

-----Original Message-----

From: Dr. Harvey Krasny [mailto:hkrasny@mindspring.com]  
Sent: Tuesday, March 04, 2003 4:45 AM  
To: Cal Horton  
Cc: Roger Waldon; Gene Poveromo  
Subject: List of special requests made on Mar 3 by H. Krasny re Marriott---  
Chapel Hill

List of special requests to Council made on Mar 3 by H. Krasny re Marriott  
Hotel approval (Stipulations in Resolution B).

Cal:

Councilman Jim Ward correctly enumerated 4 of the 5 requests that I made:

1. Avoid runoff on Northern parking lot.
2. Move the Garbage Dump now sitting on the end of the Northern parking lot to another area away from the stream and much further away from Summerfield Crossing's property line (now approximately 200 feet due East of that line).
3. Place Tree Protection Fencing fifteen (15) feet in front of where the buffer line begins, to avoid earth moving equipment damaging root systems of the vegetation at the buffer's edge.
4. Install the quietest possible heating/air conditioning systems-- NOT Through-the-Wall units, but instead a Ductless Split System unit with rotary compressor.

The 5th one left out of Jim Ward's enumeration was :

5. Do NOT add connector trails/paths through the dedicated 100ft buffer area that will separate the Marriott and Summerfield Crossing properties.

I think that the video recording should corroborate my list above. Please feel free to have staff give me a call if you have any questions. Thanks.

Best,  
Harvey Krasny

-----Original Message-----

From: Dr. Harvey Krasny [mailto:hkrasny@mindspring.com]  
Sent: Thursday, March 06, 2003 11:22 AM  
To: Kevin Foy; ftbatema@aol.com; patevans@bellsouth.net;  
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dverkerk@mindspring.com; wardjl@email.unc.edu; Ewigg123@aol.com  
Cc: Cal Horton; Roger Waldon; Gene Poveromo  
Subject: Statements made by Marriott on requests made on Mar 3 by H. Krasny--  
Chapel Hill

Re: Clarification to potentially incorrect statements made by the Marriott applicant and Consultant at the Mar 3 Town Council meeting regarding my design change requests (to be incorporated into Resolution B) for the Marriott Hotel Proposal.

Dear Mayor and Town Council:

First, I want to say thank you to those gentle Council members who offered into the Resolution B for approval stipulations that I requested at the hearing by the Town Council on Marriott Hotel's proposal March 3. I realize that this hearing is closed for future additions to the public record. However, I believe it is inappropriate for me to let stand what I believe to be incorrect statements made publicly Mar 3 by the Applicant and Consultant regarding three (3) of the five (5) specific stipulation requests that I made to Council Monday night for Resolution B:

They are:

1. REQUEST-- Install the quietest possible Heating/Air units at the site-- Ductless Split System unit with rotary compressor and noise abatement through dense shrubs planted adjacent to each compressor. This will help prevent intrusion of unnecessary noise that would encroach on the neighbors' right to the quiet enjoyment of their property.

I and a few neighbors personally addressed this concern with Mr. Singleton and Mr. Radway in a meeting with them Sept 12, 2002, and it is my opinion that Mr. Singleton casually dismissed our concern, saying that Through-the-Wall units are now built quieter than they have been in past years. Therefore, we as neighbors shouldn't worry about the noise produced by the units he will install. He subsequently did NOT include our request to put into stipulations that Marriott would install the quietest possible units at this site, a stipulation that I believe was placed in the Marriott Senior Assisted Living Facility SUP, also at my request. The discussion below will perhaps explain why Mr. Singleton did NOT want to agree to such a request.

Further, Mr. Radway indicated to Council Mar 3 that Mr. Singleton had paid for a noise analysis of the Heating/AC units. I have seen NO such report for the Residence Inn. However, there was a report Feb 19, 1998 by Randorff & Assoc, Inc-- "Acoustical Assessment and Consultation Regarding Community Sound Levels Produced by Through-Wall Air-Conditioning Units at Village Oaks of Chapel Hill by Marriott." That was done based on the site plan for a one-story building (NOT 3 stories), the Senior Assisted Living Facility proposal, and the applicant was ONLY Marriott and NOT Mr. Singleton's

company, Summit. Another words, unless there is a more recent acoustical report that is based on the more recent lay-out of the hotel, then the Randorff report for a much smaller 1-story building would hardly suffice for the 3-story Hotel structure proposed. I will also explain below.

