

**TOWN OF LEWISBORO**  
**Westchester County, New York**

**Zoning Board of Appeals**  
**79 Bouton Road**  
**South Salem, New York 10590**



**Tel: (914) 763-3822**  
**Fax: (914) 533-0097**  
**Email: zoning@Lewisborogov.com**

**AGENDA**

**Wednesday, May 24, 2023, 7:30 P.M.**

**79 Bouton Road, South Salem,**  
**Justice Court**

- I. Review and adoption of the Minutes of April 26, 2023.**
- II. PUBLIC HEARING**

**CAL. NO. 14-23-BZ**

Application of Connor O'Donnell-Bedford Poolscales, [Ferney, Jordan & Paul, owner of record], 14 Lockwood Road, South Salem, NY for the following variance which the applicant is seeking to legalize the constructed inground pool equipment that was installed with a 22' side yard setback whereas 40' is required per Article IV Section 220-23E of the Town of Lewisboro Zoning Code therefore requiring a variance of, 18'.

The property is located on the south side of (#14) Lockwood Road, South Salem, NY designated on the Tax Map as Sheet 049C, Block 09834, Lot 118, in an R-2AC, Two- Acre Residential District consisting of approximately 2.00 acres.

**CAL. NO. 12-23-BZ**

Application of Michael Fuller Sirignano, Esq. [Waccabuc Country Club, owner of record], 74 Mead Street, Waccabuc, NY. The proposed pickleball courts create an increase in the existing non-conforming private recreation club use and therefore require a variance pursuant to Article III, Section 220-9E(5) of the Town of Lewisboro Zoning Code and the proposed pickleball courts create an increase in the applicable setbacks for private club "active recreational facilities, such as tennis courts and swimming pools" and provides that such recreational facilities be "set back from adjacent residential property boundaries at least twice the minimum distance required for residential buildings in said district as per Article V, Section 220-36C" of the Town of Lewisboro Zoning Code, in that the proposed pickleball courts will have a side yard setback of 51' from the northerly property line and 98' from the southerly property line, where 100' (doubled) side yard setback is required under Section 220-36C of the Town of Lewisboro Zoning Code, therefore requiring a side yard setback variances of 49' and 2', respectively.

The property is located on the west side of (#74) Mead Street, Waccabuc, NY designated on the Tax Map as Sheet 0022, Block 10802, Lot 023, in a SCR-4AC, Special Character Four-Acre Residential District consisting of approximately 6.11 acres.

- III. CORRESPONDENCE & GENERAL BUSINESS**
- IV. NEXT MEETING**  
**June 28, 2023**
- V. ADJOURN MEETING**

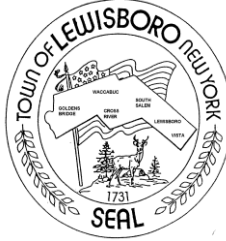
**TOWN OF LEWISBORO, WESTCHESTER COUNTY**

## ZONING BOARD OF APPEALS – May 24, 2023

[illegible]



**TOWN OF LEWISBORO**  
**Westchester County, New York**



**Building Department**  
**79 Bouton Road**  
**South Salem, New York 10590**

**Tel: (914) 763-3060**  
**Fax: (914) 875-9148**  
**Email: [ksullivan@lewisborogov.com](mailto:ksullivan@lewisborogov.com)**

**Zoning Denial 5/2/2023**

**14 Lockwood Road, South Salem**  
**09834-118-049C**

The applicant is seeking to legalize the constructed inground pool equipment that was installed with a 22' side yard setback whereas 40' is required per Article IV Section 220-23E of the Town of Lewisboro Zoning Code therefore requiring a variance of. 18'.

Building Inspector

**ZONING BOARD OF APPEALS**

**NOTICE OF PUBLIC HEARINGS**

**NOTICE IS HEREBY GIVEN, that the Zoning Board of Appeals of the Town of Lewisboro will host a Public Hearing on Wednesday, May 24, 2023, at 7:30 p.m., 79 Bouton Road, South Salem, New York, Justice Court.**

**CAL. NO. 14-23-BZ**

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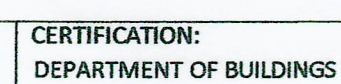
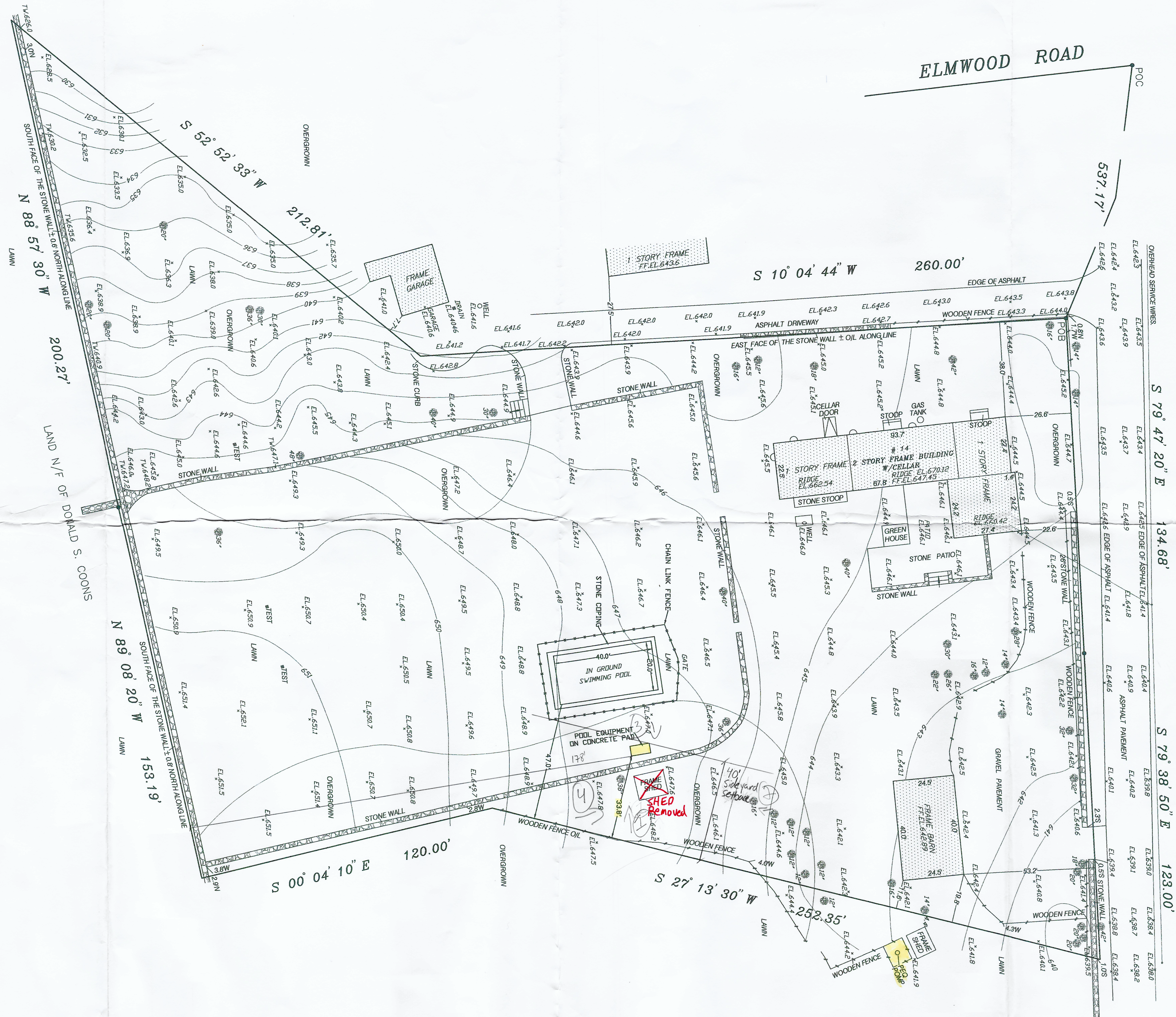
**Additional information regarding this application may be obtained from the Secretary to the Zoning Board of Appeals, 79 Bouton Road, South Salem, New York during regular business hours. At such Hearing, all interested parties may attend and will be heard.**

**Dated this 2nd day of May 2023  
in South Salem, New York**

**ZONING BOARD OF APPEALS  
TOWN OF LEWISBORO  
By: ROBIN PRICE, JR.  
CHAIR**

The Town of Lewisboro is committed to equal access for all citizens. Anyone needing accommodations to attend or participate in this meeting is encouraged to notify the Secretary to the Zoning Board of Appeals in advance.









APPROX. LOCATION OF 14 LOCKWOOD  
SEPTIC TANK AND ABSORPTION TRENCHES  
WITHIN EASEMENT AS PER SEPTIC SYSTEM  
INSPECTION REPORT PREPARED BY  
H.P. BARNES INC. AUGUST 3, 2020

### CONSTRUCTION SEQUENCE

1. CONTRACTOR TO STAKE CLEARING AND GRADING LINE AS LIMIT OF DISTURBANCE. INSTALL SILT FENCES ALONG LIMIT OF DISTURBANCE AS INDICATED ON SITE PLAN.
2. INSTALL TREE PROTECTION MEASURES.
3. CONSTRUCT ANTI-TRACKING PAD AT CONSTRUCTION ENTRANCE AND TO PLACE PLANNING TO TRANSPORT EQUIPMENT TO POOL AREA
4. REMOVE PORTION OF EXISTING FIELDSTONE WALL FOR ACCESS
4. STRIP TOPSOIL FROM POOL AREA AND STOCKPILE WHERE INDICATED. ALL TOPSOIL STORAGE SITES ARE TO BE SURROUNDED WITH SILT FENCE DURING CONSTRUCTION.
5. CONSTRUCT PROPOSED POOL.
  - A. FRAME AND EXCAVATE FOR POOL. ALL EXCAVATED MATERIAL TO BE REMOVED OFF SITE. NO MATERIAL TO BE STOCKPILED.
  - B. INSTALL FORM WORK INSTALL GRAVEL BED, REINFORCING AND PLUMBING FOR POOL. SPURT GUNITE FOR POOL.
  - C. INSTALL POOL EQUIPMENT WITHIN EXISTING SHED.
  - D. FILL IN FILL AREA SURROUNDING POOL.
  - E. ROUGH GRADE AWAY FROM POOL AREA.
  - F. INSTALL UTILITY CONNECTIONS, AND ELECTRIC FEED BETWEEN BARN AND POOL EQUIPMENT AREA.
  - G. INSTALL COPING, PLASTER POOL SURFACE.
  - H. FILL POOL WITH WATER
6. INSTALL POOL FENCING.
7. TOPSOIL, SEED, Sod OR HYPOXEROSSE, AND MULCH ALL DISTURBED AREAS. INSTALL LANDSCAPING.
8. REMOVE EROSION CONTROLS ONLY AFTER ALL AREAS HAVE BEEN THOROUGHLY STABILIZED.

PROJECT NOTES:

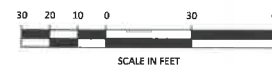
1. **OWNER/APPLICANT**  
**PAUL & JORDAN FERNEY**  
**14 LOCKWOOD ROAD**  
**SOUTH SALEM, NEW YORK 10596**  
**(T) LEWISBORO**
2. **TOWN OF LEWISBORO TAX MAP INFORMATION:**  
**BLOCK: 9834, LOT: 118**  
**TOTAL AREA OF PARCEL = 2.083 ACRES**  
**R-2A ONE-FAMILY RESIDENCE DISTRICT**
3. **WATERSHED:**  
**LONG ISLAND SOUND - SILVERMINE RIVER BASIN**
4. **TOPOGRAPHIC INFORMATION OBTAINED FROM**  
**MAP PREPARED BY CSE CONSTRUCTION LAND SURVEYING**  
**DATED, MARCH 14, 2021**

CONSTRUCTION NOTES

1. THE TOTAL AREA OF DISTURBANCE ASSOCIATED WITH THE CONSTRUCTION OF POOL, UTILITY CONNECTION AND EQUIPMENT PAD IS 4,500 S.F.
2. THE CONSTRUCTION WILL NOT REQUIRE THE REMOVAL OF ANY TREES.
3. THE LIMITS OF DISTURBANCE SHALL BE STAKED IN THE FIELD BY A LICENSED LAND SURVEYOR AND CONFIRMED BY THE TOWN OF LEWISBORO BUILDING INSPECTOR PRIOR TO THE COMMENCEMENT OF ANY WORK.

IN THE EVENT THAT THE DISTURBANCE SHOULD EXCEED A TOTAL AREA OF 5,000 SF A STORMWATER PERMIT WILL BE REQUIRED TO BE OBTAINED FROM THE TOWN OF LEWISBORO AND COVERAGE WILL BE REQUIRED UNDER THE NYSDEC SPDES GENERAL PERMIT (GP-0-20-001).

TOWN OF LEWISBORO					
SCHEDULE OF DIMENSIONAL AND BULK REGULATIONS FOR RESIDENTIAL DISTRICT					
ZONING DISTRICT	MIN. LOT SIZE	MINIMUM YARDS			Bldg. Cover. Coef.
	LOT AREA (ACRES)	FRONT (FEET)	SIDE (FEET)	REAR (FEET)	
R-2A	2.0	50	40	50	9%
Existing	2.083 AC				4.279%
Dwelling		22.6*	38.0*	261.42	
Barn		53.2*	11.6*	278.46	
Shed		171.36	17.57	175.7	
PROPOSED POOL		174.93	42.40	152.57	

[illegible]

**Architect** CSE Construction Land Surveying, PC  
61-51 Dry Harbor Road  
Middle Village, New York 11379  
Tel: 347-981-8435  
Fax: 718-396-0214

Owner Paul & Jordan Ferney  
14 Lockwood Road  
South Salem, New York 10596

**DTS • PROVIDENT**  
Intelligent Land Use

DTS Provident Design Engineering, LLP  
One North Broadway  
White Plains, NY 10601  
P: 914.428.0010  
F: 914.428.0017  
Under New York State Education Law Article 145 (Engineering), Section 7209 (2), it is a Violation of This Law For Any Person, Unless Acting Under the Direction Of A Licensed Professional Engineer, To Alter This Document  
© DTS Provident Design Engineering, LLP

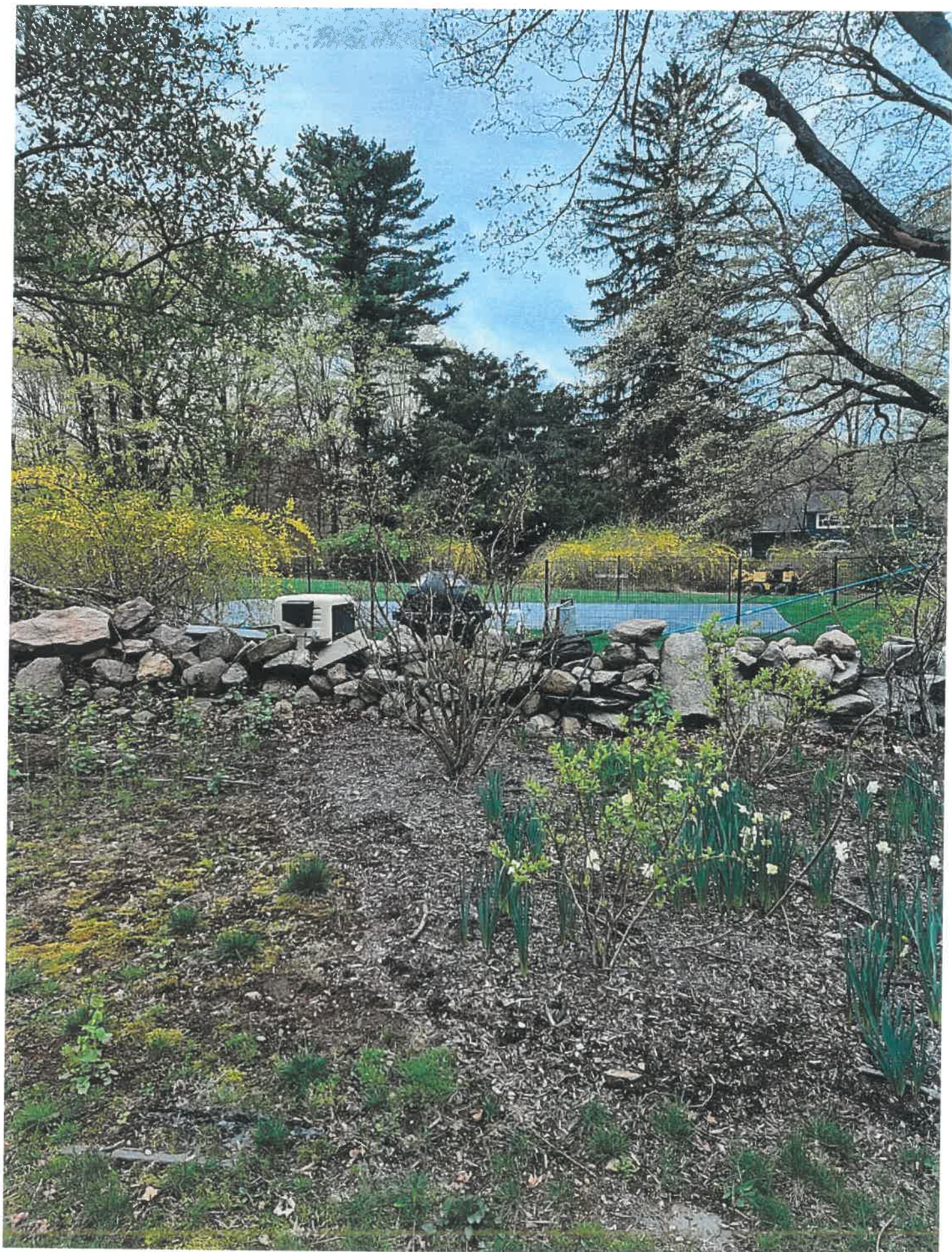
**FERNEY RESIDENCE POOL**  
14 Lockwood Road  
Town of Lewisboro  
Westchester County, New York

