

**ADA TOWNSHIP PLANNING COMMISSION
MINUTES OF THE JANUARY 19, 2012 MEETING**

A meeting of the Ada Township Planning Commission was held on Thursday, January 19, 2012 at 7:30 p.m. at the Ada Township Offices, 7330 Thornapple River Dr., Ada, MI.

I. CALL TO ORDER

Meeting was called to order by Chair Korth at 7:30 p.m.

II. ROLL CALL

Present: Commissioners Butterfield, Jacobs, Lowry, and Easter, Chairperson Korth, and Treasurer Rhoades.

Absent: Commissioner Lunn.

Also present: Planning Director Ferro

III. APPROVAL OF AGENDA

Motion by Lowry, second by Butterfield, to approve the Agenda. Motion passed unanimously.

IV. APPROVAL OF MINUTES OF DECEMBER 15, 2011 MEETING

Motion by Easter, second by Jacobs, to approve the December 15, 2011 meeting minutes with one correction. Motion passed unanimously.

V. PUBLIC HEARING

Request for Special Use Permit, 3,396 Square Foot Day Care Center/Pre-School and Related Accessory Structures, Canterbury Creek Farm Preschool, 6555 Grand River Dr., Part of Parcel No's. 41-15-28-100-007, 008, 009, 010, 012 and 013, Rick and Kathy Turchetti

Steve Witte, Nederveld, Inc. introduced Rick and Kathy Turchetti, Canterbury Creek owners, and Ken Dixon, Dixon Architecture, project architect. Witte stated the property is currently zoned industrial, the property covers 23.9 acres, and the Canterbury Creek Farm Preschool development would take place on approximately 9 of those acres. Witte stated the Preschool has two sessions, one from 8:30 to 11:30 and one from 12:30 to 3:30. He stated the current plan is to keep the same pattern for the new site. Witte stated when the plans were originally submitted the building was going to be licensed for approximately 36 children; however the Turchetti's are likely going to add a Young Five class which would mean the licensing would be for 48 children.

Witte stated, as far as the construction, it would consist of a 3,396 square foot school building, a 3,128 square foot barn, and there will be a goat bridge on the west end of the property. He stated there will be a large fenced-in play area with walking paths. Witte stated there will be a one-way drive entering to the west of the buildings, circling in front of the buildings, and the exit will be to the east of the buildings. He stated the Road Commission has verbally approved the access locations and driveway entry design.

Witte stated five parking spaces are shown on the plan, and a wider drive surface is shown in front of the school so that there is a drop-off area and space for vehicles to pass each other. He stated the building will be serviced by public water; there is no public sanitary sewer in the area, so they have gotten permission from the Township and verbal approval from the Health Department to have an on-site sewage disposal system.

Witte stated changes made since the last meeting include moving the fence adjacent to the road to be a minimum of 12 feet off the bike path, in order to save some existing mature trees. He stated he had the surveyors go out to the site and accurately locate all the trees so they know they are in fact being saved.

Witte stated nine landscape trees are shown along the one-way drive; the buildings were shifted to the north and west in order to save some evergreen trees that are there. He stated the five parking spaces have been moved from the south of the drive to the north to be more convenient, and the plan now has the accurate proposed property lines and easement lines, as this information was received from Amway since the last plans were done.

Witte stated through the design process it was thought to keep the rural character, which includes placing the buildings at a much greater setback than is required, providing a one-way drive through the site, providing what is needed for parking. He stated the plan is to construct the drive with asphalt millings as opposed to hard surface; and the building architecture promotes a rural feeling for the site; and care has been taken to preserve as many of the existing trees as possible. Witte stated Jim Ferro did a very good job giving an overview of it and they agree with everything Jim has indicated, except for recommended condition 2, which indicated a maximum of 36 children, however the intent is to have up to 48, so they request the limit be increased. He stated they believe this project is very good fit for the area, and provides a service to the area and community, and makes good use of the property.

Jim Ferro, Planning Director, stated the adjacent property owners within 300 feet of the property were notified there would be a public hearing tonight. He stated written correspondence was received from two parties, the Cramer's and the Gilmore's, both expressing support for the request. Ferro stated Gilmore's property is immediately adjacent to the west, and the Cramer's live on the opposite side of Grand River Drive.

