



The Preservation Collective, Inc.

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May 19, 2015

Town of Chester
Planning Board
Kings Highway
Chester NY 10918

Re: Primo Sports Complex

Dear Chairman Serotta and Planning Board members:

As a non-profit organization researching and providing information about environmental impacts of new development, we have been active in attending local public meetings and listening to concerns of residents. At the public hearing April 15, we heard residents that live by the project express that they are not against the proposal in concept but object to the intensity of the use as planned next to their homes due to the impacts to their quality of life.

We appreciate the Board members voting to continue the public hearing on the Primo Sports project to May 20 given the amount of issues raised still not resolved. This allows the public to have an opportunity to provide the Board with feedback on the proposed mitigation.

First, we wanted to ask the Board when will you make a determination of the environmental significance of the action as per SEQR *? There appears to be the potential for significant impacts that need to be avoided if not mitigated e.g. visual, noise, and traffic.

Secondly, it is our understanding that the Planning Board has to make a decision (approve, approve with modifications or disapprove) within 62 days of the public hearing at which a preliminary site plan is considered and that the Planning Board may recommend further study of the proposal and resubmission of the preliminary site plan. Does this date start at the original public hearing date or close of extended hearing date?

We recognize that there have been changes to the site plan through the review process prior to the hearing in regards to the relocation of the building, parking and access road that are still under review with consultants. As you analyze the finer details on landscaping, buffers, building materials, field locations, lighting and design, we hope you will be consistent with the Town Comprehensive Plan and Zoning. For example, under Zoning in Town Code (section 98-1, G.) it states the purpose is ***"To assure adequate separation between uses and buildings so as to promote safety, comfort, privacy and the preservation of property values."*** [Emphasis added]

After our initial review of the maps and presentation at the public hearing, we have the following questions in trying to determine the environmental impacts of concern:

- 1) Do you have photographs showing the view from the adjacent homeowners to aid in what visual and noise impacts can be anticipated and how best to mitigate?
- 2) Has the applicant provided a photo simulation of the lights poles or line of site depictions from certain vantage points particularly from adjacent residents depicting the amount and location of the light poles? For example, one of the fields proposed to be illuminated is around 50 feet from closest residence. Will the lights be seen in other residential areas in Town as well?
- 3) Has the Board reviewed the building materials proposed and considered natural tone colors? Given that the proposed use is in a residential zoning district and several homes directly face the building, we believe incorporating residential architectural features on the façade would aid in the transition from commercial to residential uses. As an example, the Horizon Family Medical building on 17M has residential color and design elements. Less detailed but other examples to model would include buildings at #70 and #48 Black Meadow Road.
- 4) Where is signage proposed; at the road or on the building and are they lighted/digital?
- 5) Will the repurposing of the farmhouse on site (being utilized into a storage shed) be renovated in harmony (color/materials) with the old farmhouse directly across the street thereby helping to preserve historic and rural character of the Town?
- 6) Comments in file indicate a small amount of trees to be removed; are these noted on the map? Have they already been removed? Town Code (98-30.E(f)(3)(a)[5]) requires that existing trees over eight inches in diameter are to be preserved to the maximum extent possible. Is the large forested row of trees and stone wall in back actually part of this lot and if so, will they be located on map and preserved?
- 7) Is there a public address system planned, which is prohibited for membership clubs?
- 8) What accessories to the field are planned in the future and where will they likely located e.g. bleachers, dug outs, scoreboards, and pavilion/tent. If there is a tent, is it only for special events or all season?

There appears to be some discrepancies in the maps submitted thus far. There are two houses on Glenmere Road but only one is shown. Also, the color rendering presented at the public meeting has an outdoor party tent and the indoor layout is different than the site plan. As you know, the proposed uses will impact the amount of noise outside and parking spaces needed on site for the proposed project.

Based on some of the above questions and depending on the location of existing residential lots, changes in the site plan may be necessary to avoid impacts. The flow of athletes and visitors around the various fields is unclear. The gathering of observers and participants during sporting events could impact the privacy and noise to neighboring property owners.

In addition to above, we have additional questions about the site plan as follows:

Set Backs

It is our understanding that the front yard setback is 100' and the rear and side yard setback is to be 150'. This would presumably be the upper right corner and the lower left side (along Green Drive). However, the plan only shows a 100' setback on this side. Can this be clarified?

No structures may be placed within this setback. There are numerous accessory structures (as defined in Town Code section 98-2.B) such as bleachers, light poles, dugouts, goal posts, parking lot guide rails, dumpster enclosures, etc. that are shown on the plans and violate these yard setback requirements.

Are the fields considered a usable space like a building would be in regards to set back requirements? The definition of a side yard includes “*an open, unoccupied space within a lot...*”. Note, Town Code (98-29) on Day care Facilities (as an example) state they need to have “*play space no nearer than 50 feet to any lot line and no nearer than 100 feet to any adjacent residential*”.

Even if the fields themselves don't have to meet these setbacks, the yard setbacks with regard to accessory structures could result in the applicant having to move the fields farther from the lot lines or reduce the number of fields.

In addition, since a parking lot meets the definition of a structure, and a structure is a building, and buildings are not allowed within a yard, then does that mean a parking lot is not allowed within a yard setback (reference 98-2.A ,98-2.B)? While the Town Code has specific buffer requirements for parking areas in other districts (98-19), we did not see it include the SR1 district. Can this be clarified and if variance is needed?

