

3 AUGUST 2022

**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 Michael Cazzari on the 3<sup>rd</sup> day of August 2022 at 7:04 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Baranowski, Councilman Lombardi, Councilman Schanil, and Supervisor Cazzari. 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 held to honor those serving in the United States Armed Forces.

**PUBLIC HEARING - PROPOSED LOCAL LAW WHICH IS PROPOSING MULTIPLE AMENDMENTS TO CHAPTER 156 OF THE TOWN CODE OF THE TOWN OF CARMEL, ENTITLED "ZONING" - HELD OPEN**

Supervisor Cazzari 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, August 3, 2022 at 7:00 p.m. or as soon thereafter that evening as possible on a proposed Local Law which is proposing multiple amendments to Chapter 156 of the Code of the Town of Carmel, entitled "Zoning".

Copies of the full text of the proposed Local Law are available in the lobby at Town Hall, from the Town Clerk's office during normal business hours as well as on the Town of Carmel website at [www.ci.carmel.ny.us](http://www.ci.carmel.ny.us).

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

Supervisor Cazzari stated that the Town Board will not be voting on the proposed Local Law at this time. The Public Hearing will not be closed this evening and will remain open for written comments. He explained that additional Public Hearings will be scheduled after the public has been given time to review the extensive zoning amendments proposed.

With no one objecting to the public notice as read, Supervisor Cazzari opened the Public Hearing for public comment at 7:06 p.m. Thirteen (13) people were in attendance.

Bonnie Franson, partner with Nelson, Pope & Voorhis, LLC, the environmental planning and consulting firm retained by the Town to assist in the preparation of an update to the Comprehensive Plan as well as the proposed zoning amendments, provided an overview of where the Town currently stands in the process and provided a background on the documents which are currently posted on the Town's website. Ms. Franson's PowerPoint presentation is included at the end of these minutes as "Attachment A".

Supervisor Cazzari requested that speakers at the Public Hearing limit their comments to a three-minute maximum.

John Butler, hamlet of Carmel resident, cited the length of the 244-page proposed Local Law Proposing Comprehensive Amendments to Chapter 156 and voiced his objection to his comments being limited to three minutes.

Mr. Butler went on to express his frustration that in the Town of Carmel - 2022 Draft Zoning Amendments - Highlights, the two-page summary sheet posted on the Town's website, made available at the Public Hearing and included at the end of these minutes as "Attachment B", the bullet points contain no reference to the corresponding sections of the Zoning Chapter, leaving it up to the resident to search the 244-page document in order to see exactly what is being proposed. He commented on how an analysis and review should have been provided by the professionals retained to prepare the document.

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Mr. Butler commented that certain changes in the Draft Zoning Chapter may alter the entire character and nature of the Town. He further commented that it is an urbanization of the Town, rife with progressive politics.

Mr. Butler commented that the process has been going on for two years and the Town Board has chosen to hold the Public Hearing on the matter in the middle of the summer.

Supervisor Cazzari reiterated that there will be additional Public Hearings and there will be other opportunities for residents to provide comments.

Mr. Butler brought up that the point person for the process, Councilwoman McDonough, was absent from the meeting.

Supervisor Cazzari thanked Mr. Butler for his comments and advised him that his three-minute allotted time for comments had expired.

Mr. Butler once again voiced his objection to the three-minute limit on comments at the Public Hearing. A brief dialogue was held regarding the matter.

Lawrence Zacks with the Greater Mahopac-Carmel Chamber of Commerce stated that they have been working with Bonnie Franson on this project for years. He commented that the proposed Local Law Proposing Comprehensive Amendments to Chapter 156 is a very well-thought-out document and that the consultants did a great job. Mr. Zacks commented that much of it has been taken from other towns and is a bit progressive. He agreed that because the document includes many significant changes, a detailed summary would have been helpful.

Mr. Zacks went on to speak about the need for additional parking in downtown Mahopac, as well as improved lighting, wider existing sidewalks, and new sidewalks installed along Route 6N.

Mr. Zacks commented that because the Town does not have water or sewer in many areas, rampant construction will not take place. He commented that there will be very large projects from very large developers backed by very powerful lawyers and that other developments will be minor.