TITLE: SITE PLAN

Scale:	1" = 30'
Date:	01/28/2021
Drawn By:	KMM
Checked By:	PJH
Project No.:	
Sheet No.:	1 of 1
Dwg. No.:	C-101

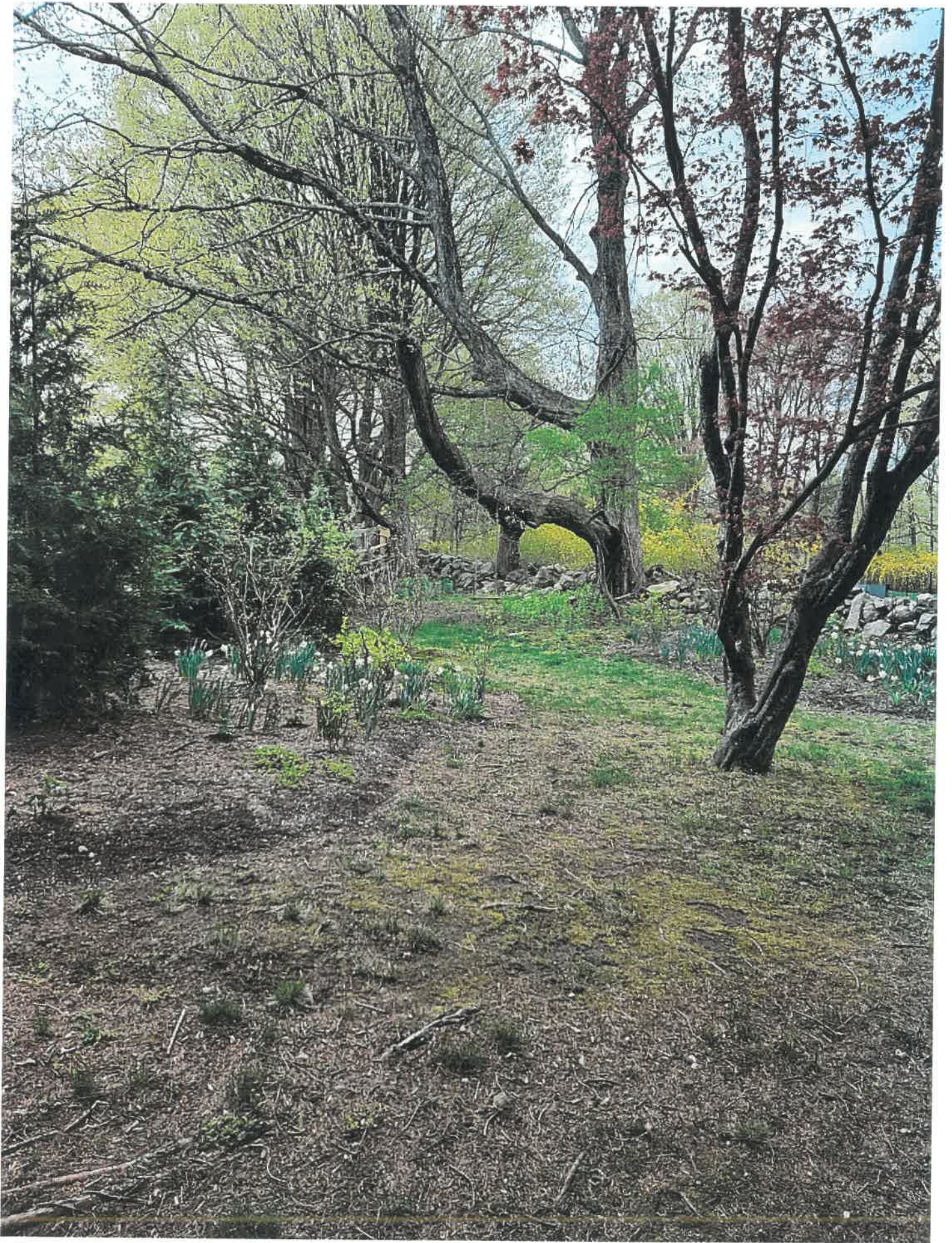
\\projec\ts\DOTSP\0816 - Lockwood Road, South Salem\AutoCAD\Construction\14 Lockwood - Site Plan.dwg





Picture #1





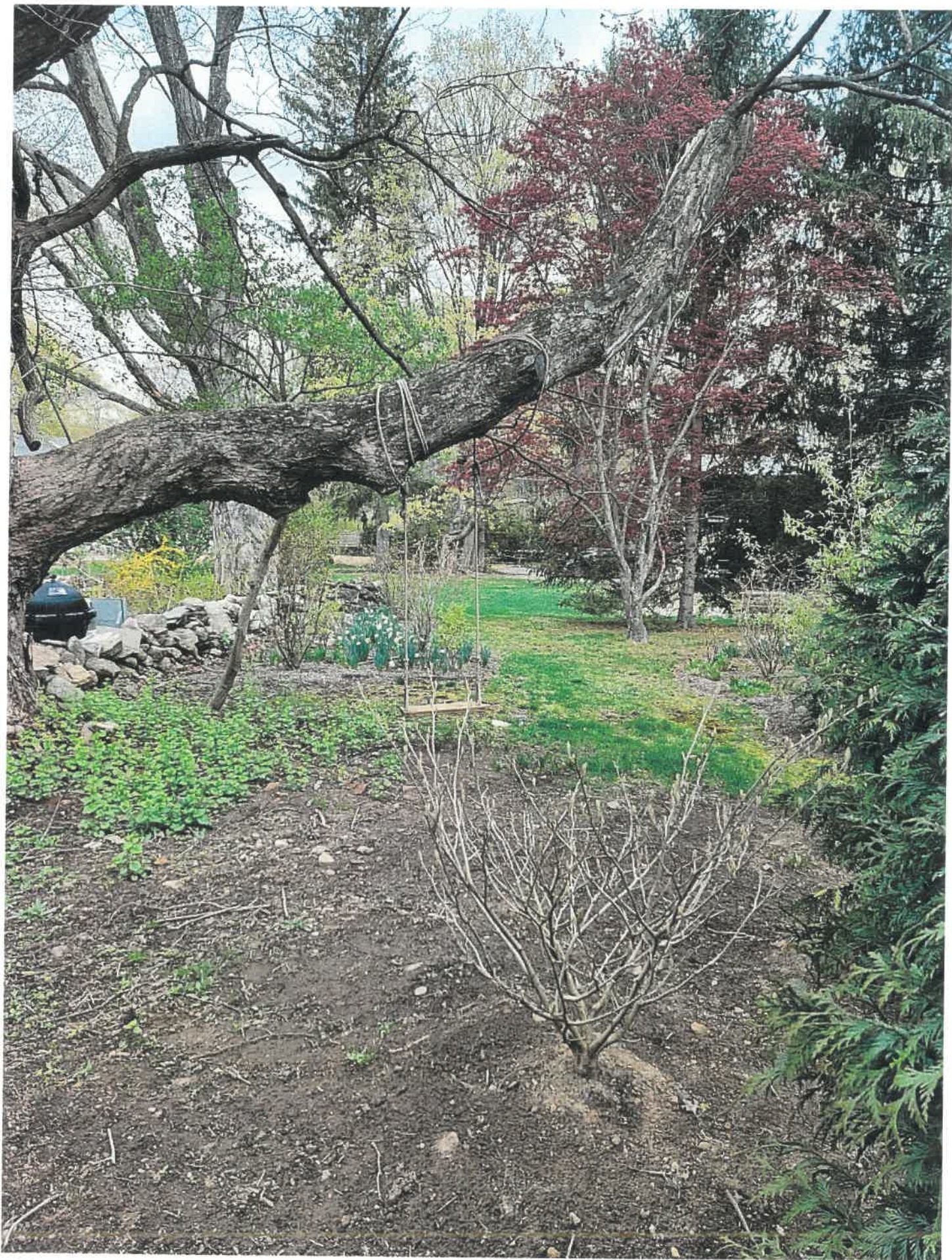
Picture #2





Picture #3

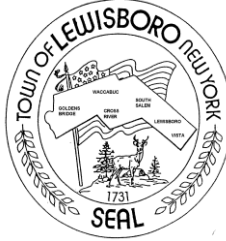




Picture #4



**TOWN OF LEWISBORO**  
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**Email: [ksullivan@lewisborogov.com](mailto:ksullivan@lewisborogov.com)**

**Zoning Denial 3/27/2023**

**74 Mead St, Waccabuc**  
**22-10802-023**

The proposed pickleball courts create an increase in the existing non-conforming private recreation club use and therefore require a variance pursuant to Article III, Section 220-9E(5) of the Town of Lewisboro Zoning Code and the proposed pickleball courts create an increase in the applicable setbacks for private club “active recreational facilities, such as tennis courts and swimming pools” and provides that such recreational facilities be “set back from adjacent residential property boundaries at least twice the minimum distance required for residential buildings in said district as per Article V, Section 220-36C” of the Town of Lewisboro Zoning Code, in that the proposed pickleball courts will have a side yard setback of 51’ from the northerly property line and 98’ from the southerly property line, where 100’ (doubled) side yard setback is required under Section 220-36C of the Town of Lewisboro Zoning Code, therefore requiring a side yard setback variances of 49’ and 2’, respectively.

Building Inspector

Kevin Kelly

## **ZONING BOARD OF APPEALS**

### **NOTICE OF PUBLIC HEARINGS**

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**Dated this 30<sup>th</sup> day of March 2023  
in South Salem, New York**

**ZONING BOARD OF APPEALS  
TOWN OF LEWISBORO  
By: ROBIN PRICE  
CHAIR**

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ZONING BOARD OF  
APPEALS  
TOWN OF LEWISBORO  
By: ROBIN PRICE  
CHAIR

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RR150-23

# Affidavit of Publication

STATE OF NEW YORK  
County of Westchester

} SS:

PAT DOMMERMUTH being duly sworn  
says \*she is Principal Clerk of

The Bedford Lewisboro Pound Ridge

## RECORD REVIEW

a newspaper published in the Town of Bedford, County of Westchester, and State of New York, and that a notice, of which the annexed printed notice is a copy, has been published in The Record-Review one time(s), and that such publication was made in the issue(s) of: 4-7-23

*Pat Dommermuth*

Pat Dommermuth, Principal Clerk

Sworn before me this 12th day  
of April, 2023 }

*Paula Thaler*

Notary Public

\*This affidavit must be made and executed by the Publisher, Principal Clerk or Foreman of the composing room.

PAULA THALER  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01TH6302825  
Qualified in Westchester County  
Commission Expires May 5, 2026

The Bedford Pound Ridge  
**RECORD REVIEW**

**INVOICE FOR LEGAL NOTICES**

4-7-23

Town of Lewisboro  
Attn: Janet Donohue – Town Clerk  
PO Box 500  
South Salem, NY 10590

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INVOICE # RR 146-23

Amount this invoice: \$52.00

INSERTION DATE	SUBJECT	LINE COUNT	AMOUNT
4-7-23	ZBA CAL NO 07-23-BZ AMENDED 74	@ \$.50	\$37.00
AFFIDAVIT			\$15.00
<b>TOTAL DUE</b>			<b>\$52.00</b>

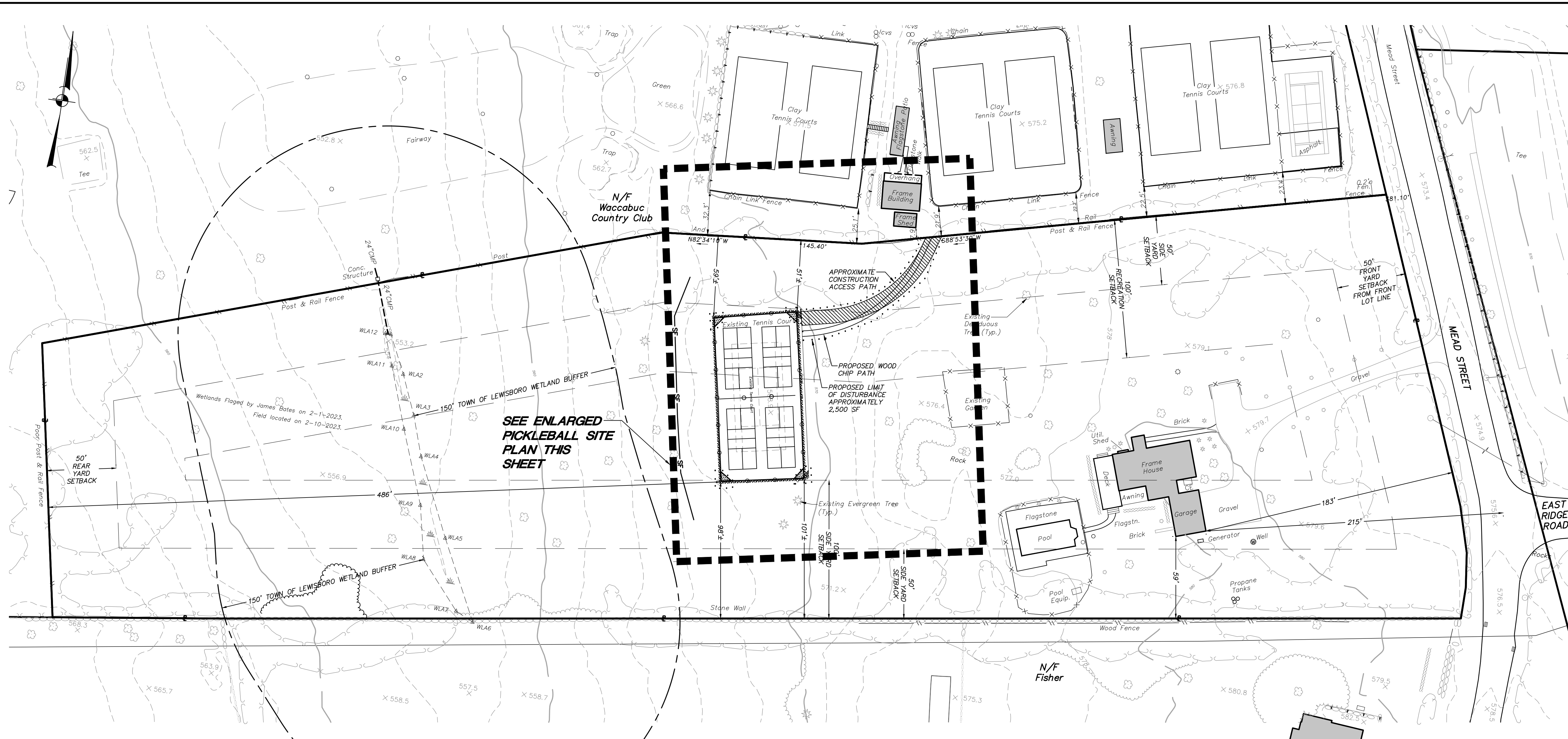
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Make checks payable to: **The Record Review**

