

ARTICLE X

Landscaping; Environmental and Swimming Pool
Maintenance Requirements; Performance Standards

1. Authorization to adopt rules and regulations.

Pursuant to the provisions of §7-725 of the Village Law and Article 10 of the Municipal Home Rule Law and Article XX of this local law, the Planning Board is authorized to adopt rules and regulations pertaining to the incorporation of landscape materials in any project requiring site development plan approval and for the environmental control of such projects.

2. Landscaping and erosion and sedimentation controls.

The minimum landscape requirements and erosion and sedimentation controls for any use requiring site development plan approval are a general guide only and may be waived or varied by the Planning Board where, due to special characteristics of the project site, the proposed use, surrounding area or buildings and structures, such changes are necessary to ensure compatibility and conformance with other standards or criteria of this local law.

3. Compliance with State Environmental Quality Review Act.

The provisions of the State Environmental Quality Review Act (SEQRA) shall be complied with as appropriate. Fees for SEQRA processing are in addition to other fees required by this local law as set forth in the Standard Schedule of Fees of the Village of Chestnut Ridge.

4. Swimming pools.

No person shall maintain a swimming pool unless the safeguards set forth herein are observed:

A. All in-ground swimming pools shall be encompassed within a permanent protective fence so that the entire perimeter of the swimming pool shall be surrounded thereby. The fence must be structurally sound, durable, and maintained in such condition, not less than forty-eight (48) inches in height, with spaces not exceeding three (3) inches between the planks or linkage. The entrance gate or gates shall have a self latching device located at the top of the fence and, except for ingress to and egress from the swimming pool area, must be kept closed at all times.

B. Above ground pools need not be fenced, provided that the pool itself is so constructed that when not

attended by a person of suitable age that the steps or ladder to the pool shall be removed or raised in such fashion so that access cannot be gained.

C. All fences and other safeguards referred to herein must be approved in writing by the Building Inspector of the Village of Chestnut Ridge.

D. Distance to lot line shall be measured from a point beginning at least ten (10) feet from the edge of the pool.

5. Performance standards.

A. Conformance required. No use hereafter shall be established, altered, moved or expanded unless it complies with the performance standards set forth in this section. Continued conformance with such standards shall be a requirement for the continuance of any certificate of occupancy.

B. Standards.

(1) Noise.

(a) Method of measurement. For the purpose of measuring the intensity and frequencies of

sound, sound-level meters and octave-band filters shall be employed. Octave band analyzers calibrated with pre-1960 octave bands (American Standards Association Z24.10-1953, Octave Band Filter Set) shall be used. Sounds of short duration, which cannot be measured accurately with the sound level meter, shall be measured with an impact noise filter in order to determine the peak value of the impact.

- (b) Maximum permitted sound pressure level. The decibels resulting from any activity, whether open or enclosed, shall not exceed at any point, on or beyond any lot line, the maximum decibel level for the designated octave band as set forth in the following table, except that where the lot lies within two hundred (200) feet of a residence district, whether within or without the Village, the maximum permitted decibel level at any point on or beyond the district boundary shall be reduced by six (6) decibels from the maximum permitted level set forth in the table and, further, except that such reduction shall

also apply to any sound emitted between the hours of 9:00 PM and 7:00 AM, and all day Sunday.

<u>Octave Band (cycles per second)</u>	<u>Sound Pressure Level (decibels)</u>
0-74	66
75-149	58
150-299	55
300-599	50
600-1,199	45
1,200-2,399	42
2,400-4,799	38
4,800-20,000	35

(c) Exemptions. The following uses and activities shall be exempt from the noise level regulations: noises not directly under the control of the property user; noises emanating from construction and maintenance activities between 8:00 AM and sunset; the noises of safety signals, warning devices, emergency pressure relief valves or other emergency warning signals; and transient noises of moving sources, such as automobiles, trucks, airplanes and railroads.

(2) Vibration.

(a) Method of measurement. For the purpose of measuring vibration, a measuring system approved by the Planning Board shall be employed.

