

OUTDOOR LIGHTING

Final Version – 11/25/09

LOCAL LAW NO. OF 2009

A LOCAL LAW repealing Article XXIX entitled "Outdoor Lighting" Chapter 330 Sections 340 through 343 in their entirety, and replacing with a new Article XXIX entitled "Outdoor Lighting" Chapter 330 Sections 340 through 348.

BE IT ENACTED by the Town Board of the Town of Southampton as follows:

SECTION 1. Legislative Intent.

There are many reasons for regulating outdoor lighting in the Town of Southampton. Indeed, increasing development in the Town over the past thirty years has led to a corresponding growth in the use and levels of outdoor lighting. Similarly, technological advances have led to the production of brighter light sources, often resulting in excessive lighting, energy waste, and light pollution when not designed to direct the light toward the intended target. Over time the nighttime environment has become impacted by the effects of light pollution which includes glare, light trespass, and skyglow, all of which affect our quality of life. Light pollution makes it harder to observe the night sky, and scientific studies have demonstrated negative and destructive effects of altered nocturnal environments on species and ecosystems. Excessive and improperly shielded lighting burdens society with the economic and environmental costs of wasted energy. Good outdoor lighting at night in the Town of Southampton benefits everyone as it increases safety due to reduced glare, promotes good health of our environment and citizenry, and preserves the ability to view the stars against a dark night sky. Thus, if the Town's character and heritage of dark skies is to be protected, we must take a proactive role.

As the Town of Southampton has traditionally valued its natural, historic, and scenic resources, all of which combine to provide a unique sense of place and community, this Article has been adopted to preserve and enhance these resources and to protect the health, safety, and welfare of its residents. Furthermore, this Article establishes standards for outdoor lighting in order to:

- (1) Provide adequate lighting for safety and security;
- (2) Promote efficient and cost effective lighting and thus, conserve energy;
- (3) Reduce light pollution and offensive light sources;
- (4) Prevent "sky glow" from upwardly directed light that impedes the observation of stars and other celestial bodies;
- (5) Prevent the disruption of ecosystems and protect the local ecology from negative consequences of artificial night lighting;
- (6) Prevent inappropriate and poorly designed or installed outdoor lighting which can affect the privacy of property owners.

SECTION 2. Amendment.

Town Code Article XXIX is hereby repealed in its entirety and replaced as set forth herein by adding the underlined words as follows:

ARTICLE XXIX
OUTDOOR LIGHTING

§ 330-340. Purpose and intent.

The purpose of this Article is to provide regulations which will protect the health, safety and welfare of the general public, conserve valuable energy resources, prevent light trespass from interfering with our quality of life, protect our ecological and natural resources, and preserve the ability to view the celestial features of the night sky for present and future generations. By this legislation, the Town Board wishes to establish provisions and a process for review so that outdoor lighting that is protective of the environment is installed on all new construction and is used when current outdoor lighting fixtures that are not in compliance with this Article need replacement.

These standards provide for the following:

- A. Comprehensive regulations and guidelines in order for residents, business owners, and the municipality to comply with standards set by the community for outdoor lighting.
- B. Preservation of our rural character, aesthetic value, and the unique quality of life enjoyed by Southampton Town residents by preserving and enhancing the ability to view the night sky.
- C. Advancement of sound environmental policies which will benefit residents and serve as a positive example.
- D. Proper direction and use of light in order to minimize light trespass, glare, and energy wasted on unnecessary and indiscriminate illumination.
- E. Elimination of the need for commercial establishments to compete for visual attention by escalating outdoor lighting levels.
- F. Reduction in excessive illumination which can have a detrimental effect on flora and fauna that depend on the natural cycle of day and night for survival.
- G. Prevention of nuisances caused by unnecessary light intensity, glare, and light trespass.

§ 330-341. Definitions.

As used in this Article, the following terms shall have meaning as indicated:

AVERAGE FOOTCANDLES - The average level of illuminance for a given area measured at ground level with a light meter placed parallel to the ground.

COLOR RENDERING INDEX ("CRI") - A number from 0 to 100 representing the ability of a light source to accurately reproduce the colors of an illuminated object (higher index numbers indicate greater accuracy).

CORRELATED COLOR TEMPERATURE ("CCT") - The perceived color of the light emitted by a lamp, expressed in kelvin (K) units. The lower the kelvin rating, the "warmer" or more yellow the light; the higher the rating, the "cooler" or more blue the light.

ESSENTIAL LIGHTING - Light used for a specified period of time that is necessary for a specific purpose while said purpose is actively being served. This includes lighting that is necessary to promote location identification, public circulation, or public safety.

EXCESSIVE LIGHTING - Light that exceeds the amount that is needed to perform a visual task at night or is required for safety, per suggested minimum illuminance levels published by IES in its Recommended Practices.

FIXTURE - The complete lighting assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens; also referred to as a "luminaire."

FLOOD- OR SPOTLIGHT – Any light fixture or lamp that incorporates a reflector, a refractor, or a prismatic lens to concentrate the light output into a directed beam in a particular direction.

FLUORESCENT - A type of discharge lamp that employs mercury vapor and phosphors. Unlike incandescent lamps, fluorescent lamps require a ballast to regulate the flow of electricity.

FOOTCANDLE - The unit of measurement used to quantify the amount of light falling on a surface. One footcandle is the illuminance produced by a candle on a surface one foot square from a distance of one foot.

FULL-CUTOFF - For the purposes of this Article, a full-cutoff fixture is considered one that delivers 100% of the total lumens within the 0° - 90° zone with a maximum of 10% of total lumens delivered within the 80° - 90° zone. Full-cutoff fixtures are considered fully shielded. See Figure 1.

FULLY SHIELDED - A fixture constructed and installed in a fixed position and in such a manner that all light emitted is projected below the horizontal plane through the fixture's lowest light emitting part. Unlike a full-cutoff fixture, a fully shielded fixture is not engineered to limit lumen distribution in the 80° - 90° zone. See Figure 1.

GLARE - A visual effect produced when a light source within the field of view is brighter than the level to which the eyes are adapted. Glare may cause annoyance, discomfort, loss of visual acuity, or momentary blindness.

HIGH INTENSITY DISCHARGE ("HID") LIGHTING - An energy efficient family of lighting that includes high-pressure sodium, mercury vapor, and metal halide type bulbs. These types require a warm-up time, usually require a ballast exclusive to the light source, and have a higher lumen output per watt than incandescent or halogen

lamps.