Councilman Lombardi confirmed with Supervisor Cazzari that the intent of tonight's Public Hearing was to provide a general overview of the proposed zoning amendments and that the professionals will be returning to provide greater details with regard to the specific amendments. He pointed out that the document represents what has been presented to the Town Board by the consultants and has not been approved. Changes to it are anticipated.

Carl Albano, hamlet of Carmel resident, business owner in the Town and Putnam County Legislator, stated that he was glad to see that there is a small amount of mixed-use zoning included in the proposed amendments, and that there will be attempts to revitalize the appearance of the Town. Mr. Albano went on to speak about how the Town is missing affordable housing options for young people. He agreed that the Public Hearing should remain open for additional comments.

Kim Crecco expressed her concern that zoning changes made to effectuate an increase in business activity will result in an increase in traffic. She stated that her brother-in-law was killed while on Route 6N last year, and that this road, along with others in the Town are dangerous. She questioned what is going to be done to ensure that our roads are safe.

Councilman Schanil acknowledged the problem in the area and stated that this issue is scheduled to be included on an upcoming Work Session agenda.

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Richard O'Rourke, attorney with Keane and Beane, representing Centennial Golf Club of New York and Toll Brothers, stated that they presently have an application before the Planning Board. He went on to speak about how if adopted, the zoning amendments will make their currently permitted multifamily development prohibited. As an alternate solution to their problem, Mr. O'Rourke suggested adjusting the district lines to include their property into either the adjoining Senior/Multifamily Residential zone or Neighborhood Residential zone. He submitted a letter to the Town Board dated August 3, 2022 included at the end of these minutes as "Attachment C" for the record.

Ms. Franson clarified that the Neighborhood Residential zoning district does not allow multifamily units. It is intended to be single-family.

Michael Barile, resident and former Town councilman confirmed that the Public Hearing will not be closed tonight and will remain open for at least sixty to ninety days or more. He suggested that it would be easier for the reader if in the printed version of the proposed Local Law, the zoning districts on the map were in color.

Mr. Barile went on to state his agreement with Mr. Butler's comments and added that there should be a document made available to the public in which the proposed changes are highlighted in color along with the existing Zoning Chapter.

Supervisor Cazzari pointed out that this would be the redlined version of the document. He stated that it was a good suggestion and added that suggestions such as this are the purpose for public comments at a meeting.

Mr. Barile voiced his opposition to the three-minutes limit for public comments on such an important matter.

Supervisor Cazzari reiterated that there will be further opportunities for public comments.

Councilman Schanil requested that the executive summary that was provided to the Town Board be made available on the Town's website. He also requested that the 2022 Draft Zoning Amendments - Highlights be revised to indicate what sections of the current Zoning Code each bullet point referred to and to make it available to the public before the next Public Hearing.

Ms. Franson stated that she would convert the current PDF document on the website to a Word document so that it can be searchable for specific terms. She explained that efforts were made to facilitate everyone's understanding of the document and make it very obvious where things are regulated.

Ms. Franson explained that the proposed Local Law is an overhaul of the Town's current Zoning Chapter because an overhaul was needed, and procedurally it needed to be organized. She explained that the redlined version of the document exists and can be made public. However, because of the amount of changes and the fact that certain things were moved around and added, it may be difficult to read.

Ms. Franson stated that the proposed zoning is fine grained and that they did not consider rezoning massive areas of the Town to commercial for example. She explained that many of the uses contained in the commercial corridors were removed because they did not comply with what would be beneficial to the hamlets as far as the goal to make them walkable and revitalized. The objective was to refine areas that were in some part already developed, to allow more opportunities for redeveloping some of these areas, not to create new zoning districts which would allow intensive developments.

Ms. Franson pointed out that most of the Town contains smaller lots of one-half and one-quarter acres and that the new zoning district, Neighborhood Residential, is atop of those areas. It is one-acre zoning for areas that many are currently one-quarter and one-half acre. This will permit property owners with miscellaneous scattered parcels that are not developed an opportunity to do something that is not three-acre.