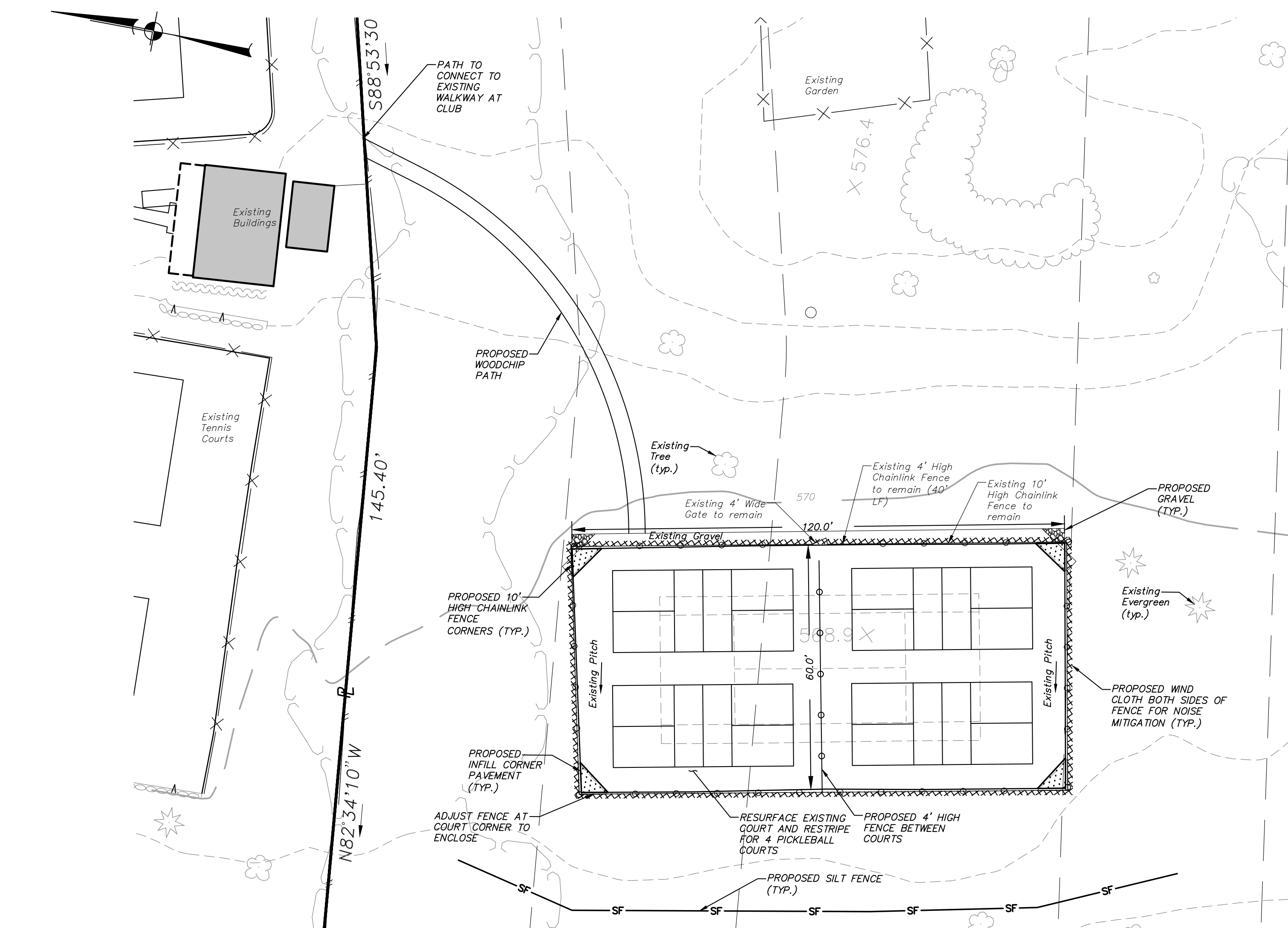
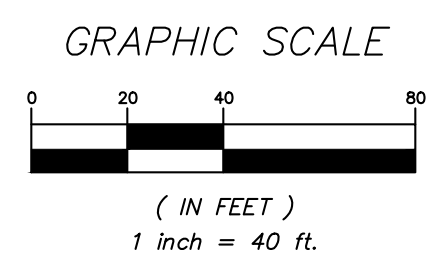
Remit your check to: **The Record Review**  
**PO Box 330**  
**Dobbs Ferry, NY 10522**

*Please include invoice number on your check*

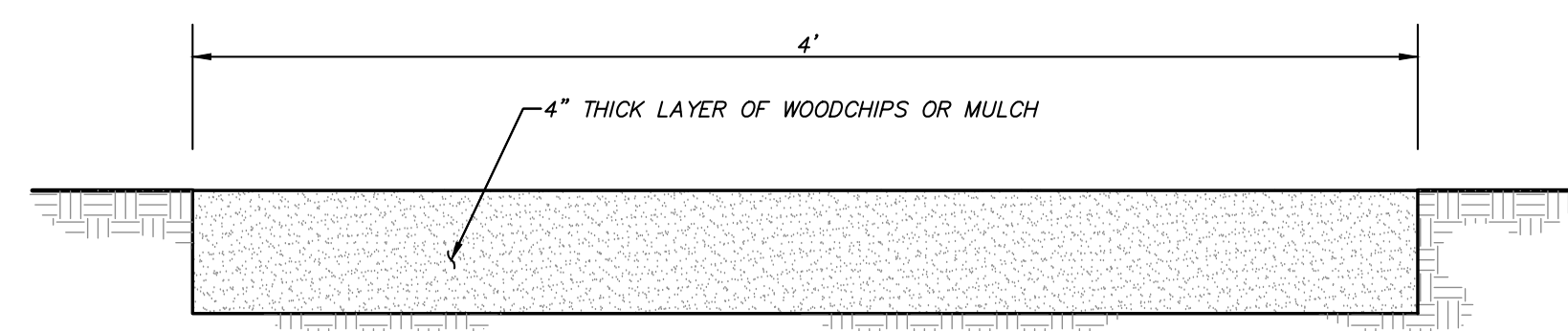
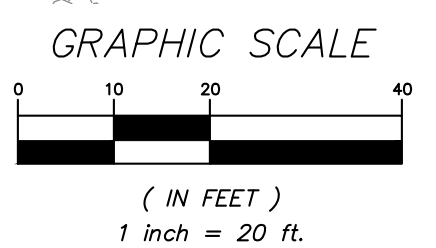




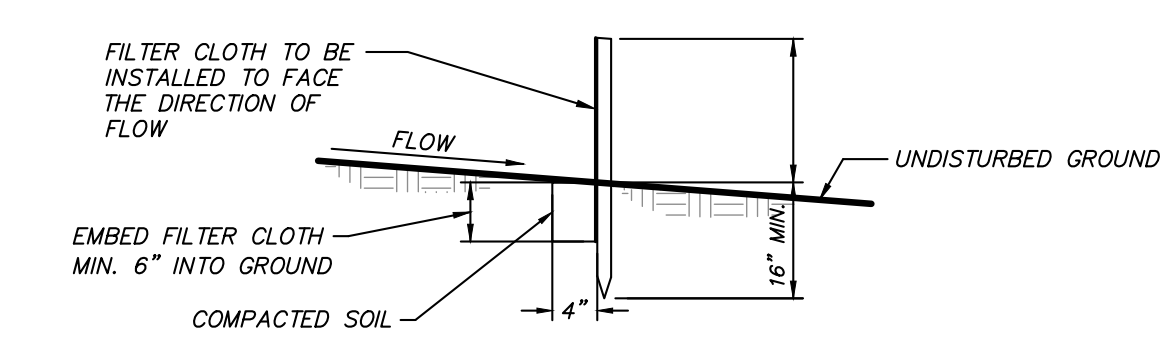
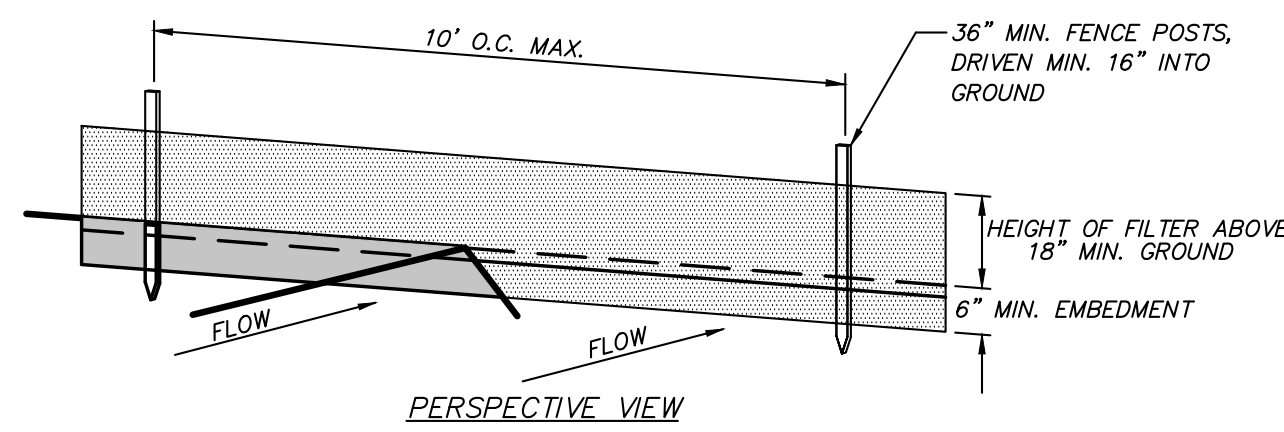
OVERALL SITE PLAN  
SCALE: 1"=40'



ENLARGED PICKLEBALL SITE PLAN  
SCALE: 1"=20'

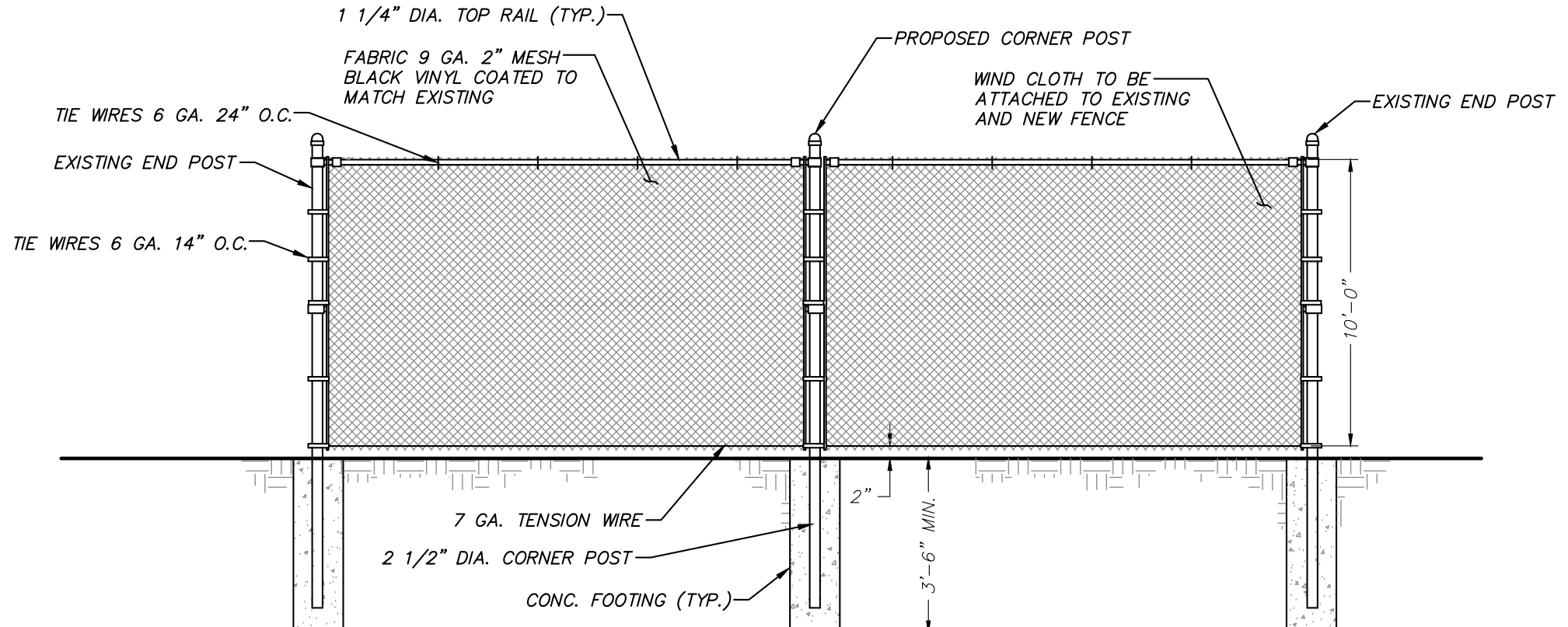


WOOD CHIP PATH DETAIL  
(N.T.S.)



- CONSTRUCTION NOTES FOR FABRICATED SILT FENCE
1. FILTER CLOTH TO BE FASTENED SECURELY TO POSTS AT TOP AND MID SECTION.
  2. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY SIX INCHES AND FOLDED.
  3. MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE.
- POSTS: STEEL EITHER T OR U TYPE OR 2" HARDWOOD  
FILTER CLOTH: FILTER X, MIRAFI 100K, STABILINKA T140N, OR APPROVED EQUAL  
PREFABRICATED UNIT: GEOFAB, ENVIROFENCE, OR APPROVED EQUAL

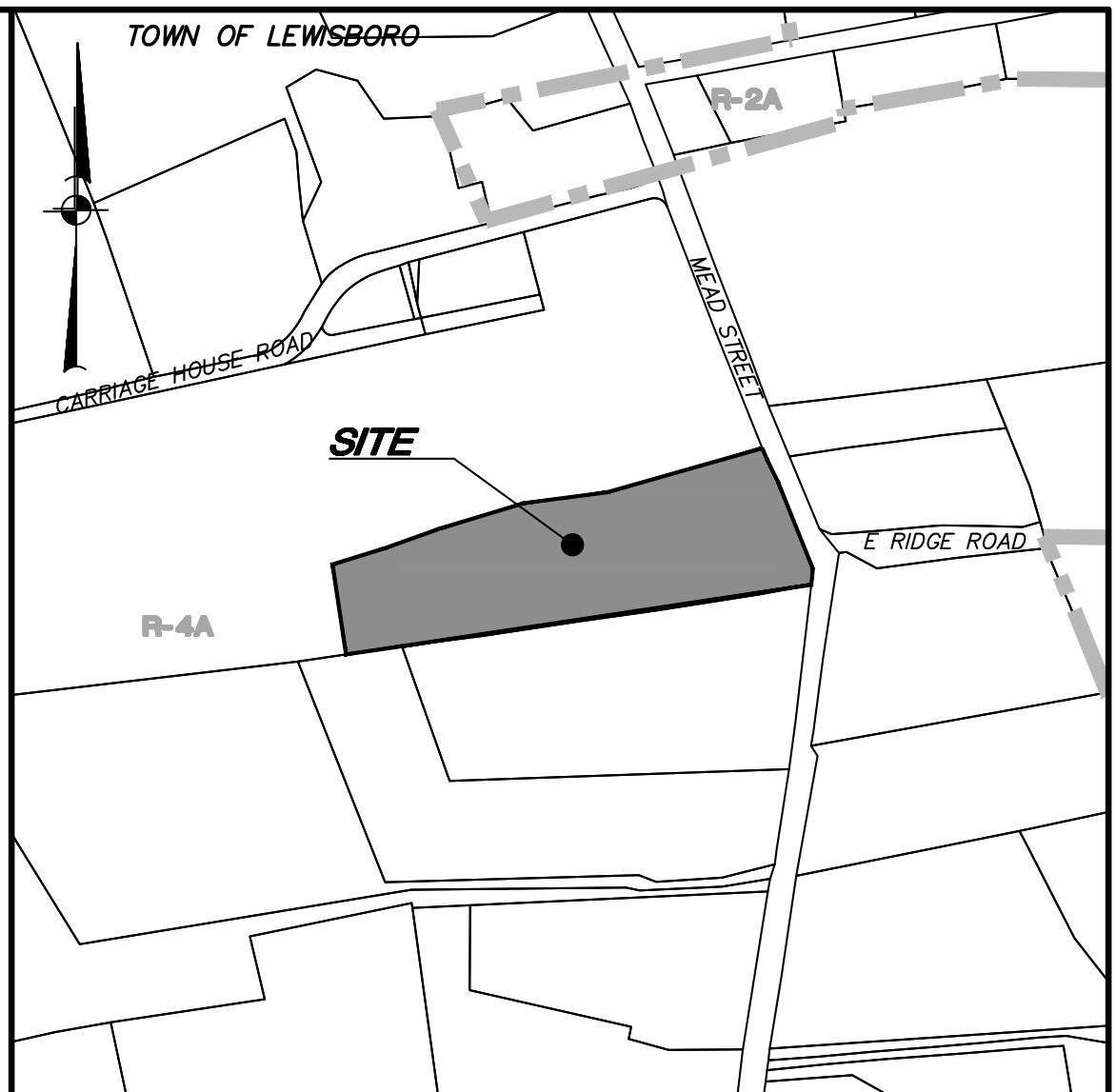
SILT FENCE DETAIL  
(N.T.S.)