Korth opened the public hearing; with no comments being made, the public hearing was closed.

Commissioner Lowry stated it will be a nice fit for the area, and the comments from the people in the neighborhood are very positive. He stated this is a great change from where the preschool was because it was on a bank and this is more level, and the design looks great.

Commissioner Easter stated this has been a good process that produced a gorgeous design. She appreciates the applicant working with Jim.

Commissioner Butterfield stated it is a nice design, and her only concern is the traffic. She questioned whether the traffic data from 2005 is still valid, and wonders how that has changed in the six plus years. She also questioned what the traffic impact would be going from 27 kids at the current location, to the original 36 proposed and now up to 48. She asked what future plans for growth are, and what if they come back and want to add other programs in the future.

Korth asked Ferro to speak to that.

Ferro stated any increase in student capacity above whatever limit is put in an approval would require a revision to the special use permit. He stated that imposing a limit as a condition of approval, as well as the recommended condition No. 1 that requires the facility be built as shown on the plans submitted, are very important to the compatibility of the facility with the area. He stated whether we're talking 36 or 48, either number is relatively small and an increase from 36 to 48 has a relatively minor impact on traffic on the area. Ferro stated the traffic count for Grand River Drive is newer than 2005, it is 2010 or 2011. He noted that any impact on Grand River Dr. traffic from the M-21 bridge construction is temporary and once construction is completed things will revert to the way they were, so he does not think that is important here. He also noted that traffic to and from the site has potential to be dispersed in many directions, thereby lessening the impact on any single intersection. He noted that accessing the site by

using the Fulton St./Alta Dale Ave. intersection has the benefit of having indirect left turn movements, which are easier and safer traffic movements.

Treasurer Rhoades stated he doesn't think that going from 36 to 48 children is going to increase traffic, and with the space they have it will accommodate that. Rhoades also stated moving the fence back away from the trail will be a good way to save those trees.

Korth stated it is a wonderful plan which took a tremendous amount of effort by the applicant and the people working on this project. He stated this is totally dealing with what the majority of people in Ada Township hope for in a development, so he is 100% supportive of it and thinks it is wonderful.

Motion by Easter, second by Lowry, to approve the Special Use Permit for a 3,396 square foot day care center/pre-school and related accessory structures, subject to the following conditions:

1. The site development shall consist of a 3,396 square foot pre-school building, accessory buildings and other site improvements, substantially as shown on the site plan sheets G3A.4, G3B.4 and G3C.4, received 01/05/12, and the elevation drawing sheets A1.4 and A2.2, dated 11/22/11.
2. The maximum permitted licensed capacity of the facility shall be limited to 48 students.
3. A driveway permit for the driveway accesses to Grand River Dr. shall be issued by the Kent County Road Commission, prior to issuance of a building permit.
4. A Kent County Environmental Health Dept. permit for the on-site wastewater disposal system shall be issued, prior to issuance of a building permit.
5. A Township storm water permit shall be issued, prior to issuance of a building permit.
6. An exterior light fixture specification, providing for use of a cutoff fixture, shall be submitted prior to issuance of a building permit.
7. The premises shall be connected to the public water system, and a connection permit shall be issued, prior to issuance of a building permit.

Motion passed by 6-0 vote.

VI. UNFINISHED BUSINESS

Request for Extension of Deadline for Completion of Mineral Excavation and Processing Activities, 6801 Conservation St. NE, Parcel No. 41-15-21-100-003, The Merestone Group, on behalf of Edith Pettis

Korth stated there is no representative present. Ferro noted he had left the applicant's representative, Mr. VanSingel, a voice mail recommending he be in attendance. He stated the Commission could postpone this item until later in the meeting, to see if he arrives later.

Easter asked if we do that do we still have to vote on it today.

Ferro stated you don't have to, but that he doesn't think anything keeps the Commission from acting on it simply because the applicant is not here.

Korth asked for the consensus of the group.

Easter suggested moving forward. Commissioner Jacobs expressed agreement.

Korth asked for Ferro to explain what has happened in the last month, whether there has been any correspondence/ communications.

