

**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 Deputy Supervisor Frank Lombardi on the 8<sup>th</sup> day of April, 2015 at 7:00 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Schneider, Councilman Lombardi and Deputy Supervisor Frank Lombardi. Supervisor Schmitt and Councilwoman McDonough were 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 THEREOF, ENTITLED "ZONING" (STORMWATER CONTROL / MS4)**

With no one present in objection, reading of the following Notice of Public Hearing as published in the Town's official newspapers was waived. Copies of the notice were made available to the public.

**Legal Notice**

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, April 8, 2015 at 7:00 p.m. or as soon thereafter that evening as possible on a Local Law amending the Code of the Town of Carmel, Chapter 156 thereof, entitled "Zoning"; as follows:  
PROPOSED LOCAL LAW # \_\_\_\_\_ OF THE YEAR 2015  
A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF CARMEL, CHAPTER 156, THEREOF, 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  
This Local Law shall be known as 2015 Amendments to Chapter 156 entitled "Zoning".

SECTION 2.  
Article X of Chapter 156 of the Code Entitled "Stormwater Control" is hereby amended to read as follows:

ARTICLE X:  
STORMWATER CONTROL §156-80 "DEFINITIONS" is hereby amended as follows:

LAND DEVELOPMENT ACTIVITY – Construction activity, including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than 5,000 square feet, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

THE DEFINITION FOR "SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP 02 01" IS HEREBY REPEALED AND REPLACED WITH:  
SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM

CONSTRUCTION ACTIVITIES – A general permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of land. GP 0 15 002 or most recent version.  
THE DEFINITION FOR "SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS GP 02 02" IS HEREBY REPEALED AND REPLACED WITH:  
SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS - A general permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify stormwater control standards. GP 0 10 002 or most recent version.

SECTION 3.  
§ ZONING 156 Attachment 2 Town of Carmel Sample Stormwater Control Facility Maintenance Agreement is hereby amended to read as follows: Town of Carmel Sample Stormwater Facility Maintenance Agreement  
Whereas, the Town of Carmel, County of Putnam, State of New York ("Municipality") and \_\_\_\_\_ ("facility owner") want to enter into an agreement to provide for the long term maintenance and continuation of stormwater control measures approved by the Municipality for the

2. The facility owner shall maintain, clean, repair, replace and continue the stormwater control measures depicted in Schedule A as necessary to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices and retention ponds.

prepare and submit to the Municipality, within 30 days of the inspection, a written report of the findings, including recommendations for those actions necessary for the continuation of the stormwater control measures.

5. The facility owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control measures

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below named project, and Whereas, the Municipality and the facility owner desire that the stormwater control measures be built in accordance with the approved project plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components. Therefore, the Municipality and the facility owner agree as follows:

1. This agreement inures to the benefit of the Municipality and binds the facility owner, its successors and assigns, to the maintenance provisions depicted in the approved project plans which are attached as Schedule A of this agreement.

3. The facility owner shall be responsible for all expenses related to the maintenance of the stormwater control measures and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities.

4. The facility owner shall provide for the periodic inspection of the stormwater control measures, not less than once in every five year period, to determine the condition and integrity of the measures. Such inspection shall be performed by a professional engineer licensed by the State of New York. The inspecting engineer shall

except in accordance with written approval of the Municipality.

6. The facility owner shall undertake necessary repairs and replacement of the stormwater control measures at the direction of the Municipality or in accordance with the recommendations of the inspecting engineer.

7. The facility owner shall provide to the Municipality, within 30 days of the date of this agreement, a security for the maintenance and continuation of the stormwater control measures in the form of a bond, letter of credit or escrow

account. 8. This agreement shall be recorded in the Office of the County Clerk, County of Putnam together with the deed for the subject premises.