HIGH PRESSURE SODIUM (“HPS”) - A type of high-intensity discharge lamp that primarily employs sodium. These lamps produce light with a warm Correlated Color Temperature of approximately 2100 K and have a Color Rendering Index of around 25.

HOLIDAY LIGHTING - Temporary lighting of various types and colors installed in connection with holiday or religious observances and removed thereafter.

IES - Illuminating Engineering Society, the trade association of the lighting industry.

IES RECOMMENDED PRACTICES - IES publications setting forth recommended light levels for a particular application. Recommended Practices cited in this Article are: Lighting for Exterior Environments (RP-33), Lighting for Parking Facilities (RP-20), Roadway Lighting (RP-8), and Sports and Recreational Areas Lighting (RP-6).

ILLUMINANCE - The amount of light falling on a surface, measured in footcandles (lumens per square foot).

KELVIN - The unit of measurement used to characterize the color of light emitted by a lamp. See also “Correlated Color Temperature”.

LAMP - The component of the fixture that produces the actual light; a light bulb.

LAMP TYPE - The category to which a lamp belongs by virtue of the process by which it produces light. The principal categories are incandescent, fluorescent, low-pressure sodium, high-intensity discharge (HID) (which includes high-pressure sodium, metal halide, and mercury vapor), and LED (light-emitting diode). The categories vary in terms of:

- (a) the amount of light output (lumens) per watt consumed;
- (b) lamp life;
- (c) the color of the light emitted (Correlated Color Temperature); and
- (d) the accuracy with which colors of an illuminated object are reproduced (Color Rendering Index).

LIGHT LEVEL - The illuminance as measured by a light meter or reported in photometric calculations. Light levels are indicated in footcandle measurements, and may also be expressed as uniformity ratios, maximum or average to minimum.

LIGHT POLLUTION - Any adverse effect of artificial light including, but not limited to, glare, light trespass, skyglow, visual clutter, excessive or unnecessary lighting, or any artificial light that unnecessarily diminishes the ability to view the night sky or is disruptive to the natural environment.

LIGHT SOURCE - The light emitting part or parts of a light fixture, consisting of the lamp or lamps and any transparent or translucent covering over the lamp, as well as any refractors, reflectors, prismatic lenses, mirrors, or diffusers which emit or transmit light.

LIGHT TRESPASS - Light projected onto a property or into the public right-of-way from a light source on a different property.

LIGHTING - Equipment and effects of lighting produced by artificial means.

LOW PRESSURE SODIUM - A type of discharge lamp that primarily employs sodium. These lamps have a higher lumen output per watt than HID lamps but low Color Rendering Index.

LUMEN - The unit of measurement used to quantify the amount of light produced by a lamp or emitted from a fixture (as distinct from "watt" which is a measurement of the electrical power). For the purposes of this Article, measurements in lumens shall refer to "initial lamp lumens" (as opposed to "maintained lamp lumens") as rated by the manufacturer when the lamp is new, as listed on the packaging.

LUMINAIRE - See "FIXTURE"

MERCURY VAPOR - A type of high-intensity discharge lamp that uses mercury as the primary light-producing element. Mercury vapor lamps produce light with a cool correlated color temperature (CCT) from 3000 to 7000 K.

METAL HALIDE - A type of high-intensity discharge lamp that uses mercury and several halide additives as light-producing elements. Metal halide lamps are typically available with cool correlated color temperatures (CCT) from 2300 to 5400 K and with CRI values from 60 to 93.

MOUNTING HEIGHT – On a non-residential property, the vertical distance measured from the average elevation of the existing natural grade or average elevation of the approved grade (if cut/fill activities are proposed) to the lowest light emitting part of an installed fixture.

NON-CONFORMING - Lighting which does not meet the requirements and specifications contained in this Article.

NON-ESSENTIAL LIGHTING - Lighting which is unnecessary for pedestrian passage or other tasks and therefore not generally useful (i.e. decorative and landscape lighting). This includes lighting intended for a specific task or purpose when said task or purpose is not being actively performed (e.g. parking lot illumination and wall-mounted perimeter lights after business hours).

NON-RESIDENTIAL LIGHTING – Any outdoor lighting intended for use on a lot with a business (except home occupation), industrial, or institutional use (or if undeveloped, is zoned for such use). Municipal buildings and facilities shall follow non-residential standards.

NUISANCE LIGHTING – Any outdoor lighting that creates a potential hazard to the public or light trespass or glare to neighboring properties, thereby causing loss of enjoyment, comfort, or repose.

OUTDOOR LIGHTING – Lighting that provides illumination to a surface, building, structure, device, or other outdoor feature. Any fixture located indoors that is intended to illuminate any outdoor surface, structure, or other feature is considered outdoor lighting for the purposes of this Article.

PHOTOMETRIC(S) or PHOTOMETRY - A technical test to determine light distribution

and performance of a fixture. A photometric report, which may include candlepower distribution data, cutoff classification, footcandle chart, etc., is generally available from the manufacturer.

REPAIR - Any service normally provided by a licensed electrician to a light fixture or lighting installation, including replacement, modification, or relocation of any of the following: poles, mounting arms, wiring, housings, or any component within or attached to a light fixture. Replacement of a user-serviceable lamp (i.e. light bulb) shall not by itself be considered a repair.

RESIDENTIAL LIGHTING – Any outdoor lighting on a lot having a structure or structures whose primary use is residential (or if undeveloped, is zoned for such use). Although reviewed as a commercial site plan, lighting plans for multi-family or condominium developments shall follow residential standards.

SEARCHLIGHT - Lighting designed to project a high-intensity beam of light that is typically used to sweep the sky for promotional purposes.

SENSOR (MOTION) - A device that causes a light fixture to turn on or off in response to motion or light or infrared radiation or a combination thereof.

SHIELD or SHIELDED - An opaque device that is attached to a light fixture to prevent light from being emitted in certain directions. Auxiliary “back” or “house-side” shielding added to an already “fully shielded” fixture can help limit trespass where a fixture is located near the property line.

SKYGLOW - The brightening of the night sky or the overhead glow from artificial light that is directed upward or from light reflected upward from the ground or off other surfaces. Skyglow is caused by the reflection of light off moisture and dust particles in the atmosphere, reducing the ability to view the natural night sky.

SPORTS LIGHTING - Light fixtures used to illuminate courts, arenas, fields, tracks, and recreational areas.