Ferro stated since last month's meeting, he drafted and had legal counsel review a proposed resolution for your consideration that recommends denial of the extension request. He stated there has been no new information submitted by the applicant other than the letter received from the property owner, Ms. Pettis, asking for postponement of action, and stating she intended to provide in the future the information that was requested back in September that she chose not to supply at that time. Ferro stated that is the only activity that has taken place.

Korth stated it really goes to the findings that we had for the calculated activity on the site using their grain analysis that the production during the initial seven years was negligible. He stated the question comes from the letter we received from her, do we feel if she takes the time to locate these records that are in storage, which she's had ample time to do, would change our thinking on that.

Lowry asked didn't she say that she had been sick.

Ferro stated that Ms. Pettis indicated in her letter that she had back surgery within the last month and is not able to travel until her doctor gives permission, and she won't know when that will be until the end of the month.

Korth stated he is not sure that really has much of a bearing on anything since for several months she has promised that, and a hired representative on her behalf was supposed to be handling this, so why that would have any immediate impact that suddenly she wants to step forward and handle things on her own, he questions whether that should affect our decisions.

Easter stated the attorney's correspondence suggested that we should grant her request. She stated she doesn't really understand the whole legality of this, but she was given 10 years and some definite things that needed to be done, and she feels from what she has heard and seen, it's too little too late. Easter stated she briefly read Mr. Sperla's letter and he explained why we could be putting ourselves in a compromising position by not granting the postponement request, but she just thinks it should be over.

Korth asked for Ferro to clarify the way the settlement agreement reads regarding the extension process. Ferro stated the applicant may be granted a single extension not to exceed 10 years, and the means to getting that extension is through a two-step process, with review and recommendation by the Planning Commission, and final decision by the Township Board.

Ferro stated the Planning Commission's action is a recommendation to the Township Board, and that if the Commission recommends denial, the Township Board has the discretion to either approve or deny an extension.

Korth stated that based on all of our fact-finding to date, which has been extensive, it may be appropriate for the Commission to now move this forward so the Township Board can do their part of the job. He thinks we've done an admirable job of digesting and organizing information, and we've talked about it extensively, and the Township Board can take it under advisement and decide whether it is prudent to wait for her opportunity to come up to Ada and address the Board directly, so he is in support of taking action as well. He stated he thinks the Commission should move tonight and allow this thing to make progress so we don't continue to spend additional time and energy unnecessarily when the facts are at hand.

Easter stated the email from Mr. Lunn supports that as well.

Ferro stated one point to consider is that we asked the applicant early in the process for production records by year concerning the amount of sand and gravel produced at the property annually for the initial 10 years of the operation, and there were two pieces of information provided to us: 1. annual production for the last three years of the operation but not for the first seven, and 2. a survey-based topographic analysis of how much material has been removed over the entire 10-year period, based on what the ground contours were at the start of the 10 years and what the ground contours are currently as of 2011.

Ferro stated from that information, we were able to do an easy math calculation subtracting the amount removed in the last three years from the estimate of total material removed in the last 10 years submitted by the applicant, to arrive at an estimate of the amount removed during the first seven years. He stated he then calculated an average annual removal amount for the first seven years, which was shown to be very minimal during a period of time when we had a strong economy, lots of housing construction and lots of demand for sand and gravel. Ferro stated the production from 2008 to 2010, after the housing market collapsed, was three times as high as it had been before the housing market collapse. He stated the conclusion he makes from that is the applicant made very little effort to complete the project during the first seven years of the 10 year time frame, when there was a great opportunity to produce. Ferro stated the applicant now coming forward and saying she will provide the data we asked for earlier is not going to tell us anything we don't already know. He stated in his view the Commission is not going to learn anything new by postponing action.

Easter stated we have been requesting this information now for four or five months. She asked what reasons were given as to why that data was not available.