9. In the event that the Municipality determines that the facility owner has failed to construct or maintain the stormwater control measures in accordance with the project plan or has failed to undertake corrective action specified by the Municipality or by the inspecting engineer, the Municipality is authorized to undertake such steps as reasonably necessary for the preservation, continuation or maintenance of the stormwater control measures and to affix the expenses thereof as a lien against the property.

10. Nothing within this agreement shall be construed to impose any affirmative obligation or covenant of performance on the Municipality.

11. This agreement is effective \_\_\_\_.

Facility Owner: \_\_\_\_

Owner's Representative: \_\_\_\_

\_\_\_\_

Representative Signature: \_\_\_\_.

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.

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, Deputy Supervisor Frank Lombardi opened the Public Hearing for public comment at 7:01 p.m. Approximately five (5) people were in attendance.

Richard Franzetti, Town Engineer explained that this new law clarified the language in the original law which makes reference to an outdated section of the New York State Code. He noted that the new law reflects the updated New York State Code number and also changes the language in the Stormwater Control Facility Maintenance Agreement.

With no one present wishing to be heard on the subject of the Public Hearing, on motion by Councilman Lupinacci, seconded by Councilman Schneider, with all members of the Town Board present in agreement, the Public Hearing was closed at 7:02 p.m.

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**SEQR REVIEW – PROPOSED LOCAL LAW AMENDING THE CODE OF THE TOWN OF CARMEL, CHAPTER 156 THEREOF, ENTITLED "ZONING" (STORMWATER CONTROL / MS4)**

Gregory Folchetti, 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: Amendments to Chapter 156 of Town Code Entitled "Zoning"		
Project Location (describe, and attach a location map): Town-wide		
Brief Description of Proposed Action: Amendments to Definitions section Article X of the Town Code of the Town of Carmel, specifically as same pertain to Land Development Activity, SPDES permit designation and sample stormwater maintenance agreement		
Name of Applicant or Sponsor: Town of Carmel	Telephone: 845-628-1500	
Address: 60 McAlpin Avenue		E-Mail:
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 YES <input checked="" type="checkbox"/> <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 YES <input checked="" type="checkbox"/> <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ town wide acres		
b. Total acreage to be physically disturbed? _____ -0- acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 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 checked="" 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 checked="" type="checkbox"/> Parkland		

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: n/a	NO	YES	
	<input 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: N/A	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

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**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?"

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	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

April 8, 2015

Name of Lead Agency

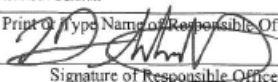
Date

Kenneth Schmitt

Town Supervisor

Print or type Name of Responsible Officer in Lead Agency

Title of Responsible Officer



Signature of Preparer (if different from Responsible Officer)

Signature of Responsible Officer in Lead Agency

PRINT

**SEQR DETERMINATION OF SIGNIFICANCE - PROPOSED LOCAL LAW AMENDING THE CODE OF THE TOWN OF CARMEL, CHAPTER 156 THEREOF, ENTITLED "ZONING" (STORMWATER CONTROL / MS4) - NEGATIVE DECLARATION**

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 to the Town of Carmel Zoning Code, Chapter 156, specifically relating to Article X thereof, entitled Stormwater Controls; 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 Schneider  
Seconded by: Councilman Lupinacci

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

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

Project Number \_\_\_\_\_ Date April 8, 2015

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:**  
A LOCAL LAW AMENDING CHAPTER 156 ENTITLED "ZONING" and Article X thereof, entitled "Stormwater Controls"

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

**Description of Action:**  
  
The proposed action involves enacting a protect and enhance the public health and welfare of the Town of Carmel by making miscellaneous revisions to the Town of Carmel Zoning Code, Chapter 156, specifically relating to Stormwater Control as set forth in Article X, Definitions of Land Use Activity, SPDES Permit Designation and Sample Stormwater Maintenance Agreement.  
  
