

Bedford Hills, New York
May 17, 2011

A public hearing was held by the Town Board of the Town of Bedford on May 17, 2011 to consider Local Law #4-2011 an amendment to the Code of the Town of Bedford regarding Zoning. The meeting was called to order at 7:47 P.M. by Deputy Supervisor Chryssos.

Present: Peter Chryssos : Deputy Supervisor
Chris Burdick : Councilman
David Gabrielson : Councilman
Francis Corcoran : Councilman* (arrived at 7:53 pm)

Lisbeth Fumagalli :Town Clerk
Joel H. Sachs : Town Attorney
Jeffrey Osterman : Director of Planning
William Hayes : Chief of Police
Joan Gallagher : Director of Personnel

Absent: Lee V. A. Roberts : Supervisor

and approximately ten (10) residents/observers.

Proof of publication was presented and ordered filed. The public notice was published in the Bedford Pound Ridge Record Review on May 6, 2011.

Mr. Chryssos introduced Deirdre Courtney-Batson to present for the committee that had drafted this proposed legislation. The members of the committee were Ms. Courtney-Batson – member of the Planning Board, Stanley Starr – member of the Conservation Board, Town Planner Jeffrey Osterman, Councilman Chris Burdick, Planning Board Chairman Don Coe, Elizabeth Bailey – member of the Conservation Board and Conservation Board Chairman Simon Skolnik.

Mr. Burdick also spoke about the proposed legislation, noting that a lighting consultant had provided his services at no cost to the Town of Bedford.

On a motion by Mr. Burdick, seconded by Mr. Corcoran, the following resolution was ADOPTED

Ayes: Chryssos, Corcoran, Gabrielson, Burdick
Nays: None
Absent: Roberts

RESOLVED that the Town Board does hereby issue a negative declaration relative to Local Law #4-2011 that amends Chapter 125 of the Code of the Town of Bedford regarding Zoning as the enactment of the legislation will have no adverse physical or environmental effects.

On a motion by Mr. Chryssos, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Chryssos, Corcoran, Gabrielson, Burdick
Nays: None
Absent: Roberts

RESOLVED that the Town Board does hereby close the public hearing to consider Local Law #4-2011 that amends Chapter 125 of the Code of the Town of Bedford regarding Zoning.

On a motion by Mr. Burdick, seconded by Mr. Gabrielson, the following resolution was ADOPTED

Ayes: Chryssos, Corcoran, Gabrielson, Burdick
Nays: None
Absent: Roberts

RESOLVED that the Town Board does hereby adopt Local Law #4-2011 as follows:

LOCAL LAW NO. 4 - 2011 TO AMEND CHAPTER 125 OF THE TOWN CODE

BE IT RESOLVED, that the Town of Bedford Amends Chapter 125 of the Code of the Town of Bedford regarding Zoning as follows:

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

Section 1. Article I, §125-3 of the Code of the Town of Bedford entitled “§ 125-3. Definitions” is hereby amended to add certain definitions related to exterior illumination and shall read as follows:

§125-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

...

FLOODLIGHT - a light fixture which is designed to cover an area with light.

...

FOOTCANDLE - a measure of illuminance (also illumination), which is the density or amount of light incident at a point on a horizontal or vertical surface. The surface may be real or virtual.

FOOTLAMBERT - a measure of the luminance, which is the amount of light energy leaving a surface.

...

FULL CUTOFF - as defined by the IESNA refers to a light fixture that prevents all transmission of light above 90 degrees from nadir (straight down).

...

GLARE - stray, unshielded light striking the eye that may result in: annoyance, discomfort, distraction and/or impairment.

...

IESNA – Illuminating Engineering Society of North America.

ILLUMINATION - the amount of light energy falling on a surface.

...

LAMP OR BULB - the light emitting device in a light fixture.

...

LIGHT FIXTURE OR LUMINARE - the assembly that holds the bulb or lamp in a lighting system, mounting apparatus, reflecting elements, cover glass or lenses, ballast and the housing.

LIGHT TRESPASS- light projected onto a property from a light fixture not located on that property.

...