Ferro read from the applicant's submittal, which states that "the Township did not exercise its right to examine Pettis & Associates business records during the first 10 year period of the court ordered settlement. Edith Pettis, the owner/operator, retired and moved to Florida at the end of 2007 and leased the operation to Barber Creek Sand and Gravel". Ferro noted the data that was submitted was for Barber's Creek operation of the site from 2008-2010. Ferro stated the assumption was made by the applicant that, since records had not been requested as permitted by law, the Township had no interest in those records. He stated that the applicant's submittal further states "as a result of her move, the amount of old business data seemed irrelevant at that point. Pettis is not certain that a completely accurate recreation is possible, however a better and more scientific assessment of material removed can be ascertained from engineering data". Ferro stated he agrees with that statement, and that is what we did.

Rhoades asked if we ever got any soil borings from the remaining property to tell us what type of material could be excavated from there that's valuable mineral other than what we see when we look across the veins that are cut right now.

Ferro stated he is not aware of any type of analysis ever being done, and nothing submitted to us on what the quality of material is.

Rhoades stated that is one of the items that was to be considered, the valuable materials that could be excavated, and there was comment about there being clay which doesn't serve any purpose.

Commissioner ~~Butterfield~~ Easter stated even if there was gold in there, how is that relevant. She was given rules, she had no respect for them, she obviously didn't comply with the court order, and now it's over, so she doesn't even know the relevance of soil borings.

Rhoades stated that was one of the criteria to satisfy, that there is valuable material in there. Rhoades stated he doesn't know how soil borings would tell us any more than what we know. He stated we haven't gotten anything that says there's valuable material in the ground, other than what you can see along the bank or what's stock-piled already.

Korth stated if someone is going to move on this, the resolution that has been drafted provides a framework for us.

In review of the resolution, Korth suggested deletion of the proposed finding that references the owner's location of residence and ability to manage the operation, as he believes this is a highly subjective judgment that does not have much substance. He stated the mere fact that she did have a representative and she did have a contract with a third party shows that effort was done on her part, it just shows it wasn't really enough, in his personal opinion, to be sufficient to have complied with the agreement.

Lowry stated the question is was that put in because it was legally necessary.

Korth stated that Ferro drafted it, and it was reviewed by Sperla.

Ferro stated that is correct and he has no objection to deleting that paragraph.

The consensus of the Commission was to remove this paragraph.

Motion made by Easter, second by Jacobs, to adopt the resolution recommending denial of the request from Edith Pettis, Pettis & Associates, for extension of time to complete mineral excavation and processing activities at 6801 Conservation Street.

On a roll call vote, the Resolution was adopted by a 6-0 vote, with Lunn absent.

Korth stated this will now be moved on to the Township Board. He asked Ferro if he knew when this might be looked at by the Board.

Ferro stated possibly the first meeting in February.

VII. NEW BUSINESS

Proposed Amendment to P-1C, Planned Development District – Pertaining to the Kent County Conservation League

Ferro introduced a proposed amendment to the zoning regulations that are applicable to the facilities and operations at the Kent County Conservation League property on Conservation Street. He stated the zoning rules applicable to the club property were adopted in 1975, and have not been modified since. Ferro stated a process was begun in December of 2010 to develop proposed amendments to those rules. He stated the process was initiated as a result of communications to the Township from neighbors of the club expressing concern about increased levels of activity that they've perceived over the last two years, and specific concerns they had on how the club was running some of the shooting activity there. Ferro stated an informal committee was put together with representation from the neighborhood, primarily from the Winding Brook neighborhood immediately abutting the club on the east, and members of the board of the club, and a series of meetings was held over the last year to draft some revised zoning rules that would be applicable to the club.

Ferro stated in the early 1990's the club submitted a zoning application to add a new shooting facility called a sporting clays course, and after a year-long zoning hearing process in 1990 and 1991 that request was ultimately denied by the Township Board in June 1991. He stated in 1994 an amendment to a state law called the Sport Shooting Ranges Act was enacted that gives some degree of protection for sport shooting ranges from private nuisance actions a limited degree of exemption from local zoning regulations. Ferro stated around that time, the club decided to go ahead and put the clay sporting course in, and it was installed sometime during the 1990's without having obtained Township zoning approval.