**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 protect and enhance the public health and welfare of the Town of Carmel by making miscellaneous revisions to the Town of Carmel Zoning Code, Chapter 156, specifically as same pertains to Definitions of Land Development Activity, SPDES Permit Designation and sample stormwater maintenance agreements to facilitate the development of land and implementation of stormwater controls in accordance with State of New York law and the terms of existing General Permits.  
  
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

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**LOCAL LAW #1 OF THE YEAR 2015 - A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF CARMEL, CHAPTER 156, THEREOF, ENTITLED "ZONING" (STORMWATER CONTROL / MS4) - ADOPTED AS NOTICED AND PUBLISHED**

**LOCAL LAW # 1 OF THE YEAR 2015  
A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF CARMEL,  
CHAPTER 156, THEREOF, 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**

This Local Law shall be known as 2015 Amendments to Chapter 156 entitled "Zoning".

**SECTION 2.** Article X of Chapter 156 of the Code Entitled "Stormwater Control" is hereby amended to read as follows:

**ARTICLE X: STORMWATER CONTROL**

§156-80 "DEFINITIONS" is hereby amended as follows:

LAND DEVELOPMENT ACTIVITY – Construction activity, including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than 5,000 square feet, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

THE DEFINITION FOR "SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-02-01" IS HEREBY REPEALED AND REPLACED WITH:  
SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES – A general permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of land. GP-0-15-002 or most recent version.

THE DEFINITION FOR "SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS GP-02-02" IS HEREBY REPEALED AND REPLACED WITH:  
SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS

A general permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify stormwater control standards. GP-0-10-002 or most recent version.

**SECTION 3.** § ZONING 156 - Attachment 2 - Town of Carmel Sample Stormwater Control Facility Maintenance Agreement is hereby amended to read as follows:

APRIL 8, 2015  
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**Town of Carmel**  
**Sample Stormwater Facility Maintenance Agreement**

Whereas, the Town of Carmel, County of Putnam, State of New York ("Municipality") and

\_\_\_\_\_ ("facility owner") want to enter into an agreement to provide for the long term maintenance and continuation of stormwater control measures approved by the Municipality for the below named project, and

Whereas, the Municipality and the facility owner desire that the stormwater control measures be built in accordance with the approved project plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components.

Therefore, the Municipality and the facility owner agree as follows:

1. This agreement inures to the benefit of the Municipality and binds the facility owner, its successors and assigns, to the maintenance provisions depicted in the approved project plans which are attached as Schedule A of this agreement.
2. The facility owner shall maintain, clean, repair, replace and continue the stormwater control measures depicted in Schedule A as necessary to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices and retention ponds.
3. The facility owner shall be responsible for all expenses related to the maintenance of the stormwater control measures and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities.
4. The facility owner shall provide for the periodic inspection of the stormwater control measures, not less than once in every five-year period, to determine the condition and integrity of the measures. Such inspection shall be performed by a professional engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Municipality, within 30 days of the inspection, a written report of the findings, including recommendations for those actions necessary for the continuation of the stormwater control measures.
5. The facility owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control measures except in accordance with written approval of the Municipality.
6. The facility owner shall undertake necessary repairs and replacement of the stormwater control measures at the direction of the Municipality or in accordance with the recommendations of the inspecting engineer.
7. The facility owner shall provide to the Municipality, within 30 days of the date of this agreement, a security for the maintenance and continuation of the stormwater control measures in the form of a bond, letter of credit or escrow account.
8. This agreement shall be recorded in the Office of the County Clerk, County of Putnam together with the deed for the subject premises.
9. In the event that the Municipality determines that the facility owner has failed to construct or maintain the stormwater control measures in accordance with the project plan or has failed to undertake corrective



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action specified by the Municipality or by the inspecting engineer, the Municipality is authorized to undertake such steps as reasonably necessary for the preservation, continuation or maintenance of the stormwater control measures and to affix the expenses thereof as a lien against the property.

- 10. Nothing within this agreement shall be construed to impose any affirmative obligation or covenant of performance on the Municipality
- 11. This agreement is effective \_\_\_\_\_.

