

239 REVIEW SUBMISSION FORM

Filing # 4
12/1/2021
cc: Supervisor
Council
OFFICE USE
DATE REC:
Attorney
M. Lane

BROOME COUNTY PLANNING AND ECONOMIC DEVELOPMENT, PO Box 1766, Binghamton, NY 13902

This referral is made pursuant to the requirements of Section 239 l, m and n of General Municipal Law (GML). Broome County will provide comments within 30 days of the date of receiving a complete application. For info on Broome County's 239 procedures, see our Guide at www.gobroomecounty.com/planning/forms.

Referring Agency: Town / Village / City of: Village of Endicott

☒ Legislative Board ☐ Planning Board ☐ Zoning Board of Appeals (check all that apply)

Meeting Date(s): LB: 1/3/22 PB: _____ ZBA: _____ **Public Hearing?** ☒ Y ☐ N **Date:** 1/3/22
You may note additional meeting details in the project description box if necessary.

TYPE OF ACTION (check all applicable):

- ☐ Site Plan Review ☐ Planned Development
☐ Area Variance ☐ Subdivision Review
☐ Use Variance ☐ Special Use Permit
☐ Rezoning ☐ Zoning Amendment
☒ Local Law or Zoning Adoption
☐ Comprehensive Plan Adoption/Amendment
☐ Other: _____

PROJECT IS LOCATED WITHIN 500 FEET OF THE FOLLOWING:

- ☒ Municipal Boundary*
☐ State/County Park or Recreation Area
☐ State/County Road
☐ State/County Drainageway/Watercourse
☐ Farm Located in an Agricultural District
☐ State/County-owned land with a public building/institution

HAS THIS PROJECT OR A PRIOR PHASE BEEN SUBMITTED PREVIOUSLY: ☐ Y ☒ N 239 # (if known): _____

PROJECT INFORMATION:

Project Name: Noise Control Local Law

Project Sponsor/Applicant: Village of Endicott

Mailing Address: 1009 E. Main Street, Endicott, NY 13760

Project Address: Village-wide

Tax Map Number(s): N/A

Zoning District: All

Brief Project Description: A Local Law to enact a Noise Control Local Law and Amend the Zoning Code Regarding Noise Limits

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Supporting Documentation Included with this Referral:

- ☐ Municipal Application(s)
☐ Location Map
☐ Project Narrative
☐ Complete Site Plan (See Guide for details)
☐ Subdivision/PUD Plat
☐ Environmental Assessment Form/EIS
☐ Stormwater Plan (SWPPP, URRP, Site Plan)
☐ Special Studies (Traffic/Visual/Envi/Other)
☒ Relevant Local Law or Zoning Text
☐ Other: _____

Include all relevant documents for a complete submittal. Leave blank if NA.

State Environmental Review (SEQR) Status:

☐ Type I ☐ Type II ☒ Unlisted

Determination of Significance:

☐ Positive Dec ☐ Negative Dec ☒ Not Yet Issued

*Adjacent Municipality:

Has notice been given pursuant to GML 239-nn, if project is located within 500 feet of an adjacent municipality?

☒ Yes ☐ No ☐ NA

Adjacent Muni Name: Towns of Union and Vestal

Application Submitted By: Robert H. McKertich, Esq.

Signature

November 23, 2021

Date

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Noise Control Local Law			
Project Location (describe, and attach a location map): Village-wide			
Brief Description of Proposed Action: A Local Law to enact a Noise Control Local Law and Amend the Zoning Code Regarding Noise Limits			
Name of Applicant or Sponsor: Village Board of Trustees, Village of Endicott		Telephone: (607) 757-2411 E-Mail:	
Address: 1009 East Main Street			
City/PO: Endicott	State: New York	Zip Code: 13760	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Village Board of Trustees, Village of Endicott</u> Date: <u>November 23, 2021</u> Signature: _____ Title: _____		

VILLAGE OF ENDICOTT

LOCAL LAW NO. __ OF THE YEAR ____

A LOCAL LAW TO ENACT A NOISE CONTROL LAW AND AMEND THE ZONING CODE REGARDING NOISE LIMITS

Be it enacted by the Board of Trustees of the Village of Endicott as follows:

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Section 1. Purpose.