(b) Maximum permitted steady state and impact vibration displacement. No activity shall cause or create a steady state or impact vibration on any lot line with a vibration displacement by frequency bands in excess of that indicated in the following table.

Frequency (cycles per second)	Vibration Displacement (inches)	
	<u>Steady-State</u>	<u>Impact</u>
Under 10	0.0005	0.0010
10-19	0.0004	0.0008
20-29	0.0003	0.0006
30-39	0.0002	0.0004
40 and over	0.0001	0.0002

(3) Smoke, dust and other atmospheric pollutants.

(a) General control. The emission of smoke and other particulate matter shall not be permitted, regardless of quantity, if it will be in any way detrimental to the public

health, safety, welfare or comfort or a source of damage to the property.

- (b) Method of measurement of smoke. For the purpose of grading the density of smoke, the Ringelmann Smoke Chart shall be used to determine the total smoke units emitted. A reading shall be taken every minute for an hour or, if less than an hour, until the total smoke units emitted exceeds the number allowed by these regulations. Each reading shall be multiplied by the number of minutes during which it was observed and the product added.
- (c) Maximum permitted emission of smoke. There shall be no measurable emission of smoke, gas or other atmospheric pollutant. The emission of one (1) smoke unit per hour and smoke with discernible density of No. 1 on the Ringelmann Smoke Chart shall be prohibited.
- (d) Maximum permitted emission of dust. The emission of dust related to combustion for indirect heating from any source shall not exceed thirty hundredths (0.30) pounds of dust per thousand pounds of flue gas adjusted

to fifty percent (50%) excess air for combustion. There shall be no measurable emission of dust or other particulate matter not related to combustion for indirect heating. All properties shall be suitable improved and maintained with appropriate landscaping and paving, or other type of improvement, so that there will be no measurable windblown dust or other similar types of air pollution created.

- (4) Odorous matter. No land use shall be permitted which emits any discernible odor outside the building in which the use is conducted.
- (5) Toxic or noxious matter. No use shall be permitted which will cause any dissemination whatsoever of toxic or noxious matter outside the building in which the use is conducted.
- (6) Radiation and electromagnetic interference.
 - (a) Radiation. The handling, storage or disposal or radioactive materials or waste by-products, whether or not licensed by the Atomic Energy Commission, shall be conducted only in accordance with the standards established in Title 10, Chapter 1, Part 20,

of the Code of Federal Regulations, Standards for Protection Against Radiation, as amended, and in accordance with any other applicable laws or regulations.

- (b) Electromagnetic interference. No operation shall be permitted which produces any perceptible electromagnetic interference with normal radio or television reception in any area within or without the Village.
- (7) Fire, explosive hazard and heat.
- (a) Fire and explosive hazard. No storage or manufacture of explosives or solid materials or solid products which burn actively or which have a low ignition temperature, a high rate of burning or create great heat, under ordinary temperature conditions, shall be permitted except as provided for in Article III, Section 4.D.
 - (b) Heat. There shall be no emission of heat which would cause a temperature increase in excess of one degree Fahrenheit (1°F.) along any adjoining lot line, whether such change be in the air, in the ground or in any water-course or water body.

- (8) Liquid or solid wastes. The discharge of any or all wastes shall be permitted only if in complete accordance with all standards, laws and regulations of the Rockland County Health Department, New York State Department of Environmental Conservation or any other regulatory agency having jurisdiction. Facilities for the storage of solid waste shall be so located and designed as to be screened from the street or from any adjoining property and so as to discourage the breeding of rodents or insects.
- (9) Vehicular traffic. No business or industrial use shall be permitted where it is determined by the Planning Board that the type and number of vehicle trips it is estimated to generate would be expected to produce unusual traffic hazards or congestion, or cause or induce emissions which may be expected to interfere with the maintenance of air quality standards established by the United States Environmental Protection Administration, the New York State Department of Environmental Conservation or other regulatory agency having jurisdiction, due to the design or capacity of the state or highway system, the relationship of such

proposed use to surrounding or nearby industrial, commercial or residential uses or other factors affecting air pollution arising from mobile source activity.