

RESOLUTION NO. 2021 - 060: SETTING A PUBLIC HEARING ON A TEXT CODE AMENDMENT TO TOWN CODE CHAPTER 220-77 THAT WOULD MODIFY EXISTING LANGUAGE RELATED TO ENERGY EFFICIENCY AND LIGHT POLLUTION AND SEQR INTENT TO DECLARE LEAD AGENCY

WHEREAS, the Town Board of the Town of Canandaigua (herein after referred to as “Town Board”) is considering a Local Law to execute a text code amendment to Town Code Chapter §220-77 that would modify the existing lighting code to include new energy saving measures, new lighting technologies (LED), restrict light glare and trespass, and regulate lighting on docks and along the shores of Canandaigua Lake; and

WHEREAS, the Town Board would like to hear from residents about the proposed Local Law; and

WHEREAS, the Town Board wishes to refer the proposed Local Law to the Town of Canandaigua Planning Board, Environmental Conservation Board, and Zoning Board of Appeals; and

WHEREAS, the Town Board intends to determine said proposed Local Law is classified as an Unlisted Action under the SEQR Regulations per §617 of the NYS Department of Environmental Conservation Law; and

WHEREAS, the Town Board intends to declare itself as the Lead Agency on the proposed action; and

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Canandaigua hereby establishes a public hearing for the proposed Local Law to be held on April 19, 2021 at 6:00 pm via Zoom videoconferencing and/or at the Canandaigua Town Hall located at 5440 Route 5 & 20 West, Canandaigua, NY 14424; and

BE IT FURTHER RESOLVED, the Town Board directs the Town Manager to refer the proposed Local Law to the Town of Canandaigua Planning Board, Environmental Conservation Board, and Zoning Board of Appeals; and

BE IT FINALLY RESOLVED, the Town Clerk is directed to provide notice of said public hearing.

(Attachment # _____)

1/29/2020 Draft

Definitions.

LIGHT, DIRECT

Light emitted directly from the source, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

LIGHT FIXTURE, FULL CUT OFF TYPE

~~A luminaire or light fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above a 90-degree horizontal plane from the base of the luminaire.~~

Commented [e1]: Should we have a definition for just "light fixture"

Commented [e2R1]: Using term "luminaire" instead of light fixture.

LIGHT GLARE

Light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see.

LIGHT, INDIRECT

Direct light that has been reflected or has scattered off of surfaces other than those associated with the light fixture.

LIGHTING, OUTDOOR

The ~~nighttime~~ illumination of an outside area or object by any ~~manufactured device located outdoors that produces light by any means~~ Luminaire.

LIGHT POLLUTION

Stray or reflected light that is emitted into the atmosphere above the 90-degree horizontal plane from the luminaire, and which can or does cause unwanted sky glow or which can or is seen from an abutting property.

LIGHT TRESPASS

Direct light from an ~~artificial light source luminaire located~~ on one property that is intruding ~~into onto other property an area where it is not wanted or does not belong.~~

LUMINAIRE

A complete lighting system, including a light source component (lamp or lamps that produce the actual light) and a fixture.

LUMINAIRE, FULL CUT-OFF TYPE

A luminaire that, by design of the housing, does not allow any light dispersion or direct light to shine above a 90-degree horizontal plane from the base of the luminaire.

LUMINAIRE, HEIGHT OF

The vertical distance from the ground directly below the center line of the luminaire to the lowest direct-light-emitting part of the luminaire.

UPLIGHTING

Any light source that distributes illumination above a 90-degree horizontal plane

Commented [e3]: We don't use this term within Town Code or draft. Should we remove?

§ 220-77 Lighting standards and regulations.

A. Purpose and intent. It is the purpose and intent of this section to:

- (1) Control outdoor lighting for the safety of motorists and pedestrians;
- (2) ~~as well as a~~ Aiding in law enforcement functions and reducing crime through the proper design and use of outdoor lighting to ensure nighttime appearance consistent with overall community goals or enhancing the attractiveness of businesses, streets and other portions of the environment;
- (3) Provide the regulatory framework to ensure the installation of safe and attractive outdoor lighting needed to protect the health, safety and welfare of the residents and visitors to the community;
- (4) Provide specific guidelines for site plan applications and standards in regard to lighting in order to maximize the effectiveness of site lighting; ~~and~~
- (5) ~~To avoid unnecessary upward illumination and control unwanted illumination and light trespass onto neighboring properties, roadways and night sky; of adjacent properties and to reduce glare. This section will control unwanted glare and light trespass onto neighboring properties, roadways and night sky; and~~
- (6) Have all exterior lights and illuminated signs designed, located, installed and directed in such a manner as to prevent unreasonable light trespass and light glare. ~~The maintained horizontal illuminance recommendations, as established by the Illuminating Engineering Society of North America (IESNA), shall be observed.~~

