



**TOWN OF NORTH SALEM**  
Delancey Hall  
266 Titicus Road  
North Salem, N.Y. 10560

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Office of the Town Clerk  
Maria C. Hlushko

**RESOLUTION #222-24**  
**TO ADOPT LOCAL LAW #01-24 - TO AMEND CHAPTER 250, ZONING – §250-5 and**  
**§250-54 OF THE CODE OF NORTH SALEM, LANDSCAPING**  
**AND EXTERIOR LIGHTING**

Motion made by Supervisor Lucas  
Seconded by Councilman Golisano

**RESOLVED**, that the Town Board of the Town of North Salem hereby adopts Local law No. 1 of 2024 as written below:

**A LOCAL LAW** amending §250-5, Definitions and §250-54 Landscape and Lighting Requirements of Chapter 250, Zoning of the Code of the Town of North Salem;

**BE IT ENACTED** by the Town Board of the Town of North Salem as follows:

**Section 1. Legislative Intent**

The intent of this local law is the amendment of §250-5, Definitions and §250-54 Landscape and Lighting Requirements of Chapter 250, Zoning of the Code of the Town of North Salem updating the zoning standards regulating landscaping and lighting within the town.

**Section 2. Applicability**

Consistent with the Town's 2011 Comprehensive Plan, the Zoning text amendment will update and enhance the regulation of the design, construction, installation and maintenance of landscaping and lighting within the Town of North Salem. The amendments will apply throughout the Town in both residential and non-residential Zoning Districts. The regulation of landscaping and lighting is necessary to maintain and protect the attractive and harmonious visual image and character of the community; protect the aesthetic environment from unmanaged landscapes and unnecessary light pollution; protect property values; and protect the public health, safety and welfare of the residents of the Town of North Salem.

**Section 3. Zoning Text Amendments**

§ 250-5 and § 250-54 of Chapter 250, Zoning of the Code of the Town of North Salem is hereby amended as set forth in Addendum A attached hereto, consistent with and in accordance with the requirements and procedures set forth in Chapter 250, Zoning, Article XIX, Amendments.

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(continued)

**Section 4. Severability**

If any section, subsection, subdivision, paragraph, clause or phrase in this local law, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this local law, or any part thereof. The Town Board hereby declares that it would have passed each section subsection, subdivision, paragraph, sentence, clause, or phrase of this local law, irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases may be declared invalid or unconstitutional.

**Section 5. Authority**

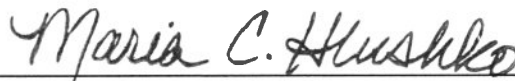
This local law is adopted pursuant to Municipal Home Rule Law § 10.

**Section 6. Effective Date**

This local law shall take effect upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.

Supervisor Lucas - Aye  
Councilman Aronchick – Aye  
Councilwoman Daniels – Absent  
Councilman Golisano – Aye  
Councilman Kamenstein – Aye  
Resolution Adopted.

*I, Maria C. Hlushko, Town Clerk of the Town of North Salem, County of Westchester, State of New York, do certify that the above is a true and exact copy of a Resolution adopted by the Town Board of said Town at a meeting held on June 25, 2024.*



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Maria C. Hlushko, Town Clerk

## AMENDMENT CHAPTER 250, ZONING – § 250-5 and § 250-54

### LANDSCAPING and EXTERIOR LIGHTING

#### CHAPTER 250, ZONING SHALL BE AMENDED AS FOLLOWS:

#### LIGHTING DEFINITIONS

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*Amend existing § 250-5 Definitions with the addition of the following new defined terms (all existing terms remain unaltered):*

##### **FOOT-CANDLE**

A foot-candle is a measurement of light intensity. One (1) foot-candle is defined as enough light to saturate a one (1) foot square with one (1) lumen of light.

##### **GLARE**

Lighting entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

##### **KELVIN**

The unit of measurement of temperature used to characterize the color of light emitted by a lamp. The higher the Kelvin rating (expressed in K), the cooler (more blue) the light; conversely the lower the Kelvin rating, the warmer (less blue, more yellow) the light.

