

Village of Scottsville
Planning Board Meeting Agenda
Wheatland Municipal Building
Thursday, March 14th, 2024 – 7:00pm
[Unapproved Minutes](#)

Call to Order: Chairman Steve Cullum called the Thursday, March 14th, 2024 Village of Scottsville Planning Board meeting to order at 7:00 pm.

Pledge of Allegiance

Roll Call:

Present: Steve Cullum, Chair
Kevin Marks
Mark Smith
Rich Kegler
Absent: Patti Brandes

Also present: Sharon Balonek, Deputy Clerk
Andy Fraser, Deputy Mayor
John Mancuso, Village Attorney

Approval of Minutes:

Motion: made by Mark Smith and seconded by Kevin Marks to approve the minutes of the Thursday, February 8th, 2024 Planning Board Meeting as submitted.

Vote: Carries (4 -0)

Steve Cullum	AYE
Kevin Marks	AYE
Mark Smith	AYE
Rich Kegler	AYE
Patti Brandes	ABS

New Business:

Property Maintenance Code- the Village Board has requested an overview of the regulations regarding the maintenance of properties in the village and the village's ability to collect payment from the owner of the property or re-levy this expense on tax bill.

Andy Fraser, Deputy Mayor informed the committee of the conversation the Village Board had regarding this concern. John Mancuso, Village Attorney spoke of the codes that the village currently has. It was agreed that updates need to be made on Definitions, Notice and Acts of Non-compliance and the clarity on enforcement. John reported that quite often villages and towns use a Code Enforcement Officer and to determine the safety of buildings they would consult an engineer.

The next Planning Board meeting is scheduled for Tuesday, April 2nd due to expected absences on the 11th. The Zoning Board is scheduled to meet immediately after. The Deputy Clerk will check on meeting room availability.

Old Business:

John's office is currently working on a noise ordinance guideline to present to the village and planning boards. He also confirmed that the maintenance of properties code suggestions are being put together.

Adjournment:

Motion: made by Steve Cullum and seconded by Kevin Marks to adjourn the meeting at 7:36 pm.

Vote: *Carries (4 -0)*

Steve Cullum	AYE	Patti Brandes	ABS
Kevin Marks	AYE		
Mark Smith	AYE		
Rich Kegler	AYE		

Respectfully Submitted by:

Sharon Balonek

Sharon Balonek
Village Deputy Clerk

**LOCAL LAW NUMBER ___ OF 2024 TO AMEND THE VILLAGE CODE OF THE
VILLAGE OF SCOTTSVILLE, CHAPTER 117 – PEACE AND GOOD ORDER
REGARDING NOISE**

BE IT ENACTED, by the Village Board of Trustees of the Village of Scottsville, Monroe County, State of New York, as follows:

Section 1.1 Chapter 117, Section 117-1 of the Village Code of the Village of Scottsville titled “Noise Restrictions” shall be deleted in its entirety and a new Chapter 118 titled “Noise” shall be added as follows:

118-1 Findings, applicability.

- A. Whereas excessive sound is a serious hazard to the public health, welfare, safety and quality of life; and whereas a substantial body of science and technology exists by which excessive sound may be substantially abated; and whereas the people have a right to and should be ensured an environment free from excessive sound; now therefore it is the policy of the Village of Scottsville to prevent excessive sound that may jeopardize the health, welfare or safety of the citizens or degrade the quality of life.
- B. This chapter shall apply to the control of sound originating from stationary and certain mobile sources within the limits of the Village of Scottsville.

118-2 Definitions; word usage.

As used in this chapter, the following terms shall have the meanings indicated:

A-WEIGHTED SOUND PRESSURE LEVEL

The sound pressure level measured in decibels with a sound level meter set for A-weighting, abbreviated “dBA.”

AGRICULTURAL ACTIVITIES

Enterprises or activities which is carried out or operated principally for financial gain for the production and sale of agricultural, horticultural, forest or other products of the soil or water, including but not limited to, fruits, vegetables, eggs, dairy products, meat and meat products, poultry and poultry products, fish and fish products, grain and grain products, honey, nuts, preserves, maple sap products, apple cider, fruit juice, wine, ornamental or vegetable plants, nursery products, flowers, firewood and Christmas trees.