The purpose of this local law is to repeal Chapter 300 Article 50 of the Zoning Code, entitled “Noise Limits”, in its entirety and to enact a new non-zoning law entitled “Noise Control”.

TOWN OF UNION CLERK

Section 2. Amendment to Chapter 300 Article 50 of the Zoning Code

Chapter 300 Article 50 of the Village of Endicott Zoning Code shall hereby be deleted in its entirety.

Section 3. Enactment of a New Chapter of the Endicott Village Code Entitled “Noise Control Law”.

There shall be a new Chapter added to the Village of Endicott Code, entitled “Noise Control Law”, which shall read as follows:

Section 1 Short Title

This Chapter shall be known and may be cited as the Village of Endicott “Noise Control Law”.

Section 2 Declaration of Policy

It is hereby declared to be the policy of the Village of Endicott to prevent excessive, unnecessary or unusually loud noise. It is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of preserving, protecting and promoting the public health, comfort, convenience, safety, welfare and the peace and quiet of the Village of Endicott and its inhabitants.

This chapter shall be liberally construed so as to effectuate the purposes described in this chapter. Nothing herein shall be construed to abridge the powers and responsibilities of the Village of Endicott Police Department to engage in any proper or necessary activities.

Section 3 Definitions

Administrator means the Chief of Police of the Village of Endicott, and his/her designee, and the Code Enforcement Officer of the Village of Endicott, and his/her designee.

Authorized emergency vehicle means every ambulance, police vehicle, fire vehicle and civil defense vehicle.

Burglar alarm means any device designed and intended to produce an audible sound signal upon unauthorized entrance into a building, premises or motor vehicle.

Commercial means any business or commercial activity that involves the purchase or utilization of goods or services.

Construction means any activity necessary or incidental to the erection, reconstruction, demolition, assembling, altering, installing or equipping of buildings, highways, roads, premises, parks, utility lines or other property, including but not limited to related activities such as line clearing, grading, earthmoving, excavating, blasting, filling and landscaping.

Construction material means any material, regardless of its composition, designed and customarily used in construction.

Container means any receptacle, regardless of contents, which is manufactured from wood, metal, plastic, paper or any other material including but not limited to any barrel, basket, box, crate, tub, can, bottle or refuse container.

Device means any mechanism which is intended to or which actually produces and/or amplifies sound when operated or handled.

Emergency means a public calamity or an exposure of any person or property to actual or imminent danger.

Emergency warning device means any device that is designed to be used and is actually used to warn of an emergency.

Motor Vehicle means any vehicle operated or driven upon the public highway which is propelled by any power other than muscular power, except electrically driven wheelchairs being operated or driven by a handicapped person, vehicles which run only upon rails or tracks and snowmobiles.

Person means any individual, partnership, company, corporation, association, firm, organization, governmental agency, administration or department, or any other group of individuals, or any person or employee thereof.

Real property boundary shall mean an imaginary line exterior to any structure, along the ground surface, which separates the real property owned by one person from that owned by another person, and the vertical extension of such line.

Sound reproduction device means a device intended primarily for the production or reproduction of sound including, but not limited to any musical instrument, radio receiver, tape recorder, phonograph, or sound amplification system.

Unnecessary noise means any excessive or unusually loud sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities, or which causes injury to animal life or damage to property or business. Standards to be considered in determining whether unnecessary noise exists in a given situation, include but are not limited to the following:

1. The volume of the noise.
2. The intensity of the noise.
3. Whether the nature of the noise is usual or unusual.
4. Whether the origin of the noise is natural or unnatural.
5. The volume and intensity of the background noise, if any.

6. The proximity of the noise to sleeping facilities.
7. The nature and the neighborhood within which the noise emanates.
8. The time of the day or night the noise occurs.
9. The duration of the noise.
10. Whether the sound source is temporary.
11. Whether the noise is continuous or intermittent.
12. Whether alternate methods are available to achieve the objectives of the sound producing activity.

