

NOV 07 2007



#2
Town of Brookhaven
Long Island

Pamela J. Bethel, Town Clerk & Registrar

November 6, 2007

Supervisor Brian X. Foley
Councilman Steve Fiore-Rosenfeld
Councilman Kevin McCarrick
Councilwoman Kathleen A. Walsh
Councilwoman Constance M. Kepert
Councilman Timothy P. Mazzei
Councilwoman Carol A. Bissonette

451-6645

Re: **INTRODUCTORY LOCAL LAW #33 OF 2007
AMENDING CHAPTER 85 "ZONING" ARTICLE XXXIX ENTITLED "EXTERIOR LIGHTING
STANDARDS" OF THE CODE OF THE TOWN OF BROOKHAVEN**

Dear Supervisor Foley and Members of the Town Board:

Attached please find a copy of the above-mentioned Local Law, which will be the subject of a Public Hearing on the **4th** day of **December, 2007**, at **6:30 P.M.** by the Town Board of the Town of Brookhaven in the Town Board Auditorium, One Independence Hill, 2nd Floor, Farmingville, New York 11738.

Sincerely,

PAMELA J. BETHEIL
TOWN CLERK

PJB:dlb:Enc.

cc: Robert F. Quinlan, Town Attorney
David W. Woods, Commissioner of PELM
John Turner, Director of Environmental Protection
Eileen Munn, Sr. Admin. Asst., Law
Joseph Sauerwein, Commissioner Building & Fire Prevention
Kathleen Meade, Dep. Commissioner Bldg. & Fire Prevention
Douglas Dittko, Planning Board Chairman
Terry J. Karl, ZBA Chairman

Ray Negron, Asst. Town Attorney
Diane Mazarakis, Planning
John Weis, Zoning Inspector - Building
Alexander Sasvary, Comm. Avia. & Trans.
Brenda Prusinowski, Dep. Comm. of PELM
SC Planning Commission

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that pursuant to Section 20 (5) of the Municipal Home Rule Law, a public hearing will be held by the Town Board of the Town of Brookhaven at One Independence Hill, New York, 11738 on the 4th day of December, 2007, at 6:30 p.m., to consider enacting the following proposed Local Law:

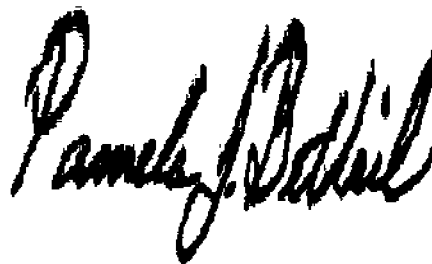
INTRODUCTORY LOCAL LAW #33 OF 2007 AMENDING ARTICLE XXXIX TO CHAPTER 85 ENTITLED "EXTERIOR LIGHTING STANDARDS" OF THE CODE OF THE TOWN OF BROOKHAVEN

SUMMARY

The proposed local law is to amend Article XXXIX of Chapter 85 entitled "Exterior Lighting Standards" Local Law No. 29 of 2006. Because both technology and environmental concerns are both continuously advancing and evolving with respect to lighting and in order to keep up with these ever-changing technologies and criteria, it is necessary to improve and/or adapt the Brookhaven Town Code as the Board becomes aware of the need or desire to do so.

This is a summary of the proposed Local Law, a full copy of which is on file in the Town Clerk's Office and is available for inspection during regular Town business hours.

At said public hearing, any persons interested shall be given the opportunity to be heard.



Dated: October 16, 2007
Patchogue, New York

PAMELA J. BETHEIL, TOWN CLERK
TOWN OF BROOKHAVEN

**INTRODUCTORY LOCAL LAW #33 OF 2007
AMENDING ARTICLE XXIX TO CHAPTER 85 ENTITLED "EXTERIOR LIGHTING
STANDARDS" OF THE CODE OF THE TOWN OF BROOKHAVEN**

Section 1. Amendment. Amendment to the Code of the Town of Brookhaven, Article XXXIX to Chapter 85 Entitled "Exterior Lighting Standards" of the Code of the Town of Brookhaven as follows:

Chapter 85 Article XXXIX: Exterior Lighting Standards

§85-464. Definitions.

MOUNTING HEIGHT – The distance from natural grade to the lowest light-emitting part of the luminaire.

NONCONFORMING – Lighting which does not meet the requirements and specifications contained herein.

NONESSENTIAL LIGHTING – Lighting which is unnecessary and not generally useful (e.g., 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).

§ 85-465. Applicability; nonconforming lighting; exceptions.