Formatted: Indent: Left: 0.5", First line: 0"

Formatted: Indent: Left: 0.5", First line: 0"

B. Applicability. All outdoor lighting shall be in conformance with the requirements of this section.

C. General requirements for all mixed-use, multi-family, commercial and industrial zoning districts.

- (1) All outdoor lighting fixtures, including display lighting, shall be full cutoff, and turned off after close-of-business, unless needed for safety or security, in which case the lighting shall be reduced to the minimum level necessary and may operate on motion detectors/sensors.
- (2) Petroleum stations. Island canopy fixtures shall be completely recessed and full cutoff.
- (3) Recreational facilities, public or private. Lighting for outdoor recreational facilities shall be shielded according to the requirements set forth in Subsection D below.
- (4) All light fixtures that are required to be fully shielded shall be installed and maintained so that the shielding is effective.
- (5) All luminaires shall be "white light," including but not limited to metal halide, plasma, LED, and similar, for all exterior-outdoor lighting on new commercial or industrial applications.
- (6) The maximum height of a pole-mounted light fixture shall be 33 feet.
- (7) The maximum height of a building-mounted light fixture shall be 26 feet.
- (8) Upward aimed façade and building lighting shall be fully shielded and fully confined from projecting into the sky by the building eaves, roofs, overhangs or structures and shall be mounted as flush with the illuminated wall as possible.

Formatted: Indent: Left: 0.5", First line: 0"

Formatted: Indent: Left: 0.5", First line: 0"

Commented [e4]: How does this compare with some of the parking lot lighting throughout the Town? Or approved on recent projects?

Formatted: Indent: Left: 0.5", First line: 0"

Commented [e5]: Can you, CJ illustrate for us what this means.

D. General requirements for all residential zoning districts.

- (1) All outdoor lighting fixtures shall be shielded from ~~trespass onto~~ adjacent residential properties or public right-of-way.
- (2) The maximum light trespass footcandle reading at the property line shall be 0.25 footcandle.
- (3) The maximum height of a pole-mounted light fixture or a building-mounted light fixture shall be 20 feet.
- (4) ~~All exterior residential lighting, whether in operation prior to or after the adoption of this chapter, shall comply with these provisions.~~

Formatted: Indent: Left: 0.5", First line: 0"

Commented [e6]: Should this be different along the Right of Way.

Formatted: Indent: Left: 0.5", First line: 0"

E. ~~Exceptions Regulations Applicable to a~~ All Zoning Districts.

- (1) All outdoor luminaire whose initial source lumens are greater than 900 must meet the following requirements:
 - a. Have a cutoff angle of 90° or less. (full cutoff)
 - ~~a.b.~~ Canopy lights must be recessed and full cutoff.
- (2) Light source visibility. The visibility of the light source inside a luminaire shall be restricted; the direct light shall not be visible above six feet at the adjoining public roadway pavement edge or 25 feet beyond the property line.
- ~~(2)(3)~~ No installation of new luminaries shall be permitted unless in conformance to this section.

Commented [e7]: What are canopy lights?

Commented [e8]: What if the light is upon a hill? Does this take into account grade changes?

F. ~~Exceptions to all zoning districts.~~

- (1) Any ~~spot or flood~~ outdoor luminaire having initial source lumens of 900 or less, provided that no direct light ~~is focused so as to cause avoidance~~ causes glare on adjoining ~~property or~~ roadways. ~~Such luminaire may be redirected or its light output controlled so as to eliminate this glare and be eligible for exemption under this section.~~
- ~~(1)-~~
- (2) Temporary lighting for events such as circus, fair, carnival or other civic uses.
- (3) Construction or emergency lighting, provided such lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.
- (4) Temporary lighting for holiday events.
- (5) Lighting associated with agricultural ~~pursuits within an established State Agricultural Districtuses.~~

Commented [e9]: To be clear, the following are not required to meet the general requirements of C, and D above?