STREET LIGHTING - Permanent outdoor lighting that is owned and maintained by a municipality or other public agency and that is specifically intended to illuminate streets for automotive vehicles and may also incidentally light sidewalks and private property.

TEMPORARY LIGHTING - Lighting which is intended to be used for a specified purpose and for a limited time and is removed thereafter.

TOWN - The Town of Southampton and its employees, officers, or agents, including any agency, authority, board, bureau, commission, committee, council, department, or division of the Town created by law or by the Town Board or by the Town Supervisor, the expenses of which are paid in whole or in part from Town funds.

UL RATING - A reference to “Underwriters Laboratory”, a commercial agency that certifies the maximum safe wattage for fixtures and other electrical devices. A UL Label indicating the maximum safe wattage is affixed or imprinted on all light fixtures which are offered for sale.

UNIFORMITY RATIO - A ratio that describes uniformity of illuminance across an area.

The uniformity ratio may be a ratio of the maximum to minimum illuminance or the average to minimum illuminance.

UNSHIELDED - A fixture designed or installed so that it is not fully shielded--i.e., emits light above the lowest light-emitting part of the fixture.

WATT - The standard unit of measurement of electrical power. One watt is one ampere of current flowing at one volt.

§ 330-342. Applicability.

- A. New lighting. All outdoor lighting newly installed on residential and non-residential properties after the effective date of this Article shall comply with its provisions.
- B. Pre-existing lighting. All residential and non-residential properties with existing and operative outdoor lighting, at the effective date of this Article, shall be exempt from compliance, subject to the provisions below.
 - 1) Any outdoor lighting fixture that is replaced, changed, repaired, or relocated, in whole or in part, after the effective date of this Article shall comply with its provisions.
 - 2) Non-residential lighting.
 - a. Subsequent to the effective date of this Article, any addition or expansion (whether single or cumulative) that is made to a non-residential property, whereby lot coverage or floor area is increased by twenty-five (25) percent or more, shall subject said non-residential property to the provisions of this Article for the entire property, including previously installed and any new outdoor lighting.
 - b. Subsequent to the effective date of this Article, any addition or expansion (whether single or cumulative) that is made to an existing non-residential property encompassing at least ten-thousand (10,000) square feet of development (including a commercial center or industrial park) prior to expansion, whereby lot coverage or floor area is increased by ten (10) percent or more, shall subject said non-residential property to the provisions of this Article for the entire property, including previously installed and any new outdoor lighting.
 - 3) Residential lighting. Subsequent to the effective date of this Article, any addition or expansion (whether single or cumulative) that is made to a residential property, whereby lot coverage or floor area is increased by twenty-five (25) percent or more, shall subject said residential property to the provisions of this Article for the entire property, including previously installed and any new outdoor lighting.
 - 4) Nuisance lighting. The exemption shall not apply if the Town determines, upon complaint, that certain outdoor lighting creates "nuisance lighting" as defined in §330-341. If the Town determines,

upon complaint, by an affected neighboring property owner or occupant (including an adjacent neighbor, a neighbor directly across a public right of way, directly across a body of water or across a vacant parcel of land), that nuisance lighting exists on a property, that lighting shall comply with subsection 5) below, in accordance with the procedures outlined in §330-348B. Any resident of the Town, who owns or occupies an affected neighboring property, may seek relief from nuisance lighting by filing a complaint with the Town. It is encouraged that residents attempt to contact their neighbor maintaining the outdoor lighting and attempt to resolve any such lighting concerns through mediation prior to filing a complaint with the Town.

- a. Light trespass shall be considered nuisance lighting when:
 - i. Illuminance at or beyond a property line abutting a residential parcel, nature preserve, or waterway exceeds 0.05 footcandles as measurable from any orientation of the measuring device; or
 - ii. Illuminance at or beyond a property line abutting a non-residential property or public right-of-way exceeds 0.1 footcandles as measurable from any orientation of the measuring device; or
- b. Glare light shall be considered nuisance lighting when a light source is seen from a neighboring property or roadway at sufficient intensity to cause discomfort, annoyance, or impaired visibility.

- 5) Abatement of Nuisance Lighting. If the Town determines nuisance lighting to exist on a property, that lighting shall comply with either a. or b. below, in accordance with the procedures outlined in §330-348B.
 - a. To the extent that the abatement of nuisance lighting will require re-aiming a fixture or re-lamping to reduce lumen output, such lighting shall be re-aimed and/or re-lamped so that the light source is not visible across property lines.
 - b. To the extent that the abatement of nuisance lighting will require removing, replacing, shielding, retrofitting, or relocating a fixture, such lighting shall be removed, replaced, shielded, retrofitted, or relocated so that the light source is not visible across property lines.

- 6) All LIPA leased pre-existing non-conforming fixtures (i.e. "dusk to dawn") shall be removed, replaced or retrofitted on or before January 1, 2012. All replacement or retrofitted lighting shall meet the following requirements:
 - a. Full-cutoff fixtures and shields shall be installed so that the light source is not visible from any adjacent roadway or any private property other than that on which the lessee is located; and
 - b. Light levels shall not exceed the values as specified in Tables 1 & 2; and
 - c. High Pressure Sodium lamps shall be used.

- C. Use. Lighting plans and installations shall continue to be reviewed by the Town based on the use of a property, and with due regard to the underlying

zoning district as well as potential impacts to existing adjacent uses.

D. Other Laws.

- 1) In the case where this Article is found to be in conflict with another provision of local law, the provision or requirement that is the more restrictive, or that establishes the higher standard, shall prevail.
- 2) Sign lighting. Illumination of signs shall be governed by Article XXII of this Code (Signs) and any amendments thereto.
- 3) Special events. Outdoor lighting for special events shall be governed by Chapter 283 of this Code (Special Events) and any amendments thereto.

E. Other Jurisdictions. Federal, State, and County agencies with facilities located within the Town are urged to comply with the provisions of this Article except where doing so would conflict with established regulations.

§ 330-343. Exempt and Prohibited Outdoor Lighting.