##### **LED (Light-Emitting Diode)**

A semiconductor device that emits visible light when electrical current passes through it. LED is an efficient form of light used for both indoor and outdoor purposes. As a result of its efficient nature, LED lights can produce more light while using less energy.

##### **LIGHT, FREE-STANDING**

A light fixture mounted, hung, or otherwise attached by wire or similar device on post, pole or similar apparatus standing alone independent of and detached from a building or similar other structure.

##### **LIGHT, GROUND**

A light fixture mounted in, on or near or at the ground surface (includes lights associated with free-standing signs).

##### **LIGHT, BUILDING MOUNTED**

A light fixture mounted to a wall, ceiling, soffit, or other structural component of a building or similar other structure.

##### **LIGHT FIXTURE**

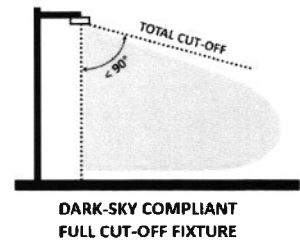
Complete lighting unit consisting of a lamp, lens, optical reflector, housing and/or electrical components necessary for ignition and control of the lamp, which may include a ballast, starter and/or photo control.

**LIGHT FIXTURE, FIXED**

A light fixture whose means of support (pole, arm or other) is not adjustable so the direction of light cannot be moved or repositioned.

**LIGHT FIXTURE, FULL-CUT-OFF**

A light fixture which emits a light distribution where no light is emitted at or above a horizontal plane located at the bottom of a fixture.



**LUMEN**

The unit of measurement used to quantify the amount or brightness (750-850 lumens of light is equivalent [approximately] to the light emitted from a 60-watt bulb) of light produced or emitted by a lamp (as distinct from "watt," which is a measurement of the electrical power). For the purposes of this Chapter, 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.

LUMENS TO WATTS CONVERSION CHART				
LUMENS	INCANDESCENT WATTS	HALOGEN WATTS	CFL WATTS	LED WATTS
250-400	25	18	6	2-4
450-560	40	28	9	3-6
740-800	60	42	13	7-10
970-1,100	75	53	18	10-15
1,380-1,600	100	72	23	15-20
2,000-2,600	150	100	42	20-30

**MAINTAINED AVERAGE ILLUMINATION**

Values, which the average light levels for area lit shall always meet or exceed during the life expectancy of the system. The average light levels shall be calculated over the entire area to be lit using a grid method of measurement which divides the total light levels by the number of grid points.

**MAXIMUM LIGHT INTENSITY**

A measurement in terms of lumens per square foot (footcandles), measuring the quantity or amount of visible light that falls on a surface. Brighter light corresponds to higher intensity. Maximum light intensity is the highest amount of light (or footcandles) permitted at a designated location (i.e., at a property line).

## **LANDSCAPE and EXTERIOR LIGHTING REGULATIONS**

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*Amend existing § 250-54 to read as follows:*

**§250-54** Landscape and lighting requirements and erosion and sediment.

A. Landscape standards for uses requiring site development plan approval.

- (1) All exterior areas shall be suitably landscaped to be consistent and compatible with the surrounding neighborhood area, and to effectively screen and buffer said use and its accessory components.
- (2) Landscaping shall be required to minimize environmental impacts associated with enlarged parking and other paved surfaces associated with the accessory needs of a facility and use, while improving the visual aesthetic of the surrounding primarily rural residential and farm community. Some examples of requirements include but are not limited to:
  - Intermingling of developed surfaces with vegetated and natural environments.
  - Implementation of infiltration and natural retention systems.
  - Implementation of effective filtration and biological systems to protect water supply.
  - Incorporation and addition of tree shading and alternative pavement materials to minimize heat effects of pavement.
- (3) The use of native and noninvasive plant species shall be the focus of landscaping plans.
- (4) Landscaping shall include a mixture of deciduous and evergreen shade and screen trees, ornamental trees, shrubs, perennials, and ground covers other than lawn. Areas of lawn shall be minimized to reduce site maintenance and erosion concerns. Annual plantings are also encouraged to supplement principal site landscaping. Fencing, stonewalls, and other landscape features are to be utilized to assist with the integration of uses with the predominance of detached single-family residential uses within the community.
- (5) The Planning Board may require the preparation of landscape plans to be provided by a New York State licensed landscape architect.

