

**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 8th day of October, 2014 at 7:08 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 and a moment of silence was observed to honor those serving in the United States Armed Forces.

Supervisor Schmitt extended condolences on behalf of the Town Board to the family of long-time resident of the Town of Carmel, Victor Rossi. Mr. Rossi was a teacher in the Mahopac School District for 41 years and a member of the Mahopac Volunteer Fire Department for approximately 60 years. Supervisor Schmitt noted how Mr. Rossi will be missed by the community and asked everyone to keep his family in their thoughts and prayers.

**PUBLIC HEARING CONTINUED - PETITION FOR FORMATION OF STREET IMPROVEMENT DISTRICT PURSUANT TO TOWN HIGHWAY LAW SECTION 200 IN REGARD TO LONG POND ROAD IMPROVEMENT DISTRICT**

Supervisor Schmitt continued the Public Hearing from September 23, 2014 regarding formation of the Long Pond Road Improvement District for public comment at 7:10 p.m. Approximately fourteen (14) people were in attendance.

Ellen Dulberger read the following letter on behalf of Sandra Serebin:

Morton B. Cohen, Esq,  
On Behalf of Sandra Serebin  
3 Cross Drive No.  
Mahopac, New York, 10541

To: Town of Carmel, Town Board  
Kenneth Schmitt, Town Supervisor  
Frank Lombardi, Town Councilman, Deputy Supervisor  
John D. Lupinacci, Town Councilman  
Suzanne McDonough, Town Councilwoman  
Jonathan Schneider, Town Councilman  
Anne Spofford, Town Clerk  
Michael Simone, Superintendent of Highways

Re: Submission of Testimonial Addendum on Issue of Formation of Long Pond Road Improvement District

Honorable Town Board Members:

This document is respectfully submitted to elaborate on issues raised at the Public Meeting, September 23, 2014 with relation to speed.

The roads of the Long Pond Association enclave have existed for many years, perhaps more than five decades. The community was neither suburban or exurban but rural. The roads accommodated pedestrians and cars.

The converse benefit of rural roads is that drivers must travel at slow speeds in order to not damage their vehicles. As stated at the meeting on 9/23, assuming that the Board passes the road improvement petition, the concern is that these new roads will no longer have the converse benefit of the impediment to speed caused by the various effects of potholes, etc.. As such they will create unsafe conditions for any use by pedestrians.

Therefore, it is proposed that the following safeguards be established for safety of residents:

- Speed Limit 15mph
- Stop signs at every intersection
- As an alternative to speed humps<sup>1</sup>, which would also have the disadvantage of slowing emergency vehicles, installation of traffic calming through the use of speed limit flashing signs that note the speed in which the car is approaching.
- Installation of cameras at each speed limit flashing sign to ensure compliance and save Town Police resources.<sup>2</sup>

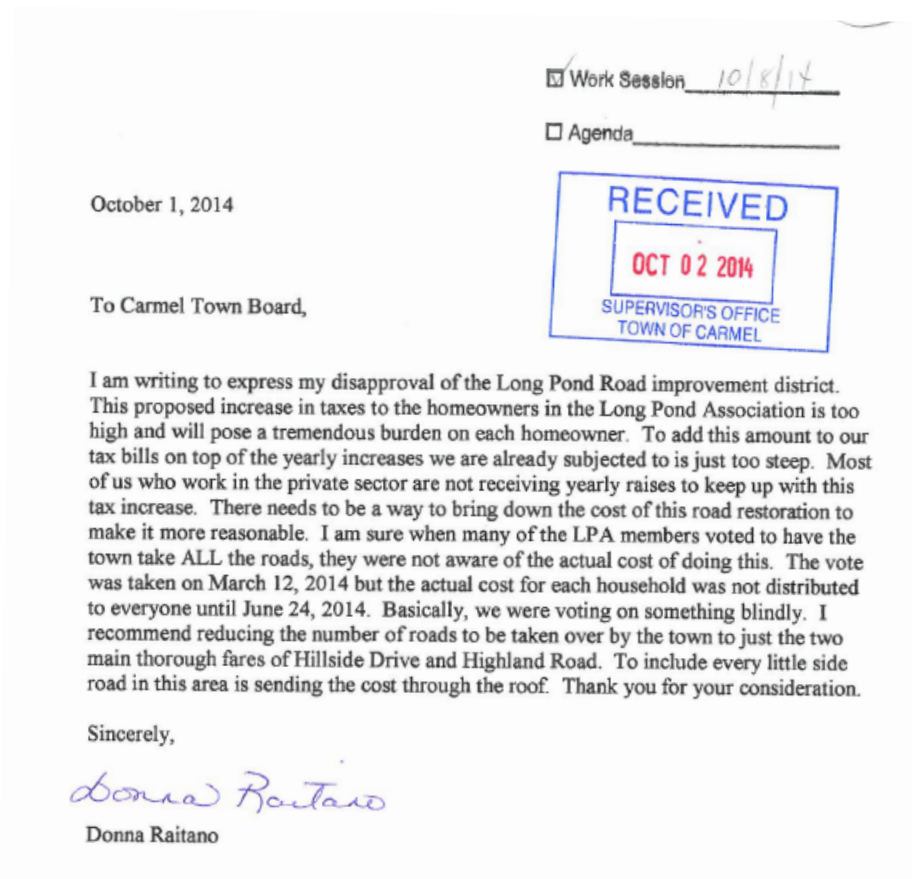
Thank you for your consideration.

