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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~~

of **The Incorporated Village of Patchogue**

~~Town~~

Village

Local Law No. 13 of the year 2024.

A LOCAL LAW OF THE VILLAGE OF PATCHOGUE

The Amended Article XVIII, Sections 435-118, 435-121, 435-122, 435-123, 435-124 of the Village Code shall read as follows:

§ 435-118. Definitions.

As used in this article, unless otherwise expressly stated, the following terms shall have the meanings indicated:

AREA LIGHT — A luminaire designed for illumination of a broad area. Area lights include, but are not limited to, streetlights, parking lot lights and yard lights over 1,800 (100 watts incandescent) lumens.

AVERAGE HORIZONTAL FOOTCANDLE — The average level of illuminance for a given situation measured at ground level with the light meter placed parallel to the ground.

ESSENTIAL LIGHTING — Lighting that is used for a specified period of time, which is necessary for a specific task or purpose while said task or purpose is actively being performed. This includes lighting that is necessary to promote public safety or facilitate public circulation.

EXCESSIVE LIGHTING — Illuminance levels beyond that which is required for safety, as recommended in IESNA Recommended Practices, or higher than five FC on any lit surface unless a higher level is indicated on the Table of Limits of Illumination Levels.

EXTERIOR LIGHTING — Temporary or permanent lighting equipment that is installed, located or used in such a manner with the intention to cause light rays to shine outdoors. Luminaires located indoors that are intended to light something outside are considered exterior lighting for the purposes of this article.

FIXTURE (also called "LUMINAIRE")—The bulb, the assembly that holds the bulb (or lamp) in a lighting system, and the mounting apparatus, including reflecting elements, shielding elements, cover glass or lenses, the ballast, and the housing.

FLOODLIGHT — A fixture rated to produce over 1,800 lumens (100 watts incandescent), regardless of the number of bulbs, and is designed to flood an area with light.

FOOTCANDLE (FC) — The American unit of illuminance (the amount of light falling on a surface). One footcandle is approximately equal to the illuminance produced by a light source of one candle, measured on a surface one foot away from the source. Horizontal footcandles measure the illumination striking a horizontal plane. Footcandle values can be measured directly with certain handheld incident light meters.

FULL CUTOFF (FCO) — A classification for a luminaire designed and installed where no light is emitted at or above a horizontal plane running through the lowest point on the luminaire. In addition, the luminous intensity (as measured in candelas) emitted at any angle from 80° up to 90° cannot exceed a numerical value equal to 10% of the lumen rating of the lamp, as reported in a photometric report from the manufacturer as produced by an independent lab. A cutoff, or semi-cutoff, design allows a restricted amount of light emitted above the horizontal and a non-cutoff provides no restriction against light emitted above the horizontal.

FULLY SHIELDED — A luminaire constructed, lamped, and installed in such a manner that all light emitted by it, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal. A full cutoff fixture is also fully shielded, but without any restrictions on light distribution below the horizontal plane, and it can be identified without a manufacturer's report.

GLARE — Stray, unshielded light striking the eye that may result in:

- A. Nuisance or annoyance, such as light falling across property lines;
- B. Discomfort, such as bright light causing squinting of the eyes;
- C. Disability, such as bright light reducing the ability of the eyes to see into shadows and visual performance; or
- D. Distracting light which diverts the eye from a visual task.

HID LIGHTING — A family of bulb types known as "high intensity discharge," including high-pressure sodium, mercury vapor, and metal halide. These types require a warm-up time, usually require a ballast, and have a higher lumen output per watt than incandescent or halogen lamps.

HOLIDAY LIGHTING — Temporary lights used to celebrate holidays. Holiday lighting includes, but is not limited to, strings of small individual lights, illuminated menorahs, illuminated

nativity scenes, illuminated candles, and various yard decorations seasonal in nature.
IESNA — Illuminating Engineering Society of North America (IES or IESNA), an organization that establishes updated standards and illumination guidelines for the lighting industry.

IESNA RECOMMENDED PRACTICES — The publications of the IESNA setting forth illuminance levels for different task areas, e.g., walkways, streets, sportslights, etc.

ILLUMINANCE — The density of light falling on any point of a surface, usually measured in footcandles in the United States. See "footcandle."

LAMP — The generic term for an artificial light source, to be distinguished from the whole assembly (See "fixture."); commonly referred to as the "light bulb."

LIGHT — The form of radiant energy acting on the retina of the eye to make sight possible.

LIGHTING ASSEMBLY — Any or all parts of a luminaire that function to produce light, including the bulb, assembly, ballast, mounting features and/or pole.

