

LOCAL LAW NO. 1 OF 2024

A LOCAL LAW amending §230-8 of the Zoning Law to prohibit pickleball courts and §230-20 to require noise attenuation standards for all other sports courts.

BE IT ENACTED by the Board of Trustees of the Village of Dering Harbor as follows:

SECTION 1. Legislative Intent. The Village of Dering Harbor is the smallest Village in the State of New York characterized by its natural beauty, peace and tranquility. To protect these qualities, the Village has carefully taken steps to restrict activities that inherently produce noise or other sounds of such intensity or quality that disturbs the peace and quiet of residents. The Zoning Law already recognizes that noise created by the activities on tennis courts, basketball courts and other sports courts presumptively have a severe negative impact on the neighboring properties and negatively impacts the quality of life and welfare of the neighboring residents and the value of their property and of the other residents of the Village (see §230-20). Pickleball, like tennis, involves hitting a ball over a net with a paddle. Pickleball, however, has notable differences that create elevated decibel levels when pickleballers gather. Unlike the soft, nap covered balls used in tennis, pickleballs are hard plastic and are much noisier when struck by the hard paddles. The exchanges in pickleball are quick, producing high pitched impulse sounds with irregular patterns that are near impossible to mitigate. The research acknowledges that there is no way of soundproofing pickleball entirely, without changing the materials of the balls and paddles, and that setbacks alone such as currently required under §230-20 are inadequate. There are no pickleball courts in the Village and a new pickleball court will introduce sounds and noise not currently heard anywhere in the Village. The Board of Trustees therefore find that the noise from pickleball activities present an inherent nuisance that would adversely impact the quality of life and welfare of the neighboring residents and the value of their property and of the other residents of the Village. As the noise from pickleball activities cannot adequately be mitigated, it is the intent of this local law to prohibit the construction of a new pickleball court or the conversion or use of a tennis court or playing court for pickleball in the Village. Moreover, the Board of Trustees also recognize that the noise impacts from tennis courts, basketball courts, sport courts and other outdoor sports areas are not adequately mitigated by the setbacks set forth in §230-20 alone. Accordingly, to further mitigate potential noise impacts generated by activities on tennis courts, basketball courts, sport courts and any other outdoor sports area, is the intent of this local law to require such courts to have appropriate sound attenuation measures, including but not limited to sinking the court, solid walls and landscaping, to be reviewed and approved by the Architectural Review Board.

SECTION 2. Amendment. Section §230-8 (Uses Prohibited) of the Zoning Law is amended to add a new subsection G by adding underlined words as follows:

§230-8. Use Prohibited. The following uses, buildings and structures are prohibited in both districts.

G. The construction of a new pickleball court or the conversion or use of a tennis court or playing court for pickleball.

SECTION 3. Amendment. Section §230-20 (Tennis courts, sports courts and outdoor sports areas) of the Zoning Law is amended by adding underlined words as follows:

§230-20. Tennis courts, sports courts and outdoor sports areas.

Tennis courts, basketball courts, sport courts and any other outdoor sports areas shall have front yard, side yard and rear yard setback requirements of not less than 75 feet. The Board of Trustees finds that the noise created by the activities in the above sports courts and areas presumptively have a severe negative impact on the neighboring properties if the sports courts and areas are located less than 75 feet from those properties and negatively impacts the quality of life and welfare of the neighboring residents and the value of their property and of the other residents of the Village. To further mitigate potential noise impacts, all tennis courts, basketball courts, sport courts and any other outdoor sports area shall include appropriate sound attenuation measures, including but not limited to sinking the court, solid walls and landscaping, to be reviewed and approved by the Architectural Review Board.

SECTION 4. Authority. The proposed local law is enacted pursuant to Village Law §7-712, as well as Municipal Home Rule Law §§10(1)(i), 10(1)(ii)(a)(11), 10(1)(ii)(a)(12), and 10(2).

SECTION 5. Severability. If any section or subsection, paragraph, clause, phrase, or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole, or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

SECTION 6. Effective Date. This local law shall take effect upon filing with the Secretary of State pursuant to Municipal Home Rule Law.