Section 4 General Prohibition

No person shall make, continue, cause or permit to be made any unnecessary noise. It shall not be a defense hereto that the person does not reside at the property where the violation occurred.

Section 5 Enumerated Prohibitions

The following acts are declared to be prima facie evidence of a violation of this chapter and are prohibited. However, such enumerations shall not be deemed to be exclusive.

A. Vocal Noise

No person shall create unnecessary noise by shouting, yelling, whistling, singing or other vocal exclamations between the hours of 9:00 p.m. and 7:00 a.m. in, on, near or adjacent to any public street, park or place in the Village of Endicott.

B. Burglar Alarms

No person shall operate or cause to be operated an audible burglar alarm unless such alarm is capable of and shall automatically terminate operation within fifteen (15) minutes after such alarm is first activated. Notwithstanding this provision, any member of the Village of Endicott Police Department shall have the authority to take such steps as may be necessary to disconnect said alarm at any time when in operation.

C. Construction

- (1) Except as otherwise provided herein, no person shall conduct or permit to be conducted construction, alone or in combination with other construction conducted or permitted by such person in a manner as to cause unnecessary noise between 9:00 p.m. and 7:00 a.m. Monday to Saturday, or at any time on Sundays or holidays, unless otherwise exempted under this chapter or the Village Code.
- (2) The provisions of this section shall not apply to the following:
 - (a) Emergency work, and safety and protective devices.

(b) Domestic power equipment and tools subject to section K herein.

D. Containers and Construction Material

No person shall handle or transport or cause to be handled or transported in any public place, any container or construction material in such a way as to create unnecessary noise.

E. Commercial Purposes

No person shall operate or permit to be operated a place of public entertainment, including but not limited to a restaurant, bar, cafe, discotheque, or dance hall, in such a manner as to create unnecessary noise distinctly audible from a distance of fifty (50) feet outside the building, premises or structure where produced, or sufficiently audible upon any public street or place to attract and congregate a crowd thereon.

F. Defect in Vehicle or Load

No person shall operate or permit the operation of any motor vehicle in such a manner or so out of repair or so loaded as to create unnecessary noise such as grating, grinding, or rattling.

G. Emergency Warning Devices

No person shall operate or cause to be operated any emergency warning device, except:

- (1) To give notice as a warning of any emergency;
- (2) On an authorized emergency vehicle when such vehicle is engaged in emergency operations provided that such device is not operated for a period of time longer than is necessary to respond to such emergency;
- (3) When such device is under test.

H. Exhausts

Except as otherwise provided in the Village Code, no person shall cause or permit the discharge into the open air of the exhaust of any device, including but not limited to any steam engine, motor vehicle engine, diesel engine, internal combustion engine or turbine engine, so as to create unnecessary noise.

I. Institutions

No person shall cause or permit the creation of any unnecessary noise through the use of any device on any street, sidewalk or public place adjacent to any school, court or church while such structure is in use, or adjacent to any hospital at any time, provided that conspicuous signs are displayed so as to identify such school, court, church or hospital.

J. Loudspeakers and Public Address Systems

- (1) No person shall use, operate or permit the use or operation of any loudspeaker, public address system or similar device for any noncommercial purpose between the hours of 9:00 p.m. and 9:00 a.m. of the following day, such that the sound therefrom creates unnecessary noise across a residential real property boundary.

(2) No person shall use, operate or permit the use or operation of any loudspeaker, public address system, or similar device for any commercial purpose:

(a) Such that the sound therefrom creates unnecessary noise across a real property boundary, or

(b) Between the hours of 9:00 p.m. and 9:00 a.m. of the following day on a public highway.

K. Power Equipment and Tools

No person shall operate or permit to be operated any domestic power tool including but not limited to mechanically powered saws, sanders, grinders, and lawn and garden tools used outdoors in residential areas between the hours of 9:00 p.m. and 7:00 a.m. of the following day so as to create unnecessary noise across a residential real property boundary.