Fences and walls

Has the Town Code (98-14) on fences and walls been discussed? This limits them to 6' in height, and less in some locations; what about the 18' high netting that is a form of fence? There is also a combination retaining wall/guide rail/fence along the parking lot on the right side of the plan. Can this be clarified and if variance is needed?

Parking

In regards to parking spaces, a similar business in the Town has proven that parking estimated in that project's approval was underestimated. We would ask for your review on the formula used to determine how many spaces are required in relation to the amount of outdoor and indoor usage anticipated at maximum capacity. Based on the information on the map, the calculation does not take into consideration all the other uses proposed found in the file; indoor restaurant, volleyball/bocce and/or basketball courts and party tent. Wouldn't you have to account for attendance to a particular tournament or event and indoor uses; not only the average users per field as calculated? Is there adequate parking and circulation of buses in lot? Perhaps facilities proposed need to be reduced if parking is limited or sufficient lawn area on site designated to accommodate temporary overflow parking to alleviate problems anticipated to occur on Town or County roads.

Landscaping

The proposed buffer areas along Green Drive (as per map at hearing) do not seem adequate to screen noise and visual impacts. A single row of evergreen trees is not enough to do this and a much deeper planted area, at least 50 feet deep, double staggered row of trees, would be necessary (similar to buffer requirements to other zoning districts).

Town Code section 98-30.E(f)(3)(a)[5] *“requires that during site plan review the Planning Board must review the adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise-detering buffer between adjacent uses and adjoining lands. All playground and service areas are reasonably screened at all seasons of the year from the view of adjacent residential lots and streets and the general landscaping of the site is in character with that generally prevailing in the neighborhood.”*

Depending on the finished grade of the site, and hours of operation of the indoor facilities, will car/bus lights from parking lot shine in the direction of the residence on Green Drive opposite the cul-de-sac? There was no shrubbery proposed along the cul-de-sac fence; is there around the perimeter of the parking lot aimed at residences? In addition, there appears to be very limited space in-between parking lot to the fields; is there a safety barrier surrounding parking lot in either a fence or plantings?

Town Code requires landscaping for all buffer areas to be guaranteed for a period of years. At the public hearing, resident questioned what happens after that time expires and if trees themselves expire and are cut down. What options are there for the Planning Board to see that the screening continues as intended? For example, can those buffer areas be placed in a conservation easement and be required to have vegetation?

As stated earlier, existing trees over eight inches in diameter are to be preserved to the maximum extent possible. We hope that you can request that your landscape consultant to visit the site and provide information on clearing limits and how best to protect those trees from damage during construction activity in close proximity.

Lighting

In regards to light poles, the Planning Board has discretion in deciding height and if lighting is appropriate. As an example, Town Code 98-29 for private schools and other educational institutions, *“outdoor play areas and/or fields...shall be located so as to avoid creating a nuisance to adjoining property owners...such lighting will not create a nuisance or a harmful visual impact that is inconsistent with the surrounding neighborhood.”*

The Town Code section 98-15.B has requirements for all luminaries that we assume are to be followed. However, it also states: *“outdoor lighting facilities of any kind where the light source is **visible from outside the property lines**, or where glare extends beyond the property lines or creates public hazards to traffic or public streets are **prohibited**.”* *“[Emphasis added]*

It has been stated by the applicant’s consultants that the light glare would not extend beyond the property line, however, if the light source is still “visible” and cannot be avoided, then isn’t it prohibited as per code?

As a reminder, our goal is to help educate the public on issues raised during the review process for new development to avoid or mitigate impacts. We recognize there is support for the project economically and socially, however residents that live next door to this proposed commercial use have expressed concerns about impacts on their quality of life. Therefore, we hope that the size of the project and associated impacts will be in harmony with the development situated on adjacent properties; as we believe is a goal of Town Zoning under your review.

We are curious if you have already discussed with your Town Planner for any insight on their experience of other projects that they may have worked on with similar issues and how best to mitigate? Obviously, the more information the Planning Board can gather, would help the outcome of the project impacts. For example, has the Planning Board: 1) conducted a site visit to determine the level of impact by examining location of fields, lighting, building, and road conditions 2) conducted a site visit, at night, to get a sense of how lighting will impact the surrounding residences, which are currently outside of the commercial/industrial area and 3) conducted a site visit to another location that has the exact (or similar) lights being proposed during night hours of operation in order to see the intensity of illumination to be avoided if not mitigated?

Obviously there are issues to address in developing a commercial use adjacent to an existing residential area. Town Code (98-30) for site plan approval states that *“In authorizing any use, the Planning Board shall take into consideration the public health, safety and general welfare and the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, and may attach reasonable conditions and safeguards as a precondition of its authorization”* and *“the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties”*

All of the above research and findings could result in a suitably scaled back project, extensive vegetative buffers, architectural changes in building design, as well as a determination if lighting of some or all of the fields proposed is prohibited.

Thank you for consideration of the public’s concerns and input into your decision-making process.

Sincerely,



Tracy Schuh
President
TPC, Inc.

Cc: County Planning Department

References:

- SEQR. See HANDBOOK: <http://www.dec.ny.gov/permits/47636.html>
- Town E- code found at: <http://www.chester-ny.gov>

The Preservation Collective, Inc. is a non-profit 501c(3) tax-exempt corporation whose mission is to educate the community by bringing attention to and defending against the environmental impacts of new development and advocating for improved controls for sustainable growth to protect the scenic, historic and cultural landscapes in Orange County.