LUMEN - a unit of measure for Luminous Flux, which is the total light energy emitted by a lamp. Use the values listed in the literature of the lamp manufacturer.

...

MOTION SENSOR - a device designed to activate a light fixture or luminaire when motion is detected in a given area, and to deactivate the light fixture when that motion ceases.

MOUNTING HEIGHT - the distance from natural grade to the highest light-emitting part of a light fixture.

...

SKYGLOW - the illumination of clouds, moisture and airborne matter by upward lighting from the earth's surface which impedes one's view of the night sky.

...

Section 2. Article IV, §125-41 of the Code of the Town of Bedford entitled “§ 125-41. Exterior illumination and glare” is hereby amended as follows:

Exterior illumination and glare.

A. Purpose: The purpose of this section is to establish provisions for exterior lighting in order to:

- 1. Minimize the impact of stray lighting on human health, habitats and the environment.**
- 2. Provide safe roadways for pedestrians, cyclists and motorists.**
- 3. Protect against direct glare and excessive lighting.**
- 4. Prevent light trespass in all areas of the Town of Bedford.**
- 5. Minimize skyglow and reclaim the ability to view the wonder of the night sky.**
- 6. Provide lighting guidelines.**
- 7. Discourage the waste of energy caused by excessive lighting.**
- 8. Provide assistance to businesses in bringing nonconforming lighting into conformance with this chapter.**
- 9. Allow for flexibility in the style of lighting fixtures.**
- 10. Provide clear guidelines for the Boards and enforcement staff of the Town to use in administering this ordinance.**
- 11. Help the Town to achieve its goal of a 20% reduction of its energy use by 2020.**

~~[A]~~**B.** No use shall produce ~~[glare so as to cause]~~ illumination beyond the boundaries of the property on which it is located in excess of 0.5 footcandle, **measured vertically at five feet above the ground, at the property line. Notwithstanding the above, where two commercial properties abut each other, a maximum vertical illumination at five feet above the ground, at the property line of 1.0 footcandle is permitted.**

~~[B]~~**C.** Flashing ~~[or intrinsically bright]~~ sources of illumination ~~[shall be]~~ **are** prohibited.

D. Existing exterior lighting that is determined by municipal law enforcement to contribute to a condition of disabling or distracting glare onto a public roadway may be ordered to be changed or removed at any time.

E. All residential and commercial uses shall limit ~~[the use of]~~ light sources and illuminated surfaces to ~~[comply with]~~ the ~~[light intensities]~~ **illumination levels indicated below:**

Source	[Intensity] Maximum Illumination Level	
	Residential Districts or RO, PB-O or PB-OK District	PBR, NB, CB, RB or LI District
Bare [incandescent] or neon-type bulbs or lamps	Not permitted	Not permitted
[Illuminated buildings] Illumination of any vertical building surface (measured vertically on the side of the building)	Not permitted	30 footcandles
Back lighted or luminous background signs (measured in front of the sign)	Not permitted	250 footlamberts
Outdoor illuminated signs (measured vertically on the sign's surface)	25 footcandles	50 footcandles
[Any other unshielded sources, intrinsic brightness]	50 candles per square centimeter	50 candles per square Centimeter]

F. Building or pole mounted, shielded floodlights and/or shielded spotlights meeting the requirements of the above chart are permitted in all districts. Such lights must be angled downward so as not to create glare as seen from above and shall meet any one of the following criteria:

- a. They are not visible beyond the property line;**
- b. They are turned off by 11 PM; or**
- c. They are controlled by a motion sensor.**

~~[G.]~~ **G. Illumination levels shall be measured with a photoelectric photo meter [having a spectral response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination] in accordance with the standards published by the Illuminating Engineering Society of North America.**

H. The mounting height for any lighting fixture in a PB-O, PB-OK, PBR, NB, CB, RB or LI District shall not be greater than 25 feet.

I. Flags of the national, state, county or town government, that are not illuminated with downward lighting, may be illuminated only with a single ground-mounted narrow cone spotlight that confines the illumination to the flag, provided the lumen output is no greater than 1,800 lumens, regardless of the number of lamps. No other flags may be illuminated.