Lighting for Flag Poles

Commented [e10]: Requested by Planning Board

Commented [e11R10]: Leave to discretion of CEO. ORD

F. Prohibited lighting: ~~prevention of objectionable light.~~

- (1) Prohibited lighting for all ~~nonresidential~~ uses.
 - (a) All moving, revolving and flashing lights for promotional purposes.
 - (b) Laser source lighting or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizon, is prohibited.
- (2) All exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent ~~objectionable light at (and glare across) the property lines and glare on adjoining roadways at any location on or off the property. The maintained horizontal illuminance recommendations, as established by the Illuminating Engineering Society of North America (IESNA), shall be observed.~~

G. Submittal requirements ~~for Commercial, Industrial, Mixed Use and Multifamily Uses.~~

- (1) All applications for site plan approval, or for a special use permit, shall require a lighting plan showing conformity with standards contained in this section.
- (2) Such lighting plan shall indicate the location, type of lamp, color of lamp, luminaire, mounting height, source of lumens, illuminance, light loss factor utilized in calculations and adherence to full cutoff requirement, for each light source and area.
- (3) An illuminance plan is required with isofootcandle levels shown, detailing the interaction of all lighting on the site.
 - a. Illuminance plan shall detail lighting levels beyond parcel boundary to 0.1 footcandles.
 - b. Illuminance plan shall be in Foot Candles at grade level.
 - c. Illuminance plan shall provide statistical data for parking areas, pedestrian areas, traffic areas, and any additional areas which are of relevance.
- (4) Any additional documentation necessary to show conformance to the standards, such as hours of operation, set forth in this section shall also be provided.
- (+)(5) Additions or changes to an approved lighting plan shall be considered under the site plan review provisions of this chapter.

H. Illuminance and uniformity.

(1) Light levels shall be designed to meet but not to exceed the latest recommended levels from IESNA for the type of activity/area being lighted except light levels for ATMs, which shall be in accordance with the New York State ATM Safety Act.[1] Where no standard is available from IESNA, the applicable standard shall be determined by the Planning Board, if approval is required, taking into account the levels for the closest IESNA activity.

[1]:Editor's Note: See Banking Law § 75-a et seq.

- (2) Uniform light levels shall be achieved on the site. The uniformity ratio (average to minimum) shall not exceed 3:1 for parking and traffic areas, nor 4:1 for pedestrian areas.
- (3) Design should establish a hierarchy of lighting to insure a smooth transition from bright areas to those with subdued lighting.
- (4) Maximum to average light levels should be kept within a six to one ratio. Light levels shall be maintained at design levels with lamp or luminaire replacement as needed.

~~IK.~~ Nonconforming lighting. All outdoor lighting lawfully existing prior to the effective date of this chapter shall be deemed pre-existing non-conforming to this section, except that:

~~(1) No installation of new luminaries shall be permitted unless in conformance to this section.~~

~~(12) No light causing glare on adjoining roadways shall be allowed to continue. The Zoning Officer may make a determination regarding All outdoor lighting that, in the opinion of the Zoning Officer (ZO), is causing a glare on adjoining roadways.~~

- (a) ~~The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of such ordinance or local law and to that end shall have all the powers of the administrative official from whose order, requirement, decision, interpretation or determination the appeal is -or properties shall taken. -be required to submit lighting details to the ZO showing that the existing lighting meets the requirements of this section or how such lighting will be brought into conformance. No light causing glare on adjoining roadways or properties shall be allowed to continue.~~

~~(32) Any application for renewal of a special use permit, site plan approval, or an amendment to a site plan, or sign site plan shall may require that any aspect of the subject property be subject~~

Commented [e12]: Can we move these to the submittal requirements for Site Plan?

Commented [e13]: Again, these levels should be provided if the IESNA is not publicly available.

1/29/2020 Draft

to compliance with these regulations, regardless of whether or not the application involves new site lighting subject to the decision of the Planning Board.

J. Waterfront lighting

Outdoor lighting in and around the ponds, lakes, rivers, and other waters of within the Town shall ~~not~~ be installed or maintained so as not to create a hazard ~~or nuisance~~ to other property owners and shall comply with the following:

(1) Lights on docks shall be no more than three feet above the dock, shall be directed downward and be full cut off fixtures.

