

## TOWN OF NORTH EAST ZONING REVIEW COMMITTEE MINUTES October 17, 2022

The Town of North East Zoning Review Committee meeting took place on Monday, October 17, 2022, at the North East Town Hall, located at 19 North Maple Avenue, Millerton, New York at 4:30 PM. Board members present were Chair Edie Greenwood, Dale Culver, Julie Schroeder, Ed Downey (via Zoom), Dave Sherman and Bill Kish. Also in attendance were Will Agresta, Chris Kennan, Lana Morrison, Ralph Fedele, Laurie Kerr, Rob Cooper, Rich Stalzer, Kathy Chow, Paul Bengston and Camilo Rojas.

### Lighting Standards

Chair Greenwood opened the meeting at 4:30 PM explaining that the current code had no standards for lighting. Will Agresta gave an overview of the lighting standards draft code that was being reviewed.

In **Full cutoff fixtures** the bulb is built into the fixture and is recommended. **Fully shielded fixtures** are not always built into the fixture and can be removed during maintenance and sometimes not replaced. Therefore, fully shielded fixtures are not considered as desirable.

The draft code prohibits outdoor lighting illuminated during the daylight hours. Culver points out that we need to educate people about the cost benefits of converting to LED lights and that it should be an easy task as conversion will result in significant energy savings and lower electric bills.

The lighting code requirements come into effect when an applicant in a commercial district comes to the Planning Board for site plan approval. Preexisting lighting can be used until it is time to replace or update the fixture. For new residential buildings and residential expansion of 25% or more, lighting compliance with these standards would be required.

Culver asked if we could include a dollar amount or percentage of the property value as a threshold as to when a commercial property coming in for an amended site plan would be required to switch out all the non-compliant fixtures. Agresta said additional standards could be added but the Planning Board should approach such situations with an understanding of the proportion of the request. Kish felt leaving it as is gives the Planning Board needed flexibility to address blatant violations when they exist.

Schroeder brought up **nuisance lighting** which can be highly subjective and asked how enforceable this concept is. Agresta said this is an issue that needs to be reviewed by a land use attorney. He does think there is a level at which this definition is defensible.

Kish explained the standards for commercial lighting during active business hours and the levels outlined in the Average Footcandles/Uniformity Ratio table for after business hours security needs. To save energy, lighting sensors and timers should be encouraged where possible.

Sherman asked about car dealerships. Culver mentioned that insurance carrier have been known to required lighting for security purposes. Kish suggested we add "Car Dealer Display Area Closest to Road" after hours criteria to the table.

ATM lighting is subject to New York State Banking Law Article II-AA.

**Flag pole lighting** needs to be shining towards the flag and you don't see the light source, the bulb from off the property. Agresta noted there are effective dark shy compliant lights that can be put at the top of the flag pole as an alternative to mounting a fixture on the ground.

Greenwood asked if a mounting height of 12 ft is sufficient if you have a three-story building. Kish clarified that the code is written to allow the light to be 12 ft above the area that is being illuminated. Section B Mounting height needs to be revised to be the same as in the residential mounting light section.

A **Sports Field lighting section** needs to be added. Agresta has provided language that Greenwood will circulate to the Committee. He went on to mention the advancements that have been made in LED cutoff lighting specifically designed for sporting facilities.

Greenwood asked if under the **Lighting plan and detail specifications section** we should add that the Planning Board may waive provisions in this section when appropriate. Agresta said it was easy to add.

Kish suggested we underline the phrase "light source" in the definition of glare to emphasis that it is the bulb we are referring to. He also clarified that none of these regulations are applicable to interior lighting.

Downey encouraged us to share what we know about Sports Field lighting with the Village. All agreed.

Greenwood reviewed the following definitions with the Committee:

- Correlated Color Temperature can be combined with Kelvin.
- Definitions relating to prohibited Lamp Type can be lumped under a new definition for "Gas Discharge Lighting"
- The Committee decided all prohibited uses need to be defined such as Search Light.

### **Public Comment**

**Laurie Kerr:** Kerr suggested the Committee review the New York State Energy Conservation Construction code to make sure we are not in conflict. She agreed to send us the relevant sections. With respect to Central Hudson, she urged the Town to lease any needed lights and not to own the Central Hudson lights as they charge high maintenance and other fees. The village is in the process of switching over to leasing.

**Rich Stalzer:** Stalzer questioned the practicality of measuring light trespass. Kish clarified that measurement was possible, but the question is if the Zoning Enforcement Officer will be able to enforce. Culver reiterated the importance of having a clear Nuisance Lighting definition.

Chair Greenwood asked Agresta for examples of **building and lot coverage**. He told the committee to look at other codes, but that it comes down to a discussion of **density**. The coverage is only a percentage which results after determining how much paved and building surfaces are acceptable.

Kish commented that we probably want as much density as possible in BD West, but he is concerned about storm water. Agresta said that each property needs to mitigate storm water, but we should be concerned about where storm water goes in the flood plain.

Chair Greenwood adjourned the meeting at 5:57 PM.

Respectfully Submitted by

Edith Greenwood  
ZRC Chair