

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

MAY 24, 2017  
TOWN BOARD SPECIAL MEETING

**LOCAL LAW #3 OF THE YEAR 2017 - A LOCAL LAW AMENDING THE CODE OF THE TOWN OF CARMEL, CHAPTER 156 HEREOF, ENTITLED "ZONING" BY THE ADDITION OF SECTION 156-39.5 COOPS AND ATTACHED RUNS FOR CHICKENS - ADOPTED AS NOTICED AND PUBLISHED**

**TOWN OF CARMEL  
PROPOSED LOCAL LAW #3 OF THE YEAR 2017  
A LOCAL LAW AMENDING THE CODE OF THE TOWN OF CARMEL, CHAPTER 156 HEREOF, 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: PURPOSE**

The purpose of this local law is to amend the Town Code to allow the ownership and housing of chickens as a permitted accessory use under Chapter 156 of the Town Code of the Town of Carmel Entitled "Zoning".

**SECTION 2: AUTHORITY**

This chapter is adopted pursuant to the authority, of Article 2, § 10 of the New York State Municipal Home Rule Law.

**SECTION 3: AMENDMENT OF CHAPTER 156**

The Town Code of the Town of Carmel is hereby amended by the amendment of Chapter 156 entitled "Zoning" is hereby amended to add §156-39.5 which shall read as follows:

§ 156-39.5 Coops and Attached Runs for Chickens.

Definitions:

Coop: a cage or pen designed to contain or house chickens and shall contain all of the following components:

- Nesting place for each chicken to lay eggs (at least four inches deep)
- Elevated Roost or Perch area for chickens to sleep
- Ventilation
- Insulation to prevent drafts & dampness
- Accessibility to eggs and ability to clean out properly

Run: a fenced or fully enclosed area attached to or encompassing a chicken coop in which chickens are allowed to run around and peck.

A. A coop for housing chickens and an attached run shall be permitted as an accessory use. The combined square footage of the coop/run area should allow at least four square feet for each chicken being kept in the area. Roosters are prohibited.

B. No coop or run for housing of chickens shall be located on a lot comprised of less than forty-thousand (40,000) square feet of lot area. A lot may only house a maximum of six chickens for every forty-thousand (40,000) square feet of lot area comprising such lot. No lot may house more than 18 (eighteen) chickens in total.

C. Coops and runs may not be located in any front yard as defined in this chapter. Coops and runs shall be situated completely in a side or rear yard, at least 15 feet from all rear and side property lines.



**MAY 24, 2017**  
**TOWN BOARD SPECIAL MEETING**

D. All coops and runs must be kept clean neat and free of debris and be in compliance with all state and local laws pertaining to animals generally.

E. All coops and any attached run shall be screened from view at ground level from adjacent lots by using 4 ft. to 6 ft. fencing, landscaping, or a combination thereof and the screening must be present throughout the year. i.e. evergreen landscaping

F. All feed shall be kept in rodent-proof containers.

G. All chickens will be contained in coops and runs unless property size is in excess of three acres.

H. Any lot which houses chickens pursuant to the terms of this chapter and section shall be required to obtain a permit issued by the Town Clerk of the Town of Carmel. Such permit and application therefor shall be in form and content as prescribed and approved by resolution of the Town Board of the Town of Carmel.

I. Any such permit issued pursuant to the terms of this chapter and section shall require a fee to be established by resolution of the Town Board of the Town of Carmel on an annual basis.

J. Penalties for offenses.

1. Any complaint received by the building department or police department pursuant to this chapter pertaining to the cleanliness or sanitary condition of the run/coop may be referred to the Putnam County SPCA for investigation and who is hereby empowered to enforce any and all violations of this code.
2. Any person or entity that shall violate any of the provisions of this chapter shall be guilty of a violation and shall be punished as follows:
  - (1) For a first offense: by a fine not to exceed \$50.
  - (2) For a second offense: by a fine not to exceed \$100.
  - (3) For a third offense or any subsequent offenses: by a fine not to exceed \$200 or removal of chickens, coop, and run from said premises, or by both such fine and cessation of use.
  - (4) Each violation of any provision of this chapter and each week that each such violation shall continue shall be deemed to be a separate and distinct offense.
  - (5) In addition to the above provided penalties and punishment, the Town may also maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction any violation of this chapter.

#### SECTION 4: HOME RULE

Nothing in this Local Law is intended, or shall be construed (a) to limit the home rule authority of the Town under State Law to limit the Town's discretion in setting fees and charges in connection with any applications requiring Town approval.

#### 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 Section 27 of the Municipal Home Rule Law.

Offered by: Councilman Lupinacci  
 Seconded by: Councilwoman McDonough

MAY 24, 2017  
TOWN BOARD SPECIAL MEETING

<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		

After the vote adopting the aforementioned local law Councilwoman McDonough commented that she wanted the law to ensure that people who had chickens were serious about the way they kept them. She noted that the time and expense necessary to get the permits would help ensure this.

Councilman Lombardi explained why he did not vote to adopt the law noting that he did not feel that 40,000 square feet or the 15 foot setback was adequate and may cause problems with neighbors. Nor did he feel that coops should be allowed in side yards. He pointed out that the Building Department is already very busy and this could cause more complaints. He stated that there may have to be revisions if there are a lot of complaints.

Supervisor Schmitt stated that Councilman Schneider, although unable to attend tonight's meeting, is in favor of the new law and would have voted to adopt it. He acknowledged that both Councilwoman McDonough and Councilman Schneider were instrumental in getting this law adopted.

**LAKE MAHOPAC PARK DISTRICT – PROPOSAL OF KEO FISH FARMS, INC.,  
KEO, ARKANSAS FOR PURCHASE AND STOCKING OF CARP - ACCEPTED**

WHEREAS, Town Engineer Richard J. Franzetti , P.E. has advised that the Town of Carmel has received a permit from New York State Department of Environmental Conservation for the stocking of triploid carp in Lake Mahopac

WHEREAS the Town Engineer’s Office has also solicited proposals for the purchased and stocking of the aforesaid triploid carp;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Carmel, acting as commissioners of the Lake Mahopac Park District hereby accepts the proposal of Keo Fish Farms, Inc., Keo, Arkansas, for the purchase and stocking of the aforesaid triploid carp at a cost not to exceed \$11,000.00

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

Resolution

Offered by: Councilwoman McDonough  
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		

After the roll call vote there was a brief discussion regarding the need for carp in Lake Mahopac. Supervisor Schmitt explained that 1500 carp will be stocked in addition to the 200 that were put in last year and that the cost would be borne by the taxpayers in the Lake Mahopac Park District.

Councilman Lupinacci thanked the Lake Mahopac Park District Board members for their hard work in getting this accomplished.

Supervisor Schmitt explained that this was not an easy process as New York State DEC was not in agreement with stocking the lake until they were given all the research that was done. He stated that there have been many complaints regarding the tremendous amount of weeds in the lake.

MAY 24, 2017  
TOWN BOARD SPECIAL MEETING

**PUBLIC COMMENTS - AGENDA ITEMS**

Dave Nichols spoke regarding the problems with not only the weeds in Lake Mahopac but also dead carp in the lake and wanted to know if there was something going on that was killing the fish.

Supervisor Schmitt responded that there have been other reports about the dead carp and noted that carp were put in the lake in 1996 and may now be reaching the end of their life span.

**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 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 members present in agreement, the meeting was adjourned at 7:55 p.m. to the scheduled work session.

Respectfully submitted,

Phyllis Bourges, Deputy Town Clerk