A. Exempt outdoor lighting. The following are exempt from the provisions of this Article:

- 1) All temporary emergency lighting determined to be necessary by the Chief of Police, Chief Fire Marshal, Public Safety Administrator, Superintendent of Highways, or other firefighting or emergency service providers.
- 2) Lighting used in municipal road construction or emergency repair or maintenance of utility lines, sewer, water mains or similar public infrastructure.
- 3) Holiday lighting, as defined in §330-341.
- 4) Flag uplighting, provided any such flag is not used for advertising purposes and the light source is not visible across property lines or into roadways.
- 5) Underwater lighting used for swimming pools, provided such lighting meets all relevant electrical codes.
- 6) Lighting for radio, communication and navigation towers, provided that the owner or occupant demonstrates to the satisfaction of the Planning Board that the Federal Aviation Administration (FAA) regulations can only be met through the use of lighting that does not comply with this Article, and that the provisions of this Article are otherwise met to the fullest extent possible. Lighting for any Wireless Communications Facility shall not be permitted unless required by the FAA; in which case, required lighting shall be of the lowest allowed intensity, unless specifically forbidden by the FAA.
- 7) Runway lighting on any approved landing strip or runway, provided that the owner or occupant demonstrates that FAA regulations can only be met

through the use of lighting that does not comply with this Article.

- 8) Lighting installed to illuminate public monuments, provided that the light levels do not exceed 2 footcandles on any light surface monument and do not exceed 4 footcandles on any dark surface.
 - 9) Historic-style fixtures that are part of an existing and approved continuous lighting design, where the piecemeal replacement with compliant fixtures would unacceptably degrade the aesthetic characteristics of the overall design. This exemption shall not be construed to preclude the installation of fixtures complying with this Article.
- B. Prohibited outdoor lighting. The following outdoor lighting shall not be permitted within the Town as of the effective date of this Article, except as exempt above:
- 1) Lamps having Correlated Color Temperature in excess of 3,000 kelvin.
 - 2) Lighting used to illuminate a property other than that on which the fixture is located.
 - 3) Searchlights, except those used for governmental or emergency purposes.
 - 4) Strobe lights and laser lights, including laser light shows and aerial laser lights.
 - 5) Neon lights, except as legally permitted.
 - 6) Fixtures that revolve or create blinking, flickering, scrolling, rotating, pulsating or tracing light, including on signs, exclusive of exempt holiday lighting.
 - 7) Flashing lights, unless temporarily triggered by a security system and extinguished at the time of security response.
 - 8) Any type of lighting used to outline all or part of a building (for example, a window, roof, or gable), except for fully recessed soffit lighting that otherwise complies with this Article.
 - 9) Any light fixture that may be construed as or confused with a traffic signal, traffic control device or maritime navigational markers.
 - 10) Lighting that is determined by municipal law enforcement to contribute to a condition of disabling or distracting glare into a public roadway.
 - 11) Any light fixture located within or illuminating a designated nature preserve, conservation easement, public beach, or waterway, except as approved by the Town or the applicable agency.
 - 12) When visible across property lines, the illumination of vending machines after the close of business.
 - 13) "Day burners" or outdoor lighting which is illuminated during daylight

hours.

- 14) Metal Halide (MH) lamps, with the exception of sports lighting and car dealership display areas in accordance with the provisions of §330-346 I(5) and I(6), unless the Planning Board expressly authorizes their use for another application.

- 15) Mercury Vapor (MV) lamps.

§ 330-344. General Standards for all outdoor lighting installations. All new or replacement outdoor lighting shall be designed, located, lamped, directed, and maintained in order to prevent the following:

- 1) Nuisance lighting.
- 2) Excessive lighting and energy consumption.
- 3) Glare.
- 4) Light trespass.
- 5) Unnecessary skyglow.
- 6) Unnecessary detriment to species in natural communities proximate to lighting locations.
- 7) Interference with pedestrian or vehicular travel on streets, roadways and highways.

§ 330-345. Residential lighting standards. All residential and multi-family residential properties shall comply with the following standards. For new construction, the Architectural Review Board may permit minor adjustments to any lighting requirement herein, provided that the proposed outdoor lighting is found to be reasonable, necessary, and consistent with the purposes of this Article.

- A. Nuisance prevention. Outdoor lighting on residential properties shall be designed and installed so that all light which is emitted by any outdoor light fixture shall not shine on or illuminate any neighboring property. No outdoor lighting shall be maintained nor operated in such a manner so as to be nuisance lighting, as defined in §330-341.
- B. Shielding. All outdoor lighting fixtures shall be fully shielded and aimed straight downward, with the following exceptions:
 - 1) Outdoor lighting fixtures with total light output of 900 lumens or less (60 watts incandescent or less) are exempt from the shielding and aiming requirement above.
 - 2) Unshielded outdoor lighting fixtures operated by motion sensors are permitted, provided that:
 - a. The fixture is set to only go on when activated and to go off within five minutes after activation has ceased; and
 - b. The sensor shall not be triggered by activity off the property; and
 - c. The output per fixture does not exceed 1,800 lumens (100 watts incandescent).
 - 3) Unshielded floodlights not exceeding 1,800 lumens per fixture (100 watts incandescent) are permitted, provided they are aimed no higher than 45 degrees and do not cause nuisance lighting, as defined in §330-341 (see Figure 2).

C. Mounting Height.

- 1) The mounting height of a fixture attached to any structure shall not exceed 12 (twelve) feet from the lowest light emitting point on the fixture to the area to be lit directly below the fixture, except for fully recessed soffit lighting that otherwise complies with this Article.
- 2) The mounting height of any freestanding light fixture shall not exceed ten (10) feet, and when located in side and/or rear yards shall meet the setback requirements of (D) below, unless otherwise authorized by the Town.

D. Setback. The setback for freestanding light fixtures from closest side and/or rear yard property lines shall be greater than or equal to three times the mounting height (see Figure 3).

E. Hours of Operation. Automated shut-off controls for outdoor lighting are encouraged to conserve energy, to extinguish lighting that is not needed for safety, and to alleviate nuisance lighting.

- 1) Non-essential outdoor lighting shall not remain on continuously from midnight until dawn.
- 2) Essential outdoor lighting sufficient for security purposes may be in operation continuously from midnight until dawn, provided that illumination on the ground or on any vertical surface is not greater than 0.5 footcandles.

F. HID (High Intensity Discharge) light fixtures are not permitted for residential use, except for sports lighting pursuant to §330-346 I(6).

§ 330-346. Non-residential lighting standards. Properties with non-residential lighting, as defined in §330-341, shall comply with the following standards. The Town Planning and Development Administrator or Planning Board may permit minor adjustments to any lighting requirement herein, provided that the proposed outdoor lighting is found to be reasonable, necessary, and consistent with the purposes of this Article.