(2) Lights illuminating paths, stairs, decks, etc., shall prevent direct light on the water~~not be directed towards the water~~ and shall not direct light upwards.

(3) All exterior lighting shall be located, mounted and shielded, so that direct illumination is not focused towards the water surface more than 20 feet from shore.

(4) Lighting shall not be installed below the mean high water~~high-water~~ mark of Canandaigua Lake.

(5) Lighting under the roof of boat stations shall be allowed.

Commented [e14]: What standards, if any, should apply here.

1/29/2020 Draft

Definitions.

LIGHT, DIRECT

Light emitted directly from the source, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

LIGHT FIXTURE, FULL CUT-OFF TYPE

~~A luminaire or light fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above a 90-degree horizontal plane from the base of the luminaire.~~

Commented [e1]: Should we have a definition for just "light fixture"

Commented [e2R1]: Using term "luminaire" instead of light fixture.

LIGHT GLARE

Light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see.

LIGHT, INDIRECT

Direct light that has been reflected or has scattered off of surfaces other than those associated with the light fixture.

LIGHTING, OUTDOOR

The ~~nighttime~~ illumination of an outside area or object by any ~~manufactured device located outdoors that produces light by any means~~ Luminaire.

LIGHT POLLUTION

Stray or reflected light that is emitted into the atmosphere above the 90-degree horizontal plane from the luminaire, and which can or does cause unwanted sky glow or which can or is seen from an abutting property.

LIGHT TRESPASS

Direct light from an ~~artificial light source~~ luminaire located on one property that is intruding ~~into onto other property, an area where it is not wanted or does not belong.~~

LUMINAIRE

A complete lighting system, including a light source component (lamp or lamps that produce the actual light) and a fixture.

LUMINAIRE, FULL CUT-OFF TYPE

~~A luminaire that, by design of the housing, does not allow any light dispersion or direct light to shine above a 90-degree horizontal plane from the base of the luminaire.~~

LUMINAIRE, HEIGHT OF

The vertical distance from the ground directly below the center line of the luminaire to the lowest direct-light-emitting part of the luminaire.

UPLIGHTING

Any light source that distributes illumination above a 90-degree horizontal plane

Commented [e3]: We don't use this term within Town Code or draft. Should we remove?

§ 220-77 Lighting standards and regulations.

A. Purpose and intent. It is the purpose and intent of this section to:

- (1) Control outdoor lighting for the safety of motorists and pedestrians;
- (2) ~~as well as a~~ Aiding in law enforcement functions and reducing crime through the proper design and use of outdoor lighting to ensure nighttime appearance consistent with overall community goals or enhancing the attractiveness of businesses, streets and other portions of the environment;
- (3) ~~2~~ Provide the regulatory framework to ensure the installation of safe and attractive outdoor lighting needed to protect the health, safety and welfare of the residents and visitors to the community;
- (4) ~~3~~ Provide specific guidelines for site plan applications and standards in regard to lighting in order to maximize the effectiveness of site lighting; ~~and~~
- (5) ~~4~~ To avoid unnecessary upward illumination and control unwanted illumination and light trespass onto neighboring properties, roadways and night sky; ~~of adjacent properties and to reduce glare. This section will control unwanted glare and light trespass onto neighboring properties, roadways and night sky; and~~
- (6) Have all exterior lights and illuminated signs designed, located, installed and directed in such a manner as to prevent unreasonable light trespass and light glare. ~~The maintained horizontal illuminance recommendations, as established by the Illuminating Engineering Society of North America (IESNA), shall be observed.~~

Formatted: Indent: Left: 0.5", First line: 0"

Formatted: Indent: Left: 0.5", First line: 0"

B. Applicability. All outdoor lighting shall be in conformance with the requirements of this section.

C. General requirements for all mixed-use, multi-family, commercial and industrial zoning districts.

- (1) All outdoor lighting fixtures, including display lighting, shall be full cutoff, and turned off after close-of-business, unless needed for safety or security, in which case the lighting shall be reduced to the minimum level necessary and may operate on motion detectors/sensors.
- (2) Petroleum stations. Island canopy fixtures shall be completely recessed and full cutoff.
- (3) Recreational facilities, public or private. Lighting for outdoor recreational facilities shall be shielded according to the requirements set forth in Subsection D below.
- (4) All light fixtures that are required to be fully shielded shall be installed and maintained so that the shielding is effective.
- (5) All luminaires shall be "white light," including but not limited to metal halide, plasma, LED, and similar, for all exterior-outdoor lighting on new commercial or industrial applications.
- (6) The maximum height of a pole-mounted light fixture shall be 33 feet.
- (7) The maximum height of a building-mounted light fixture shall be 26 feet.
- (8) Upward aimed façade and building lighting shall be fully shielded and fully confined from projecting into the sky by the building eaves, roofs, overhangs or structures and shall be mounted as flush with the illuminated wall as possible.

