

**CONSERVATION ADVISORY COUNCIL**  
**Meeting Minutes**  
**Tuesday, March 27, 2014**  
**Delancey Hall**

**Members Present:**           **Lori Tripoli, Co-Chair**  
   **Pam Pooley, Co-Chair**  
   **Nancy Welo**  
   **Alan Towers**

**Also Present:**               **Bruce Thompson, Building Inspector**  
   **Janice Will, Secretary**

Discussion of Noise Regulation

Alan Towers handed out copies of part of a 2009 Comprehensive Plan Committee survey, showing that a substantial number of people thought noise was an issue in North Salem. Mr. Towers also shared a section of the Comprehensive Plan in which the CPC recommended adoption of ordinances to restrict noise from residential properties and commercial establishments and from construction/landscaping machinery.

Mr. Towers handed around a Town newsletter item from the Building Department about noise and copies of noise ordinances from other towns in the area. He noted that the City of Rye specifically bans the use of leaf blowers between May 1 and September 30 and added that houses in Rye are quite close together.

Bruce Thompson arrived at the meeting, and Mr. Towers thanked him for coming.

Mr. Towers said the CAC is charged with responsibility for protecting natural resources which, broadly defined, includes rural character, which in turn includes both visual aspects and peace and quiet. He commented that people are conscious of visual issues, but auditory issues are neglected.

Mr. Towers said he knows the Building Inspector has been asked to help people with noise issues in the past and has not been able to do much, adding that he was interested in Mr. Thompson's perspective as Building Inspector regarding noise control.

Mr. Thompson said he feels North Salem is out of sync in comparison to other town regarding construction noise, noting that the North Salem ordinance is very old. The section on performance standards exempts construction/maintenance noise from 8 am to sunset, 7 days a week. Mr. Thompson noted that sundown varies from as early as 4:30 pm to as late as 8:30 pm depending on the season, for which reason he thinks a specific cut-off time would be better. Mr. Thompson told the CAC that the 8 am start-time is actually not consistent with the construction industry/work normally begins quite early and

usually ends early. In Lewisboro construction noise is tolerated from 7 am to 6 pm, and in Pound Ridge the hours are 7 am to 7 pm six days a week (prohibited on Sundays).

Mr. Thompson went on to say that these ordinances are about construction noise; homeowners are customarily exempted from such restrictions because they have a limited time available to work. He commented that the worst noise comes from leaf-blowers, trucks backing up and rock hammers.

Mr. Thompson explained that in North Salem, it takes months to get a blasting permit which is a disincentive, so people sometimes employ rock hammers instead; the noise is terrible and the hammering goes on for hours. He said a North Salem resident rented a rock hammer to do some work himself, so he was working with in on Saturdays and Sundays. Mr. Thompson suggested making the construction noise exemption hours more specific but also earlier for Monday through Friday and possibly having different restrictions on weekends. He remarked that the easier a rule is to understand, the better the chance that people will comply.

Nancy Welo said she would like a 2-tier ordinance that states that work may begin early, but making noise may not commence until later. She commented that her husband works at home, so daytime construction/landscaping noise makes it hard for him to concentrate, and she added that she would like to see the needs of the construction industry balanced with those of people working at home.

Lori Tripoli said she thought the issue would be enforcement.

Mr. Towers said there is nothing to enforce at present, because construction noise is permitted 7 days a week.

Mr. Thompson said he has spoken to construction workers about starting too early, and he noted that deliveries to construction sites cause a lot of noise. He stated that landscaping materials are customarily delivered quite early in the morning so that the trucks loaded with plants won't be stuck in traffic in the middle of the day.

Mr. Thompson said it is important to make the law realistic/offer some give-and-take. He added that once workers know they may continue to work until sundown, some will take advantage and keep working, which could be distressing to someone who comes home from work in the evening hoping to sit and relax outside. He suggested that permitting an earlier start time and instituting a specific/possibly earlier cut-off time would be help both workers and peace-seekers.

Mr. Towers said the phrase "property-rights" seems to be used exclusively by those parties having work done on their property as if those who would like to be protected from noise don't have the same rights. He agreed that a trade-off is needed; work has to be permitted, and the rights of neighbors should also be taken into account. Mr. Towers remarked that other laws range from the very benign to some with limits or total bans on Saturday and/or Sunday, and most are tied to decibel levels.

Mr. Thompson stated that Towns have to provide equipment to measure decibel levels.

Ms. Welo said the microphones on computers can read decibel levels.

Mr. Towers said he has the actual device, and it is simple and inexpensive.

Ms. Tripoli asked how often Mr. Towers finds noise levels above acceptable levels.