Specifically, Randorff made the following assumptions in this Report for Marriott Senior Living:

(i). That the building would have a total of 15 units facing West (ie, to Summerfield Crossing). In its present design, I believe the longer side of the 3-story Hotel building directly facing in the same direction (West to Summerfield) would have approximately 50 units in the 3-stories-- an over 3-fold increase in the number of units directly facing Summerfield.

(ii). This Report would NOT admit to what were the sound level specs (in dBAs or A-weighted decibels) in a Through-the-Wall unit that was proposed for use by Marriott in their Sr Assisted facility, but it clearly stated that each unit is "typically no louder than the individual [duct-type] units for single-family use..." and that "the sound level at the nearest townhome residence has been calculated to be 49dBA (2-2.5 Ton units). He also indicated that NOT all the units would be operating at the same time, and I challenge that supposition by my own experience of visiting a recently built Marriott Inn in a NC town not far from the RTP, which has these same wall units in a multi-level building.

(iii). This Report also stated: "A Ldn [day-night average sound level or DNL] of 65dBA is the upper limit established by HUD as being acceptable exterior sound levels FOR A RESIDENTIAL AREA unless noise abatement techniques are applied."

NOTE-- "Noise abatement techniques" used by builders are typically enclosure of the area, lattice work and/or densely packed ground-level shrubs (when the units are on the ground level only).

NOTE-- Chapel Hill Noise Ordinance for a Commercial operation is 65dBA(day) and 55dBA(night) and for Residential it is more rigorous than HUD-- 50dBA(Day) and 45dBA(night).

As you recall, I presented to Council Mar 3 data (from manufacturers) which was researched and given to me recently by the Manager of Commercial Sales for a highly reputable local Residential and Commercial Heating & Air service. According to the information from this person who also sells Through-the-Wall commercial units, they are NOT known for being quiet like Mr. Singleton of Marriott/Summit has said to us, because they can't be insulated for noise abatement like the compressors used by duct-type units. However, the Ductless Split System unit with rotary compressor is much quieter and requires no ducts (saves on building space). In comparing outside noise levels of the Through-the-Wall unit and the Ductless Split unit, this person said the following:

For a 1.0 Ton unit, the estimated sound level is-

76dBA- CARRIER brand Through-the-Wall unit (ie, appears to exceed HUD upper limit & CH Noise Ordinance for Residential areas). NOT Good!

70dBA- TRANE brand Through-the-Wall unit (appears to exceed HUD upper limit & CH Noise Ordinance for Residential areas). NOT Good!

49dBA- MITSUBISHI Ductless Split System unit with rotary compressor (below HUD max allowed noise level and CH Noise Ordinance with noise abatement). Therefore, MUCH quieter!

NOTE-- According to the Randorff Report produced for Marriott Senior Living, "each 10dBA decrease in sound level is perceived as HALVING the sound level."

It appears to me from this data (and I am NO expert on heat/AC) that these Through-the-Wall units might NOT even pass (or are on the borderline of) HUD noise and Chapel Hill Noise Ordinance standards for Residential areas, but would likely pass if they were operated in a Commercial surrounding where they are intended for use, and where hotels/motels usually reside. If Marriott does NOT want to use the quieter central heating/AC system (with ducts), then a quieter type of individual unit will be needed for our Residential area where Marriott will be located, especially when there are so many units (108) operating in one small area. The dealer indicated that schools, churches and meeting facilities also use this Ductless Split System for the same reason-- saves on building space by being ductless and still is quieter than the Through-the-Wall alternative that Marriott/Summit wants to use.

The added expense with these Split Systems is in the labor-- running a Freon line from the ground level where the rotary compressor sits to the fan part in the unit/room above. On the other hand, a Through-the-Wall unit is just mounted directly into the wall of the unit itself-- hence it's cheaper to install labor-wise. Therefore, it is NO surprise that Marriott/Summit would much prefer and argue for installing the cheaper Through-the-Wall unit, rather than the less noisy (on the outside) Ductless Split System with rotary compressor, along with dense shrubbery planted near the compressor for noise abatement.

If Marriott/Summit builds using the Through-the-Wall system, we as neighbors will very likely end up in never-ending disputes with them over this noise issue, and if it exceeds the Town's Noise Ordinance, then Marriott will end up trying to fix a problem after the fact with noise abatement methods that I am told by the Heat/AC dealer are often ineffective fixes for Through-the-Wall systems. The dealer offered me more than one example of an institutional-residential situation in Durham-Chapel Hill. PLEASE don't let Marriott install the cheaper and MUCH noisier Through-the-Wall Heating/AC units, but instead require them to use the quieter Ductless Split System with rotary compressor and noise abatement through dense shrubs planted adjacent to each compressor. If Marriott/Summit says they want to build and operate a first class establishment, the Town and neighbors should take them at their word and expect exactly that from them. They should NOT be allowed to skimp here by using louder than necessary heating/AC units, at the price of intruding on their neighbor's right to the quiet enjoyment of their property.