Formatted: Indent: Left: 0.5", First line: 0"

Formatted: Indent: Left: 0.5", First line: 0"

Commented [e4]: How does this compare with some of the parking lot lighting throughout the Town? Or approved on recent projects?

Formatted: Indent: Left: 0.5", First line: 0"

Commented [e5]: Can you, CJ illustrate for us what this means.

D. General requirements for all residential zoning districts.

(1) All outdoor lighting fixtures shall be shielded from ~~trespass onto~~ adjacent residential properties or public right-of-way.

(2) The maximum light trespass footcandle reading at the property line shall be 0.25 footcandle.

(3) The maximum height of a pole-mounted light fixture or a building-mounted light fixture shall be 20 feet.

~~(4) All exterior residential lighting, whether in operation prior to or after the adoption of this chapter, shall comply with these provisions.~~

Formatted: Indent: Left: 0.5", First line: 0"

Commented [e6]: Should this be different along the Right of Way.

Formatted: Indent: Left: 0.5", First line: 0"

E. ~~Exceptions Regulations Applicable to a~~ All Zoning Districts.

(1) All outdoor luminaire whose initial source lumens are greater than 900 must meet the following requirements:

a. Have a cutoff angle of 90° or less. (full cutoff)

~~a-b. Canopy lights must be recessed and full cutoff.~~

(2) Light source visibility. The visibility of the light source inside a luminaire shall be restricted; the direct light shall not be visible above six feet at the adjoining public roadway pavement edge or 25 feet beyond the property line.

~~(2)(3) No installation of new luminaries shall be permitted unless in conformance to this section.~~

Commented [e7]: What are canopy lights?

Commented [e8]: What if the light is upon a hill? Does this take into account grade changes?

F. ~~Exceptions to all zoning districts.~~

(1) Any ~~spot or flood~~ outdoor luminaire having initial source lumens of 900 or less, provided that no direct light ~~is focused so as to cause avoidance~~ causes glare on adjoining ~~property or~~ roadways. ~~Such luminaire may be redirected or its light output controlled so as to eliminate this glare and be eligible for exemption under this section.~~

~~(1)-~~

(3) Construction or emergency lighting, provided such lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.

(4) Temporary lighting for holiday events.

(5) Lighting associated with agricultural ~~pursuits within an established State Agricultural District~~ uses.

Lighting for Flag Poles

Commented [e9]: To be clear, the following are not required to meet the general requirements of C, and D above?

Commented [e10]: Requested by Planning Board

Commented [e11R10]: Leave to discretion of CEO. ORD

G. ~~Prohibited lighting; prevention of objectionable light.~~

(1) Prohibited lighting for all ~~nonresidential~~ uses.

(a) All moving, revolving and flashing lights for promotional purposes.

(b) Laser source lighting or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizon, is prohibited.

(2) All exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent ~~objectionable light at (and glare across) the property lines and glare on adjoining roadways at any location on or off the property. The maintained horizontal illuminance recommendations, as established by the Illuminating Engineering Society of North America (IESNA), shall be observed.~~

G. Submittal requirements for Commercial, Industrial, Mixed Use and Multifamily Uses.

(1) All applications for site plan approval, or for a special use permit, shall require a lighting plan showing conformity with standards contained in this section.

- (2) Such lighting plan shall indicate the location, type of lamp, color of lamp, luminaire, mounting height, source of lumens, illuminance, light loss factor utilized in calculations and adherence to full cutoff requirement, for each light source and area.
- (3) An illuminance plan is required with isofootcandle levels shown, detailing the interaction of all lighting on the site.
 - a. Illuminance plan shall detail lighting levels beyond parcel boundary to 0.1 footcandles.
 - b. Illuminance plan shall be in Foot Candles at grade level.
 - c. Illuminance plan shall provide statistical data for parking areas, pedestrian areas, traffic areas, and any additional areas which are of relevance.
- (4) Any additional documentation necessary to show conformance to the standards, such as hours of operation, set forth in this section shall also be provided.
- (5) Additions or changes to an approved lighting plan shall be considered under the site plan review provisions of this chapter.