COMMERCIAL PROPERTY

Any property currently or hereinafter located in, zoned or classified as containing a commercial use in any Residential District, Business District, or Industrial District according to the Code of the Village of Scottsville, Chapter 170, Tables 170-11.1 and 170-13.1, and the Zoning Map of the Village of Scottsville.

CONSTRUCTION

Any or all activity, except tunneling, necessary or incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, public or private highways, roads, premises, parks, utility lines (including such lines in already constructed tunnels) or other property, including land clearing, grading, excavating and filling.

CONSTRUCTION EQUIPMENT

Any equipment designed and intended for use in construction, including but not limited to any air compressor, pile driver, manual tool, bulldozer, pneumatic hammer, steam shovel, derrick, crane or steam or electric host.

DECIBEL (DB)

The unit of sound measurement, on a logarithmic scale, of the ratio of the magnitude of a particular sound pressure to a standard reference pressure which, for the purpose of this chapter, shall be 0.002 microbar, abbreviated "dB."

EMERGENCY WORK

Any work or action necessary to deliver essential services, including but not limited to repairing water, gas, electricity, telephone and sewer facilities and public transportation, removing fallen trees on public rights-of-way and abating life-threatening conditions.

INDUSTRIAL PROPERTY

Any property currently or hereinafter located in, zoned or classified as containing an industrial use in any Business District or Light Industrial District according to the Code of the Village of Scottsville, Chapter 170, Table 170-13.1, and the Zoning Map of the Village of Scottsville.

LEGAL HOLIDAY

The following are deemed "legal holidays" on the days observed: New Year's Day, Memorial Day, Independence Day (July 4th), Labor Day, Thanksgiving Day and Christmas Day.

LOT LINE

Any boundary of a lot. Any lot line not a rear lot line nor a front lot line shall be deemed a side lot line.

NOISE

Any airborne sounds of such level, frequency and duration as to be or tend to be injurious to human health or welfare or that would unreasonably interfere with the enjoyment of life or property.

NOISE CONTROL ADMINISTRATOR

The Noise Control Administrator shall be the Village of Scottsville Code Enforcement Officer, his or her agent and/or designee, which shall include the Village of Scottsville Superintendent of Public Works, Building Inspector, Fire Marshal, their assistants, deputies and/or officers.

PERSON

Any individual, firm, partnership, corporation, association, trustee, receiver, assignee or person acting in any other representative capacity.

PUBLIC RIGHT-OF-WAY

A public or private way used to carry persons or vehicles from one point to another.

RESIDENTIAL PROPERTY

Any property currently or hereinafter located in, zoned or classified as containing a residential use in any Residential District or Business District according to the Code of the Village of Scottsville, Chapter 170, Tables 170-11.1 and 170-13.1, and the Zoning Map of the Village of Scottsville.

SOUND LEVEL

The sound pressure level measured in decibels with a sound level meter set for A-weighting. Sound level is expressed in dBA.

SOUND LEVEL METER

An instrument for the measurement of sound levels.

SOUND PRESSURE LEVEL

The level of a sound measured in decibel units with a sound level meter which has a uniform response over the band of frequencies measured.

VEHICLE

Any device in, upon or by which any person or property is or may be transported upon a public street or highway except such as is operated exclusively by human power. This includes, but is not limited to, cars, trucks, boats, recreational vehicles, airplanes, four-wheelers, dirt bikes, or motorcycles.

VILLAGE BOARD

The elected legislative body of the Village of Scottsville.

WEEKDAY

Any day, Monday through Friday, that is not a legal holiday.

ZONING BOARD OF APPEALS

The duly appointed Village of Scottsville Zoning Board of Appeals.

118-3 Enforcement; powers and duties of Noise Control Administrator.

- A. The provisions of this chapter shall be enforced by the Noise Control Administrator.

118-4 Responsibility of Departments.

- A. All departments and agencies of the Village of Scottsville shall, to the fullest extent consistent with other laws, carry out their programs in such a manner as to further the policy of this chapter and shall cooperate with the Noise Control Administrator in the implementation and enforcement of this chapter.
- B. All departments charged with new projects or changes to existing projects that may result in the production of noise shall consider this chapter prior to the approval of such projects to ensure that such activities comply with the provisions of this chapter.