LIGHT POLLUTION—Any adverse effect of man-made light, including but not limited to glare, light trespass, skyglow, visual clutter, wasted energy due to excessive or unnecessary lighting, or any man-made light that unnecessarily diminishes the ability to view the night sky or is disruptive to flora and fauna.

LIGHT TRESPASS — Light projected onto the property of another or into the public right-of-way when it is not required or permitted to do so.

LUMEN — A unit used to measure the actual amount of light that is produced by a bulb. The lumen quantifies the amount of light energy produced by a lamp at the lamp, not by the energy input, which is indicated by the wattage. For example, a seventy-five-watt incandescent lamp can produce 1,000 lumens while a seventy-watt high-pressure sodium lamp produces 6,000 lumens. Lumen output is listed by the manufacturer on the light bulb packaging.

LUMINAIRE — The complete lighting assembly (including the lamp, housing, ballasts, photocells, reflectors, lenses and shields), including the support assembly (pole or mounting bracket); a light fixture. For purposes of determining total light output from a luminaire or light fixture, lighting assemblies which include multiple unshielded or partially shielded lamps on a single pole or standard shall be considered as a single unit.

LUMINANCE — The brightness of a source of light.

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).

PARTIALLY SHIELDED — A luminaire which is not fully shielded but incorporates a partial shield around the lamp.

PHOTOMETRICS—Technical test reports that indicate light distribution and performance from a luminaire. Photometric reports may include candlepower distribution data, cutoff classifications, footcandle charts, etc. These are generally available from the luminaire manufacturers.

REPAIR OF A LUMINAIRE OR SIGN — Any service normally provided by a licensed electrician upon a luminaire or sign. Repair shall be considered to include replacement or modification of any of the following: poles, mounting arms, housings, hardware, wiring, ballasts, lenses, reflectors, diffusers, baffles, shields, sensors, switches, relays, power supplies, and lamp replacement modules which contain any of the items listed above. Replacement of a user-serviceable lamp will not by itself be considered a repair.

SKYGLOW — The overhead glow from light emitted sideways and upwards, including light reflected upward from the ground or other surfaces. Skyglow is caused by the reflection and scattering of various forms of light by dust, water, and other particles suspended in the atmosphere. Among other effects, skyglow reduces one's ability to view the night sky. Different sources of light, in equal quantities, can contribute differently to sky glow.

TEMPORARY LIGHTING — Lighting that is intended to be used for a specific event and removed within seven days thereafter.

UNIFORMITY RATIO (U RATIO) — A ratio that describes uniformity of illuminance across an area. The uniformity ratio may be a ratio of the maximum-to-minimum illuminance or the average-to-minimum illuminance. For example, if the Illuminating Engineering Society recommends an average-to-minimum ratio of 4:1 for a parking lot, the minimum illuminance should be no less than 1/4 of the average illuminance across the parking lot.

UNSHIELDED FIXTURE — A fixture which, as designed or installed, emits all or part of the light emissions above the lowest light emitting part of the fixture.

§ 435-121. 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 Village of Patchogue shall not exceed recommended light levels as listed in the IESNA Recommended Practices, RP-33, Lighting for Exterior Environments.
- C. All streetlight luminaires shall be full cutoff, except that a historic-style decorative luminaire may emit up to 2% 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, skyglow, and light trespass.

§ 435-122. Illuminance and type of lamp for all nonresidential exterior lighting.

- A. Permissible luminaire location and effects.
 - (1) No luminaire shall be located or concentrated so as to produce glare or direct illumination across the boundary property line, nor shall any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property. See Table 1 and Table 2³ for setback, height, and maximum light output recommendations for guidance.
 - (2) The maximum illuminance at or beyond the property line that adjoins a residential parcel or public right-of-way may not exceed 0.05 fc horizontal on the ground or 0.05 fc vertical measured at a five-foot height above the ground, unless another applicable law supersedes. Maximum horizontal or vertical illuminance allowed between adjacent commercial properties is 0.1 fc.
- B. Permissible levels of illuminance.
 - (1) The average illuminance levels listed in the Illumination Levels for Various Common Tasks, as provided in the IESNA Recommended Practices, RP-33, Lighting for Exterior Environments, shall not be exceeded for nonresidential exterior lighting unless otherwise specified or approved by the reviewing board, department, division or agency of the Village of Patchogue.
 - (2) The Village of Patchogue recognizes that not every situation will require lighting, including situations which may utilize the installation of reflectorized markers, lines, signs or other passive means, and excessive or unnecessary light shall be avoided.
 - (3) Illuminance level measurements for parking lots, sidewalks, and other walkways shall

include light contributions from nearby side-mounted building lights, freestanding sidewalk lights affected by side-mounted building lights, and streetlights.

