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LOCAL LAW #1 OF 2016

2016 FIRST TEMPORARY AMENDMENT TO NOISE CONTROL LAW

Section 1. Title

This Local Law shall be known as the "2016 First Temporary Amendment to Noise Control Law" of the Town of Brighton, Monroe County, New York State.

Section 2. Purpose

The purpose of this Local Law is to provide a temporary exemption from the Town's Noise Control Law to LeChase Construction in connection with the construction of the University of Rochester Imaging & Medical Office Building. The University of Rochester desires that the Town grant an amendment to its Noise Control Law to permit additional evening work on the project to provide adequate curing time to pour 116,000 square feet of concrete. To that end, the Town Board desires to temporarily amend the Town's Noise Control Law to permit such evening construction, so long as the LeChase Construction and its contractor/s and any subcontractor/s specifically agree to certain conditions which will minimize the impact of evening construction upon the residents of the Town of Brighton.

Section 3. Limited Exception to Noise Control Law

A. Section 102-2B, Exemptions, is hereby amended to add a new subsection (i), to read in its entirety as follows:

(i). Notwithstanding anything to the contrary in this chapter, construction consisting of concrete pours for the rooftop, third floor, second floor and first floor of the University of Rochester Imaging & Medical Office Building in the Town of Brighton (the Project), shall not constitute a violation of the Town's Noise Ordinance, regardless of whether such construction occurs within the hours permitted by Section 102-3B(5) and such work and the noise created thereby shall not be considered to be unreasonable noise, so long as the LeChase Construction and its contractor or contractors perform work only between the hours of 7:00 am and 12:00 am Monday through Friday and between 9:00 am and 6:00 pm Saturday and Sunday ("Permitted Hours"), adhere to the following conditions and to cause each of their subcontractors and suppliers to adhere to the following conditions:

- (1) That prior public notice of the Project, including specifically information relating to night time work, be provided, specifically, including but not limited to a letter sent to all surrounding property owners within 1,000 feet of the project of the date and time of a public meeting to be held prior to the commencement of work and the dates, times and nature of night work, including on site property manager's mobile telephone number; and
- (2) That due to the curing time for concrete in the colder temperatures, the 116,000 square feet of concrete to be installed will be placed in 8 individual pours no larger than approximately 14,500 square feet in size.
- (3) That concrete pours will occur 1 to 2 times per week from January 18, 2016 to February 26, 2016 and all concrete placement operations shall occur between the hours of 7am and 1pm.
- (4) That temporary lights plants will be used. The light plants will be powered by generators with a noise rating of 70 decibels measured at 50 feet. Light plants will only be used for the roof top concrete installation. The lights will be a maximum of 10 feet high and directed away from the residential property.
- (5) That the 1st, 2nd, and 3rd, floor concrete installations will utilize temporary interior LED or fluorescent lighting hung for the ceiling.
- (6) That LeChase Construction acknowledges and will abide by the Town of Brighton's requirements, including but not limited to zoning and noise regulations, that limit and apply to any off site storage area in the Town.
- (7) That provisions including specifically, but not limited to directing that Project work be performed on Saturdays and Sundays be implemented to speed the completion of night operations.
- (8) That the Project specifically prohibit the use of chop saws, jack hammers, nail guns and compressors

except inside an enclosed trailer or other structure, after 7:00 pm Monday through Friday.

- (9) The provisions of this Section 102-2B (i) may be revoked by the Town Board by local law, in the event of a violation of the conditions set forth in this Section 102-2B.

B. The provisions of Section 102-2B shall automatically terminate, if not earlier revoked, upon Substantial Completion of the concrete pours for the roof deck, third floor, second floor and first floor of the Project.

Section 4. Definition

SUBSTANTIAL COMPLETION - The date on which the above referenced concrete pours are accepted as substantially complete by The University of Rochester, but in no event later than February 26, 2016.

Section 5. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

Section 6. Severability

If any clause, sentence, phrase, paragraph or any part of this Local Law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Local Law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this Local Law would have been adopted had any such provision been excluded.