CHAIN LINK FENCE DETAIL  
(N.T.S.)

R4-A ZONE REQUIREMENTS			
	REQUIRED/ PERMITTED	EXISTING	PROPOSED
Minimum Lot Size:	4 AC	6.1 AC	6.1 AC
Minimum Front Yard:			
From street center line	75'	215'	215'
From front lot line	50'	183'	183'
Minimum Side Yard:	50'	52'	51'
Minimum Rear Yard:	50'	436'	436'
Recreation Facility Setback:	2 x 50'=100'	52.8' to north	51'± *
		99.6' to south	98'± *
Maximum Building Height:	2.5 stories/ 35'	2.5 stories/ 35'	2.5 stories/ 35'
Maximum Building Coverage:	6%	2%	2%

\* Setback variances required.

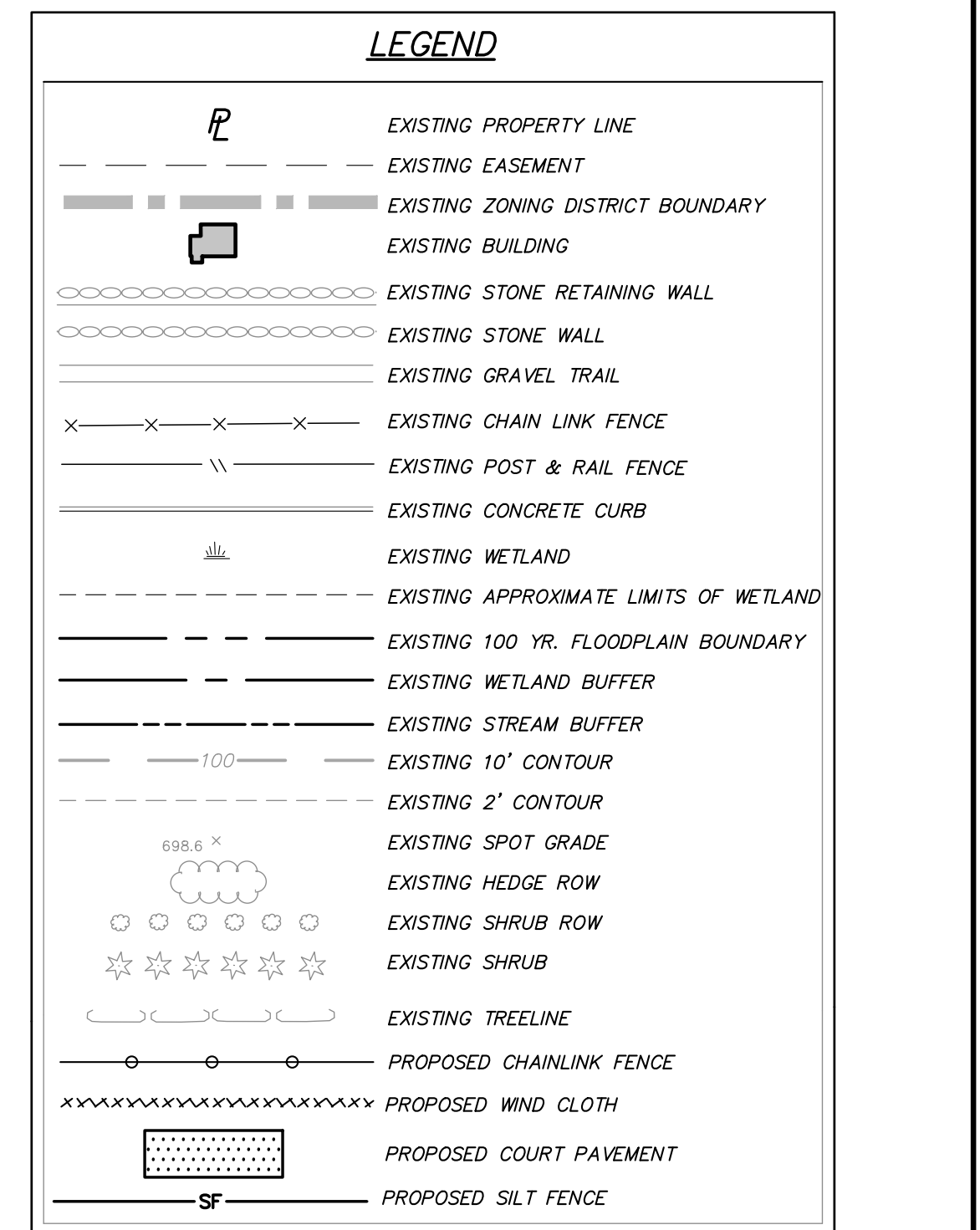


LOCATION MAP  
SCALE: 1" = 400'±

OWNER/APPLICANT: WACCABUC COUNTRY CLUB  
90 MEAD STREET  
WACCABUC, NY 10597

SITE DATA:  
Zone: R-4A (4 Acre Residential)  
Total Acreage: 6.1± AC  
Tax Map No.: 42.2-1-10

- GENERAL NOTES:
1. Property lines, existing conditions and topography as shown hereon based off of survey mapping prepared by Insite Engineering, Surveying & Landscape Architecture P.C..
  2. Topography shown hereon taken from both the Westchester County 2' contour, 1" = 100 scale GIS dataset dated April 2004 (elevations reference the North American Vertical Datum of 1988, NAVD 88).
  3. Wetland flagging as shown hereon was delineated by James A. Bates of Ecological Analysis on February 1, 2023 and survey located by Insite Engineering, Surveying & Landscape Architecture PC on February 9, 2023.
  4. Proposed features are labeled as such. All other features are existing.
  5. No tree removal is proposed or authorized.
  6. No exterior lighting is proposed or authorized.
  7. Proposed color of shade cloth to be attached to fence is green.



2	3-28-23	REVISED PER TOWN COMMENTS	MEU
1	3-15-23	UPDATE BULK ZONING	MEU
NO.	DATE	REVISION	BY
<b>INSITE</b> ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.			
PROJECT: WACCABUC COUNTRY CLUB PICKLEBALL			
74 MEAD STREET, TOWN OF LEWISBORO, WESTCHESTER CTY, NEW YORK			
DRAWING: OVERALL SITE PLAN			
PROJECT NUMBER	23105.100	PROJECT MANAGER	Z.M.P.
DATE	2-14-23	DRAWN BY	J.J.S.
SCALE	AS NOTED	CHECKED BY	D.L.M.
DRAWING NO.	OP-1		
SHEET	1		



RECEIVED BY

FEB 24 2023

Town Clerk  
Town of Lewisboro

**RESOLUTION  
TOWN OF LEWISBORO  
ZONING BOARD OF APPEALS  
IN THE MATTER OF THE APPLICATION OF**

***Waccabuc Country Club/Beach***

**ARTICLE III §220-9.E  
ARTICLE IV §220-23.D.11  
ARTICLE IV §220-23.E/Table 220 Attachment 1  
ARTICLE IV §220-23.D.11  
ARTICLE VII §220-56.D  
CAL. NO. 02-23-BZ**

**INTRODUCED BY:** Board Member Rendo

**SECONDED BY:** Board Member Casper

**DATE OF CONSIDERATION/ADOPTION:** January 25, 2023

**WHEREAS**, Michael Fuller Sirignano, Esq., as the applicant (Waccabuc Country Club Co, owner of record) has made application to the Lewisboro Zoning Board of Appeals (the "ZBA"), on the subject premises located at, 18 Perch Bay Road, Waccabuc, NY, Tax Map as Sheet 025A, Block 10813, Lot 001, and (00) Tarry-A-Bit Road, Waccabuc, NY, Tax Map as Sheet 0025, Block 11155 Lot 148, ("the properties"), for the following variances of the Waccabuc Country Club, which is an existing non-conforming use, proposes expansion of the existing non-confirming use which will require review and approval by the ZBA. *Per Article III §220-9.E: Extension of Non-Conforming Use* of the Town of Lewisboro Zoning Code. The new snack bar proposed is 1,100 square feet of floor area. The Town Code allows a maximum of 600 square feet. Based on this code section, the applicant is requesting a variance of 500 square feet. *Per Article IV §220-23.D.11: Accessory Building Floor Area* of the Town of Lewisboro Zoning Code. The expansion of the boathouse does not impact current rear yard setback. The existing boathouse projects over the property line 1.4-feet. This condition will remain and require a 50-foot variance from the rear yard setback, plus 1.4-foot projection. The proposed covered pavilion will not increase the current rear yard setback which will remain at 9.1-feet. This will require a 40.9-foot variance from the required rear yard setback. The proposed snack bar will be located 37.4-feet from the rear property line, which is 0.4-feet closer than the existing snack bar. This will require a 12.6-foot variance from the required rear yard setback. *Per Article IV §220-23.E/Table 220 Attachment 1: Rear Yard Setback* of the Town of Lewisboro Zoning Code. As noted above, the proposed project is an expansion of the current non-conforming use. While additional building area has been added, as well as numerous site features to accommodate accessible access, the use of the property remains the same. Furthermore, the applicants use of 1 parking space for every 3 members of the country club yields 130 required spaces which is more than the calculated or functional occupancy of the property when proposed improvements are complete. While the applicant currently identifies 53 parking spaces onsite, the majority of these parking spaces do not meet the



requirements of the Town Code. Based on the continuation of the sites historical use, we recommend the ZBA consider a variance of 120 spaces. This variance is based on the eight (8) parallel spaces that meet Town Code, as well as the two (2) compliant handicap spaces. *Per Article VII §220-56.D: Parking* of the Town of Lewisboro Zoning Code.

**WHEREAS**, this application for an area variance constitutes a Type II action under 6 NYCRR Part 617, and therefore, requires no further review under the State Environmental Quality Review Act (SEQRA), and

**WHEREAS**, a public hearing at the Town Offices, 79 Bouton Road, South Salem, New York in this matter on January 25, 2023, and a site walk was conducted on January 21, 2023 to consider the application, after which a vote was taken with regard to the variances as set forth above, and

**WHEREAS**, The Lewisboro Zoning Board of Appeals has given careful consideration to the facts presented in the application at the public hearing based upon the criteria set forth in Section 267-b(3)(b) of the Town Law of the State of New York, and finds as follows:

1. The properties are an approximate 6.07-acres parcel and a 3.0-acres parcel in the 4-AC, Four Acre Residential District owned by Waccabuc Country Club Co. The Waccabuc Country Club, which is an existing non-conforming use, and is improved with a recreational beach facility, consisting of a boathouse and snack bar on Lake Waccabuc. The applicant, Waccabuc Country Club Co. wishes to have an expansion of the existing non-confirming use, *Per Article III §220-9.E: Extension of Non-Conforming Use* of the Town of Lewisboro Zoning Code. The new snack bar as proposed is 1,100 square feet of floor area whereas 600 square feet is allowed *Per Article IV §220-23.D.11: Accessory Building Floor Area* of the Town of Lewisboro Zoning Code the applicant sought a variance of 500 square feet. The expansion of the boathouse does not impact the current rear yard setback. The existing boathouse projects over the property line 1.4-feet. This condition will remain and require a 50-foot variance from the rear yard setback, plus 1.4-foot projection, the applicant sought a variance of 50' plus a 1.4 'projection from the rear yard setback. The proposed covered pavilion will not increase the current rear yard setback which will remain at 9.1-feet. This will require a 40.9-foot variance from the required rear yard setback., the applicant sought a variance of 40.9' from the rear yard setback. The proposed snack bar will be located 37.4-feet from the rear property line, which is 0.4-feet closer than the existing snack bar. This will require a 12.6-foot variance from the required rear yard setback. *Per Article IV §220-23.E/Table 220 Attachment 1: Rear Yard Setback* of the Town of Lewisboro Zoning Code, the applicant sought a variance of 12.6' from the rear yard setback. As noted above, the proposed project is an expansion of the current non-conforming use. While additional building area has been added, as well as numerous site features to accommodate accessible access, the use of the property remains the same. Furthermore, the applicants' use of 1 parking space for every 3 members of the country club yields 130 required spaces which is more than the calculated or functional occupancy of the property when proposed improvements are



complete. While the applicant currently identifies 53 parking spaces onsite, the majority of these parking spaces do not meet the requirements of the Town Code. Based on the continuation of the site's historical use, we recommend the ZBA consider a variance of 120 spaces. This variance is based on the eight (8) parallel spaces that meet Town Code, as well as the two (2) compliant handicap spaces. The ZBA hereby determines that the minimum area variance necessary in this application is 53 parking spaces, the applicant sought relief of 120 spaces.

2. There will be no undesirable change in the character of the neighborhood or detriment to nearby properties.
3. There is no practical alternative to the variances requested.
4. The Board found that the variances are not substantial.
5. There will not be an adverse effect or impact to the physical or environmental conditions of the neighborhood.
6. The Board found that the difficulty was partially self-created.

**WHEREAS**, pursuant to Section 267-b(3)(c), the ZBA hereby determines that the expansion of the existing non-confirming use, is approved Per Article III §220-9.E: Extension of Non-Conforming Use of the Town of Lewisboro Zoning Code.

**WHEREAS**, pursuant to Section 267-b(3)(c), the ZBA hereby determines that the minimum area variance necessary in this application is 500 square feet from the maximum 600 square feet allowed, Per Article IV §220-23.D.11: of Lewisboro Zoning Code, thereby permitting the construction of the 1,100 square foot snack bar.

**WHEREAS**, pursuant to Section 267-b(3)(c), the ZBA hereby determines that the minimum variance necessary for the boathouse in this application is 50' plus 1.4-foot projection over the property line/shoreline, from the required 50' rear yard setback, *Per Article IV §220-23.E/Table 220 Attachment 1: Rear Yard Setback* of the Town of Lewisboro Zoning Code, thereby permitting the boathouse to project 1.4' over the rear yard setback.

**WHEREAS**, pursuant to Section 267-b(3)(c), the ZBA hereby determines that the minimum variance necessary in this application for the covered pavilion is 40.9' from the 50' rear yard setback allowed, *Per Article IV §220-23.E/Table 220 Attachment 1: Rear Yard Setback* of the Town of Lewisboro Zoning Code, thereby permitting the construction of the covered pavilion 9.1' from the rear yard setback.

**WHEREAS**, pursuant to Section 267-b(3)(c), the ZBA hereby determines that the minimum variance necessary in this application for the proposed snack bar is 12.6' from the rear property line whereas 50' is allowed, *Per Article IV §220-23.E/Table 220 Attachment 1: Rear Yard Setback* of the Town of Lewisboro Zoning Code, thereby permitting the construction of the proposed snack bar 37.4' from the rear yard setback.

**WHEREAS**, pursuant to Section 267-b(3)(c), the ZBA hereby determines that the 130 required parking spaces is more than the calculated or functional occupancy of the property when



proposed improvements are complete, whereas with 53 parking spaces onsite, with the majority of these parking spaces not meeting the requirements *Per Article VII §220-56.D: Parking* of the Town of Lewisboro Zoning Code, based on the continuation of the site's historical use, thereby permitting a variance of relief of 120 parking spaces, this variance is based on the eight (8) parallel spaces that meet Town Code, as well as the two (2) compliant handicap parking spaces, this is based on the proposed plan as presented.