<sup>1</sup> Rejected at the 9/23 by the Board.

<sup>2</sup> The State of New York is wholly in favor of the expansion of camera enforcement and has recently established a five year program to other towns in the state.

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Supervisor Schmitt read the following letter from Donna Raitano:



Kathy Dandrea of Hillside Road asked for clarification of who the letter was from that Mrs. Dulburger read. She also inquired about what the impact of the revaluation would be on the cost of the improvement district if formed.

Gregory Folchetti, Legal Counsel explained the interplay between the proposed revaluation and reassessment due to the improvement district. He stated that as it is proposed right now there would be a temporary special district assessment based on an ad valorem figure and that the special district assessment would end when the improvements are paid for in fifteen years. He further explained that once the roads become town roads the maintenance and repair would become the town's responsibility.

Mrs. Dandrea asked whether it is possible to change the decision to form the district after it is decided how the funding will work and they know how much it will cost them.

Mr. Folchetti explain that the Town Board has to establish a method of payment when the district is formed but that they can change the way the formula is established and other alternative methods can be used.

Mrs. Dandrea stated that it seems like they are voting on something that they don't know the cost of.

Mr. Folchetti stated that the cost has been communicated to the applicants based on the assessment formula that has been utilized. He explained that nothing is final until the Town Board passes a resolution for the formation of the district with that formula included.

Councilman Lupinacci asked Mr. Folchetti to clarify that the resolution tonight is not establishing the district.

Mr. Folchetti explained that another resolution to establish the district would be done at a later date and that first they must do the SEQR review.

Councilman Schneider acknowledged that one of the concerns is the cost to each property owner and pointed out that even though they know the total cost there are three different ways for that cost to be divided. He noted the alternatives which could

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be that the total cost is divided by the number of lots, divided by the frontage or divided by the assessed value.

Charles Banks, the attorney for the petitioners, noted that there is a fourth way which would be unit based and is already a precedent in town for another road district that has been approved. He explained that a dwelling unit and its associated lot could be one unit and a vacant lot could be a fraction of a unit. He stated that they are aware that there are different approaches and that the Board of Directors has not taken a position yet and they are happy to listen to the people regarding the financing.

Mr. Folchetti explained that if a vacant lot is later built on, it would be reassessed to take that into account and they would pay accordingly.

Councilman Schneider suggested finding out how the people would prefer to pay for the district.

Mr. Folchetti stated that the Assessor must come up with how the costs are assessed but the Assessor could present the various alternatives and the petitioners could then give their opinion on which one they feel is most appropriate or favorable to them. He further explained that the estimated cost is set but how the district will divide it up is the issue that is still up in the air.

Mrs. Dandrea asked what happens if the cost exceeds the estimated \$1.45 million.

Mr. Folchetti explained that the borrowing will only be authorized up to \$1.45 million and if needed they would have to have additional borrowing authorized.

Mrs. Dandrea noted that the Glenacom Road Improvement District uses one unit for a buildable lot and .2 units for an unbuildable lot.

Councilman Schneider pointed out that most people agree on the necessity of forming the district but not on how to pay for it.

Mrs. Dandrea stated that information regarding the cost per house was dispersed in June and that they have discussed the cost *ad valorem* at every meeting since then. She expressed her uncertainty if a parcel could be determined to be unbuildable and noted that it could be a complicated process. She stated that according to the Assessor, using the frontage formula is usually used for sewer districts not for road improvement districts therefore may not be the way to go. She noted that since a few people have a lot of frontage and a few have none at all it might not be the most equitable option.

Councilman Schneider suggested giving the members the information and letting them make their own decision.

Mrs. Dandrea noted that the reason that how the cost should be distributed was not included in the petition was because there was no consensus.

Councilman Lombardi stated that when the time comes they will try to make it as fair as possible.

Kathy Agostino stated that she was against the formation of the district. She pointed out that they currently have stop signs and speed limit signs provided by the town. She also wanted to know how the unit per property system would work. Would it be per ½ acre, per acre or per lot? She also inquired if all the members of the association would be able to decide.

Councilman Schneider stated that he hoped that the association would get the information out to the members in a timely manner.

Sean Gartlan, Hillside Drive, spoke against the road improvement district noting the financial hardship that the additional taxes would create. He stated that he was happy with how the town was currently taking care of the roads.