Mr. Towers explained that 60 decibels at the property line is standard; a regular lawn-mower an acre away provides a reading of less than 60 decibels, and a tractor-pulled lawn-mower a half acre away might be scarcely louder, but a leaf-blower or weed-whacker or construction equipment would almost certainly exceed 60 decibels.

Ms. Pooley asked if the CAC has the authority to create an ordinance.

Ms. Tripoli replied that they do not/they may only recommend one.

Mr. Towers said the Comprehensive Plan Committee drafted one addressing all kinds of noise/not only construction noise.

Ms. Tripoli said she has endured noise from trucks, snow-mobiles and motor bikes being driven on the frozen Peach Lake this winter (which is in North Salem and Brewster), and she wondered how a noise ordinance would be enforced in such an instance. She said she felt it would be pointless to put a law on the books if there is no enforcement and asked who would pay for enforcement.

Ms. Welo said one may always call the police.

Ms. Tripoli wondered how many times they would respond to the same complaint, and she noted that North Salem has a part-time police department/wondered if State Troopers would respond.

Mr. Towers responded that it would be up to the North Salem police to come.

Ms. Welo added that a fine may be levied after repeated violations of an ordinance.

Ms. Tripoli said she was concerned that paying for enforcement of a new ordinance could be an obstacle.

Mr. Towers agreed, saying the Town Board could very well use that reason to decline to put a new ordinance on the books, although other Towns do it. He explained that in other towns, the police pay a visit and ask the offender to stop, although they may not respond to every call. Mr. Towers commented that some people will stop doing whatever it is, because they do not want visits from the police, while others may be more anti-social. He

said he has heard that the Chief of Police is not in favor of a law requiring use of a decibel-reading device.

Ms. Pooley asked what kind of ordinance the Town currently has.

Mr. Towers said it covers construction noise.

Ms. Pooley thought the CAC should recommend a noise ordinance dealing with construction, landscaping and recreational noise perhaps with an exemption from 8 am to 4 pm.

Mr. Towers said people who simply don't want to be told what to do, realtors and the construction industry would all come out against such a law.

Mr. Thompson said they were actually discussing a standard/not an ordinance.

Mr. Towers stated that the Chairwoman of the Planning Board told him that the Planning Board would have to write an ordinance, which they have been reluctant to do. He noted that despite the recommendation in the Comprehensive Plan, the Town has not changed the old ordinance.

Ms. Pooley said that when she is overseeing landscaping work she likes to see everyone finished for the day by 3:30 or 4/usually doesn't start until 8:30 am. She added that she would like to see power-mowing, etc. cut off by 2 pm on Saturdays.

Ms. Welo remarked that some Towns limit the use of gas-powered machinery, and electric machines do make a lot less noise. She added that commercial people don't want to use electric machines, because gas engines have more power.

Ms. Pooley wondered if the CAC could recommend an ordinance based on an existing one, but Mr. Towers thought they should do the necessary research and try to figure out what's needed.

Mr. Thompson suggested they differentiate between commercial and private work. He said that if it takes more days to complete a job due to restricted hours, it will cost property-owners more. He added that the CAC should try to correct a lot but not all of the issues and be reasonable, and he encouraged them to keep their recommendation simple and straightforward. Mr. Thompson did think that if homeowners rent a big machine like a rock hammer, they should be held to the more restrictive commercial rules.

Mr. Towers asked if exceptions should be made for home-owners who work Monday through Friday and only have the weekends to do work themselves.

Ms. Welo said she agreed with Mr. Thompson that this should not go for large equipment.

Mr. Thompson stated that most of the noise people complain about comes from multiple people working at the same time/using multiple machines. He felt that few enough individual home-owners would be working alone that they should be allowed more time on weekends.

### Invasive Species

Ms. Pooley asked Mr. Thompson if he would stay a little longer to discuss this topic.

Ms. Tripoli explained that the CAC has been grappling with finding a way to help people who wish to remove invasives but don't want to bear the expense of a Wetlands Permit, and she asked Mr. Thompson for his thoughts. She further stated that she spoke to members of other CAC's, and this is not something they are looking at.

Mr. Thompson suggested the CAC have a conversation with Joe Bridges (Town wetlands consultant) and possibly develop criteria to enable home-owners to remove invasive plants from wetlands without going through a long permit process. Mr. Thompson added that he thought it was a good idea and if the wetland area is isolated, it could be managed. By allowing people to do this without going through an onerous permit process, then they can be guided in how they go about removing invasives. He pointed out that a lot of people will read, "no permit required", and think they can just go ahead and do whatever they want to do; however, if a permit is required but there is no charge, people can make an appointment for someone to look at their situation and advise them on what to do. Mr. Thompson added that the site visit/review must be very expeditious.