He stated during the course of the meetings during the past year, he was told that the KCCL Board at that time believed the Sport Shooting Ranges Act made that facility exempt from zoning approval and allowed them to put it in. Ferro added that the Township wasn't aware it was installed until a few years later, and that when the Township did become aware of it there was no enforcement action taken, and there also were no complaints received regarding the new facility. He stated that since that time there has been some case law that suggests a facility expansion like the one that was undertaken by the club is subject to local zoning requirements and was undertaken illegally, although there may be some room for disagreement about this, and it could invite litigation.

Ferro stated the intent of the committee was to develop zoning rules that accomplish several things: 1) reduce some of the impacts that the club has on the surrounding area as perceived by neighbors, mainly in terms of noise generation; 2) provide the club with zoning authorization for the sporting clays course, in effect, after the fact, so the club doesn't feel it is in any vulnerability of it being challenged by the Township.

Ferro stated through a year long process a consensus was reached by the committee on a set of revised rules that achieves a number of things that are identified in bullet and number points in his memo. He stated he encourages Commission members to take the next month to review the proposed changes.

Ferro stated a couple of the major things that it achieves include a reduction in time of impact of shooting activity at the club by establishing both Monday and Friday as "no shooting" days except for a limited number of days, 6 calendar days per year, for special events on Friday's - corporate outings or sanctioned competitions. Ferro stated under the current regulations they are not required to be closed on those two days.

Ferro stated the revised ordinance also eliminates some ambiguous language on the limits on the hours of the day during which outdoor shooting can take place. He stated the current ordinance states outdoor activity during evening hours "on a regular and recurrent basis" can take place no more than two evenings per week, but it doesn't define what is meant by "a regular and recurrent basis", so that is replaced with a clearly defined schedule showing by day of the week what the permitted shooting hours are.

Ferro stated the outdoor shooting is permitted on three evenings per week, no later than 10:00 p.m., Tuesday, Wednesday and Thursday, and on Friday, Saturday and Sunday no later than 5:00 p.m. He stated the sporting clays course is added to the graphic development plan as an authorized activity with a 900 foot safety zone established between shooting stations and the east property boundary. Ferro stated a more accurate and higher quality development plan drawing has been prepared to replace the one from 1975.

Ferro stated there are representatives here from the club board and the Winding Brook neighborhood, all of whom participated in the cooperative discussions we had over the past year. Ferro stated an amendment to these rules is subject to a public hearing and recommendation from the Planning Commission, with ultimate action by the Township Board. Ferro stated there may be interest in these rules beyond the Winding Brook neighborhood.

~~Easter~~ Butterfield asked if the Board and the Winding Brook neighbors were involved in looking at the days of the week of the operational hours.

Ferro stated, yes, that was one of the major areas of negotiation during the course of this process.

Easter asked Ferro to talk about the rationale behind the hours allowed for shooting.

Ferro stated historically the club has had shooting until 10:00 p.m. on Tuesdays and Thursdays, and in return for establishing Monday and Fridays as predominantly no shooting days, the trade-off was to add evening shooting on Wednesdays in addition to Tuesdays and Thursdays.

Easter asked what they are subject to now.

Ferro stated they are subject to the language that says “no shooting during evening hours on a regular and recurrent basis except for two evenings per week,” and those two evenings have historically been Tuesday and Thursday.

Korth stated that some of the logic might have been that people are home on the weekends more so than during the week.

Easter asked if the sporting clays course is going to be 900 feet away from the east boundary, where is it now, is it going to be a change from what they’re doing now.

Ferro stated, no, they comply with that now. He stated there was a large State meet held two years ago where temporary stations were set up much closer to the east property line than that 900 feet, and that was one of the concerns that resulted in the neighbors coming to the Township and saying we’ve got some concerns with the operations and we want to see some changes, and that is part of what initiated this process.

Easter stated in Ferro’s staff report there was some mention of additional acoustics treatment or something like that, and she asked for additional information.

Ferro stated it is not specifically written into the proposed rules, but the club board has pledged to construct some additional physical sound baffles adjacent to the shooting positions on the rifle range, which is located furthest to the east and is the loudest activity. He stated there is some neighborhood cooperation in providing materials for that.

Easter stated she lives fairly close to the club property and has noticed at times that it’s like firecrackers or something, and it’s disappointing, it’s frustrating. She stated we need to understand what that activity is and determine if it is proper activity, and if they’re acting in accordance with the ordinance.