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Ms. Franson acknowledged that some of these areas were not developed because they may be environmentally constrained so a certain parcel in a neighborhood may still remain vacant because it contains a large wetland or steep slopes.

Councilman Schanil stated that he did not see any zoning identified for parking areas or parking structures, specifically in the hamlet areas. He stated that in order to make a walking community where people can shop and live, they will need a place to park their vehicles.

Ms. Franson stated that there are new parking regulations and that there are many flexible mechanisms to gain parking. For example, it is not uncommon in a downtown area for a bank that closes at five o'clock to share parking with a restaurant.

Ms. Franson explained that the Comprehensive Plan is the basis for the zoning, but the Comprehensive Plan is also a wish list in part to obtain grants to be able to do things which have nothing to do with the zoning. Zoning is not going to create a parking lot, but if the Comprehensive Plan indicates that more parking in the downtowns is needed, then the Comprehensive Plan is used to go out to agencies to seek funds to be able to put in a parking lot in a particular location. She emphasized that the Comprehensive Plan is not just about land use regulations, it is a twenty year wish list for what is needed for the community to be successful.

Councilman Lombardi stated that the redline version should be made available to the public and that going forward, separate Public Hearings should be held for each individual zoning district.

Councilman Lombardi asked if when the zoning change analysis was performed, it included the impact the changes would have on the school districts.

Ms. Franson stated that once the Town Board decides that it is going forward with the plan, then an environmental analysis will be conducted which will include a Full Environmental Assessment Form, and that this will be when it is determined if the amendments would generally allow the same number of housing units or if it is likely to result in more housing units.

Councilman Lombardi inquired if there was an analysis done with regard to the impact the proposed zoning changes would have on the Town's housing stock.

Ms. Franson stated that the Existing Conditions Report which is posted on the Town's website contains information about enrollment capacity. She stated that the information exists and will be provided, but first there must be a document in place to analyze.

Councilman Lombardi questioned if the impact on the schools should be known before any residential zoning changes are proposed.

Ms. Franson indicated that the matter could be discussed further at a future meeting.

Councilman Baranowski asked Ms. Franson to expand on the concept of the Economic Development Floating Zone. If there are towns in the lower Hudson Valley that have adopted the concept and where it exists, who holds the decision-making authority.

Ms. Franson referenced the town of Gallatin in Columbia County as an example and noted that there were other towns. She explained that the floating zone concept means that it will not be seen on the map until certain criteria that are built into the regulations are met. The process is essentially a zoning amendment and requires that the Town Board adopt the floating zone. She stated that the reason it is done this way is because it is unknown at this time what will be proposed. It may be something that the Town Board favors or it may be something the Town Board does not want to consider.

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Councilman Schanil questioned the parameters for a floating zone as it relates to adjoining properties.

Ms. Franson explained that the Town Board would consider the adjoining uses and that it why it is discretionary. All other regulations must be complied with.

With no one else wishing to be heard on the subject of the Public Hearing, at 8:09 p.m. a motion by Councilman Lombardi to hold the Public Hearing open was seconded by Councilman Schanil, and with all members of the Town Board in agreement, the motion was adopted.

**PUBLIC HEARING - DRAFT COMPREHENSIVE PLAN - HELD OPEN**

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

<p style="text-align: center;"><b>NOTICE OF PUBLIC HEARING</b></p> <p>NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will conduct a Public Hearing at the Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday, August 3, 2022 at 7:00 p.m. or as soon thereafter that evening as possible pursuant to New York Town Law §272-A and §272-A(6) on the Draft Comprehensive Plan being proposed in and for the Town of Carmel.</p> <p>Copies of the full text of the Draft Comprehensive Plan are available in the lobby at Town Hall, from the Town Clerk's office during normal business hours as well as on the Town of Carmel website at <a href="http://www.ci.carmel.ny.us">www.ci.carmel.ny.us</a>.</p> <p>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.</p> <p style="text-align: right;">By Order of the Town Board of the Town of Carmel Ann Spofford, Town Clerk</p>
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With no one objecting to the public notice as read, Supervisor Cazzari opened the Public Hearing for public comment at 8:11 p.m. Ten (10) people were in attendance.