L. Sound Reproduction

No person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound:

- (1) In such a manner as to create unnecessary noise across a real property boundary, except for activities open to the public and for which a permit has been issued.
- (2) In such a manner as to create unnecessary noise audible from a distance of fifty (50) feet from such device, when operated in or on a motor vehicle on a public highway.
- (3) In such a manner as to create unnecessary noise to any person other than the operator of the device, when operated by any passenger on a common carrier.
- (4) In such a manner as to create unnecessary noise that enters an apartment or dwelling unit that is separate and distinct from the apartment or dwelling unit from which the unnecessary noise originated.

M. Squealing Tires and Horns

No person shall operate a motor vehicle in such a manner as to cause unnecessary noise by spinning or squealing the tires of such motor vehicle or by sounding the horn or other signaling device of any motor vehicle, except as a warning signal pursuant to the provisions of § 375 of the Vehicle and Traffic Law of the State of New York.

N. Street Sales

No person shall offer for sale or sell anything by shouting or outcry causing unnecessary noise within any residential or commercial area except by permit.

The Administrators shall have the authority to grant special exceptions to any of the provisions of this chapter upon such conditions and for such reasonable time to best serve the public health, safety and welfare of the Village of Endicott and its inhabitants.

Section 7 Enforcement

A. Enforcement Powers

The provisions of this chapter shall be enforced by the Administrators who shall have the power to:

- (1) Order the owner of any device which causes or is maintained or operated so as to cause a violation of any provision of this chapter to install any apparatus which can reasonably be expected to correct the violation, or to repair, properly maintain, replace or alter such device in a manner which can reasonably be expected to correct the violation.
- (2) Order any person to cease and desist from any activity which causes or is conducted so as to cause, a violation of any provision of this chapter.

B. Penalties

Any person found violating the provisions of this chapter shall upon conviction thereof, be punished as follows:

- (1) Any person committing an offense against this chapter shall be guilty, upon conviction, of an offense punishable by a fine not to exceed two hundred fifty dollars (\$250.00) or imprisonment, not to exceed fifteen (15) days, or both such fine and imprisonment.
- (2) Violations, regardless of the number, on any one day, shall be considered as one violation for that day. Continuation of a violation for each separate day shall be deemed a distinct and separate offense.
- (3) An action or proceeding may be instituted in the name of the Village of Endicott, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of this chapter. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Village Board. Abatement proceedings shall be in addition to any penalties prescribed in this section.
- (4) Nothing herein contained shall prevent the Village of Endicott from taking such other lawful action as necessary to prevent or remedy an infraction.

Section 8 Miscellaneous Provisions

A. Non-Applicability to the Village of Endicott and Other Governmental Bodies

Sections C, D, G, I and K herein should not be applicable to activities of the departments of the Village of Endicott while acting in the course of their governmental responsibilities. The Board of Trustees of the Village of Endicott, or their designee, in their discretion, and upon reasonable terms and conditions, may permit other governmental entities acting in the course of governmental responsibility to be exempt from all or part of the requirements of Sections C, D, G, I and K.

Section 4. Remainder.

Except as hereinabove amended, the remainder of the Village Code of the Village of Endicott shall remain in full force and effect.

Section 5. Separability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 6. Effective Date

This Local Law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.



Lauren E. Kelly
Director, Government Affairs

Filing # 1
12/1/21
cc: Superior
Council
Attorney

November 19, 2021

Re: Charter Communications – Upcoming Changes

Dear Municipal Official:

Spectrum Northeast, LLC, ("Spectrum"), locally known as Spectrum, is noticing its customers that on or around December 31, 2021, Bulldog Shopping Network, located on Spectrum channels 91, 98, 472, and 496 will rebrand to Victory Channel in the channel lineup serving your community.

On or around January 1, 2022, NBC Sports Network will cease operation of its service and Spectrum will discontinue carriage of NBCSN on channels 32, 49, 50, 51, 55, 59, 61, 69, 99, and 314 in the channel lineup serving your community.

On or around January 5, 2022, DIY Network, located on Spectrum channel 161 will rebrand to Magnolia in the channel lineup serving your community.

To view a current Spectrum channel lineup visit www.spectrum.com/channels.

If you have any questions, please feel free to contact me at 585-340-8188 or via email at lauren.kelly@charter.com.

Sincerely,

Lauren E. Kelly
Director, Government Affairs
Charter Communications

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