B. Exterior lighting standards for all uses in all Zoning Districts are as follows unless specifically noted to apply only to uses requiring site development plan approval.

Regulation of exterior lighting throughout the Town in both residential and non-residential Zoning Districts is intended to avoid excessively bright lighting that would cause direct or indirect glare, up-cast lighting or sky-glow, to avoid excessive contrast between lighted and unlighted sites creating hazardous driving or walking conditions, to avoid nuisance light spillover and to avoid glare affecting nearby residential properties or traffic.

Regulation of exterior lighting is also intended to conserve energy and resources. Lighting is to be designed to be subtle and ancillary to the overall site design of buildings and exterior facilities, providing the minimal lighting necessary to carry out the functional aspects of site operations while ensuring safety and minimization of impacts to abutting property, human health, sensitive wildlife, and associated habitats, particularly wetlands/watercourses, flora, and fauna resources. Energy efficient LED lights are encouraged when replacing or installing new exterior lights.

- (1) Exterior lighting shall include but shall not be limited to all lights mounted on the exterior of buildings and other similar structures, as well as free-standing and ground lights. Lighting shall be designed and maintained in a manner that is consistent and compatible with area residential land uses and properties.
- (2) Lighting shall be directed and arranged so as to reflect light away from adjoining streets and properties. Lighting shall not be directed towards or project onto neighboring properties. Lighting shall be located so not to interfere or conflict with street traffic movements and any traffic signals, or parking and pedestrian facilities.
- (3) All new lighting shall be dark-sky compliant, utilizing fixed light fixtures which are fully shielded and full cut off, the design, scale and massing of which shall be the minimal necessary. All new lights shall include recessed and hidden lenses and fixtures. All exterior lights shall be designed so that filaments, light sources, and lenses are shielded and covered by the fixture housing made of an opaque material in such that they will not be visible horizontally or from neighboring properties and abutting streets.
- (4) High pressure sodium lights, as well as lights producing varying intensities, changing colors, flickering, flashing (except identification lighting as required by the Federal Aviation Authority), moving lights and search lights shall be prohibited, except for lighting used during and by emergency service providers. Internally illuminated signs shall be prohibited.
- (5) Holiday light exemption. Temporary low voltage (mini lights) holiday decoration lighting shall be exempt from these standards provided such is clearly incidental, customary, and commonly associated with a Federal, State, local or religious holiday observance, and provided illumination of said holiday lighting is limited to a reasonable time period associated with the duration of the related holiday.
- (6) For uses requiring site development plan approval:
  - (a) The Planning Board may require the replacement or modification of existing light fixtures deemed noncompatible to these standards.
  - (b) The Planning Board may require site lights to be turned off or reduced in light intensity on all or part of the site at different times of the day, such as after a facility is closed or during periods of reduced site usage.
  - (c) The intensity of site lighting shall also not result in unnecessary light spillage over wetland or watercourse resources.

- (d) The design or style of light fixtures and their support structures shall be consistent and complementary to the site architecture for uses requiring site development plan approval as otherwise required at the discretion of the Planning Board.
- (e) Such requirements above shall be established by the Planning Board as part of the site development plan review process.

(7) Maximum height of light fixtures and mounting.

- (a) The height of a free-standing light shall be measured from the base ground elevation (including any base) to the highest point of the light fixture and/or post.
- (b) A free-standing light height shall be kept as low as practical. The maximum height of a free-standing light shall be the following based on the Zoning District in which said light is installed:

Zoning District	Maximum Light Height (*)
R-1, R-2, R-4, R-1/2, R-1/4 R-MF4, R-MF6, PD-CCRC NB, PO	15 feet
GB, RO	20 feet
(*) Measured from the ground elevation to the highest point of the light fixture and/or supporting pole.	