Mr. Butler pointed out two minor typographical errors in Section A - Introduction of the Draft Comprehensive Plan and commented that these types of mistakes signify that the author was not properly engaged in the project. He questioned the validity and the purpose of the statement included in the Introduction, "The new millennium has seen a shift to the experience economy - younger consumers seek experience rather than goods - material goods are simply not as valued."

Mr. Butler commented that the most important sentence in the document is in Section B - Comprehensive Plan Process which states "A comprehensive plan is not required in New York, but when one is adopted by the Town Board, the Town's zoning laws *must* be in accordance with the goals and the objectives laid out in the comprehensive plan." He further commented that the Comprehensive Plan is probably the most important document that the Town will ever have and emphasized the importance of enacting proper zoning regulations.

Mr. Butler referenced Section C - A Vision for Carmel, Goal/Objective 3.4 which states, "Consider commissioning a housing needs study for the Town to determine where gaps in housing types and price points may exist and assess whether a mandatory inclusionary housing policy for large residential housing projects would be beneficial to the Town." He cited the word "mandatory" and commented that it reflects the progressive politics that underlies the entire document. He concluded that as the additional Public Hearings are held, additional examples can be pointed out.

Michael Barile reiterated his earlier comments with regard to keeping the Public Hearing open for several months and allowing individuals more than three minutes for comments. He suggested that the changes from the current Comprehensive Plan be included in a different type of print.

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Erin Crowley addressed Councilwoman McDonough's absence from the Public Hearing and questioned the impact it has on the movement of the project. She agreed that the Public Hearing should remain open to allow residents who are on vacation the opportunity to convey their concerns.

Ms. Crowley expressed her concern that there are many projects underway in the Town including Swan Cove, Airport Park and Sycamore Park, and asked if there are projected time frames, budgets and money set aside to see these projects come to fruition.

Supervisor Cazzari replied that he was not sure if there would be enough funding for those projects as well as the additional projects underway in connection with the Town's dams, water systems and sewer plants.

Mr. Zacks stated in addition to being with the Chamber of Commerce, he is a resident and local business person. He commented that the Draft Comprehensive Plan is a dream board, an open pallet with goals to be achieved. He addressed one of Mr. Butler's earlier comments and stated that an experience economy refers to the concept that 30-year-olds are not buying houses, second cars and accumulating material things. He commented that an experience economy is a dynamic shift in our economic vitality and is needed if the Town is going to be relevant 10 or 20 years into the future.

Mr. Zacks commented that if the Town is going to have a walkable experience economy in the downtown areas, people will require places to park. He commented that the public may need more than three minutes to provide their comments and that maybe they should submit written comments. He commented that the Draft Comprehensive Plan is extremely well-written, however complicated, and therefore a summary would be helpful.

Mr. Zacks commented that the proposed change from three-acre zoning to one-acre zoning will not result in overdevelopment because there are so many water bodies in the Town, so much unbuildable land in the Town and so many residents that prefer a rural environment. He commented the Town has a problem because people want to build in it but it takes so long to get the required approvals. Mr. Zacks stated that we are in a very high tax area which is why commercial development and adequate parking are critical.

Supervisor Cazzari emphasized that most of the Town is still proposed as three-acre zoning and that the remaining smaller area contains parcels that already include one-quarter and half-acre parcels.

Ms. Franson added that in theory, some of the lake communities not located near the hamlets could have been added to the Neighborhood Residential zone because they are smaller lots.

Supervisor Cazzari further emphasized that reducing three-acre zoning to one-acre zoning in areas that presently include smaller parcels is not an attempt to add multifamily developments or urbanize.

Ms. Franson stated that it is an opportunity to get some in-fill housing in neighborhoods that have been developed quarter-acre, half-acre and one-acre, not to rezone large swaths of land to develop large-density housing.

Councilman Lombardi suggested including a PowerPoint presentation at a Public Hearing exclusively addressing the residential zoning aspect of the Draft Comprehensive Plan to alleviate any misconception that the Town is reducing all three-acre zoning to one-acre zoning.