**NOW, THEREFORE BE IT RESOLVED**, that the Lewisboro Zoning Board of Appeals hereby grants a variance the expansion of the existing non-confirming use, as approved *Per Article III §220-9.E: Extension of Non-Conforming Use of the Town of Lewisboro Zoning Code*.

**NOW, THEREFORE BE IT RESOLVED**, that the Lewisboro Zoning Board of Appeals hereby grants an area variance of 500 square feet from the maximum 600 square feet allowed, thereby permitting the construction of the 1,100 square foot snack bar, *Per Article IV §220-23.D.11: of Lewisboro Zoning Code*,

**NOW, THEREFORE BE IT RESOLVED**, that the Lewisboro Zoning Board of Appeals hereby grants a variance of 50' from the rear yard setback plus 1.4' projection over the property line/shoreline, from the required 50' rear yard setback, thereby permitting the boathouse to project 1.4' over the rear yard property line/shore line, *Per Article IV §220-23.E/Table 220 Attachment 1: Rear Yard Setback* of the Town of Lewisboro Zoning Code,

**NOW, THEREFORE BE IT RESOLVED**, that the Lewisboro Zoning Board of Appeals hereby grants a variance of 40.9' from the allowed 50' rear yard setback, thereby permitting the construction of the covered pavilion 9.1' from the rear yard lot line, *Per Article IV §220-23.E/Table 220 Attachment 1: Rear Yard Setback* of the Town of Lewisboro Zoning Code

**NOW, THEREFORE BE IT RESOLVED**, that the Lewisboro Zoning Board of Appeals hereby grants a variance of 12.6' from the allowed 50' rear yard lot line, thereby permitting the construction of the snack bar 37.4' from the rear yard lot line, *Per Article IV §220-23.E/Table 220 Attachment 1: Rear Yard Setback* of the Town of Lewisboro Zoning Code

**NOW, THEREFORE BE IT RESOLVED**, that the Lewisboro Zoning Board of Appeals hereby grants a variance of relief of 120 parking spaces thereby permitting 53 parking spaces, eight (8) parallel parking spaces and two (2) compliant handicap parking spaces as presented at the meeting, *Per Article VII §220-56.D: Parking* of the Town of Lewisboro Zoning Code,

VOTE:

Chair Price	-	In Favor
Board Member Mandelker	-	In Favor
Board Member Casper	-	In Favor
Board Member Infield	-	In Favor
Board Member Rendo	-	In Favor

VOTE: Resolution carried by a vote of 5 to 0.



Robin Price, Jr. Chair

Dated in South Salem, New York

This 27 day of February 2023

STATE OF NEW YORK


)

) ss.:

COUNTY OF WESTCHESTER

I, Donna Orban, Secretary of the Zoning Board of Appeals, do hereby certify that the above is an excerpt/summary/fair representation of the Resolution adopted by the Zoning Board of Appeals of the Town of Lewisboro at a meeting of said Board on January 25, 2022.

Dated: February 24, 2023



Donna Orban

Secretary Zoning Board of Appeals



JUN 15 2022

Town Clerk  
Town of Lewisboro

**RESOLUTION  
TOWN OF LEWISBORO  
ZONING BOARD OF APPEALS  
IN THE MATTER OF THE APPLICATION OF  
*Waccabuc Country Club/Harder*  
FOR A Lot Line Change  
ARTICLE III §220-9B(1)  
CAL. NO. 12-22-BZ**

**INTRODUCED BY:** Board Member Chair Price

**SECONDED BY:** Board Member Mr. Casper

**DATE OF CONSIDERATION/ADOPTION:** May 25, 2022

**WHEREAS**, Waccabuc Country Club, as the applicant (Waccabuc Country Club Co, owner of record) and Donald A. & Teresa E. Harder, as the co applicant (The Donald A. Harder Revocable Living Trust & The Teresa E. Harder Revocable Living Trust, owner of record) has made application to the Lewisboro Zoning Board of Appeals (the "ZBA"), on the subject premises located at, 0 Carriage House Road, Waccabuc, NY , Tax Map as Sheet 0022, Block 10802, Lot 036, and Sheet 0022, Block 10802 Lot 059 & 083, ("the properties"), for the following variance of the Waccabuc Country Club, which is an existing non-conforming use, proposes to acquire a portion of a neighboring lot whereas this is not permitted per Article III Section 220-9B(1).

**WHEREAS**, this application for an area variance constitutes a Type II action under 6 NYCRR Part 617, and therefore, requires no further review under the State Environmental Quality Review Act (SEQRA), and

**WHEREAS**, a public hearing at the Town Offices, 79 Bouton Road, South Salem, New York in this matter on May 25, 2022, and a site walk was conducted on May 21, 2022 to consider the application, after which a vote was taken with regard to the variance as set forth above, and

**WHEREAS**, The Lewisboro Zoning Board of Appeals has given careful consideration to the facts presented in the application at the public hearing based upon the criteria set forth in Section 267-b(3)(b) of the Town Law of the State of New York, and finds as follows:

1. The property is an approximate 42.50-acres parcel in the 4-AC, Four Acre Residential District owned by Waccabuc Country Club Co. The Waccabuc Country Club, which is an existing non-conforming use, and is improved with a golf course. The property is an approximate 48.62-acres parcel in the 4-AC, Four Acre Residential District owned by The Donald A. Harder Revocable Living Trust & The Teresa E. Harder Revocable Living Trust and is improved with a single-family residence.
2. The applicant, Waccabuc Country Club Co. wishes to acquire a portion of a neighboring lot whereas this is not permitted per Article III Section 220-9B(1). of the Town of Lewisboro Zoning Code.



3. There will be no undesirable change in the character of the neighborhood or detriment to nearby properties.
4. There is no practical alternative to the variance requested.
5. The Board found that the variance is not substantial.
6. There will not be an adverse effect or impact to the physical or environmental conditions of the neighborhood.
7. The Board found that the difficulty was not self-created.

**WHEREAS**, pursuant to Section 267-b(3)(c), the ZBA hereby determines that the lot line change of the Waccabuc Country Club, which is an existing non-conforming use, and the acquired portion of approximately five (5) acres from the neighboring property will be permitted per Article III section 220-9B(1).

**NOW, THEREFORE BE IT RESOLVED**, that the Lewisboro Zoning Board of Appeals hereby grants a variance for lot line change of the Waccabuc Country Club, which is an existing non-conforming use, and the acquired portion of approximately five (5) acres from the neighboring property will be permitted per Article III section 220-9B(1). Town of Lewisboro Zoning Code.

**BE IT FURTHER RESOLVED THAT**, Lewisboro Zoning Board of Appeals have made a motion to approve the lot line change as proposed and any change or use of the parcel would require approval of the town agencies.

VOTE:

Chair Price	-	In Favor
Board Member Mandelker	-	Absent
Board Member Casper	-	In Favor
Board Member Infield	-	In Favor
Board Member Rendo	-	In Favor

VOTE:

Resolution carried by a vote of 4 to 0.



Robin Price, Jr. Chair

Dated in South Salem, New York

This 14 day of June 2022

STATE OF NEW YORK

)

COUNTY OF WESTCHESTER

) ss.:

Waccabuc Country Club Co. Resolution  
Cal. No. 12-22-BZ

I, Donna Orban, Secretary of the Zoning Board of Appeals, do hereby certify that the above is an excerpt/summary/fair representation of the Resolution adopted by the Zoning Board of Appeals of the Town of Lewisboro at a meeting of said Board on May 25, 2022.

Dated: June 17, 2022

Donna Orban  
Donna Orban  
Secretary Zoning Board of Appeals

*Town of Lewisboro, NY  
Tuesday, April 25, 2023*

## Chapter 160. Noise

[HISTORY: Adopted by the Town Board of the Town of Lewisboro 5-9-1989 by L.L. No. 3-1989. Amendments noted where applicable.]

### **GENERAL REFERENCES**

Dog control — See Ch. **105**, Art. I.

### § 160-1. Title.

This chapter shall be known as the "Town of Lewisboro Noise Control Law."

### § 160-2. Purpose.

It is the purpose of this chapter to prevent unreasonable, unreasonably loud, disturbing or unnecessary noise which unreasonably interferes with the sleep, comfort, repose, health or safety of others.

### § 160-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

#### **PERSON**

One or more natural persons of either sex, corporations, partnerships, associations, membership societies and all other entities capable of being sued.

#### **SELF-PROPELLED VEHICLE**

Any vehicle which is propelled or drawn on land or on the frozen surface of a lake by a motor, such as but not limited to passenger cars, trucks, truck-trailers, semitrailers, campers, go-carts, snowmobiles, amphibious craft on land, dune buggies, all-terrain vehicles, racing vehicles and motorcycles.

#### **SOUND REPRODUCTION DEVICE**

Any device that is designed to be used or is actually used for the production or reproduction of sound, including but not limited to any amplified musical instrument, radio, television, tape recorder, phonograph, loudspeaker, public-address system or any other sound-amplifying device.

#### **UNREASONABLE, UNREASONABLY LOUD, DISTURBING OR UNNECESSARY NOISE**



Any excessive or unusually loud sound or any sound which either annoys, disturbs, injures or endangers or interferes with the sleep, comfort, repose, health or safety of a reasonable person of normal sensitivities or which causes injury to animal life or damage to property or business.

## § 160-4. Prohibited acts.

No person shall make, cause or permit to be made any unreasonable, unreasonably loud, disturbing or unnecessary noise within the geographical boundaries of the Town of Lewisboro.

## § 160-5. Specific violations.

The following acts and the causes thereof are declared to constitute unreasonable, unreasonably loud, disturbing or unnecessary noise:

- A. The use of any sound reproduction device inside a structure in such a manner as to result in the sound or any part thereof from such device to be projected therefrom outside of the structure or out of doors and heard from any residential dwelling.
- B. The creation of noise in connection with the loading or unloading of any vehicle between 7:00 p.m. and 8:00 a.m. on any day and at any time on Sunday.
- C. The operation of any sound reproduction device on any boat or other vessel so that the sound therefrom is audible on land.
- D. In the process of any construction, drilling or demolition operations, between the hours of 7:00 p.m. and 7:00 a.m. the following day or at any time on Sunday, to operate or use any tools, pile driver, pneumatic hammer, tractor, derrick, electrical hoist, gasoline- or electric-powered saw or other mechanical apparatus or equipment, the use of which is attended by noise.
- E. The keeping of any animal or bird which, by causing noise, shall annoy or disturb the quiet, comfort or repose of a reasonable person of normal sensitivities.
- F. The playing of music or a sound reproduction device or the operation of any radio, television receiver or phonograph in such a manner and with such volume, between the hours of 11:00 p.m. and 8:00 a.m. the following day, of a degree as to annoy or disturb the quiet, comfort or repose of a reasonable person of normal sensitivities in any dwelling or residence.
- G. The creation of any sound or noise from any device known as a "sound truck" or motor vehicle containing an amplifying system, whereby sounds, music or words are transmitted upon the public streets or highways.
- H. The sounding of any horn or other auditory signaling device on or in any motor vehicle except to serve as a danger warning.
- I. The operation of any self-propelled vehicle or boat which creates a noise of a degree so as to annoy or disturb the quiet, comfort or repose of a reasonable person of normal sensitivities.
- J. The shouting, crying or bellowing of peddlers, hawkers and vendors.
- K. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any business.



- L. Yelling or shouting at any time or place so as to annoy or disturb the quiet, comfort and repose of a reasonable person of normal sensitivities.
- M. Any other 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 sensitivities, except that the enumerated provisions of Subsections **A** through **L** of this section shall govern and regulate the actions and activities therein prohibited and nothing contained in this subsection shall apply to those actions and activities set forth in Subsections **A** through **L** of this section.

## § 160-6. Responsibility of owner, tenant or person in charge.

The owner, tenant and person in charge of the premises on which a violation under the provisions of this chapter has been committed shall be deemed to have permitted such violation on the subject premises and, as such, shall be guilty of such violation.

## § 160-7. Exceptions.

- A. Nothing contained in this chapter shall be construed to prevent the production of music or the use of an amplifying system in connection with any military, civic or authorized parade, religious ceremony or at any school-sponsored or municipally sponsored activities.
- B. The provisions of this chapter shall not apply to the sounding of bells, horns, sirens or any other instruments by a fire apparatus or station, police or any other vehicle or person in the event of an emergency or other such condition or situation.
- C. The provisions of this chapter shall not apply to sounds created by church bells or chimes.

## § 160-8. Town Board authorized to suspend provisions.

The Town Board is hereby authorized, by resolution, to suspend any of the provisions of this chapter in connection with any holiday celebration or upon any occasion of special public interest, for such time and upon such conditions as shall be prescribed by the Town Board.

## § 160-9. Penalties for offenses.

- A. Any person violating § **160-5A** of this chapter shall be guilty of a violation punishable by a fine of not less than \$25 and not more than \$500 or by imprisonment for a term not to exceed 15 days, or by both such fine and imprisonment, if the structure from which the subject sound is projected is a residential dwelling.
- B. Any person violating § **160-5A** of this chapter shall be guilty of a violation punishable by a fine of not less than \$100 and not more than \$1,000 or by imprisonment for a term not to exceed 15 days, or by both such fine and imprisonment, if the structure from which the subject sound is projected is other than a residential dwelling.
- C. Any person violating § **160-5C, E, F, H, J, L** or **M** of this chapter shall be guilty of a violation

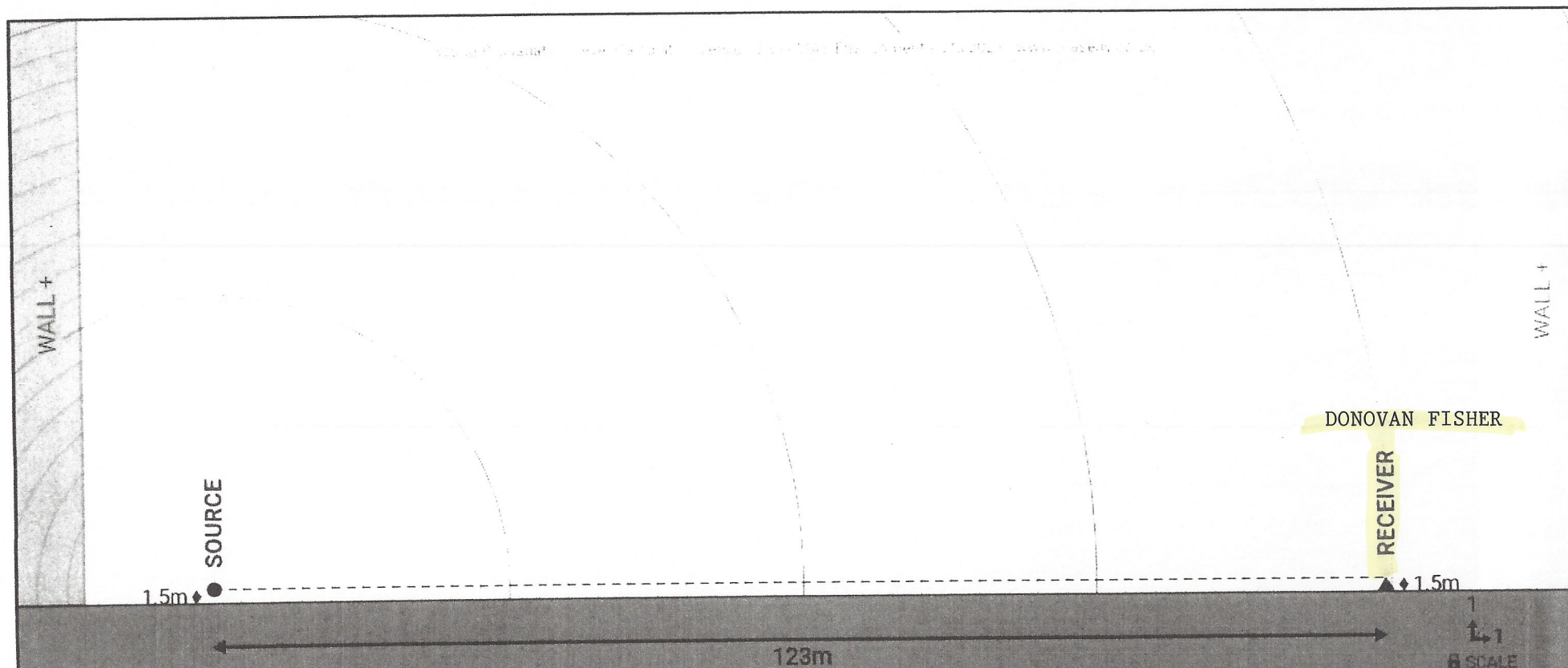


punishable by a fine of not less than \$25 and not more than \$500 or by imprisonment for a term not to exceed 15 days, or by both such fine and imprisonment.