A. Nuisance prevention. Outdoor lighting on non-residential properties shall be designed and installed so that all light which is emitted by any outdoor light fixture shall not shine on or illuminate any neighboring property. No outdoor lighting shall be maintained nor operated from any structure in such a manner so as to be nuisance lighting, as defined in §330-341.

B. Shielding. Unless otherwise specified, all outdoor lighting fixtures shall be fully shielded and aimed straight downward.

C. Mounting Height.

- 1) Building or Structure. Outdoor lighting fixtures shall not be installed at a height greater than 12 (twelve) feet from grade to the lowest light-emitting part of the fixture, except for fully recessed soffit lighting that otherwise complies with this Article.

- 2) Free-standing pole. The Planning Board may consider heights of outdoor lighting fixtures up to but not greater than 14 (fourteen) feet from the natural grade to the lowest light-emitting part, unless it is demonstrated to the Planning Board's satisfaction that a greater mounting height would better accomplish the purposes of this Article.
- D. Setback. Free-standing poles placed within 10 feet to side and/or rear property lines shall not exceed 10 feet in height and shall have full-cutoff fixtures.
- E. Hours of Operation.
- 1) Non-essential outdoor lighting shall not remain on continuously from midnight until dawn.
 - 2) Essential lighting in operation after the close of business should be controlled by timers or motion sensors.
 - 3) The Planning Board may establish hours of operation in connection with a lighting plan and may authorize specific lighting to remain on after the close of business.
- F. Lamp types.
- 1) High pressure sodium, compact fluorescent, LED, or low-pressure sodium lamps shall be used for all fixtures to be lamped greater than 1,800 lumens.
 - 2) Mercury Vapor (MV) lamps are prohibited.
 - 3) Metal Halide (MH) lamps shall be limited to sports lighting and car dealership display areas in accordance with the provisions of §330-346 I(5) and I(6), unless the Planning Board expressly authorizes their use for another application.
- G. Limits of Illumination.
- 1) The Town recognizes that not every situation will require lighting, such as situations that may utilize reflectorized markers, lines, or other passive means.
 - 2) Light levels shall not exceed the minimums recommended by the Illuminating Engineering Society.
 - 3) Except for municipal athletic fields, light levels shall not exceed the values listed in Tables 1 - 5 for the appropriate task.
 - 4) Light levels for sidewalks, doorways, and building approaches shall not exceed those in Table 1.
 - 5) Illumination of building façades, sculptures, or structures is prohibited, except as approved by the Planning Board.
 - 6) Light levels for parking lots, sidewalks, and other walkways shall include light contributions from nearby sources, and shall be expressed in footcandles on any lighting plan submitted for review and approval.
- H. Light trespass limits.
- 1) Illuminance at or beyond a property line abutting a residential parcel, nature preserve, or waterway shall not exceed 0.05 footcandles as measurable from any orientation of the measuring device.

- 2) Illuminance at or beyond a property line abutting a non-residential property or public right-of-way shall not exceed 0.1 footcandles as measurable from any orientation of the measuring device.
- I. Additional lighting requirements for specific applications. In addition to §330-346 A through H, the following requirements shall apply to the specific lighting applications below:
- 1) Parking lot illumination.
 - a. All fixtures shall be full-cutoff.
 - b. Light levels shall not exceed those in Table 2.
 - 2) Street Lighting. No new or replacement street lights shall be installed unless a determination has been made by the Town Highway Superintendent that the purpose of the new lighting installation or replacement cannot be achieved by reflectorized roadway markers, lines, warnings, informational lighting or other passive means.
 - a. Any fixture used for street lighting shall be full-cutoff and angled straight downward, except that an historic-style decorative fixture may emit up to 2% of its total lumens above the horizontal plane.
 - b. Street lighting installed in the public right-of-way is exempt from height restrictions and ratio of height to property lines, as well as light trespass limits.
 - c. New and replacement street lighting installations shall not exceed the light levels as specified in Table 3.
 - d. No new lighting, other than municipal street lighting, shall be leased, installed, or maintained by any person or agency on public utility poles.
 - 3) Bank Automatic Teller Machine (ATM) Lighting.
 - a. All fixtures shall be full-cutoff and shall not cause glare or light trespass onto adjoining properties or into roadways.
 - b. Light levels shall not exceed those established in New York State Banking Law Article 11-AA, Section 75-b(4), to wit, the definition for "Adequate lighting," as may be amended:
 - i. For outdoor ATMs, pursuant to and consistent with Section 75-b(4)(b)(i), (ii), and (iii); and
 - ii. For indoor ATMs, pursuant to and consistent with Section 75-b(4)(c)(i) and (ii).
 - c. ATM and other bank lighting shall meet the required transitional zoning requirements when located adjacent to residential zones.
 - d. The Planning Board shall consider adjacent properties when permitting the hours of operation for ATM lighting.
 - 4) Service (gas) station lighting.
 - a. All service station fixtures shall be full-cutoff.
 - b. Canopy lighting shall be fully recessed so as to be flush with the underside.

- c. Light levels shall not exceed those in Table 4.
- d. "24-hour" service stations shall be required to install motion sensor activated lighting at the rear of buildings provided the lighting is not triggered by off-site activity.

5) Car Dealerships.

- a. All fixtures shall be full-cutoff and shall not cause glare or light trespass onto adjoining properties or into roadways.
- b. Light levels for display areas shall not exceed those in Table 5. Parking lot and other areas shall conform to requirements of §330-346 H (1).
- c. Any permitted lamp type, not exceeding 3,000 kelvin, may be used in display areas only.

6) Sports lighting. A combination of High Pressure Sodium and Metal Halide light sources may be used for enhanced visibility and color rendering. For all lighting intended to illuminate sports fields or courts and where the nighttime activity is authorized:

- a. Fixtures shall be full-cutoff as designed and installed, with the exception of Little League baseball fields located on municipal property which may employ fixtures that emit up to 2% of the light above the lowest light emitting part of the fixture.
- b. Sports lighting shall meet the following height and setback requirements:
 - i. Residential: the mounting height shall be no greater than $\frac{1}{4}$ the distance to the property line, and shall not exceed 18 feet.
 - ii. Non-residential: no height restriction.
- c. Sports lighting shall not be turned on if there is no scheduled play and shall be shut off within one hour after closing to the public. Lower light level off-field lighting may be provided for safe egress.
- d. Light levels shall not exceed the appropriate level of spectator/play (default Level IV) for the activity and as specified in IES RP 6, "Sports and Recreational Area Lighting".
- e. Sports lighting shall not exceed the following light trespass limits:
 - i. Residential: at any point on the property line: 0.05 footcandles.
 - ii. Non-residential: at any point on the property line when adjacent to residential properties: 0.1 footcandle; otherwise: 1.0 footcandle.
- f. Light sources shall not exceed 3,000 kelvin for residential and 5,000 kelvin for non-residential sports lighting.