Ms. Franson explained that due to the large size of the Town, one residential district with three-acre zoning is not conducive to its development. She explained that the intent of the proposed one-acre zoning was not to change areas of the Town that are truly rural, and that the Open Space Residential district retains the three-acre zoning in the remaining areas.

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Councilman Baranowski addressed Ms. Crowley's earlier comments. He expressed his concern with regard to how the Town will fund necessary infrastructure improvements and estimated that in the next ten to fifteen years, the cost of scheduled projects could run over \$100 million. He stated this is why the Putnam County Executive's program initiated this year to share sales tax revenue was so well received and added that it heralded in a new era of cooperation with regard to infrastructure spending. He did not believe that there was an answer as to where the money will come from and emphasized the need for other government entities to assist the Town.

Supervisor Cazzari indicated that the Town is actively seeking grant funding for infrastructure improvements and has retained the services of a grant writer.

Supervisor Cazzari announced at the request of Councilwoman McDonough that she is absent from the meeting because she is sick with COVID-19.

Mr. Zacks referenced the proposed multifamily development application referenced at the earlier Public Hearing. He spoke about the amount of money that the Town could generate from the developer for recreation fees and taxes and how it could be used for infrastructure improvements.

Mr. Zacks addressed the Mahopac Central School District's budget of over \$120 million. Noting the district's declining enrollment, he questioned if attempts are being made by anyone to try to reduce it.

Councilman Schanil added that the enrollment in the Carmel Central School District is also experiencing a reduction in students.

Mr. Zacks agreed that the Town should seek other sources of revenue. He commented that businesses can partner with the Town to put in water, sewer, roads and sidewalks.

Supervisor Cazzari pointed out that the installation of sidewalks along South Lake Boulevard relates to Ms. Crecco's earlier comments.

Councilman Baranowski readdressed the issue of infrastructure funding. He stated that while his earlier estimate of \$100 million is not official, the cost remains enormous and additional sources of funding is greatly needed.

Bill Spain, resident, thanked the Town Board for tackling this issue and commented that the Zoning Chapter has always been a problem in this Town.

Mr. Spain stated that he lives on East Lake Boulevard and that his interest lies with Lake Mahopac. He pointed out that the zoning provisions specifically exempted the lands owned by the State of New York subject to the jurisdiction of the Office of General Services and stated that this should be discussed.

Mr. Spain commented that he was especially impressed with the newly created Hamlet Mixed Use Center zone. He stated that as the Town grew over the last hundred years, the zoning was overlaid on all of the properties that were previously subdivided and built out, therefore under the previous Zoning Chapter, nothing ever fit. He commented that the new zones and the special use permit provisions address that.

Mr. Spain stated that sometime in the future, he would like to specifically discuss Lake Mahopac with the Town Board as it is his understanding that they have jurisdiction with regard to zoning aspects in connection with docks, boat slips, etc.

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With no one else wishing to be heard on the subject of the Public Hearing, at 8:32 p.m. a motion by Councilman Lombardi to hold the Public Hearing open was seconded by Councilman Baranowski, and with all members of the Town Board in agreement, the motion was adopted.

**COMMENTS/ANNOUNCEMENTS**

Councilman Lombardi announced that a Back to School Supply Drive is being held through August 21, 2022 to benefit students in need. Donations of pencils, pens, backpacks, notebooks, scissors, etc. may be dropped off at the Town of Carmel Farmers' Market, Mahopac High School or Carmel Town Hall.

Councilman Lombardi congratulated the Mahopac VFW on their 75<sup>th</sup> anniversary and thanked the members for their service.

Councilman Schanil acknowledged Department of Recreation and Parks Director James Gilchrist and his staff for their efforts in connection with the very successful music festival Hits on the Hill held recently.

Councilman Baranowski expressed appreciation to the residents who came out to participate in tonight's Public Hearings.

**ADJOURNMENT**

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilman Baranowski, with all Town Board members present in agreement, the meeting was adjourned at 8:34 p.m.

Respectfully submitted,

Ann Spofford, Town Clerk