H. Illuminance and uniformity.

(1) Light levels shall be designed to meet but not to exceed the latest recommended levels from IESNA for the type of activity/area being lighted except light levels for ATMs, which shall be in accordance with the New York State ATM Safety Act.^[1] Where no standard is available from IESNA, the applicable standard shall be determined by the Planning Board, if approval is required, taking into account the levels for the closest IESNA activity.

[1]:Editor's Note: See Banking Law § 75-a et seq.

- (2) Uniform light levels shall be achieved on the site. The uniformity ratio (average to minimum) shall not exceed 3:1 for parking and traffic areas, nor 4:1 for pedestrian areas.
- (3) Design should establish a hierarchy of lighting to insure a smooth transition from bright areas to those with subdued lighting.
- (4) Maximum to average light levels should be kept within a six to one ratio. Light levels shall be maintained at design levels with lamp or luminaire replacement as needed.

IK. Nonconforming lighting. All outdoor lighting lawfully existing prior to the effective date of this chapter shall be deemed pre-existing non-conforming to this section, except that:

~~(1) No installation of new luminaries shall be permitted unless in conformance to this section.~~

- (a) ~~The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of such ordinance or local law and to that end shall have all the powers of the administrative official from whose order, requirement, decision, interpretation or determination the appeal is -or properties shall taken, be required to submit lighting details to the ZO showing that the existing lighting meets the requirements of this section or how such lighting will be brought into conformance. No light causing glare on adjoining roadways or properties shall be allowed to continue.~~

~~(32)~~ Any application for renewal of a special use permit, site plan approval, or an amendment to a site plan, or sign site plan ~~shall may~~ require that any aspect of the subject property be subject to compliance with these regulations, regardless of whether or not the application involves new site lighting subject to the decision of the Planning Board.

Commented [e12]: Can we move these to the submittal requirements for Site Plan?

Commented [e13]: Again, these levels should be provided if the IESNA is not publicly available.

1/29/2020 Draft

J. Waterfront lighting

Outdoor lighting in and around the ponds, lakes, rivers, and other waters within the Town shall be installed or maintained so as not to create a hazard to other property owners and shall comply with the following:

(1) Lights on docks shall be no more than three feet above the dock, shall be directed downward and be full cut off fixtures.

(2) Lights illuminating paths, stairs, decks, etc., shall prevent direct light on the water and shall not direct light upwards.

(3) All exterior lighting shall be located, mounted and shielded, so that direct illumination is not focused towards the water surface more than 20 feet from shore.

(4) Lighting shall not be installed below the mean high-water mark of Canandaigua Lake.

(5) Lighting under the roof of boat stations shall be allowed.

Commented [e14]: What standards, if any, should apply here.

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Canandaigua

01/29/2021

Local Law No. _____ of the year 20²¹

A local law Amendment to Chapter 1-17 General Provision, Definitions and
(Insert Title)
Chapter 220-77 Lighting Standards and Regulations

DRAFT

Be it enacted by the Town Board _____ of the
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Canandaigua _____ as follows:

See attachment

(If additional space is needed, attach pages the same size as this sheet, and number each.)

DRAFT

Chapter 1-17 Definitions.

LIGHT, DIRECT

Light emitted directly from the source, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

LIGHT GLARE

Light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see.

LIGHT, INDIRECT

Direct light that has been reflected or has scattered off of surfaces other than those associated with the light fixture.

LIGHTING, OUTDOOR

The illumination of an outside area or object by any Luminaire.

LIGHT POLLUTION

Stray or reflected light that is emitted into the atmosphere above the 90-degree horizontal plane from the luminaire, and which can or does cause unwanted sky glow or which can or is seen from an abutting property.

LIGHT TRESPASS

Direct light from a luminaire located on one property that is intruding onto other property.

LUMINAIRE

A complete lighting system, including a light source component (lamp or lamps that produce the actual light) and a fixture.

LUMINAIRE, FULL CUT-OFF TYPE

A luminaire that, by design of the housing, does not allow any light dispersion or direct light to shine above a 90-degree horizontal plane from the base of the luminaire.