118-5 Maximum permissible sound pressure levels

- A. Exterior noise limits. Unless otherwise specifically indicated in this local law, no person shall cause, suffer, allow or permit at any location within the Village of Scottsville any noise that exceeds the applicable noise limit for more than 15 minutes in any continuous sixty-minute period when measured at or beyond the real property line of any parcel as set forth below:

	Weekday Day Hours 7:00 a.m. – 9:00 p.m.	Weekday Night Hours 9:00 p.m. – 8:00 a.m.	Weekend/Holiday Day Hours 8:00 a.m. – 9:00 p.m.	Weekend/Holiday Night Hours 0:00 a.m. – 7:00 a.m.
Residential property	60 dBa	50 dBa	60 dBa	50 dBa
Commercial property	65 dBa	60 dBa	65 dBa	60 dBa
Industrial property	75 dBa	75 dBa	75 dBa	75 dBa

- B. Maximum noise limit. It shall be prohibited for any person to cause, suffer, allow or permit any sound or noise under any circumstances that exceeds 120 dBA when measured at a distance of 50 feet from the source.

118-6 Vehicles.

- A. No person shall operate, or cause to be operated, any vehicle in such a manner that the sound level emitted therefrom exceeds 80 dBA either at a distance of 25 feet or more from the path of the vehicle when operated on a public street or sidewalk or in a public park or other public place or at or beyond the property line when operated on private property. This subsection shall not apply to those vehicles being operated upon a public street to which § 386 of the New York State Vehicle and Traffic Law applies.
- B. This section shall apply to all vehicles, whether or not duly licensed or registered.

118-7 Exceptions.

The provisions of this chapter, except for the provisions of § 118-5(B), shall not apply to:

- A. The emission of sound or noise for the purpose of alerting persons to the existence of an emergency, including noise from stationary emergency signaling devices owned and operated by a public utility, or municipal corporation, fire department or ambulance corps when used in connection with an emergency or for testing purposes; and including noise from a burglar alarm of any building or vehicle, provided that such burglar alarm shall terminate its operations within 15 minutes after it has been activated and shall not be operated more than 30 minutes in any continuous sixty-minute period.
- B. The emission of sound in the performance of emergency work.
- C. Public celebrations or events of municipal corporations.
- D. Normal agricultural activities, provided that all powered agricultural and farm equipment is equipped with intake and exhaust mufflers recommended by the manufacturers thereof.
- E. Snowblowers, snow throwers and snowplows when used in their usual and customary manner, and provided that the equipment is equipped with intake and exhaust mufflers recommended by the manufacturer thereof.
- F. The emission of sound or noise from lawn and garden power tools and/or lawn mowers when operated in their usual and customary manner between the hours of 7:00 a.m. and 9:00 p.m. on weekdays and 8:00 a.m. and 9:00 p.m. on weekends and legal holidays,

provided that the equipment is equipped with intake and exhaust mufflers recommended by the manufacturer thereof.

- G. The emission of sound or noise associated with construction, repair, remodeling, demolition or paving of any real property between the hours of 7:00 a.m. and 9:00 p.m. on weekdays and 8:00 a.m. and 9:00 p.m. on weekends and legal holidays, provided that all powered construction equipment is equipped with intake and exhaust mufflers recommended by the manufacturer thereof, that pavement breakers and jackhammers shall also be equipped with acoustical attenuating shields or shrouds recommended by the manufacturers thereof.
- H. The educational activities of public schools and parochial schools operated by nonprofit corporations under the Education Law of the State of New York as they apply to elementary or high schools; provided, however, that such activities are conducted on the property of such school conducting the activity.
- I. The operation or use of any organ, bell, chimes or other similar instrument by any church, synagogue, or mosque when used as part of the religious order of service or when operated between the hours of 9:00 a.m. and 9:00 p.m.
- J. Any natural sound, including but not limited to wind blown across natural objects, insects, wild animals, or wild birds.
- K. Activities for which a variance has been issued pursuant to § 118-7 of this chapter.
- L. The discharge of a firearm not otherwise prohibited pursuant to Article 11 of the Environmental Conservation Law of the State of New York.