The secretary pointed out that there is already a no-escrow/quick wetland permit available.

Ms. Tripoli said there would still be the expense of having to provide a plan showing where the wetlands are.

Mr. Thompson said people wouldn't have to pay to have the wetlands delineated and put on a survey. He went on to say that the tree-removal ordinance offers instances where no permit is required. If people call and ask if they can take trees down, someone from the Building Department will go out and determine whether or not the request is eligible for exemption from permit requirements. Because these people have called, the Building Department can keep a running list of names/addresses for property-owners who are removing trees with the Department's knowledge/without a permit. Mr. Thompson said it is helpful for the Building Department to know, because people call to ask about it when they hear chain saws.

Ms. Pooley asked if a resident with property on Lake Street had gotten a wetland permit to fix up their wetland area. She said he planted a tiny garden in an area where phragmites were removed.

*(It was not known whether or not this person obtained a wetland permit.)*

Ms. Tripoli thought that if there had already been a small garden, no permit would have been required to fix it up.

Ms. Pooley said the problem with invasive species is that dense planting of native species must be put in or the invasives must be removed regularly (twice a year) without machinery. She remarked that people want information but don't want to pay for permits/ advice.

Mr. Thompson said the CAC can get Joe Bridges' ideas for guidelines for removal and maintenance to minimize impact and oversee the jobs themselves.

Ms. Pooley asked if this meant the CAC members would have to go to the sites before okaying a project, and Mr. Thompson said he thought so/it is easier for people to understand what is required from a site meeting than from being given something to read.

Mr. Towers said it is the tendency of human beings that they would rather ask forgiveness than ask permission, and once a municipality gets involved in their lives, it is feared that other issues are likely to be raised/questions asked/expenses incurred.

Mr. Thompson said that as Building Inspector he has always made it a policy only to deal with the reason he has been called to a property, unless he observes a serious safety issue.

Mr. Towers said that, of course, Mr. Thompson could only speak for the Building Department. He added that people need to feel there will be no detriment to them in consulting someone from the Town.

Mr. Thompson said the CAC could play an active role in helping people with invasive species in their wetlands.

Mr. Towers commented that as an unofficial group, the CAC would not be a threat to people.

Ms. Tripoli said she found it interesting that other towns are not thinking about this. They care about invasives but they're not talking about permits. She added that middle-income people cannot be expected to invest thousands of dollars in plans and consultants.

Ms. Welo stated that removal of invasives is not required; they merely want to help people who wish to remove them. She said it seemed to her that people who are interested in removing invasive plants are likely to talk to someone about it.

It was agreed that Mr. Thompson should not feel obliged to spend any more time at the meeting.

Mr. Towers asked the Building Inspector whether or not he was in favor of using decibel levels to enforce a noise ordinance.

Mr. Thompson said he wants to research the equipment and see how dependable it is/if it would hold up in a dispute.

Mr. Towers said the standard acceptable noise level of 60 decibels would not work; if someone were using a bulldozer right next to someone else's property, there would be no way to keep to this level.

Mr. Thompson said construction noise gets an exception; the conversation was about restricting the hours during which it is permitted.

Mr. Towers said he was talking about setting a level of noise that may be emitted during such work/this kind of ordinance exists in other towns.

Ms. Welo said she would like to see headphones required for people doing some kinds of construction/landscaping work, but Ms. Tripoli thought would be beyond anything the CAC can control.

Ms. Pooley said she would like to see some specific examples of what Mr. Towers was talking about, and Ms. Welo added that they need more research.

The group read from some of the noise standards of other towns, and it was noted that some allowed rather high decibel levels and some permitted quite long hours for exempt activities.

Mr. Towers read the very specific decibel levels permitted in Ridgefield, CT, where the usual exemptions for construction and landscaping are also included in the ordinance.

Ms. Pooley said she thought it would be better to focus on hours.

On another subject, Mr. Towers said he noticed that a lot of trees have been taken down on the Butler property on June Road.

Mr. Thompson stated that a new house has been built and an existing house moved, but he has not been consulted about tree-removal. There have been no calls to the Building Department about the tree-cutting, but he will investigate.

The Members thanked Mr. Thompson for coming, and he left the meeting.

Ms. Pooley said she thinks a new noise ordinance is needed, but Mr. Towers pointed out that there will be resistance.

Ms. Tripoli said they would really need to make the case that such an ordinance is needed.