Facility Owner: \_\_\_\_\_.

Owner's Representative: \_\_\_\_\_.

Representative Signature: \_\_\_\_\_.

**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: Councilman Schneider

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

**PUBLIC HEARING HELD - PROPOSED LOCAL LAW AMENDING THE CODE OF THE TOWN OF CARMEL, CHAPTER 156 THEREOF, ENTITLED "ZONING" (DESIGN REVIEW CRITERIA)**

With no one present in objection, reading of the following Notice of Public Hearing as published in the Town’s official newspapers was waived. Copies of the notice were made available to the public.

APRIL 8, 2015  
TOWN BOARD MEETING

**Legal Notice**

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, April 8, 2015 at 7:00 p.m. or as soon thereafter that

evening as possible on a Local Law amending the Code of the Town of Carmel, Chapter 156 thereof, entitled "Zoning"; as follows:

PROPOSED LOCAL LAW  
# \_\_\_\_\_ OF THE YEAR  
2015

A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF CARMEL, CHAPTER 156, THEREOF, 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

This Local Law shall be known as 2015 Amendments to Chapter 156 entitled "Zoning".

SECTION 2.

Subsection §156-61(C) (3) of Chapter 156 entitled "Zoning" is hereby amended to read as follows:

(3) Design review criteria.  
(a). Building plans shall be reviewed in several aspects:

- (1) Proportion. The relationship between the width and height of the front elevation of a building should be similar to the adjacent buildings. Proportion can also apply to the relationship between windows and doors and their relationship to the building itself.
- (2) Rhythm. The rhythm of the building and its components is the spacing or repetition of architectural elements or details. The regularity, frequency and placement of doors, windows, porches and ramps and the placement within a facade is a type of rhythm. Rhythm between adjoining buildings can exist when building types are repeated along street.
- (3) Scale. Scale is the relationship between architecture and people or between the architectural mass and the space which surrounds it. The scale of The

Town of Carmel is intimate in nature. Any building built on a monumental scale will seem out of place and foreign. Certain already built buildings are deemed inappropriate in some areas of the town.

(4) Height. New buildings will be in harmony with appropriate buildings and subject to the requirements of The Town of Carmel Zoning Ordinance.

(5) Facade treatment. The exterior features of all buildings should be visually and physically compatible with those facades surrounding them. Components to consider are color, texture and type of building materials. Specific details such as roof shape, cornices and moldings should be repeated to unify buildings and not used to create visual distractions.

(6) Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form and siting shall be used to provide visual interest. In multiple building projects, variable siting or individual buildings may be used to prevent a monotonous appearance.

(b) Development requirements.

(1) Materials will be selected to create harmony with the adjoining appropriate buildings and for suitability to the type and use of the buildings. A building shall use the same materials or those that are architecturally harmonious for all building walls and other exterior building components wholly or partly visible to the public.

(2) Colors shall be harmonious and shall use only compatible accents.

(3) Large mechanical equipment or other utility hardware on the roof, ground or buildings shall be screened from public view with materials harmonious to the building.

(4) Exterior lighting shall be part of the architectural concept. Fixtures, standards and all exposed accessories shall be harmonious with the building design. (5) Service yards, storage area, yards and exterior work areas shall be screened from public view with materials harmonious with the building and in compliance.

(6) Dumpsters must be placed in compliance with section 96-3C(1) through (10).

(c) Special regulations. Application for development within the town shall be reviewed, evaluated and determined by the Planning Board. Among criteria for review will be in compliance with the following measures:

- (1) Locate the building at a minimum setback line with the maximum length of the building facing along street to provide frequent and convenient pedestrian connections between buildings and public sidewalks; minimize the public view of large parking areas and service facilities; provide a continuous edge along the street; and visually enclose and define public street space that is comfortable to pedestrians in proportion and scale.
- (2) Design and place buildings in order to preserve and enhance special street views. In particular, views of important buildings and natural features, focal points at T-intersections and views along curbs and roadways should be encouraged.