LUMINAIRE, HEIGHT OF

The vertical distance from the ground directly below the center line of the luminaire to the lowest direct-light-emitting part of the luminaire.

UPLIGHTING

Any light source that distributes illumination above a 90-degree horizontal plane

DRAFT

§ 220-77 Lighting standards and regulations.

A. Purpose and intent. It is the purpose and intent of this section to:

- (1) Control outdoor lighting for the safety of motorists and pedestrians;
- (2) Aiding in law enforcement functions and reducing crime through the proper design and use of outdoor lighting to ensure nighttime appearance consistent with overall community goals or enhancing the attractiveness of businesses, streets and other portions of the environment;
- (3) Provide the regulatory framework to ensure the installation of safe and attractive outdoor lighting needed to protect the health, safety and welfare of the residents and visitors to the community;
- (4) Provide specific guidelines for site plan applications and standards in regard to lighting in order to maximize the effectiveness of site lighting;
- (5) To avoid unnecessary upward illumination and control unwanted illumination and light trespass onto neighboring properties, roadways and night sky;
- (6) Have all exterior lights and illuminated signs designed, located, installed and directed in such a manner as to prevent unreasonable light trespass and light glare.

B. Applicability. All outdoor lighting shall be in conformance with the requirements of this section.

C. General requirements for all mixed- use, multi-family, commercial and industrial zoning districts.

- (1) All outdoor lighting fixtures, including display lighting, shall be full cutoff, and turned off after close-of-business, unless needed for safety or security, in which case the lighting shall be reduced to the minimum level necessary and may operate on motion detectors/sensors.
- (2) Petroleum stations. Island canopy fixtures shall be completely recessed and full cutoff.
- (3) Recreational facilities, public or private. Lighting for outdoor recreational facilities shall be shielded according to the requirements set forth in Subsection D below.
- (4) All light fixtures that are required to be fully shielded shall be installed and maintained so that the shielding is effective.
- (5) All luminaires shall be "white light," including but not limited to metal halide, plasma, LED, and similar, for all outdoor lighting on new commercial or industrial uses.
- (6) The maximum height of a pole-mounted light fixture shall be 33 feet.
- (7) The maximum height of a building-mounted light fixture shall be 26 feet.
- (8) Upward aimed façade and building lighting shall be fully shielded and fully confined from projecting into the sky by the building eaves, roofs, overhangs or structures and shall be mounted as flush with the illuminated wall as possible.

D. General requirements for all residential zoning districts.

- (1) All outdoor lighting fixtures shall be shielded from adjacent residential properties or public right-of-way.
- (2) The maximum light trespass at the property line shall be 0.25 footcandle.
- (3) The maximum height of a pole-mounted light fixture or a building-mounted light fixture shall be 20 feet.

E. Regulations Applicable to All Zoning Districts.

- (1) All outdoor luminaire whose initial source lumens are greater than 900 must meet the following requirements:
 - a. Have a cutoff angle of 90° or less. (full cutoff)
 - b. Canopy lights must be recessed and full cutoff.

- (2) Light source visibility. The visibility of the light source inside a luminaire shall be restricted; the direct light shall not be visible above six feet at the adjoining public roadway pavement edge or 25 feet beyond the property line.
- (3) No installation of new luminaries shall be permitted unless in conformance to this section.

F. Exceptions to all zoning districts.

- (1) Any outdoor luminaire having initial source lumens of 900 or less, provided that no direct light causes glare on adjoining roadways.
- (2) Temporary lighting for events such as circus, fair, carnival or other civic uses.
- (3) Construction or emergency lighting, provided such lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.
- (4) Temporary lighting for holiday events.
- (5) Lighting associated with agricultural uses.

DRAFT

F. Prohibited lighting:

- (1) Prohibited lighting for all uses.
 - (a) All moving, revolving and flashing lights for promotional purposes.
 - (b) Laser source lighting or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizon, is prohibited.
- (2) All exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent glare on adjoining roadways.