- D. Any person violating § **160-5B**, **D**, **G**, **I** or **K** of this chapter shall be guilty of a violation punishable by a fine of not less than \$100 and not more than \$1,000 or by imprisonment for a term not to exceed 15 days, or by both such fine and imprisonment.

# Sound Propagation Level Calculator

interactive noise source-to-receiver diagram with barrier calculations



☒ Single Frequency

☐ Multi Spectrum

## Source

Frequency

1100 Hz

Sound Power Level

100 dB

## Barriers

No barriers

Single barrier

Double barrier

Building

## Display

Off

Grid (m)

Distance (m)

Wavelength ( $\lambda$ )

## Receiver

Distance from Source

123 m

Resulting Sound Pressure Level

50.3 dB

Show calculation breakdown

## Environmental Parameters

20 °C Temperature

70 % Humidity

0 Ground Factor (G)

Hard Soft Original  $\downarrow$

## Options

Reset all values

Link to this calculation

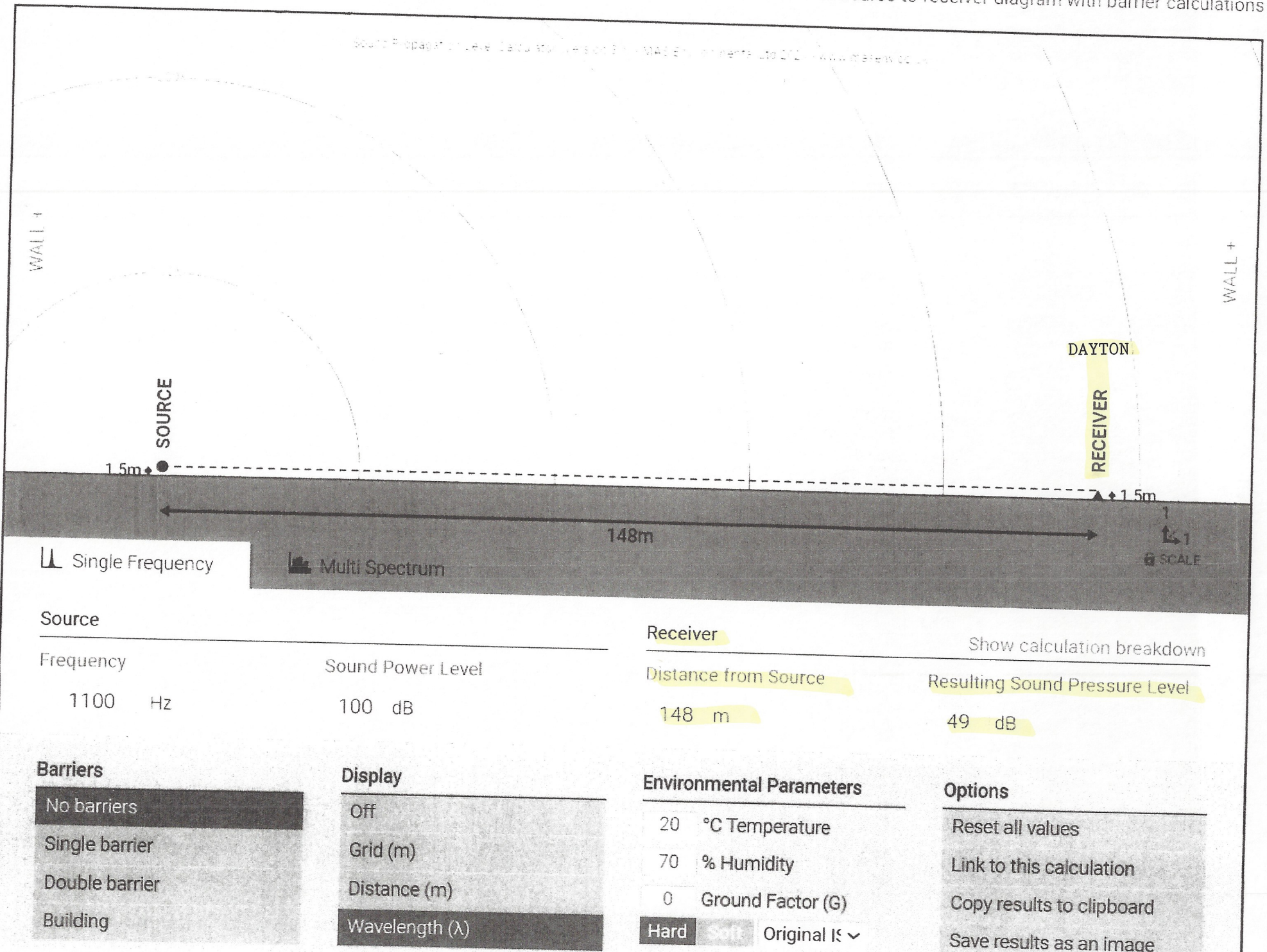
Copy results to clipboard

Save results as an image



# Sound Propagation Level Calculator

Interactive noise source-to-receiver diagram with barrier calculations



**Ronald J. Yoo**  
**850 Park Avenue #3C**  
**New York, NY 10075**

**H: 212.249.5065**

**C: 917.434.8145**

**ron.j.yoo@gmail.com**

May 17, 2023

Mr. Duff Price  
Chairman  
Lewisboro Zoning Board of Appeals

Dear Mr. Price,

Leslie and I owned and lived in our country residence at 74 Mead Street for 33 years until selling the property to the Club.

During our time there, we enjoyed our easy access to the Club as adjacent neighbors. We bordered the 9<sup>th</sup> Fairway and the Club's tennis courts and Harry and some of his staff often gave us private lessons on our tennis court.

At no time did the Club's activities on the courts or the golf course cause any problems with noise or any other disruption during those years. On our other side, we shared a property line with Ms. Jeannie Fisher. Her property was well shielded from any Club noise, and she never voiced any concern with our sometimes-noisy pool activities or the activities on our tennis court.

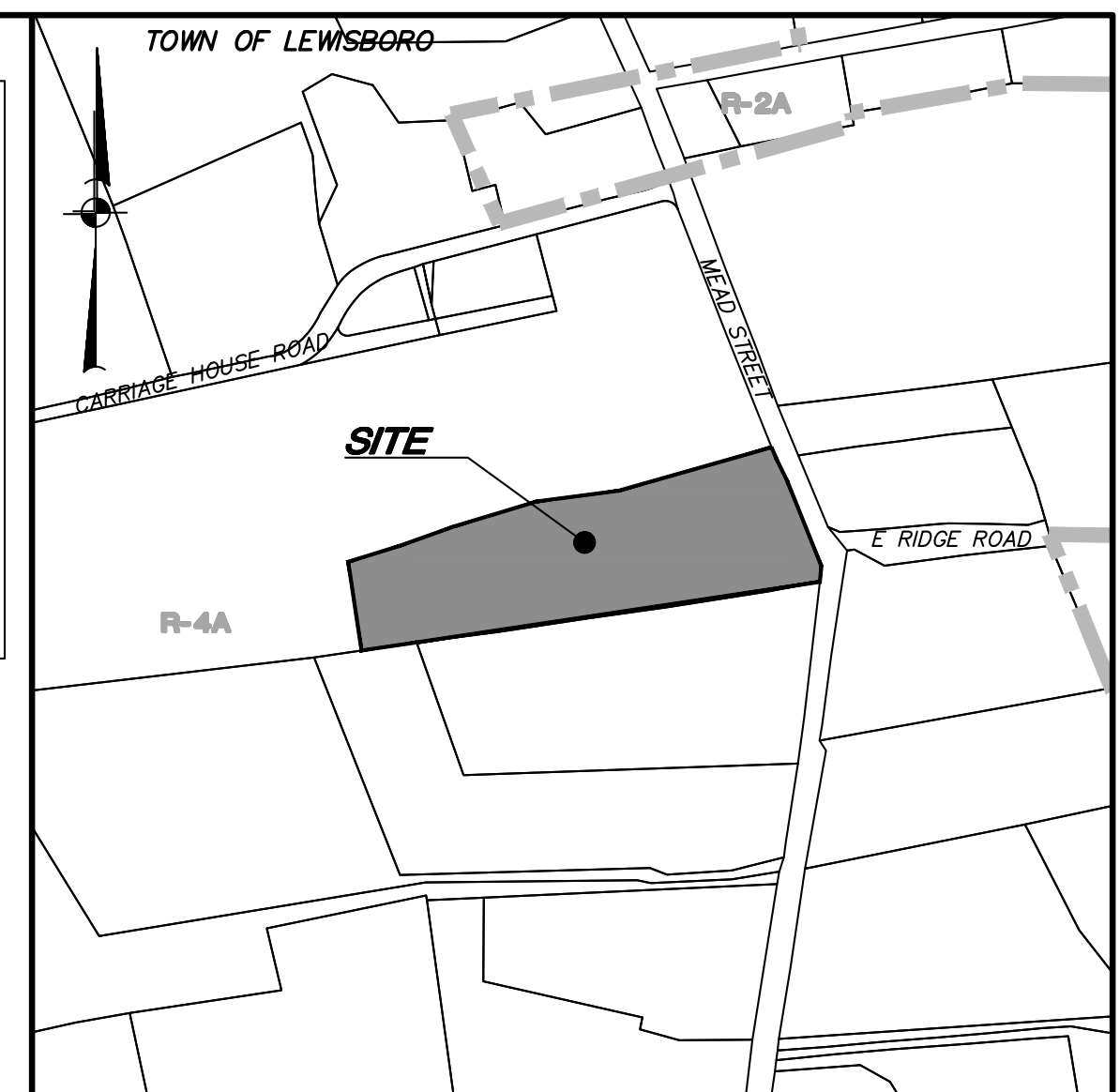
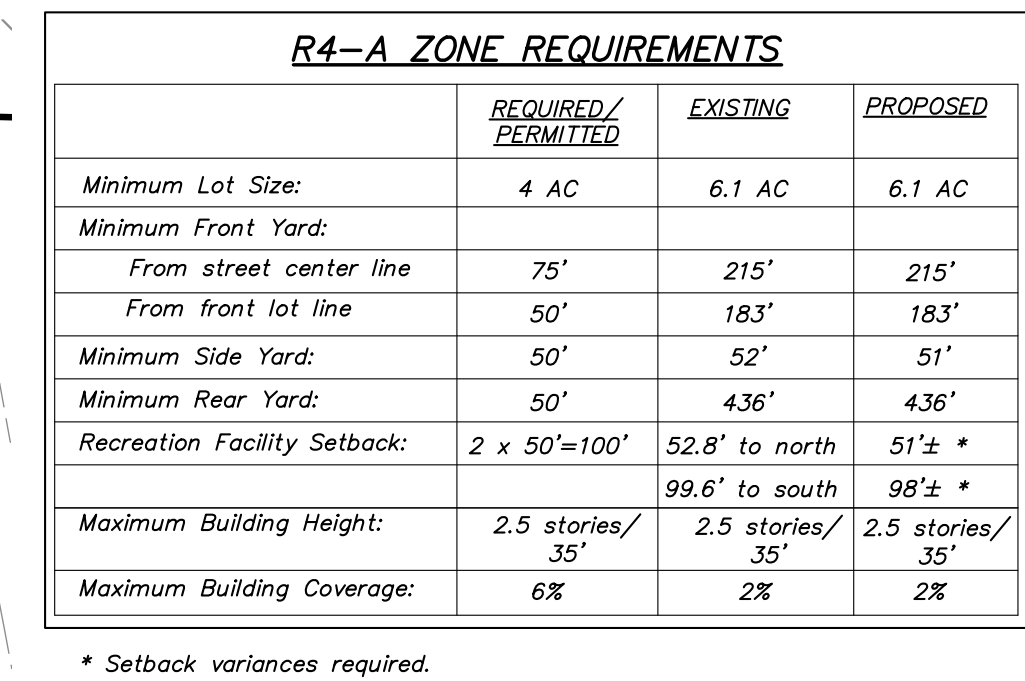
Sincerely,