(3) Position new buildings to insure the adjacent properties have visual privacy and sunlight as well as protection from the new development's site illumination, noise and odor.

(4) In terms of shape, style, rooflines, color and materials, buildings shall be designed to complement and contribute to a desirable community character.

(5) Design landscaping and building adjacent to historic properties that are complimentary to the significant historical features.

(6) Design and position buildings to screen unsightly elements, such as shipping and loading areas, transformers, dumpsters and meters from public view.

(7) Design the building roof to screen mechanical equipment from view and contribute to an attractive visual setting.

(8) Design the building to insure adequate blending of the storm drainage requirement with the local environment.

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(9) Provide a minimum 10' (ten-foot) "buffer island" which shall be landscaped (trees, bushes, flowers, etc.) in front of all non-residential lots.  
(10) Provide a minimum 20' (twenty-foot) landscaped buffer area/zone on all sides of site plan bordering residentially zoned properties. For purposes of this section landscaping shall include evergreen trees, plantings and/or shrubbery which in the discretion of the Planning Board shall minimize impact of proposed site plan improvements upon neighboring residential properties.  
SECTION 3 – 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 4 – 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 5 – 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.  
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, Deputy Supervisor Frank Lombardi opened the Public Hearing for public comment at 7:04 p.m. Approximately five (5) people were in attendance.

Michael Carnazza, Building Inspector explained that when the Architectural Review Board was disbanded the responsibility for design review was given to the Planning Board and that this local law is meant to provide guidelines for the Planning Board to use.

Dave Nicholas, resident of the Town of Carmel, stated he felt that the new law was disturbing and vague. He said that it doesn't make sense that a new building must be bound by the building next to it even if it is tiny. He questioned who would interpret the law and would it be whatever the Planning Board thinks.

Michael Carnazza, Building Inspector responded that it would be up to the Planning Board to review the plans and that it was not just about size. He explained that the law gives the board guidelines of what things to look at and its purpose is to make developments better not worse. He further stated that the Planning Board would use their judgment and it is not the intent of the law to determine size.

Councilman Lombardi acknowledged that the purpose of the law is to provide guidelines only.

With no one else present wishing to be heard on the subject of the Public Hearing, on motion by Councilman Schneider, seconded by Councilman Lupinacci, with all members of the Town Board present in agreement, the Public Hearing was closed at 7:10 p.m.

**SEQR REVIEW – PROPOSED LOCAL LAW AMENDING THE CODE OF THE TOWN OF CARMEL, CHAPTER 156 THEREOF, ENTITLED "ZONING" (DESIGN REVIEW CRITERIA)**

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

APRIL 8, 2015  
TOWN BOARD MEETING

617.20  
Appendix B  
Short Environmental Assessment Form

#2A

**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: Amendments to Chapter 156 of Town Code Entitled "Zoning"		
Project Location (describe, and attach a location map): Town-wide		
Brief Description of Proposed Action: Adoption of new/amended design review criteria for site plan application review by Town of Carmel Planning Board pursuant to Chapter 156-61 of the Town Code		
Name of Applicant or Sponsor: Town of Carmel	Telephone: 845-628-1500	
	E-Mail:	
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?	NO	YES
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?	NO	YES
If Yes, list agency(s) name and permit or approval:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?	town wide acres	
b. Total acreage to be physically disturbed?	-0- acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	_____ 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 checked="" 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 checked="" type="checkbox"/> Parkland		

Page 1 of 4

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?	NO	YES	
If Yes, identify: N/A	<input 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?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: N/A	<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	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: N/A			

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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 checked="" 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?		
NO YES		
<input checked="" type="checkbox"/> <input type="checkbox"/>		
If Yes,		
a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES		
<input checked="" type="checkbox"/> <input type="checkbox"/>		
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?		
If Yes, briefly describe: <input checked="" type="checkbox"/> NO <input type="checkbox"/> 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)?		NO	YES
If Yes, explain purpose and size: N/A		<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?		NO	YES
If Yes, describe: N/A		<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?		NO	YES
If Yes, describe: N/A		<input type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE			
Applicant/sponsor name: Town of Carmel		Date: April 8, 2015	
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"/>

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**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.