2. REQUEST-- Adjust, reduce in size or move the larger parking lot now located on the Northern side of the site so that there is NO potential for run-off (petroleum droppings and other materials from parked vehicles) that could find its way to the near-by stream, instead of going to the storm water containment area that Marriott is required to build on their property. That stream occurs each and every time that it rains and comes directly through my backyard and that of several other neighbors, on its path to

Summerfield Crossing Rd.

I raised this issue at the Community Design Commission (CDC) Feb 19, 2003, which was the first time this new location of the Parking Lot was presented to the CDC. I believe Mr. Radway indicated to Council that this was discussed and was addressed by the CDC. Contrary to Mr. Radway's statement to Council, in the Summary of the Design Commission Action (Attachment 3 to Mr. Horton's Report to Council Mar 3), NO specific recommendation on this one issue was ever made-- only a statement (Issue #2) that there were some concerns about storm water runoff (NO specific location addressed).

3. REQUEST--- Move the Garbage Dump (for the entire site) to a totally different location on the property. It is now located at the furthest end of the same parking lot adjacent to the stream (ref item #1 above) and is 200 ft due east of my back yard, where I will no doubt smell it, particularly on a hot day.

I did NOT raise this issue to the CDC, as I believe Mr. Radway mistakenly indicated to Council Monday night. Hence, it was NOT addressed prior to the Council meeting Mar 3. Unfortunately and most regrettably, I could NOT present to the CDC this and other design concerns addressed to you Mar 3 due to the CDC's imposed time limitation on the length of my presentation. Hence, the Garbage issue, and the other issues (except for the impervious surface run-off issue) that I questioned and you very patiently heard from me on Mar 3, were never heard by the CDC Feb 19.

Finally, when you consider placing stipulations on the Marriott Hotel in Resolution B regarding their advertising of their product, I encourage you to please consider the Marriott Residence Inn at Southern Pines-- "golfing package stays", "nightly evening hospitality (Monday through Friday) which features light meals." Like this example, I can see Marriott/Summit offering short-stay football, basketball and tournament packages in Chapel Hill. Those of you who are Attorneys on the Council know that there is NO way under the Law to restrict or enforce a rule that Marriott can ONLY rent to guest for 7 nights or ANY minimum stay. The Marriott Residence Inn concept bills itself as a hotel for an extended stay as a method of product differentiation. However, please look at their WEB site at Southern Pines-- <<http://www.marriott.com/dpp/PropertyPage.asp?MarshaCode=FAYPH>>.

I am sure that Marriott/Summit will have no problem offering to the Town to advertise the "extended-stay concept," though nothing in Marriott's Residence Inn Service Mark accompanying their logo even implies an extended stay-- "Room to work, room to relax, room to breath(SM)" is their registered Service Mark, and NOT "extended stay." What Marriott/Summit canNOT and will NOT do is require a minimum stay-over, which I am guessing would touch on violations of the Anti-Discrimination Laws. Using the example of other Residence Inns in our area, their nightly room charge is in line with other area hotels. So, price will NOT be a deterrent to attracting short-stay/one-nighters, given Marriott's additional amenities of a kitchenette, and multiple rooms in a suite for entertaining/partying.

Let's be realistic here folks. The Council has all but approved a hotel for transient guest to stay anywhere from the same day to x number of days. When finances get tough, this hotel, like any others in its chain, will look to whatever market they can find-- like the Marriott in RTP recently did by inviting the College Park Baptist Church to hold their services on the

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premises (Durham Herald-Sun, p. A8, Feb 8, 2003), or the Quincy, MA Marriott did when they booked a convention for fans of the fantasy game Dungeons and Dragons at a deeply-discounted price (New York Times, September 29, 2002, "May I Speak to the Manager? A Storm at Marriott"). Once they are in, there is NO sure way to monitor Marriott/Summit's promotional activities to the letter. I believe this is asking too much of the Town's present Inspections system to enforce. We are all living in a dream world if we accept this Marriott Residence Inn for anything more than being a hotel for transient stay-overs of ANY length (ie, 1 to x number of days).

I apologize for the length of this information. I have tried to offer you the facts as best I know them, and only hope that you will find them of help as the Manager crafts Resolution B. Again, thank you for helping our neighborhood with these specific requests.

Sincere regards,

Harvey C. Krasny, Ph.D.