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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 – PROPOSED ESTABLISHMENT OF THE LONG POND ROAD IMPROVEMENT DISTRICT**

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

Short Environmental Assessment Form  
Part 1 - Project Information

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.

Part 1 - Project and Sponsor Information		
Town of Carmel		
Name of Action or Project: Long Pond Road Dedication		
Project Location (describe, and attach a location map): See attached		
Brief Description of Proposed Action: A group of property owners have petitioned the Town Board pursuant to Town Law Section 200 and Town Code Section 128-47.1 for the formation of a highway improvement district and subsequent dedication.  The following physical improvements are proposed: Hillside Road is approximately 2,582 linear feet; Highland Road is approximately 1,632 linear feet; Cross Drive is approximately 346 linear feet; Clearview Road is approximately 100 linear feet; Rosemaria Drive is approximately 1,021 linear feet; Garcia Trail is approximately 183 linear feet; Pleasant Road is approximately 753 linear feet; Total road length is approximately 6,600 linear feet; Road width will be 18 feet; Asphalt pavement depth will be five inches; Item 4 depth will be 8 inches.		
Name of Applicant or Sponsor: Town of Carmel	Telephone: (845) 828 1500 E-Mail: rjf@ci.carmel.ny.us	
Address: 60 McApin Avenue		
City/PO: Mahopac	State: New York	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 checked="" type="checkbox"/>	YES <input 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? 2.8 acres b. Total acreage to be physically disturbed? 2.8 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 2.8 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 checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland		

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5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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	YES	
	<input type="checkbox"/>	<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	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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: Not Applicable	NO	YES	
	<input 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"/>	



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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"/>
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"/>

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Agency Use Only (If applicable)

Project:

Date:

Short Environmental Assessment Form  
Part 3 Determination of Significance

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.

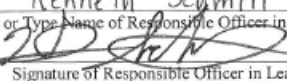
☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town of Carmel

Name of Lead Agency

Kenneth Schmitt

Print or Type Name of Responsible Officer in Lead Agency



Signature of Responsible Officer in Lead Agency

10/9/2014

Date

Supervisor

Title of Responsible Officer

Signature of Preparer (if different from Responsible Officer)

PRINT FORM

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**PROPOSED ESTABLISHMENT OF THE LONG POND ROAD IMPROVEMENT DISTRICT - SEQR DETERMINATION OF SIGNIFICANCE MADE - NEGATIVE DECLARATION**

WHEREAS the Town Board of the Town of Carmel has reviewed the short form EAF and attachments prepared and submitted by Town Engineer Richard J. Franzetti, P.E. in regard to the establishment of the Long Pond Road Improvement District and the road improvements to be completed subsequent to its formation (the “Project”); and

WHEREAS, as a result of its review, the Town Board has determined the action is an unlisted action under SEQR and it will not conduct a coordinated review; and

WHEREAS the Town Board has completed Part II of said form and assessed the projected impacts and their magnitude on the environment in accordance with the SEQR regulations and given due consideration thereto;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel, hereby determines that, based on the information contained in the Short Form EAF and their analysis thereof, the proposed Project will not result in any significant adverse environmental impacts under the SEQR regulations and hereby adopts a Negative Declaration in regard to the proposed action; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to execute the Short Form Environmental Assessment Form prepared herein.

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Resolution

Offered by: Councilman Schneider  
Seconded by: Councilman Lombardi

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

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

Project Number \_\_\_\_\_ Date October 8, 2014

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:**  
Formation of Long Pond Road Improvement District pursuant to §200 of the New York Town Law.

**SEQR Status:**  
Type I ☐ Unlisted ☒  
**Conditioned Negative Declaration:** Yes ☐ No ☒

**Description of Action:**  
The proposed action involves the formation of a Road/Highway Improvement District within the Long Pond Road area of the Town of Carmel and performance of road and minor drainage improvements on approximately 6600 linear feet of existing private roads in the proposed district. The purpose of the action is to protect and enhance the public health and welfare of the residents of the Town of Carmel by providing traveled ways for use within the Town which are safer for use and passage as well as in a greater degree of relative compliance to existing Town Road construction specifications.

SEQR Negative Declaration  
Page 2  
**Location:** (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)  
Hillside Drive, Highland Road, Cross Drive, Clearview Road, Rosemarie Lane, Garcia Trail, Birch Hill and Pleasant Road, in the Town of Carmel, Putnam County, New York.

**REASONS SUPPORTING THIS DETERMINATION:**  
The purpose of the action is to protect and enhance the public health and welfare of the residents of the Town of Carmel by providing traveled ways for use within the Town which are safer for use and passage as well as in a greater degree of relative compliance to existing Town Road construction specifications. Capital improvements proposed for said roads are merely improvements to already existing private roads and not the clearing, excavating and construction of new road and/or appurtenances.

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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

**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 7:35 p.m. to the scheduled Town Board Work Session.

Respectfully submitted,

Phyllis Bourges, Deputy Town Clerk