<input type="checkbox"/>	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.
<input checked="" type="checkbox"/>	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	April 8, 2015
Name of Lead Agency	Date
Kenneth Schmitt	Town Supervisor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	Signature of Preparer (if different from Responsible Officer)
Signature of Responsible Officer in Lead Agency	

PRINT

**SEQR DETERMINATION OF SIGNIFICANCE - PROPOSED LOCAL LAW AMENDING THE CODE OF THE TOWN OF CARMEL, CHAPTER 156 THEREOF, ENTITLED "ZONING" (DESIGN REVIEW CRITERIA) - NEGATIVE DECLARATION**

**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 to the Town of Carmel Zoning Code, Chapter 156-61, specifically relating to design review criteria for site plan applications in the Town of Carmel; 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: Councilman Schneider

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

APRIL 8, 2015  
TOWN BOARD MEETING

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

Project Number \_\_\_\_\_ Date April 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 environment and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:**

A LOCAL LAW AMENDING CHAPTER 156 ENTITLED "ZONING" specifically section 156-61 thereof."

**SEQR Status:**

Type I ☐ Unlisted ☒

**Conditioned Negative Declaration:** Yes ☐ No ☒

**Description of Action:**

The proposed action involves enacting a protect and enhance the public health and welfare of the Town of Carmel by making miscellaneous revisions to the Town of Carmel Zoning Code, Chapter 156-61 specifically relating design review criteria for site plan applications.

**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 protect and enhance the public health and welfare of the Town of Carmel by making miscellaneous revisions to the Town of Carmel Zoning Code, Chapter 156-61, Code, specifically relating design review criteria for site plan applications. in the Town of Carmel to ensure development of commercial property in accordance with a consistent set of standards as same pertain to aesthetic impact within the Town of Carmel and harmonious development of property in accordance with comprehensive plan and existing development at present.

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

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**LOCAL LAW #2 OF THE YEAR 2015 - A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF CARMEL, CHAPTER 156, THEREOF, ENTITLED "ZONING" (DESIGN REVIEW CRITERIA) - ADOPTED AS NOTICED AND PUBLISHED**

LOCAL LAW # 2 OF THE YEAR 2015  
A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF CARMEL,  
CHAPTER 156, THEREOF, 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

This Local Law shall be known as 2015 Amendments to Chapter 156 entitled "Zoning".

SECTION 2. Subsection §156-61(C)(3) of Chapter 156 entitled "Zoning" is hereby amended to read as follows:

(3) Design review criteria.

(a). Building plans shall be reviewed in several aspects:

(1) Proportion. The relationship between the width and height of the front elevation of a building should be similar to the adjacent buildings. Proportion can also apply to the relationship between windows and doors and their relationship to the building itself.

(2) Rhythm. The rhythm of the building and its components is the spacing or repetition of architectural elements or details. The regularity, frequency and placement of doors, windows, porches and ramps and the placement within a facade is a type of rhythm. Rhythm between adjoining buildings can exist when building types are repeated along street.

(3) Scale. Scale is the relationship between architecture and people or between the architectural mass and the space which surrounds it. The scale of The Town of Carmel is intimate in nature. Any building built on a monumental scale will seem out of place and foreign. Certain already built buildings are deemed inappropriate in some areas of the town.

(4) Height. New buildings will be in harmony with appropriate buildings and subject to the requirements of The Town of Carmel Zoning Ordinance.

