

**NOTICE OF PUBLIC HEARING
PROPOSED LOCAL LAW F-2020
INCORPORATED VILLAGE OF CENTRE ISLAND
BOARD OF TRUSTEES**

NOTICE IS HEREBY GIVEN that a public hearing and meeting will be held before and by the Board of Trustees of the Incorporated Village of Centre Island, Nassau County, New York on Wednesday, November 18, 2020 at 6:30 p.m., by teleconference. The Zoom meeting may be found at:

<https://us02web.zoom.us/j/84347170390?pwd=UDFHeFIYS1NLZVdpZTIEVXFranBVUT09>
Meeting ID: **843 4717 0390** - Password: **612824** - Dial by your location: 1-929- 205-6099 US (New York). All public phones are to be on mute until the public meeting commences. The public meeting is being held in accordance with Executive Order 202.1, as extended, by the New York Governor.

The hearing will be on whether to enact proposed Local Law F-2020, amendment to Chapter 122-12, "*Offensive and dangerous uses*," of the Code of the Village of Centre Island. The proposed local law will remove subsection A., Vibration, B., Noise and 4) Maximum permissible sound pressure levels as those sections are duplicate regulations that appear in the Code Section 75, "*Noise*".

A copy of Proposed Local Law F-2020 is on file at the office of the Village Clerk and may be viewed by appointment only during the hours of 10:00 am to 1:00 pm, Tuesday through Thursday, or on the Village's website at www.centreisland.org. All interested parties will be given the opportunity to be heard at said time and place. If any individual required special assistance to attend, please notify the Village Clerk at least 48-hours in advance of the hearing.

By Order of the Board of Trustees of the
Incorporated Village of Centre Island
Nassau County, New York
Carol Schmidlapp
Village Clerk/Treasurer

Dated: November 11, 2020

**VILLAGE OF CENTRE ISLAND
PROPOSED LOCAL LAW F-2020
AMENDMENT OF CHAPTER 122, “ZONING”**

A local law to amend Chapter 75, “*Noise*,” of the Code of the Village of Centre Island. The Code was adopted by Local Law 2-1994 by the Board of Trustees on November 24, 1994 and last amended by Local Law 2-2020 adopted by the Board on July 8, 2020.

BE IT ENACTED by the Board of Trustees of the Incorporated Village of Centre Island as follows:

SECTION I. Amend Chapter 122-12, “*Offensive or dangerous uses*,” to read as follows:

§ 122-12 Offensive or dangerous uses.

No building shall be used for any purpose which is or may reasonably be expected to be obnoxious or offensive by reason of causing or emitting odor, smoke, vapor, gas, dust, garbage, refuse matter, noise or vibrations or that is dangerous or harmful to the health, peace, comfort, welfare, or safety of the community or tends to disturb or annoy residents of the Village or that involves any threat of explosion or fire. All uses of land shall operate in conformance with the limitations set forth in each subsection below.

A. ~~Vibration. No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or at any point beyond the lot line, nor shall any vibration be produced that exceeds 0.002g peak measured at or beyond the lot line using either seismic or electronic vibration measuring equipment.~~

B. ~~Noise:~~

~~(1) All mechanically produced noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness. In no event shall the sound-pressure level of noise radiated continuously from a facility at nighttime exceed at the lot line the values given in Table I (set out hereafter) in any octave band of frequency. The sound-pressure level shall be measured with a sound-level meter and an octave band analyzer that conform to specifications published by the American Standards Association.~~

~~(2) No person shall operate a motor vehicle, lawn mower, leaf blower, chain saw or other landscaping equipment or any internal-combustion engine without a muffler properly maintained to reduce noise to the absolute minimum.~~

~~(3) Subject to special exception by resolution of the Board of Trustees for emergency or seasonal clean up, use of a gasoline leaf blower, chain saw or other loud or heavy machinery is permitted only between the hours of 8:00 a.m. through 6:00 p.m., Monday through Friday, and between the hours~~

of 9:00 a.m. through 6:00 p.m. on Saturday. The use of such equipment is not permitted on Sundays or on national holidays. Muffled lawn mowers and lawn tractors are specifically excluded from coverage under this subsection.

(4) ~~Maximum permissible sound-pressure levels:~~

(a) ~~Maximum permissible sound-pressure levels at a lot line for noise radiated for more than two hours from a facility between the hours of 9:00 p.m. and 7:00 a.m., where the lot line adjoins or lies within 25 feet of the boundary of a residence district, shall be as follows:~~

Table I

Frequency Band Cycles (per second)	Sound Pressure Level (Decibels re 0.002 dyne/cm²)
20 to 75	65
75 to 150	50
150 to 300	43
300 to 600	38
600 to 1,200	33
1,200 to 2,400	30
2,400 to 4,800	28
4,800 to 10,000	26

(b) ~~If the noise is not smooth and continuous and is not radiated between the hours of 9:00 p.m. and 7:00 a.m., one or more of the corrections in Table II which follows shall be added to or subtracted from each of the decibel levels given above in Table I.~~

Table II

Type of Operation in Character of Noise in Decibels	Correction
Daytime operation only (8:00 a.m. to 7:00 p.m.)	Plus 5
Noise source operates less than 20% of any 1-hour period	Plus 5*
Noise source operates less than 5% of any 1-hour period	Plus 10*
Noise source operates less than 1% of any 1-hour period	Plus 15*
Noise of impulsive character (hammering, etc.)	Minus 5
Noise of periodic character (hum, screech, etc.)	Minus 5

NOTES:

~~*Apply one of these corrections only.~~

~~C.A.~~ Odors.

- (1) There shall not be discharged or permitted to escape into the atmosphere odors which shall be offensive to the public or which endanger public comfort, repose, health or safety.
- (2) The intensity of offensive odors shall be determined at the property line adjacent to the source in the manner described in the Air Pollution Abatement Manual, Chapter 5, Table III, Manufacturing Chemists Association, Washington, D.C., 1951.

~~D.B.~~ Lighting.

No person, firm or corporation or their agents, servants or employees shall install, operate or maintain on private property in the Village any exterior light, lamp or other illumination except in compliance with the provisions of Chapter **79** of this Code.

SECTION II. This local law shall take effect upon filing with the Department of State.

NOTE: New words are double underlined. Deletions are ~~struck out~~. Dotted . . . lines set off that portion of a Section or Subsection which is amended.