*Original Signed by R J Yoo*

Ronald J Yoo

Cc: Mr. John Assumma  
General Manager  
Waccabuc Country Club



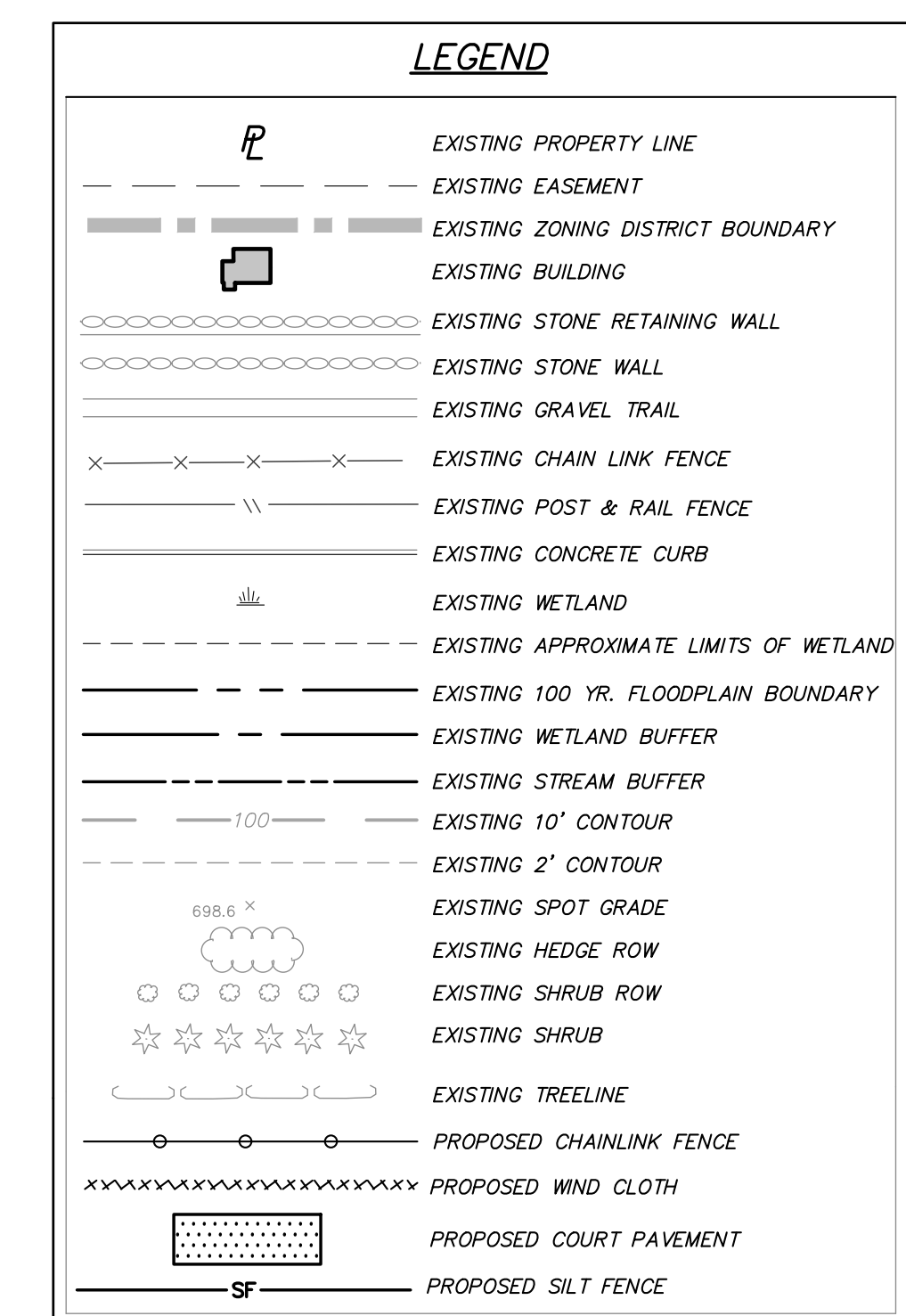


LOCATION MAP SCALE: 1" = 400'±

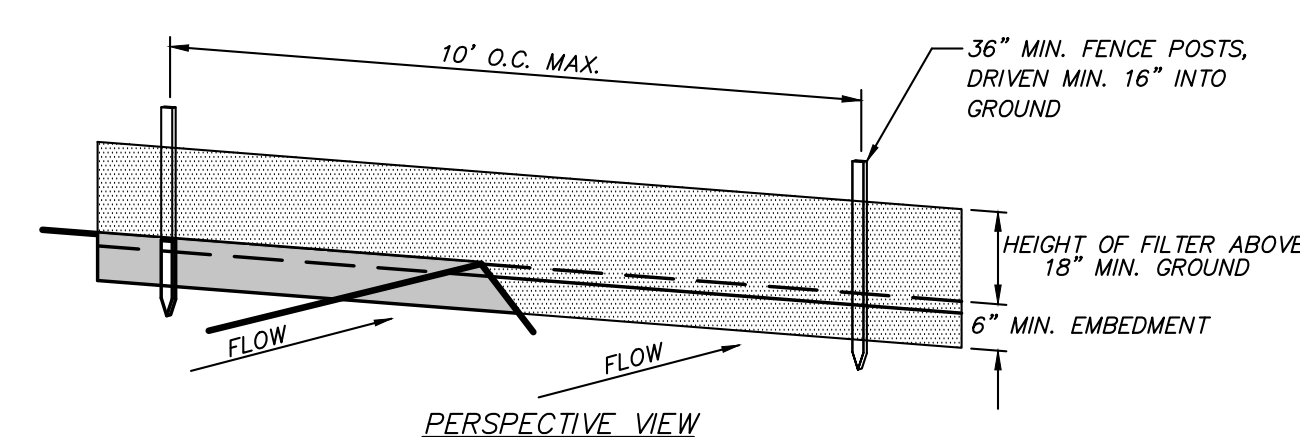
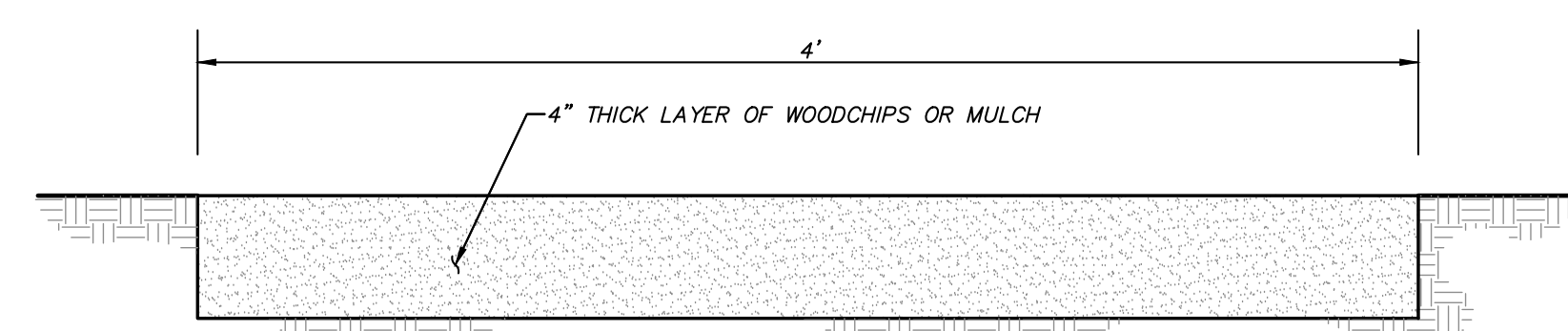
<u>OWNER/APPLICANT:</u>	<u>SITE DATA:</u>
WACCABUC COUNTRY CLUB	Zone: R-4A (4 Acre Residential)
90 MEAD STREET	Total Acreage 6.1± AC
WACCABUC, NY 10597	Tax Map No.: 42.2-1-10

## GENERAL NOTES:

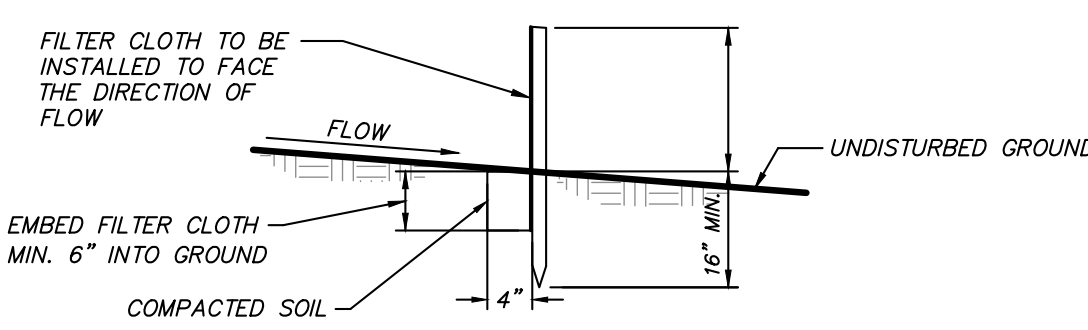
1. Property lines, existing conditions and topography as shown hereon based off of aerial mapping prepared by Insite Engineering, Surveying & Landscape Architecture P.C.
2. Topography shown hereon taken from both the Westchester County Z' contour, 1" = 100 scale GIS dataset dated April 2004 (elevations refer to the North American Vertical Datum of 1988, NAVD 88).
3. Wetland flagging as shown hereon was delineated by James A. Bates of Ecological Analysis on February 1, 2023 and survey located by Insite Engineering, Surveying & Landscape Architecture PC on February 9, 2023.
4. Proposed features are labeled as such. All other features are existing.
5. No tree removal is proposed or authorized.
6. No exterior lighting is proposed or authorized.
7. Proposed color of shade cloth to be attached to fence is green.



WOOD CHIP PATH DETAIL  
(N.T.S.)

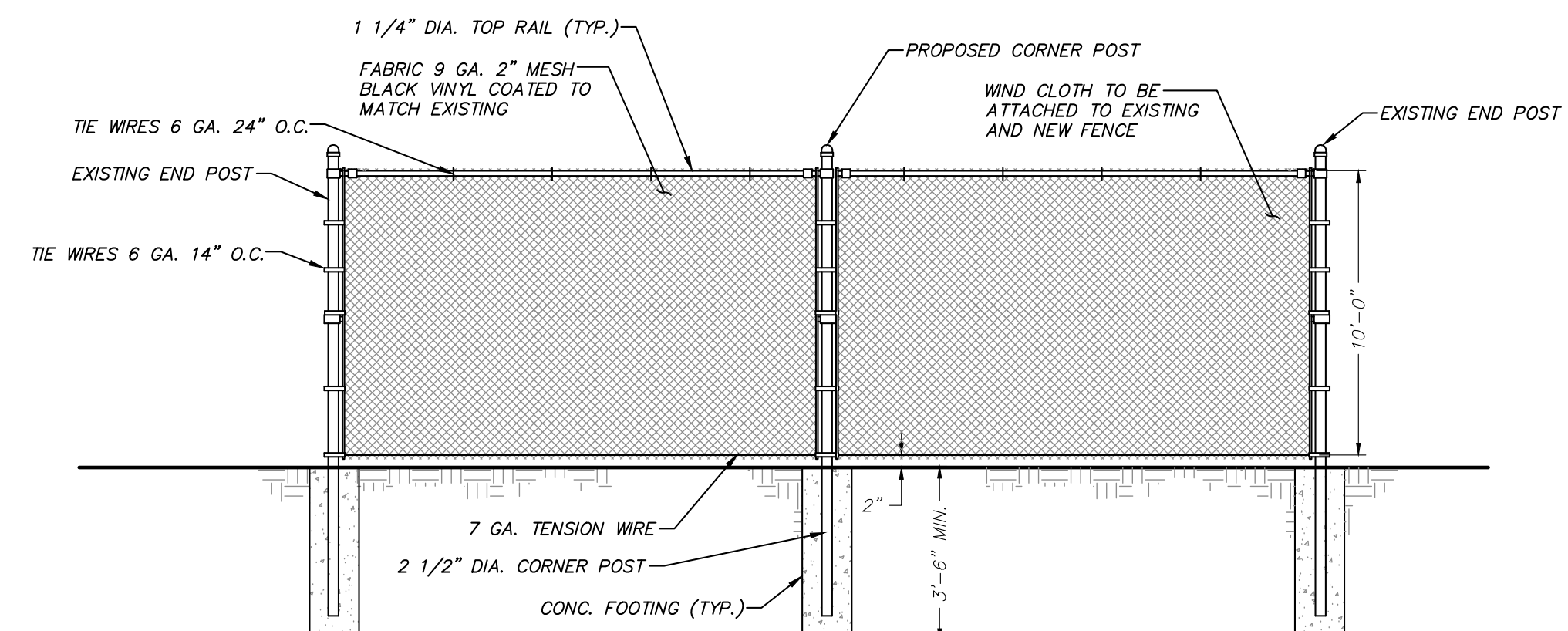


PERSPECTIVE VIEW

SECTION

CONSTRUCTION NOTES FOR FABRICATED SILT FENCE	
1. FILTER CLOTH IS TO FASTENED SECURELY TO POSTS AT TOP AND MID SECTION.	POSTS: STEEL EITHER T OR U TYPE OR 2" HARDWOOD
2. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY SIX INCHES AND FOLDED.	FILTER CLOTH: FILTER X, MIRAFIX 1000, STABILUNA T140N, OR APPROVED EQUAL
3. MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE.	PREFABRICATED UNIT: GEOFAB, ENVIRONMENTO, OR APPROVED EQUAL.

SILT FENCE DETAIL  
(N.T.S.)



CHAIN LINK FENCE DETAIL  
(N.T.S.)

3	4-25-23	REVISED FOR PLANNING BOARD SUBMISSION	SMR
2	3-28-23	REVISED PER TOWN COMMENTS	MEU
1	3-15-23	UPDATE BULK ZONING	MEU



PROJECT: WACCABUC COUNTRY CLUB  
PICKLEBALL

74 MEAD STREET, TOWN OF LEWISBORO, WESTCHESTER CTY, NEW YORK

STATE OF NEW YORK  
JUDITH M. PEARCE  
JAN 13 2023

DRAWING: OVERALL SITE PLAN

PROJECT NUMBER	23105.100	PROJECT MANAGER	Z.M.P.	DRAWING NO.	SHEET
DATE	2-14-23	DRAWN BY	J.J.S.		
SCALE	AS NOTED	CHECKED BY	D.L.M.		

OP-1

1/1



Town of Lewisboro, NY  
Wednesday, April 26, 2023

## Chapter 220. Zoning

### Article VIII. Performance Standards

#### § 220-60. 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 200 feet of a residence district, whether within or without the Town, the maximum permitted decibel level at any point on or beyond the district boundary shall be reduced by six 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 p.m. and 7:00 a.m., and all day Sunday.

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

- C. Exemptions. The following uses and activities shall be exempt from the noise level regulations:
- (1) Noises not directly under the control of the property user.
  - (2) Noises emanating from construction and maintenance activities between 8:00 a.m. and

sunset.

- (3) The noises of safety signals, warning devices, emergency pressure relief valves or other emergency warning signals.
- (4) Transient noises of moving sources, such as automobile, trucks, airplanes and railroads.

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# CERTIFICATE OF OCCUPANCY

TOWN OF LEWISBORO  
SOUTH SALEM, N. Y.

CL 7583

Date August 14, 1992

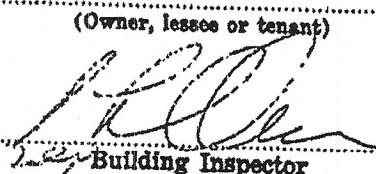
Location: Head Street

Tax Map Designation, Sheet: 22 Block: 10802 Lot: 23 & 47-49

THIS CERTIFIES that the building located at premises indicated above, conforms substantially to the approved plans and specifications heretofore filed in this office with Application for Building Permit dated February 19, 1989, pursuant to which Building Permit was issued, and conforms to all of the requirements of the applicable provisions of the law. The occupancy for which this certificate is issued is TENNIS COURT

This certificate is issued to Ronald J. and Leslie J. Yoo  
of the aforesaid building. (Owner, lessee or tenant)

Fee: \$15 pd

  
Building Inspector



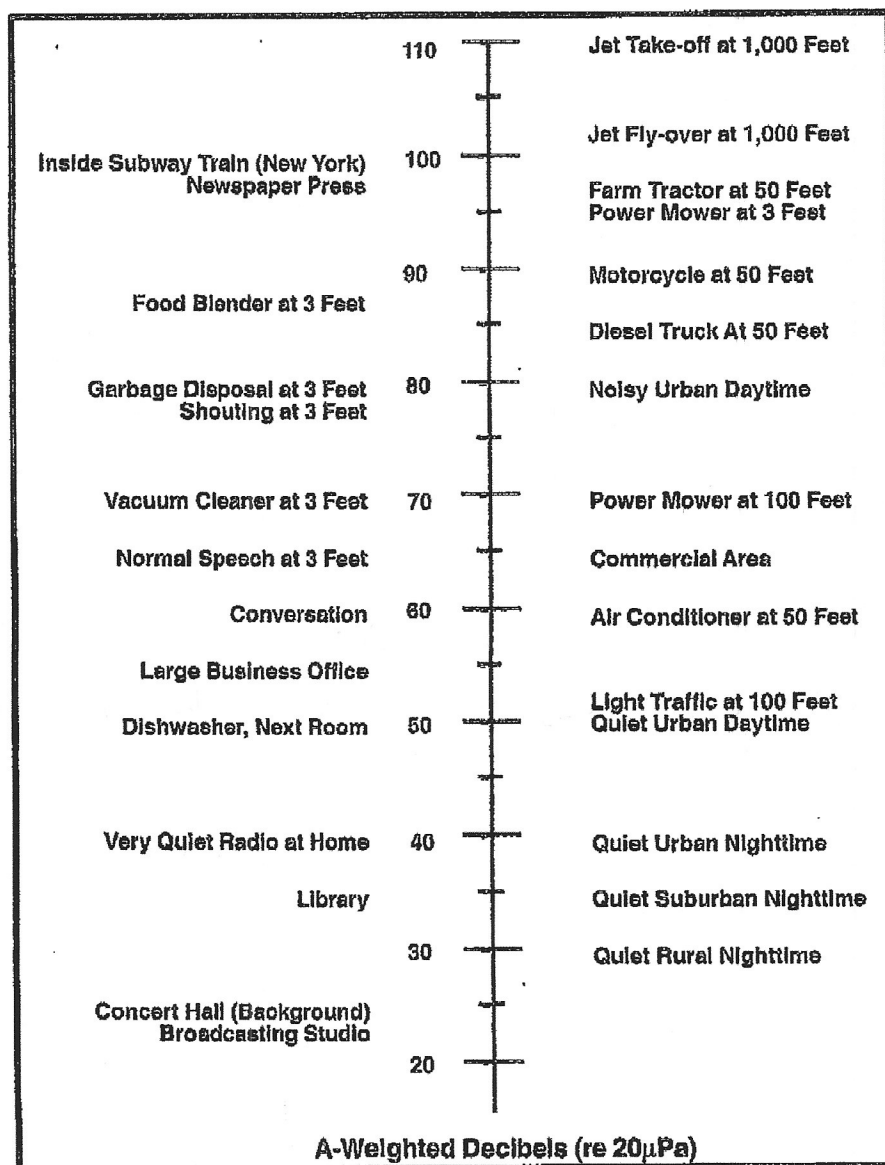
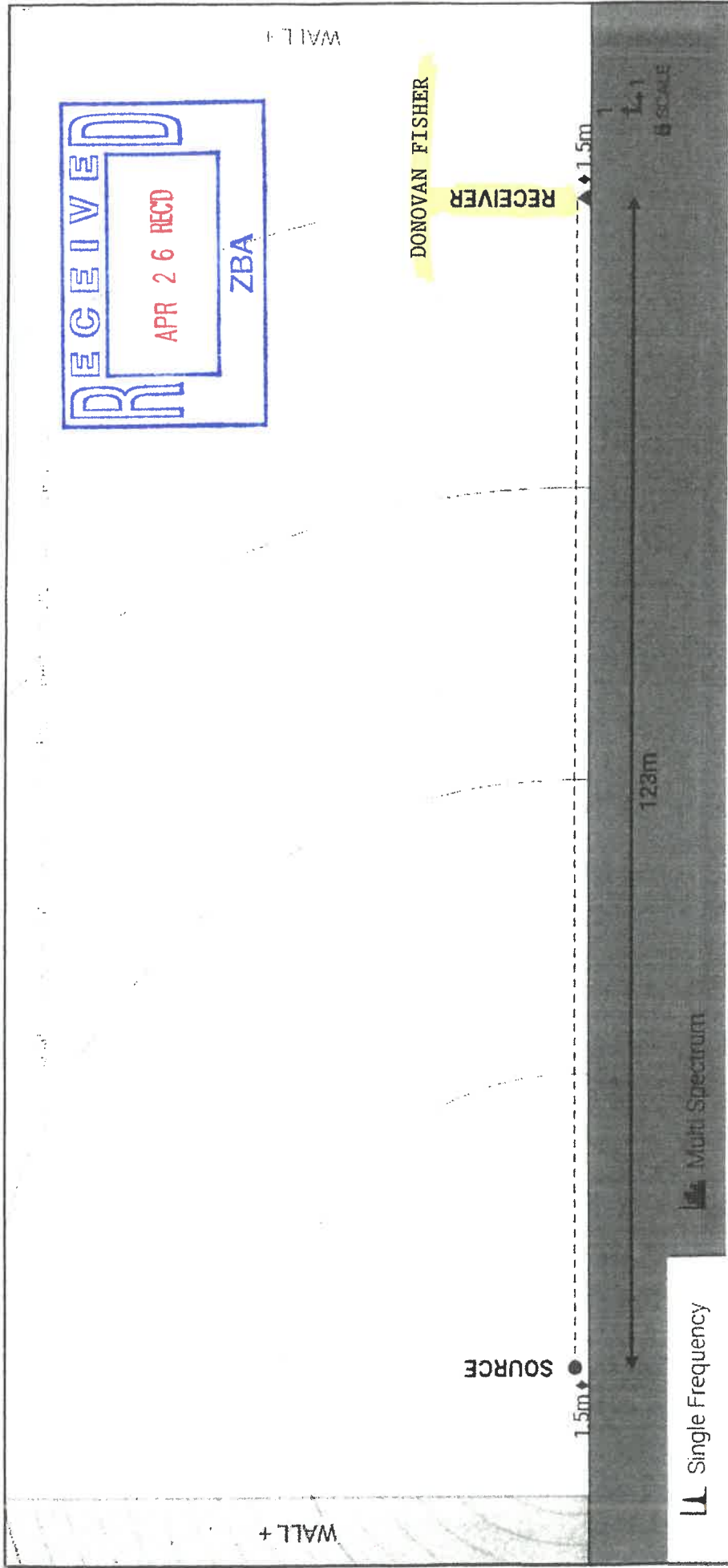