(5) Facade treatment. The exterior features of all buildings should be visually and physically compatible with those facades surrounding them. Components to consider are color, texture and type of building materials. Specific details such as roof shape, cornices and moldings should be repeated to unify buildings and not used to create visual distractions.

(6) Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form and siting shall be used to provide visual interest. In multiple building projects, variable siting or individual buildings may be used to prevent a monotonous appearance.

(b) Development requirements.

(1) Materials will be selected to create harmony with the adjoining appropriate buildings and for suitability to the type and use of the buildings. A building shall use the same materials or those that are architecturally harmonious for all building walls and other exterior building components wholly or partly visible to the public.

(2) Colors shall be harmonious and shall use only compatible accents.

(3) Large mechanical equipment or other utility hardware on the roof, ground or buildings shall be screened from public view with materials harmonious to the building.

(4) Exterior lighting shall be part of the architectural concept. Fixtures, standards and all exposed accessories shall be harmonious with the building design.

(5) Service yards, storage area, yards and exterior work areas shall be screened from public view with materials harmonious with the building and in compliance.

(6) Dumpsters must be placed in compliance with section 96-3C(1) through (10).



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- (c) Special regulations. Application for development within the town shall be reviewed, evaluated and determined by the Planning Board. Among criteria for review will be in compliance with the following measures:
- (1) Locate the building at a minimum setback line with the maximum length of the building facing along street to provide frequent and convenient pedestrian connections between buildings and public sidewalks; minimize the public view of large parking areas and service facilities; provide a continuous edge along the street; and visually enclose and define public street space that is comfortable to pedestrians in proportion and scale.
  - (2) Design and place buildings in order to preserve and enhance special street views. In particular, views of important buildings and natural features, focal points at T-intersections and views along curbs and roadways should be encouraged.
  - (3) Position new buildings to insure the adjacent properties have visual privacy and sunlight as well as protection from the new development's site illumination, noise and odor.
  - (4) In terms of shape, style, rooflines, color and materials, buildings shall be designed to complement and contribute to a desirable community character.
  - (5) Design landscaping and building adjacent to historic properties that are complimentary to the significant historical features.
  - (6) Design and position buildings to screen unsightly elements, such as shipping and loading areas, transformers, dumpsters and meters from public view.
  - (7) Design the building roof to screen mechanical equipment from view and contribute to an attractive visual setting.
  - (8) Design the building to insure adequate blending of the storm drainage requirement with the local environment.
  - (9) Provide a minimum 10' (ten-foot) "buffer island" which shall be landscaped (trees, bushes, flowers, etc.) in front of all non-residential lots.
  - (10) Provide a minimum 20' (twenty-foot) landscaped buffer area/zone on all sides of site plan bordering residentially zoned properties. For purposes of this section landscaping shall include evergreen trees, plantings and/or shrubbery which in the discretion of the Planning Board shall minimize impact of proposed site plan improvements upon neighboring residential properties.

SECTION 3 – 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 4 – 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 5 – 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 Schneider  
Seconded by: Councilman Lupinacci

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

**POLICE DEPARTMENT - PAYMENT OF SICK TIME TO CARMEL POLICE CHIEF  
MICHAEL CAZZARI - AUTHORIZED**

RESOLVED that the Town Board of the Town of Carmel hereby authorizes payment of forty (40) days of accrued sick time at 75% to Town of Carmel Police Chief Michael Cazzari at a daily rate of \$548.73 for a total of \$16,461.90

Resolution

Offered by: Councilman Schneider  
Seconded by: Councilman Lupinacci

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

**PUBLIC COMMENTS - AGENDA ITEMS**

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

**TOWN BOARD MEMBER COMMENTS - AGENDA ITEMS**

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

**ADJOURNMENT**

All agenda items having been addressed, on motion by Councilman Schneider, seconded by Councilman Lupinacci, with all members present in agreement, the meeting was adjourned at 7:20 p.m. to a scheduled Work Session.

Respectfully submitted,

Phyllis Bourges, Deputy Town Clerk