Mr. Towers commented that enforcement would be a problem. He went on to say that Mr. Thompson had really only spoken about construction noise, but landscaping and residential noise should be considered also. He said that under the existing law, a person

could put loudspeakers on the front lawn and turn the sound way up/play loud music all night, and there is really no way to make that person stop.

Ms. Welo said New York State law prohibits that kind of amplified music/outdoor noise.

Mr. Towers said he has been told that the police are helpless to do anything about those kinds of noise in North Salem. He added that he would like to invite the Chief of Police to a CAC meeting.

Ms. Tripoli said that was a good idea. She said that even in towns that have a noise ordinance, the police don't want to be called for every minor neighborhood issue.

Ms. Pooley said just having a noise ordinance would help some/people would know about it even if it is not being enforced, and everybody but North Salem has one.

Mr. Towers said his impression has been that enforcement is the first reason the Town gives for not wanting such an ordinance.

Ms. Pooley said they can explain why North Salem needs a noise ordinance.

Mr. Towers said he sees it as an issue of property-rights.

Ms. Tripoli agreed that enforcement can be a problem, adding that she couldn't see drafting/promoting such a law if it is ignored and won't be enforced.

Mr., Towers said he wants to hear the Police Chief's thoughts on the subject, and he would ask if he thinks the ordinance is needed. Mr. Towers pointed out that Chief Howley may tell them it won't work/won't be enforced.

Ms. Pooley said they do need to decide whether or not they need a noise ordinance.

Ms. Welo reiterated that State law provides for issues like disturbing the peace.

Mr. Towers said maybe it will turn out that it would be just as good to rely on State laws/ North Salem doesn't need its own.

Ms. Tripoli said she thinks it is the kind of thing that has the potential to come back to the CAC in a negative way, so they need to anticipate who will object to it and be prepared to explain that there are exceptions or otherwise get past the objections.

Mr. Towers stated that the Comprehensive Plan Committee survey and the Plan were both ignored, adding that the Planning Board would be the ones to write an ordinance.

Ms. Welo said the Town Board could vote to approve an ordinance if the CAC copied a good one from another town and presented it/it does not have to come from the Planning Board.

Ms. Tripoli said she thought that if the CAC expects the Town Board to ignore the submission of a draft noise ordinance any way, perhaps they should just not put any effort into it.

Mr. Towers asked if the purpose of government is to respond to the wishes of citizens or to assume they know better.

Ms. Welo said its purpose is to keep people from overstepping into other peoples' business.

Mr. Towers said at some point in time, government has to respond to the wishes of the population.

Ms. Tripoli said that, despite the CPC survey, the CAC doesn't really know what the wishes of the population are.

Mr. Towers said the survey is all they have to go on, and it made it clear that people do care about noise issues. He also agreed that it would be irresponsible to recommend something that is unenforceable.

Ms. Welo thought enforcement could be left up to the Town.

Ms. Pooley said she would just like to see the hours of exempted activities limited more and asked how the CAC should move forward.

Mr. Towers said he really wants to hear from the Police Chief about residential/non-commercial noise.

#### Outreach: CAC Facebook Page, Town Newsletter

Ms. Pooley said many people have "friended" the site/joined up, and she is excited. She stated that when local plants bloom, she will take photos to use on the Facebook page.

Ms. Tripoli offered a link to a Federal website that has free photos of plants that may be used, and Ms. Pooley was pleased to get it.

Ms. Pooley also submitted a piece for the Spring newsletter, mentioning that the CAC is seeking a 5<sup>th</sup> member.

#### Homeland Towers Balloon Test

Mr. Towers said he will not be able to attend the test and asked if anyone else could go. He mentioned that he was invited to attend with the Planning Board.

#### Removal of Invasive Species from Wetlands

Ms. Tripoli said she e-mailed the Federal center mentioned earlier for information.

Ms. Pooley said she thought Mr. Thompson's suggestions were good, but the CAC needs time to think about who will go out and look at sites.

#### Teatown CAC Gathering

Ms. Tripoli said it had been interesting to see CAC groups from other towns and hear about what they are doing. Some are working on steep slope ordinances, ridgeline protection, tree-planting, plastic bag reduction, etc. Ms. Tripoli said it was nice to meet these other groups, adding that some are quite political.

#### Specific Sites

There was really nothing new/the CAC will continue to monitor Town/Planning Board agendas.

#### February 18 Meeting Minutes

The minutes were unanimously approved.

#### Next Meeting

Although the next CAC meeting is scheduled for April 15, the secretary had a conflict and asked them if the meeting could be held the following week. It was agreed to meet on April 22.

The meeting was adjourned at approximately 6:40 pm.

Respectfully submitted,

  
Janice Will, Recording Secretary