§ 330-347. Procedures.

- A. Adding new or relocating outdoor lighting on non-residential properties. The Town Planning and Development Administrator may issue an administrative lighting approval for changes to outdoor lighting on non-residential properties if the following conditions are met:

- 1) The property has an approved lighting plan to which the proposed change is a minor adjustment (including, but not limited to, the installation of new fixtures or relocation of existing fixtures) that conforms to this Article.
 - 2) The property does not have an approved lighting plan but is only proposing to install a minimal amount of new lighting (including, but not limited to, installations above a doorway or for an existing sign) and the proposed lighting conforms to this Article.
- B. New construction or additions on non-residential properties. A comprehensive lighting plan for the site shall be reviewed and approved by the Planning Board for outdoor lighting which is associated with new non-residential construction, building expansion, and/or additions as specified in §330-342B(1). In a case where total light output will not exceed 4,000 lumens and where all outdoor lighting will be fully shielded, the Planning Board may review the general specifications in an expedited fashion; in such case, full site plan renderings with footcandle measurements may not be required.
- C. All applications for proposed or required outdoor lighting submitted to the Town, including, but not limited to site plan review, administrative lighting approvals, subdivision approvals, or building permits shall include outdoor lighting plans, fixture and lighting control specifications, and any additional documentation required in order for the reviewing entity to verify that the pre-existing or proposed outdoor lighting conforms to the provisions of this Article.
- D. The following items shall accompany a lighting plan submission for review and approval by the Planning Board:
- 1) A site plan complete with all existing and proposed structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation that might interfere with lighting, indicating with shading or highlighting all areas where pedestrians shall be walking or where pedestrians may come in conflict with vehicles.
 - 2) A detailed lighting plan shall be submitted for review and approval for sites that will have a total lumen output of 4,000 or greater. Said plan shall indicate:
 - a. Footcandle measurements on a grid of the site showing readings in every five foot square. The grid shall include the location and installed height of each existing and proposed fixture (i.e., pole mounted lights, wall mounted lights and lighting, including street lights), and the overall light levels in footcandles on the entire site.
 - b. Grid shall extend at least 20 (twenty) feet beyond the site property lines, indicating the zoning of all adjacent properties to assure compliance with light trespass requirements.
 - c. Photometric plans shall be prepared by the fixture manufacturer or a licensed professional, architect, landscape architect, or engineer and shall provide calculation of average maintained footcandles, maximum and minimum footcandle readings, and

the average to minimum and the maximum to minimum uniformity ratios.

- 3) A description of each light fixture as depicted and identified on the site plan including the manufacturer, model number, a photograph of the fixture and a manufacturer's catalog cut-sheet, detailed IES formatted photometric data, a description of the cutoff characteristics of each fixture, light output in initial lumens, and lamp type, verifying any compliance requirements specified within this Article.
 - 4) Mounting height indicated with distance to nearest property line for each proposed and existing fixture, including pole foundation description.
 - 5) Shielding or glare reduction devices and all mounting details.
 - 6) Types of timing devices or motion sensor devices used to control the fixtures and a schedule of the proposed hours when each fixture will be operated.
 - 7) Total outdoor lamp lumens for all fixtures on the property, calculated at initial lumen output.
 - 8) A summary key table identifying the maximum, minimum, and average light levels in footcandles as well as uniformity ratios for all parking areas and walkways.
- E. When considering a site plan application, the Planning Board may require the use of motion sensor devices to control lighting for illumination of a building entrance, recreation areas, parking areas access ways or other such areas.
- F. A post-installation inspection shall be conducted by a qualified lighting designer to verify compliance with the approved plan. The applicant shall submit a certification to the Planning Board verifying that such inspection was performed and that the installed system operates and is in conformance with the approved plan along with a manufacturer's cut-sheet/certification for the installed fixtures prior to the issuance of a Certificate of Occupancy or other Town approval.
- G. The Town shall have the right to conduct a post-installation inspection on any property with an approved lighting plan to verify compliance with the requirements of this Article and, if appropriate, to require remedial action at the expense of the applicant.

§ 330-348. Prohibited Acts and Penalties for offenses.

- A. It shall be unlawful for any person, firm, owner, tenant, person in possession, partnership, corporation or other business entity to install, alter, repair, move, equip, use or maintain or allow such installation of any outdoor lighting in violation of any of the provisions of this Article, or to fail in any manner to comply with a notice, directive or order of the Chief Building Inspector or designee, or Code Enforcement Officer.

- B. If, after investigation, the Chief Building Inspector or designee, or Code Enforcement Officer finds that any provision of this Article is being violated or nuisance lighting exists, notice shall be given by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/or to the occupant of such premises, instructing that the violation or nuisance lighting must be abated within the time specified in the notice or, in absence thereof, within thirty (30) days of the date of hand delivery or of the date of mailing of the notice. If the violation is not abated within said period, the Chief Building Inspector or designee, Public Safety Administrator, or Code Enforcement Officer may institute actions and proceedings, either legal or equitable, to enjoin, restrain or abate any violations of this Article.
- C. Residential. A violation of this Article, or any provision thereof, by any person, firm, owner, tenant, person in possession, partnership, corporation or other business entity shall be guilty of a violation, punishable by a civil penalty not to exceed \$250 dollars for residential violations after the expiration of the abatement period provided in subsection B, and each day shall constitute a separate offense for the purpose of calculating the civil penalty; any person, firm, owner, tenant, person in possession, partnership, corporation or other business entity who violates this Article, after being convicted of a violation of this Article within the preceding year, shall be guilty of a violation, punishable by a fine not to exceed \$500 or imprisonment for a period not to exceed 15 days, or both; any person, firm, owner, tenant, person in possession, partnership, corporation or other business entity who violates this Article, after being convicted of a violation of this Article two or more times within the preceding three-year period, shall be guilty of a misdemeanor, punishable by a fine not to exceed \$1,000 and/or imprisonment for a period not to exceed 30 days.
- D. Non-residential. A violation of this Article, or any provision thereof, by any person, firm, owner, tenant, person in possession, partnership, corporation or other business entity shall be guilty of a violation, punishable by a civil penalty not to exceed \$500 dollars for non-residential violations after the expiration of the abatement period provided in subsection B, and each day shall constitute a separate offense for the purpose of calculating the civil penalty; any person, firm, owner, tenant, person in possession, partnership, corporation or other business entity who violates this Article, after being convicted of a violation of this Article within the preceding year, shall be guilty of a violation, punishable by a fine not to exceed \$1,000 or imprisonment for a period not to exceed 15 days, or both; any person, firm, owner, tenant, person in possession, partnership, corporation or other business entity who violates this Article, after being convicted of a violation of this Article two or more times within the preceding three-year period, shall be guilty of a misdemeanor, punishable by a fine not to exceed \$3,000 and/or imprisonment for a period not to exceed 30 days.