- (c) The maximum height of a wall-mounted light shall be below the roof eave immediately above said light fixture at place of installation but not exceed a maximum of fifteen (15) feet above the area intended to be lighted. For any use requiring site development plan approval, the Planning Board may modify the maximum mounting height based on specific circumstances where a higher placement would be more appropriate to the setting and facility, and/or where overall lighting is otherwise reduced. Recessed and hidden lighting under eaves, porch roofs and other architectural structures shall be preferred to other wall mounting lights.

(8) Maximum light intensity.

- (a) No exterior lighting shall be used in a manner which produces a concentration of light intensity or a direct glare on neighboring properties or abutting streets. Exterior lighting shall be designed to avoid unnecessary light spillage beyond the area specifically intended to be illuminated.

(b) The maximum light intensity at the property line shall be the following based on the Zoning District said lights are installed:

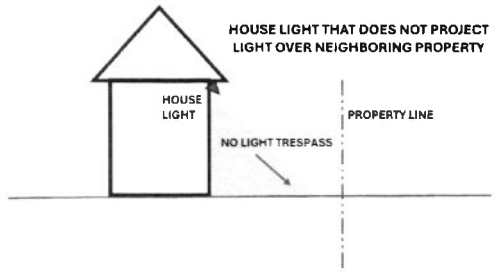
Zoning District	Maximum Light Intensity at Property Line Measured at Ground Level	Maximum Light Source Color (in degrees Kelvin)
R-1, R-2, R-4, R-1/2, R-1/4, NB, PO	0.50 foot-candles (*) (**)	<3,000 Kelvin
GB, RO, PD-CCRC, R-MF4, R-MF6	0.25 foot-candles (*)	<3,000 Kelvin

(\*) See Definition in §250-5 – One (1) foot-candle is equal to one (1) lumen. Foot-candle measurements are made with a photometric light meter and with a specified horizontal orientation.

(\*\*) For R-1, R-2, R-4, R-1/2, R-1/4 Residential Zoning Districts – Residential light fixtures shall be of low wattage intensity. Residential light fixtures placed at the head of a driveway near the fronting access street shall not exceed an equivalent incandescent light of 25 watts.

- (c) For uses requiring site development plan approval, parking lot, walkway and other site lighting intensity shall not exceed a maintained average illumination level of three-quarters (0.75) to five (5) foot-candles at the ground.
  - (d) Overnight security lighting shall be installed with motion detector sensors and time sensors to minimize impacts on neighboring properties and abutting streets.
- (9) Replacement conformance required.
- (a) Existing lights consisting of flood lights, spotlights, and other lights directed towards or projecting onto neighboring lots which do not conform to these standards as of the effective date of these standards shall be replaced or modified to conforming lights, by no later than three (3) months after the effective date of Local Law #1 of 2024, as adopted on June 25, 2024.

(b) Other types of existing lights which do not conform to these standards as of the effective date of these standards are encouraged to be replaced, updated, or modified to conforming light fixtures, and lights are encouraged to be turned off between 12:00 a.m. (midnight) through 5:00 a.m. or controlled by a motion sensor, for uses and lots not requiring site development plan approval.





- (c) For those uses and lots requiring site development plan approval, the Planning Board may require such other types of nonconforming lights to be replaced, updated, or modified upon an application to redevelop or modify such uses or lots.
  - (d) Noncompliance shall be deemed a Zoning Violation, subject to the provisions and standards of Article XV, Administrative and Enforcement, as may be amended from time to time.
- C. Erosion and sediment controls. Erosion and sediment controls shall be provided consistent with the requirements and standards set forth in Chapter 193, Stormwater Law of the Code of the Town of North Salem.
- D. Maintenance and upkeep. The maintenance and upkeep of site lighting and landscaping shall be a requirement of continued use and zoning compliance.