

**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 10th day of December 2014 at 7:16 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, Councilwoman McDonough, Councilman Lombardi and Supervisor Schmitt.

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

PUBLIC HEARING HELD - PROPOSED LOCAL LAW AMENDING CHAPTER 147 OF THE CODE OF THE TOWN OF CARMEL ENTITLED "VEHICLES AND TRAFFIC" BY AMENDING THE SCHEDULE OF PARKING PROHIBITED AT ALL TIMES - (CHERRY LANE)

Supervisor Schmitt asked the 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, December 10, 2014 at 7:00 p.m. or as soon thereafter that evening as possible on a Local Law amending Chapter 147 of the Code of the Town of Carmel entitled "Vehicles and Traffic" by amending the Schedule of Parking Prohibited at All Times as follows:

**TOWN OF CARMEL PROPOSED LOCAL
LAW # _____ OF THE YEAR 2014**

A Local Law to Amend the Code of the Town of Carmel, Chapter 147, thereof, entitled "Vehicle and Traffic."

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

SECTION 1. Chapter 147 of the Code of the Town of Carmel, Section 147-51. Schedule X, Parking Prohibited at All Times is hereby amended by the addition of the following:

- Name of Street: Cherry Lane
- Side(s): Both
- Location: Entirety of Street

SECTION 2. This Local Law shall take effect immediately in accordance with the law.

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

By Order of the Town Board of the Town of Carmel

Ann Spofford, Town Clerk

With no one objecting to the public notice as read, Supervisor Schmitt opened the Public Hearing for public comment at 7:18 p.m. Five (5) people were in attendance.

Supervisor Schmitt explained that Cherry Lane is a small road which runs from Route 6N to Route 6 in the downtown Mahopac business district. Many telephone calls have been received from residents complaining that vehicles are parking along the shoulder of both sides of this very narrow Town road making it difficult to traverse safely. The proposed Local Law is being considered to alleviate the problem.

Michael Simone, Highway Superintendent indicated that he had no issue with the proposed Local Law. However, expressed his concern that because Cherry Lane is an old road, he would need to know the parameters of the road to determine the portion owned by the Town.

Gregory Folchetti, Legal Counsel stated that it is his understanding that the Town owns at least the paved portion of Cherry Lane, which would entitle the Town Board to legislate it. He stated that he did not know how far past the paved limits were owned because he did not have a survey available. A survey, he added, would be something that would have to be commissioned separately to make a determination as to where the Town's right-of-way limits extend past the paved limits.

Councilman Schneider indicated that he believed that Cherry Lane is paved the entire length of the road.

10 DECEMBER 2014
TOWN BOARD SPECIAL MEETING

(Cont.)

Mr. Folchetti stated that he was referencing the width of the paved limits. Specifically, it would be the northern side which is where the Town Board is considering legislating. He noted that the Town Board must be certain that they are legislating area owned by the Town.

Councilman Schneider suggested the possibility of painting road lines when that is determined.

Mr. Simone emphasized that it should be determined where the Town's ownership lies because he did not want to post the signs on private property.

Mr. Folchetti explained that the Town Board could close the Public Hearing, make the SEQR determination and not act on the Local Law until it can be established that the legislation applies to an area controlled by the Town. If not, there are other options that may be considered.

Supervisor Schmitt stated that the matter will be investigated further and when a determination has been made, the Town Board will consider the enactment of the Local Law.

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 and in agreement, the Public Hearing was closed at 7:24 p.m.

Supervisor Schmitt indicated that the Town Board will render the SEQR determination in connection with the legislation when the Town Board considers the enactment of the proposed Local Law.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilman Schneider, with all Town Board members present and in agreement, the Special Meeting was adjourned at 7:25 p.m. to the scheduled Work Session.

Respectfully submitted,

Ann Spofford, Town Clerk