A. All exterior lighting, installed, replaced, altered, changed, repaired or relocated after the effective date of this article shall conform to the provisions established by this article except as provided hereto.

B. Existing exterior lighting in conflict with this article shall be classified as "nonconforming." Except as provided elsewhere in this article, [A]all exterior lighting existing or installed prior to the date of the adoption herein, which does not conform with the provisions of the article, shall be exempt, provided that the following requirements are met:

(1) Upon adoption of this article, with any installation, replacement, alteration, change, repair, or relocation of any nonconforming luminaire, such luminaire shall be brought in compliance with the terms of this article.

(2) To the extent that preexisting residential exterior floodlights can accommodate lamps of a total of less than 1,800 lumens (100 watt incandescent), said exterior lighting shall be equipped with a lamp or lamps of a total of less than 1,800 lumens (100 watt incandescent) per fixture and, to the extent possible, be angled downward, such that the center beam is not directed above a forty-five-degree angle measured from the vertical line

drawn from the center of the lamp to the ground, and so as not to cause glare, light trespass, or beam spread beyond the intended target or across property lines. Operable photocells, motion sensors, timers that allow a light to go on at dusk and off by 11:00 p.m., as well as retrofit shields are encouraged to alleviate nuisance and disability glare.

(3) Lighting that is determined by municipal law enforcement to contribute to a condition of disabling or distracting glare into a public roadway may be ordered to be changed or removed at any time.

(4) Non-essential lighting can be ordered extinguished, including mobile or ground mounted searchlights, laser light shows, decorative flashing, blinking, or tracing lights, exclusive of exempt Holiday Lighting.

§ 85-467. Illumination levels and prohibited effects for residential and nonresidential exterior lighting.

A. All residential and nonresidential exterior lighting shall not cause light trespass and shall protect adjacent properties from glare and excessive lighting.

B. All lighting in the Town of Brookhaven shall not exceed recommended light levels as listed in Table of Illumination Limits, Table 3.EN

C. All streetlight luminaries shall be full cutoff, except that a historic-style decorative luminaire may emit up to two percent of its total lumens above the horizontal plane; and

- (1) For roadway lighting a determination is made that the purpose of the lighting installation or replacement cannot be achieved by installation of reflectorized roadway markers, lines, warnings, informational signs, or other passive means; and
- (2) Adequate consideration has been given to conserving energy and minimizing glare, sky glow, and light trespass.

§ 85-469. General standards for nonresidential exterior lighting.

A. All exterior lighting shall be designed, located, and lamped in order to prevent:

- (1) Overlighting;
- (2) Energy waste;
- (3) Glare;
- (4) Light trespass; and
- (5) Unnecessary sky glow.

B. All [nonessential] conforming and nonconforming exterior lighting shall be turned off within 1/2 hour after the close of business and no later than 11:00 p.m. for those businesses that are closed to the public on or before 9:00 p.m. Lights that are controlled by photocells and timers are encouraged, as is the use of sensor-activated lights to replace existing lighting which may be needed for safety or emergency purposes.

§ 85-472. Illegal exterior lighting.

A. The Chief Building Inspector shall cause a notice of such violation to be served on the owner or person in possession of the building, structure or lot where said exterior lighting is located or the lessee or tenant of the part of or of the entire building, structure or lot where said exterior lighting is located requiring such owner, person in possession, lessee or tenant to remove such illegal exterior lighting within 30 days. Such notice may be served personally or by certified mail, return receipt requested, and shall notify the owner, lessee or tenant that the failure to remove said exterior lighting may result in the issuance of an appearance ticket and/or an action in Supreme Court seeking the removal of said exterior lighting.

B. Any person, firm, owner, tenant, person in possession, partnership, corporation or other business entity who fails to comply with a written order of the Chief Building Inspector of the Town of Brookhaven within 30 days from the date of notice or fails to comply with any lawful order, notice, directive, permit or certificate of the Chief Building Inspector made hereunder shall be deemed in violation of this article. Failure to comply may result in actions and proceedings, either legal or equitable, to enjoin, restrain or abate any violation of this article.

C. All exterior lighting under the jurisdiction of the Town of Brookhaven that does not conform to these regulations shall be brought into compliance within ten years of the effective date of the adoption of these regulations or when the light fixtures are removed or replaced whichever occurs first.

Section 2. **Effective date.** This local law shall become effective immediately upon filing with the Secretary of State of the State of New York.

([]) indicates deletions; (_____) indicates additions



Dated: October 16, 2007
Farmingville, New York

PAMELA J. BETHEIL, TOWN CLERK
TOWN OF BROOKHAVEN