SECTION 3. Authority.

This Article is enacted pursuant to the New York State Constitution, Municipal Home Rule Law §10(1)(i), and New York State Town Law §§130(1), 274-a(2), and 274-b(2).

SECTION 4. Severability.

If any section or subsection, paragraph, clause, phrase or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provisions so adjudged to be invalid or unconstitutional.

SECTION 5. Effective Date.

This local law shall take effect upon filing with the Secretary of State.

Figure 1.

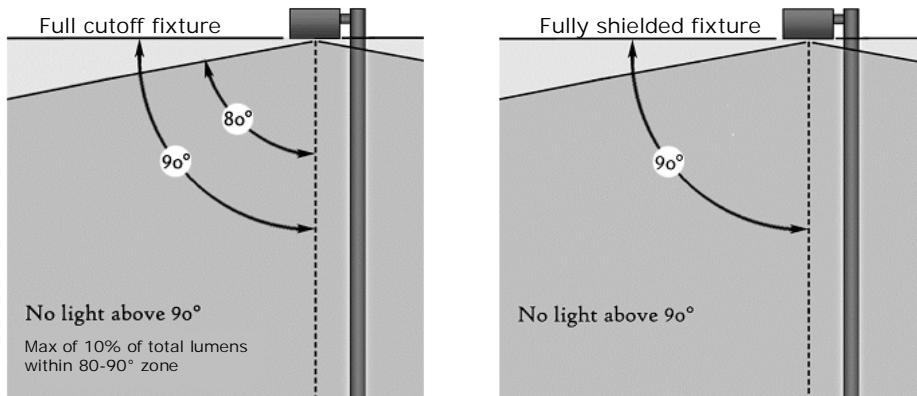


Figure 2.

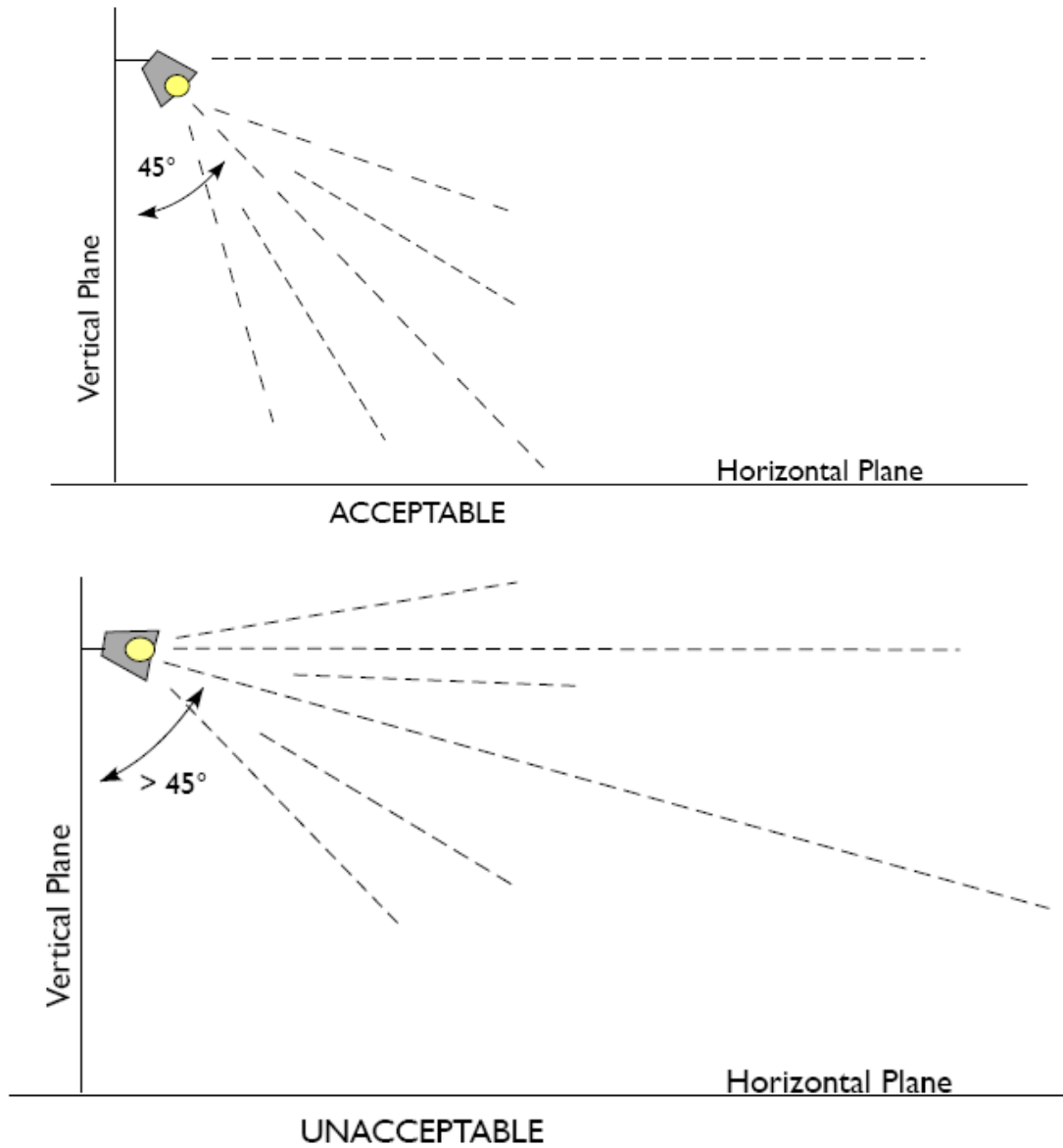
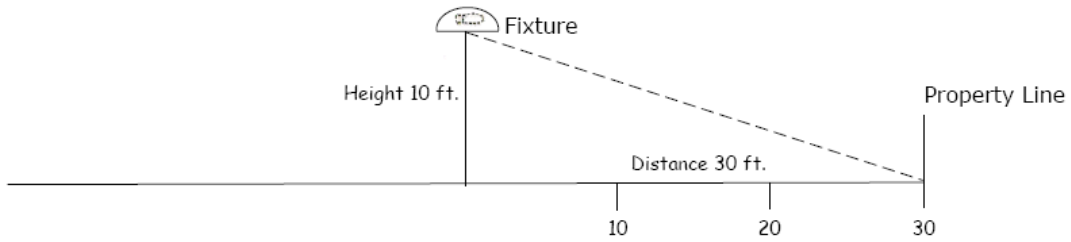


Figure 3.