118-7 Variances.

- A. Any person who owns or operates any stationary noise source may apply to the Zoning Board of Appeals, on forms provided by the Village, for a variance from one or more of the provisions of this chapter, except the provision of § 118-5(B). Applications for a variance shall provide information, including but not limited to:
 - 1) The nature and location of the facility or process for which such application is made.
 - 2) The reason for which the variance is requested.
 - 3) The nature and intensity of noise, expressed in decibels, that will occur during the period of the variance.
 - 4) A description of interim noise control measures to be taken by the applicant to minimize noise and the impacts occurring therefrom.

- 5) A specific schedule of the noise control measures which shall be taken to bring the source into compliance.
- B. Failure to supply the information required or requested by the Zoning Board of Appeals shall be cause for rejection of the application.
- C. The fee for such application for variance shall be such fee as established by resolution of the Village Board.
- D. The maximum duration of a variance shall be 15 days. Any person holding or having held a variance may request an extension or may request a new variance. However, no person shall be entitled to variances totaling more than 30 days during any calendar year.
- E. The variance will be deemed to be revoked if any of the terms or conditions of the variance are violated.

118-8 Appeals.

- A. The Zoning Board of Appeals is hereby designated as the hearing board for appeals in connection with this chapter. The Zoning Board of Appeals shall be responsible for hearing and rendering decisions regarding appeals to this chapter.
- B. When a person seeks relief from a decision of the Noise Control Administrator enforcing provisions of this chapter, that person may request reconsideration of the Noise Control Administrator's decision by appealing to the Zoning Board of Appeals in writing within 30 days of the Noise Control Administrator's decision. The appeal shall state the reasons why relief is sought and what decision the person feels should be forthcoming. A copy of the appeal shall be transmitted to the Noise Control Administrator. A public hearing shall be held in accordance with the provisions of Village Code Section 170-52. The Zoning Board of Appeals may, after such hearing, by a majority vote, affirm, annul or modify the action of the Noise Control Administrator.

118-9 Inspection and Enforcement.

- A. Entry onto property or into occupied buildings or structures for the purposes of an inspection shall be permitted only when the Noise Control Administrator has either obtained the informed consent of the property owner or person with a privacy right to the property or obtained an appropriate search warrant or acts in belief that there exist exigent circumstances whereby immediate entry into the building or structure is required to ensure the protection of life, safety or property. Such inspection may include administration of any necessary sound measurement tests.

B. Whenever the Noise Control Administrator determines that a building or premises is in violation of any provision of this chapter, the Noise Control Administrator shall serve notice, by regular mail to the last known address of the person or entity upon which the same is served, as shown by the most recent tax record, of such violation or alleged violation to the owner, occupant, agent, or operator responsible for such violation. Such notice shall be in writing and shall specify the alleged violation and shall provide a reasonable time of not less than five days for compliance. Such notice may contain an outline of remedial action that will be taken to effect compliance in the event that the said notice is not complied with within the specified time period. The Noise Control Administrator may extend the compliance time specified in any notice issued under the provisions of this chapter where there is evidence of intent to comply within the period specified, provided that reasonable conditions exist which prevent immediate compliance.

118-10 Enforcement; penalties for offenses.

A. The violation of any such provision of this Chapter shall constitute disorderly conduct and shall be punished by a fine not exceeding \$250 and, in the event of failure to pay the same, by imprisonment not exceeding 15 days, or both such fine and imprisonment. Each day (twenty-four-hour period) of any violation of any provision of this Code or of any such ordinance or resolution shall constitute a separate offense.

B. In addition to the penalty hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Chapter shall be deemed a public nuisance and may be abated by the Village as provided by law, and each day that such condition continues shall be regarded as a new and separate offense.

Section 1.2 This local law is adopted pursuant to NYS Municipal Home Rule Law.

Section 1.3 All other local laws and ordinances of the Village of Scottsville that are inconsistent with the provisions of this local law are hereby repealed provided, however, that such repeal shall only be to the extent of such inconsistency. In all other respects, this local law shall be in addition to such other local laws or ordinances regulating and governing the subject matter covered herein.

Section 1.4 If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 1.5 This local law will take effect upon filing in the office of the New York State Secretary of State.