G. Submittal requirements for Commercial, Industrial, Mixed Use and Multifamily Uses.

- (1) All applications for site plan approval, or for a special use permit, shall require a lighting plan showing conformity with standards contained in this section.
- (2) Such lighting plan shall indicate the location, type of lamp, color of lamp, luminaire, mounting height, source of lumens, illuminance, light loss factor utilized in calculations and adherence to full cutoff requirement, for each light source and area.
- (3) An illuminance plan is required with isofotocandle levels shown, detailing the interaction of all lighting on the site.
 - a. Illuminance plan shall detail lighting levels beyond parcel boundary to 0.1 footcandles.
 - b. Illuminance plan shall be in Foot Candles at grade level.
 - c. Illuminance plan shall provide statistical data for parking areas, pedestrian areas, traffic areas, and any additional areas which are of relevance.
- (4) Any additional documentation necessary to show conformance to the standards, such as hours of operation, set forth in this section shall also be provided.
- (5) Additions or changes to an approved lighting plan shall be considered under the site plan review provisions of this chapter.

H. Illuminance and uniformity.

(1) Light levels shall be designed to meet but not to exceed the latest recommended levels from IESNA for the type of activity/area being lighted except light levels for ATMs, which shall be in accordance with the New York State ATM Safety Act.[1] Where no standard is available from IESNA, the applicable standard shall be determined by the Planning Board, if approval is required, taking into account the levels for the closest IESNA activity.

[1]:Editor's Note: See Banking Law § 75-a et seq.

(2) Uniform light levels shall be achieved on the site. The uniformity ratio (average to minimum) shall not exceed 3:1 for parking and traffic areas, nor 4:1 for pedestrian areas.

(3) Design should establish a hierarchy of lighting to insure a smooth transition from bright areas to those with subdued lighting.

(4) Maximum to average light levels should be kept within a six to one ratio. Light levels shall be maintained at design levels with lamp or luminaire replacement as needed.

I. Nonconforming lighting. All outdoor lighting lawfully existing prior to the effective date of this chapter shall be deemed pre-existing non-conforming to this section, except that:

(1) No light causing glare on adjoining roadways shall be allowed to continue. The Zoning Officer may make a determination regarding outdoor lighting that causes a glare on adjoining roadways.

(a) The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of such ordinance or local law and to that end shall have all the powers of the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken.

(2) Any application for renewal of a special use permit, site plan approval, or an amendment to a site plan, or sign site plan may require that any aspect of the subject property be subject to compliance with these regulations, regardless of whether or not the application involves new site lighting subject to the decision of the Planning Board.

J. Waterfront lighting

Outdoor lighting in and around the ponds, lakes, rivers, and other waters within the Town shall be installed or maintained so as not to create a hazard to other property owners and shall comply with the following:

(1) Lights on docks shall be no more than three feet above the dock, shall be directed downward and be full cut off fixtures.

(2) Lights illuminating paths, stairs, decks, etc., shall prevent direct light on the water and shall not direct light upwards.

(3) All exterior lighting shall be located, mounted and shielded, so that direct illumination is not focused towards the water surface more than 20 feet from shore.

(4) Lighting shall not be installed below the mean high-water mark of Canandaigua Lake.

(5) Lighting under the roof of boat stations shall be allowed.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

DRAFT

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date: _____

(Seal)

Short Environmental Assessment Form

Part 1 - Project Information

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.

Part 1 – Project and Sponsor Information			
Town of Canandaigua Town Board			
Name of Action or Project: Lighting Code			
Project Location (describe, and attach a location map): Town of Canandaigua			
Brief Description of Proposed Action: The Town Board of the Town of Canandaigua is considering a local law to execute a text code amendment to Town Code Chapter 220-77 that will modify the existing code to include new energy saving measures, new lighting technologies (LED), restrict light glare and trespass, and regulate lighting on docks and along the shores of Canandaigua Lake.			
Name of Applicant or Sponsor: Town of Canandaigua Town Board		Telephone: 585-394-1120	
		E-Mail: sreynolds@townofcanandaigua.org	
Address: 5440 Route 5 & 20 West			
City/PO: Canandaigua		State: NY	Zip Code: 14424
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 <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ 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, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input 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 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: _____	<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 type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input 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: _____ _____	<input 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: _____ _____	<input 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: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input 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 type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

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 type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input 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 type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, <div style="margin-left: 20px;"> a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? </div> If Yes, briefly describe: <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div>	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div>	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
49. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div>	NO	YES
	<input 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? If Yes, describe: <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div>	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Doug Finch, Town of Canandaigua</u> Date: <u>3/15/2021</u> Signature: _____ Title: <u>Town Manager</u>		