Height to setback ratio: The height of freestanding lighting must be no greater than 1/3 the distance to the closest side or rear property line.

Table 1. Illumination Limits: Sidewalks, Doorways, Building Approaches

<u>Task Area</u>	<u>Average footcandles (fc)</u> <u>Not to exceed</u>	<u>Uniformity</u> <u>not to exceed</u> <u>MAX/MIN</u>
<u>Sidewalks</u>	Commercial: 0.5 fc Residential ¹ : 0.2 fc	10:1 10:1
<u>Doorways</u>	Active: 2.0- 5.0 fc Inactive: 1.0-2.0 fc	NA
<u>Building approach</u>	0.2- 1.0 fc	20:1

¹ Including multi-family developments

Table 2. Illumination Limits: Parking Lots

<u>Task Area</u>	<u>Average footcandles (fc)</u> <u>Not to exceed</u>	<u>Minimum illuminance</u>	<u>Uniformity</u> <u>not to exceed</u> <u>MAX/MIN</u>
<u>Parking Lots</u>			
<u>Private</u> ¹	0.5 fc	0.13 fc	20:1
<u>Public</u>	0.8 fc	0.2 fc	20:1

¹ Including multi-family developments

Table 3. Illumination Limits: Street Lighting

<u>Roadways</u>	<u>Average footcandles (fc)</u> <u>Not to exceed</u>
<u>Local</u>	0.4 fc
<u>Collector</u>	0.6 fc
<u>Crosswalks</u>	0.5 fc

Table 4. Illumination Limits: Service (gas) station and canopy lighting

<u>Gas Stations Task Area</u>	<u>Average footcandles (fc) Not to exceed</u>	<u>Uniformity not to exceed MAX/MIN</u>
<u>Approach</u>	<u>1.5 fc</u>	<u>20:1</u>
<u>Driveway</u>	<u>1.5 fc</u>	<u>20:1</u>
<u>Pump Island</u>	<u>5 fc</u>	<u>20:1</u>
<u>Service Area</u>	<u>2 fc</u>	<u>20:1</u>

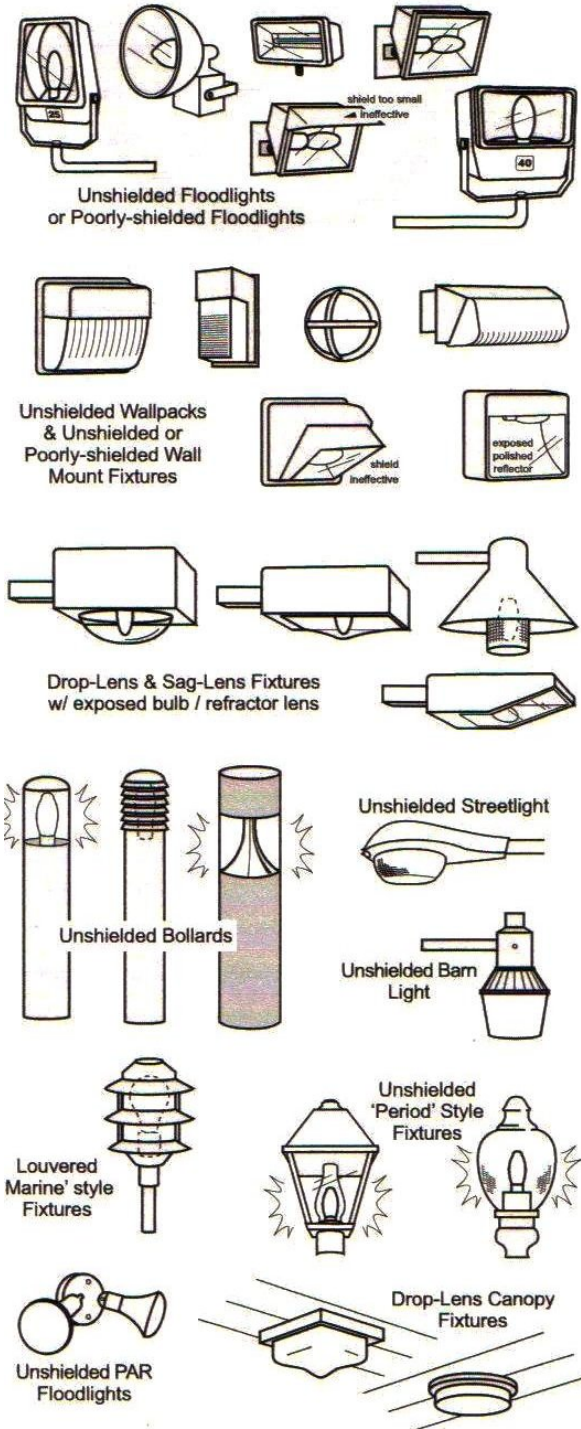
Table 5. Illumination Limits: Car Dealerships

<u>Car Dealerships Display Area</u>	<u>Maximum footcandles (fc) Not to exceed</u>	<u>Uniformity not to exceed MAX/MIN</u>
<u>Row adjacent to roadway</u>	<u>5 fc</u>	<u>5:1</u>
<u>Other rows</u>	<u>2.5 fc</u>	<u>10:1</u>
<u>Entrance</u>	<u>2.5 fc</u>	<u>5:1</u>
<u>Driveways</u>	<u>1 fc</u>	<u>10:1</u>

Figure 3.

The following figures illustrate examples of acceptable and unacceptable types of outdoor lighting fixtures. Note that even those types of fixtures shown as "acceptable" must be installed and aimed properly to comply with this Article. These figures are provided as guidelines and serve only as examples.

UNACCEPTABLE FIXTURES



ACCEPTABLE FIXTURES