(4) In no instance may any lighted surface, as installed, except for municipal athletic fields, exceed five footcandles, as measured horizontally or vertically by a light meter.

- C. High-pressure sodium, compact fluorescent, or low-pressure sodium shall be used for all light sources rated over 1,800 lumens (100 watts incandescent). Metal halide (MH) rated over 3,000K and mercury vapor (MV) light sources are not permitted.

§ 435-123. 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 skyglow.
- B. All 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.
- C. Under-canopy lights, such as service station lighting, shall be full cutoff and fully recessed to prevent glare and light trespass.
- D. Area exterior lights. All area exterior lights shall be full cutoff luminaires.
- E. After the adoption of this article, no person, firm, owner, tenant, person in possession, partnership, corporation or other business entity shall install, replace, relamp, or repair any luminaire that lights a public right-of-way within the Village of Patchogue, under the Village's jurisdiction, without first receiving prior written approval for such installation from the applicable board, department, division or agency of the Village of Patchogue.
- F. 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 those established by the New York State ATM Lighting Law as enacted in 2006.

- G. Unshielded wall packs and floodlights are prohibited.

§ 435-124. Procedures for review of nonresidential exterior lighting.

- A. Any application submitted to any board, department, division or agency of the Village of Patchogue shall include exterior lighting plans, luminaire and controls specifications and additional documentation if any exterior lighting is to be used, regardless of whether the exterior lighting is preexisting or proposed, showing the following, in order to verify that exterior lighting conforms to the provisions of this article:
 - (1) Location of each current and proposed outdoor exterior lighting fixture indicated on a site plan.
 - (2) Type of luminaire equipment, including cutoff characteristics, indicating manufacturer and model number.
 - (3) Lamp source type, lumen output, and wattage.
 - (4) Mounting height indicated, with distance noted to nearest property line, for each proposed and existing luminaire.
 - (5) Shielding and all mounting details, including pole foundation description.
 - (6) Initial illuminance levels as expressed in footcandle measurements on a grid of the site showing footcandle readings in every five-foot square. The grid shall include light contributions from all sources (i.e., pole-mounted lights, wall-mounted lights, and signs, including streetlights).
 - (7) Statement of the proposed hours when each luminaire will be operated.
 - (8) Total exterior lighting lamp lumens for proposed property.
 - (9) Lighting manufacturer specifications ("cut sheets") with photographs of the fixtures, indicating the cutoff characteristics of the luminaire.
 - (10) Detailed IES formatted photometric data for each fixture at mounting height and lumens proposed. (Note: This is computer-generated data which is supplied by all manufacturers, describing the light output of a fixture, upon which lighting plans are based. This will allow the Building Department Planning Board to fully assess the

suitability of a fixture in a lighting plan, should they wish to double check the submission.)

(11) Types of timing devices used to control on/off.

(12) If necessary, documentation by a licensed lighting engineer showing that the provisions can only be met with a design that does not comply with this article.

(13) Appropriate exterior lighting levels are dependent upon the general nature of the surroundings and the reviewing board, department, division or agency of the Village of Patchogue may require more or less than those listed in the IESNA Recommended Practices Guidelines, RP 33 Lighting for Exterior Environments and RP 20 Lighting for Parking Lots.

B. No exterior lighting shall be installed, replaced, altered, changed, repaired, relocated, enlarged, moved, improved, or converted unless it conforms to a lighting plan approved by the applicable reviewing board, department, division or agency of the Village of Patchogue.

C. The following guidelines will be made available to applicants to facilitate compliance:

(1) Illustrations of full cutoff and full shielded fixtures.

(2) Diagrams of generally acceptable and generally unacceptable light fixtures.

(3) Diagrams of recommended fixture placement in relation to the property line to control light trespass.

(4) Table for mounting height and maximum light output recommendations.

(5) Latest version of Illumination Levels for Various Tasks, including uniformity ratios (from IESNA Recommended Practices, Lighting for Exterior Environments, RP 33).

Effective Date:

This Local Law shall take effect immediately.



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

I hereby certify that the local law annexed hereto, designated as Local Law No. 13 of 2024 of the Incorporated Village of Patchogue was duly passed by the Village Board on September 23, 2024 in accordance with applicable provisions of law.

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 matter indicated in paragraph 1 above.



Lori Devlin, Village Clerk

(Seal)


Dated: September 24, 2024

(Certification to be executed by Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK)
) ss:
 COUNTY OF SUFFOLK)

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Dated: September 24, 2024



Signature: Brian T. Egan
 Title: Village Attorney
 Incorporated Village of Patchogue