

**TOWN OF CHATHAM
AUGUST 22, 2013**

**ZONING BOARD OF APPEALS
FINAL COPY**

Members Present:

Mitchell Khosrova, Dep. Chairman
Robert Leary
Jeffrey Lick
JP Henkel
Kary Jablonka
Adrian Ooms
Paul McCreary, Town Engineer

Members Absent:

David Everett, Chairman

Public Present:

Nicholas Vamvas, Crawford & Associates
Judy Grunberg
Susan Davies

Deputy Chairman Mitchell Khosrova called the August 22, 2013 Zoning Board of Appeals meeting to order at 7:00 PM. The Pledge of Allegiance was recited. Kary Jablonka moved and Robert Leary seconded that the July 25, 2013 meeting minutes be adopted, motion carried.

Continuation of Special Use Permit Modifications for the PS/21 Performance Arts Facility owned by Questaterra, LLC, located at 2980 State Route 66.

Nicholas Vamvas a staff engineer from Crawford and Associates who is representing PS/21, referred the Board to the letter he had sent stating the results of the expected noise levels at the six points around the PS/21 property that range from 39-46 dB(A) with a source of 105 dB(A) down to 14-21 dB(A) with a source of 80 dB(A). He stated that these calculations show that Phase II of the project “will comply with the noise levels imposed at the PS/21 property lines.” Mr. Vamvas also stated that the math that Engineer Paul McCreary was using did not match his firm’s calculations. Mr. McCreary stated that the green shaded areas on the map were of concern to him commenting that the contours of the land where the topography rises are not level and this acts as a dissipater for sounds. Jeff Lick also commented that according to the map, sound “peters out” in some points and not in others where it is wider and the other narrower which is a function of the topography. Where there is a ridge in one area there is less sound here. JP Henkel stated that there is no significant amount of noise off to the west because of the ambient noise of the creek. Kary Jablonka asked if foliage would also make a difference? Mr. McCreary stated that foliage and the topography of the land would further attenuate the sound levels. Mitch Khosrova asked Mr. McCreary whether there was anything to cause amplification of the sound instead of attenuating sound? Mr. McCreary commented no. Mr. Vamvas pointed out to the Board that the tables they were provided with show how the sound dissipates at each point and that they are compliant at the property line. JP Henkel displayed the color chart “sound thermometer” with the comparable sounds that were presented to the Board at the previous meeting. He also asked what it would take to close a wall located on the north section of the amphitheater. Mr. McCreary said he would address that issue for the next meeting. Mr. Vamvas

stated that PS/21 wanted access to the north but the roof doesn't quite meet the wall in this area. Jeff Lick asked for a re-design of this area and a better explanation of why they are not closing the wall. He also commented that the tests validate the charts mathematically and are reasonably consistent.

Paul McCreary displayed a sound level projections chart showing an "understanding of noise". This chart shows what sound does over distance. Sound loses power over distance which has to do with the spread of the sound. He stated that you lose 6 decibels of sound every time you double the distance, ie. 120 dB(A) down to 80 dB(A). At a 105dB(A) level, at 50 feet you have a serious reduction in sound. Mr. Vamvas stated that the ambient noise is now between 45-50 decibels from the previous testing. Mitch Khosrova and Kary Jablonka commented to Mr. Vamvas that this Board gives the applicant an opportunity to get this information out to the public and it would be beneficial for PS/21 to show or relate the sound projection in a readily understandable narrative for the public hearing. Mr. McCreary stated that the sound source level is one of the most important things to know which will be louder at the property lines.

Mitch Khosrova informed the Board of an upcoming concert that the Board may want to attend to get a better understanding of the noise content. Paul McCreary will contact ZEO Walt Simonsmeier regarding getting a sound meter for this concert. He also commented that with the configuration of the amphitheater there is no problem with the property line. North of the amphitheater is significant excavation which may be a good place to put the excess dirt to create a berm which would provide additional/supplemental attenuation of sound at the North property line. A berm would eliminate the sound and ornamental grasses that are not mowed could be placed at this site for the landscaping. He also commented that "Science flies by the face of perception". What the sound is not the sound level is what bothers people.

A Public Hearing has been set for September 26, 2013 at 7:00PM at the Town Hall.

With no further business to come before the Board, Kary Jablonka moved to adjourn the meeting at 7:55PM. Jeff Lick seconded the motion, carried.

Mitchell Khosrova, Deputy Chairman

Respectfully submitted,

Barbara A. Fischer, Clerk