Figure 1. Typical A-weighted Sound Levels from Indoor and Outdoor Noise Sources.

ACOUSTICS GROUP, INC.  
877.695.9988 - Voice  
877.695.9989 - Fax



Source		Receiver		Show calculation breakdown	
Frequency	Sound Power Level	Distance from Source	Resulting Sound Pressure Level		
1100 Hz	100 dB	123 m	50.3 dB		

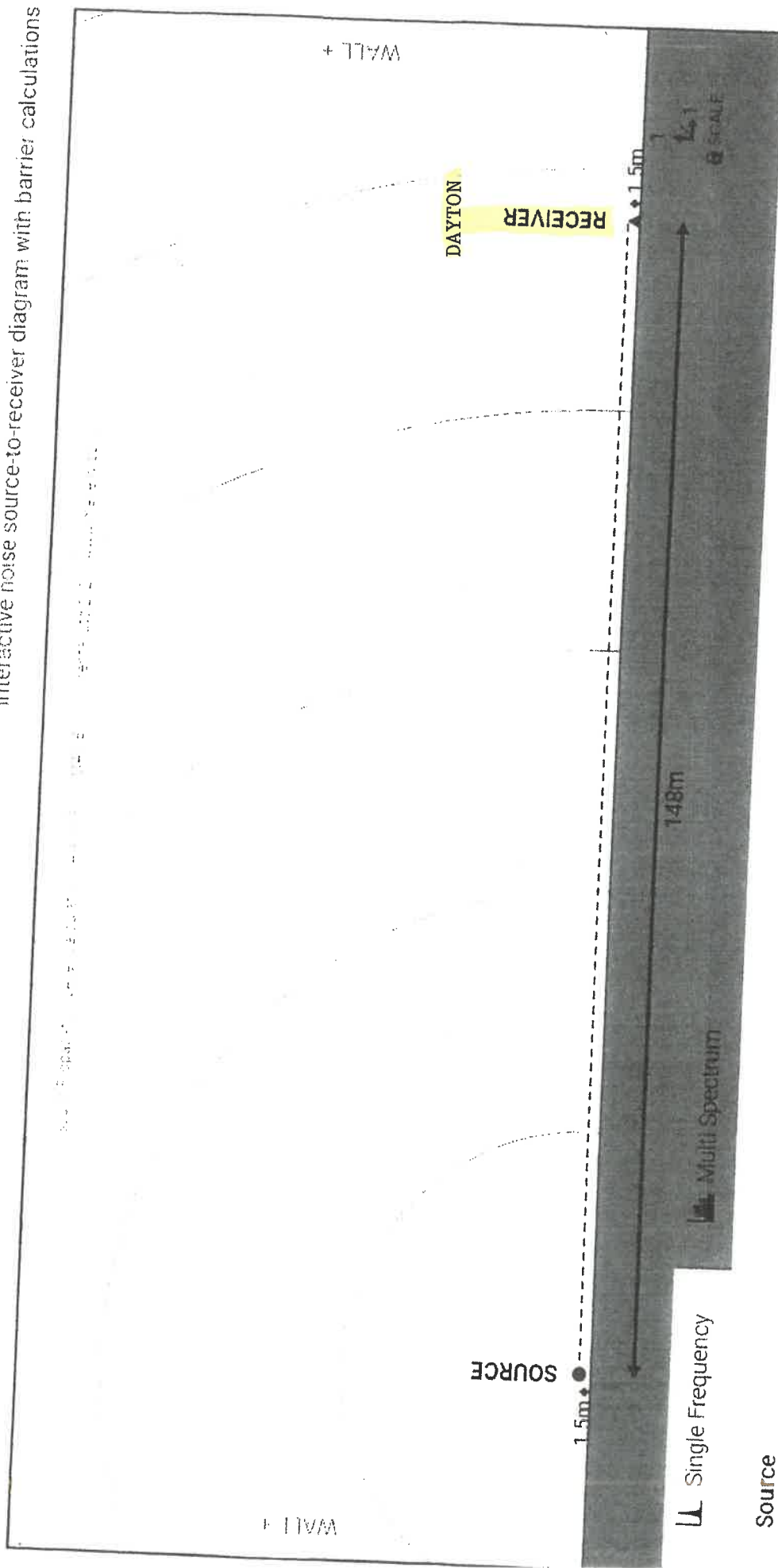
Barriers		Environmental Parameters		Options	
No barriers	20 °C Temperature	<input checked="" type="checkbox"/> Reset all values		Link to this calculation	
Single barrier	70 % Humidity	<input type="checkbox"/> Copy results to clipboard		<input type="checkbox"/> Save results as an image	
Double barrier	0 Ground Factor (G)				
Building	Hard	Original			

Display	
Off	Wavelength (λ)
Grid (m)	
Distance (m)	



# Sound Propagation Level Calculator

Interactive noise source-to-receiver diagram with barrier calculations



Source		Receiver	
Frequency	1100 Hz	Distance from Source	148 m
Sound Power Level	100 dB	Resulting Sound Pressure Level	49 dB
Barriers		Show calculation breakdown	
<input checked="" type="checkbox"/> No barriers			
<input type="checkbox"/> Single barrier			
<input type="checkbox"/> Double barrier			
<input type="checkbox"/> Building			
Display		Options	
<input type="checkbox"/> Off		Reset all values	
<input type="checkbox"/> Grid (m)		<a href="#">Link to this calculation</a>	
<input type="checkbox"/> Distance (m)		<a href="#">Copy results to clipboard</a>	
<input type="checkbox"/> Wavelength (λ)		<a href="#">Save results as an image</a>	
Environmental Parameters		Ground Factor (G)	
20 °C Temperature		0	
70 % Humidity		Hard	
		Original	

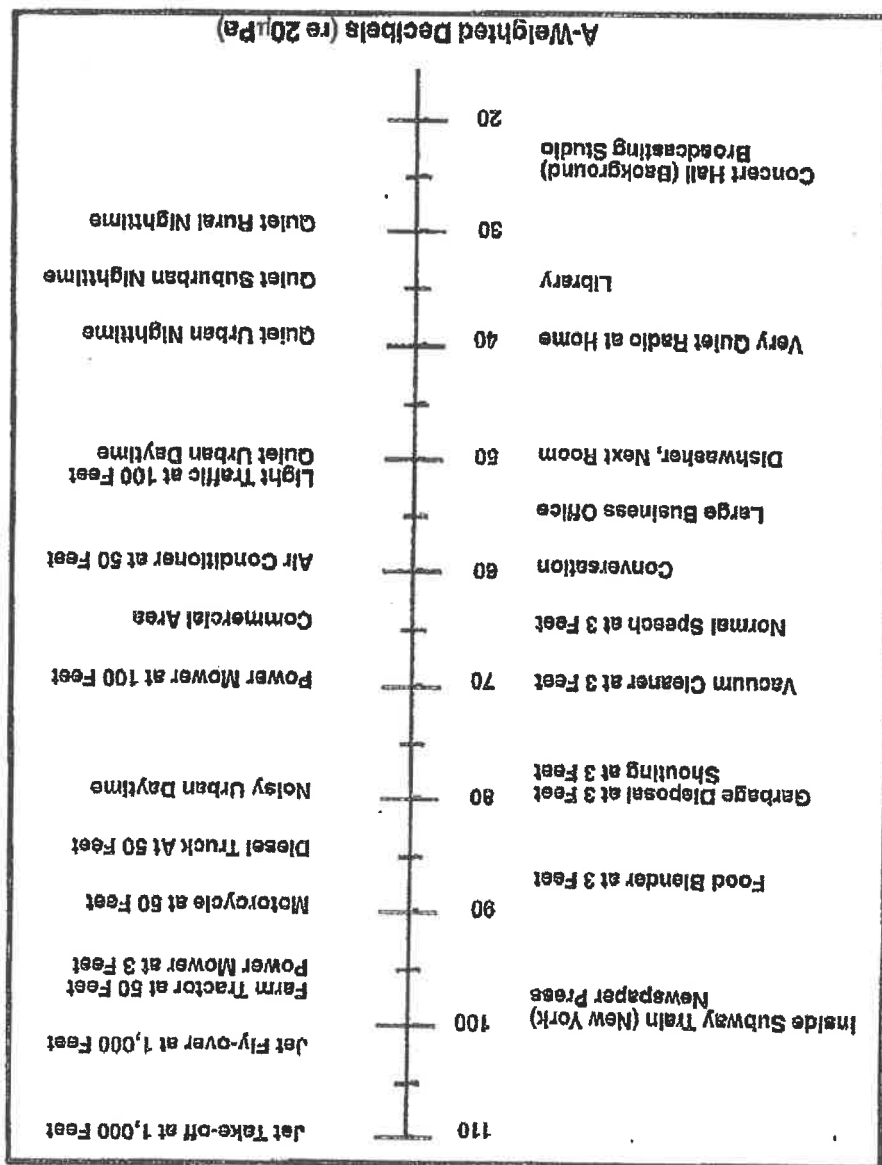
APRIL 26, 2023 (3:30 p.m. – 4:00 p.m.)

SOUND TESTING  
MONITORED BY BUILDING INSPECTOR

	<u>100'</u>	<u>200'</u>	<u>300'</u>
Pickleball Noise:			
Average	47 dB	46 dB	45 dB
Spikes*	50.1 dB	50.1 dB	50.1 dB
Mowers cutting Donovan rear lawn:			
Average	65 dB	65 dB	_____

\* Readings spike when ball is hit and/or players speak or laugh loudly

Figure 1. Typical A-weighted Sound Levels from Indoor and Outdoor Noise Sources.







## Zoning Office

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**From:** Donald Rossi <dmrossi@hoganandrossi.com>  
**Sent:** Monday, April 24, 2023 5:49 PM  
**To:** Michael Sirignano; Gregory Folchetti; Jan Johannessen; Judson K. Siebert; Ciorsdan Conran; zoning@lewisborogov.com  
**Cc:** Jamie Spillane  
**Subject:** 74 Mead Street Pickleball Courts

To all: please be advised that our firm is representing Jean Donovan Fisher, owner of 68 Mead Street, and Renea Topp Dayton and Duncan Dayton, owners of 62 Mead Street, both of which adjoin the 74 Mead Street property owned by Waccabuc Country Club and proposed for the construction and use of four (4) pickle ball courts and, we understand, a further installation of a golf simulator. Our clients, to state it simply, object to the project since the use of the courts will result in significant adverse impacts to them.

We have conducted a preliminary file review and, while we reserve all rights related to the necessary permits and approvals for the project, we would like to advise you of the following procedural defects with the review of the project to date in order that the project be subjected to the levels of scrutiny required by the Town Zoning Code, Wetland Code and SEQRA.

As a threshold matter, it is clear from a review of the relevant Code Sections that a use variance is required. Code Section 220-9(B)(1) provides that a nonconforming use can continue if it is not enlarged or increased, nor shall it be extended to occupy a greater area of land than occupied by the use at the time it became nonconforming. Subsection 220-9(E) does not alter that strict edict. What 220-9(E) *does* do is permit changes which bring a nonconforming use *into greater conformity*, or which *reduce the adverse external effects of the use*. The exact opposite is proposed by the project-the extension of the Club use to a new lot would make the use *more* nonconforming and would *increase* the external effects of the use.

Section 220-9(E)(5), while providing flexibility from the strict application of the criteria found in 220-9(E)(4), applies only to *“increases in a nonconforming aspect of a use”* if, and only if, the *“increase is the minimum possible so as to achieve an overall site development or use in greater conformance with the intent of this section and the purposes of this chapter”*. Pickle ball courts are not an “aspect” of the existing use-they are an entirely new nonconforming use, the addition of which could not reasonably be construed as making the Club use “in greater conformance with the intent and purposes” of the Zoning Code.

Since a use variance is required, several other procedural and substantive requirements are triggered. For example, the project must be considered an Unlisted Action under SEQRA, thereby requiring a coordinated review by all involved and interested agencies, and a “hard look” at potential adverse impacts, most notably noise; the project review under SEQRA cannot be segmented, thereby rendering as defective the ACARC decision for the project, which is in

the Special Character Overlay District, since a SEQRA determination has not been made by a properly designated "lead agency"; and the request for a waiver by the Planning Board should be denied since the standard of Zoning Code Section 220-47(C)(2) cannot be met; i.e. the proposed action will permit a use of the lot *which will not be in compliance with the permitted uses in the R-4 District.*

While all the foregoing warrant further consideration, we look forward to discussing all the foregoing with the ZBA at its meeting this Wednesday evening.

Sincerely, Don  
Donald M. Rossi, Esq.  
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Brewster, New York 10509  
[dmrossi@hoganandrossi.com](mailto:dmrossi@hoganandrossi.com)  
Tel (845) 279-2986 Fax (845) 278-6135

***PLEASE NOTE OUR FIRM'S NAME CHANGE THAT BECAME EFFECTIVE ON NOVEMBER 1, 2022***

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Submitted  
By Mr. Rossi  
at the  
4/26/23 meeting

# Waccabuc Country Club

Possible alternate locations

## Legend

- United States Postal Service
- Waccabuc Country Club