J. Lighting of radio, communication and navigation towers shall not be permitted unless required by the Federal Aviation Administration (FAA) regulations, in which case required lighting shall be of the lowest permitted intensity and red, unless otherwise required by FAA regulations.

K. Temporary exterior holiday lighting shall be exempt from the requirements of this chapter.

L. An applicant may apply to the Planning Board for a special permit under section 125-81 for the temporary use of lighting not in accordance with the standards listed above.

M. In the case of applications requiring Site Plan Review the Planning Board may impose standards more or less stringent than those listed in this section in order to meet the general purpose and intent of Article IX (Site Plan Review) of this Code.

N. In any case where national and New York State building code requirement exceed the requirements of this section, the national and state requirements shall apply.

Section 3. Article IX regarding “Site Plan approval” §86 entitled “Approval required, conformance required” shall be amended to add a new provision regarding exterior lighting, as follows:

C. No exterior lighting shall be installed, replaced, altered, changed, relocated, enlarged, moved, improved or converted unless it conforms to a lighting plan approved by the Town of Bedford Planning Board or, after reviewing the proposed changes, the Town Director of Planning deems them insignificant.

Section 4. Article IX regarding “Site Plan approval” §87 entitled “Standards” is hereby amended to change the standards regarding outdoor lighting as follows:

...

K. Reasonable provisions are made for sight and sound buffers, [~~control of outdoor lighting,~~] the preservation of views, light and air, and those aspects of structure, improvement and land design not otherwise regulated that may have substantial effects on neighboring land uses.

...

M. All outdoor lighting meets the standards of Chapter 125-41, in addition to the following standards:

- 1. All exterior lighting fixtures shall protect adjacent properties from glare and light trespass.**
- 2. Photometric studies for parking lots, sidewalks and other walkways shall include light contributions from nearby side- mounted building lights, freestanding sidewalk lights and streetlights.**
- 3. All exterior luminaires including luminaires installed under canopies shall be full cutoff fixtures, as defined by the IESNA**
- 4. Exterior lighting fixtures shall be equipped with a lamp or lamps of a total not to exceed 1,800 lumens per fixture and, to the extent possible, be full cut-off lighting.**
- 5. Automatic teller machine (ATM) and other bank lighting shall be full cutoff and shall not cause glare or light trespass. Light levels shall not exceed the minimum standards under the New York State ATM Lighting Law, as may be amended from time to time.**
- 6. Illumination levels shall not exceed the recommendations of the IESNA RP-33-99 Lighting for Exterior Environments by more than 10%**
- 7. The Planning Board may require operable photocells, motion sensors, or timers that allow a light to go on at dusk and off by an appropriate evening hour, as well as shields to alleviate nuisance and disability glare.**
- 8. The Planning Board may require reflector markers, lines, signs or other passive means for illumination be used in order to avoid excessive or unnecessary light.**
- 9. The Planning Board may require parking area lights to be greater in number, lower in pole height and lower in light level, as opposed to fewer in number, higher in pole height and higher in light level in order to avoid excessive or unnecessary light.**
- 10. The Planning Board may require the use of bollard lighting rather than pole lighting.**

Section 5. Article IX regarding “Site Plan approval” § 89(B) entitled “Final site plan. Required data” is hereby amended to read as follows:

17. [~~Proposed type, design, mounting height, location, direction, power and timing of all outdoor lighting~~] **Lighting fixture type (including cutoff characteristics, manufacturer and model number), design, shielding details, mounting height, location, direction, lamp type and power (lumen output and wattage), controls and hours of operation of all existing and proposed outdoor lighting. Additionally, a detailed point by point photometric study including all existing and proposed lighting showing the horizontal illumination levels at grade in foot-candles shall be submitted. The maximum spacing between calculation points shall be 10 feet. Photometric studies for parking lots, sidewalks and other walkways shall include light contributions from nearby side-mounted building lights, freestanding sidewalk lights and streetlights.**

Section 6. This Local Law shall become effective upon filing with the Office of the Secretary of State.

[-----] – deleted material

Bold - added material

There being no further discussion and on a motion duly made and seconded the hearing was adjourned at 7:57 pm.

Lisbeth Fumagalli, Town Clerk