Ferro stated maybe someone from the club can respond to that, but there is some law enforcement practice training that takes place there on occasion by several different law enforcement organizations. He stated that was one of the concerns expressed by the neighbors, concern over the rapid fire activity they hear on occasion, and there is language in the proposed ordinance that addresses that.

Easter asked is that what I’m hearing, is that rapid fire, or is there something else going on.

Tim Wiley, club Manager, stated there are a couple of things you could be hearing. He stated there’s a tradition in skeet and trap competition that when a shooter completes a perfect round of hitting all 25 clay targets, the shooter must throw his hat in the air and the other shooters on the line shoots at it at once. He stated another possibility is you could have 15-20 people shooting two to three shells all at once by coincidence and that would sound that same way.

Wiley stated he has spoken with all the law enforcement agencies that practice or train at the club and confirmed that none of them use fully automatic weapons at this point at the club. He stated the club does have a couple of members that have Class 3 FFL (Federal Firearms License) licenses, and they have a license to have a fully automatic small pistol like a swat team would have, and they sometimes use those handguns at the club - very seldom, but once in a while. He stated it could be either one of those activities that you hear.

Easter asked if the ordinance, as put together, is going to restrict that activity, shooting somebody's hat.

Wiley stated I don't think so, I never looked at it.

Korth stated with multiple people shooting they just happen to be doing it simultaneously, as opposed to a single guy shooting a device that rapidly fires off many rounds.

Rhoades pointed out language in the proposed amendment which states shooting "shall not involve rapid fire rifle shooting."

Wiley stated that was for the law enforcement practice. He stated the Grand Rapids SWAT team comes out once a month, and the club does not want them using fully automatic weapons. He stated he spoke with them and they don't do that now. He stated they have 100 and 200 yard drills with their sniper rifles, with shooting only occurring when participants are given orders to fire by a captain in charge, in which case there may be six or seven officers firing within a one or two second period. He stated that after letting their rifles cool for a minute or two, they will reload them and fire again. Wiley stated this practice is for accuracy tests on the barrels and learning what the bullets will do at different temperatures. Wiley stated you could hear six or seven shots at once and from a ways away it might sound like an automatic weapon but it's not. He stated the club has five skeet and trap fields and a lot of times those fields are full, so you have 25 shooters with a shotgun shooting at the same time.

Butterfield asked if there is a maximum capacity at the club.

Wiley stated he doesn't know if there is a maximum capacity, but they have 652 members right now.

Butterfield asked how that has changed over the years.

Wiley stated when he became Manager 3 1/2 years ago, the club had about 450 members, so it has increased by about one third. He stated in 2004, they were up as high as 700 one year.

Rhoades stated the ordinance speaks of warning signs. He asked if there are inspections to make sure the signs are still in place. and you do periodic, one year, two year, around the perimeter to check to make sure all the signs are still there; then the 12 foot berm that's there that you shoot into, is that still maintained at 12 feet, you've shot 40 some years of lead into that.

Wiley stated it has to be rebuilt every once in awhile, yes.

Rhoades stated he asked Ferro if there was any fencing and he said he wasn't aware of any fencing of the perimeter. Rhoades questioned whether there should be fencing to protect against smaller children wandering on to the property.

Wiley stated they have 172 acres there, the first plot is 92 acres and there's 80 beyond that, and that first area had one or two strings of barbed wire at some time previous, and we had a survey company come in in the mid 90's and he believes they restrung that wire.

Rhoades asked if the club maintains a mowed perimeter on the property boundary, as a distinction for anybody walking in the area.

Wiley stated they allow the property to be walked by neighbors when they are not open. He stated if you see the lay of the land it would be almost impossible to cut the perimeter because we've got ponds and hills and nothing is flat there, so it would be real tough to do that.

Korth asked Ferro if there were any rules that say what the distances are for these things when you're shooting live ammunition.

Ferro stated the State statute refers to best management practices that are adopted by the DNR, and the best management practices that have been adopted by the DNR are National Rifle Association (NRA) standards that were adopted by reference. He stated the NRA has an extensive manual of range design and operations standards that has been updated periodically over the years.

Korth asked if we know how their layouts comply with that.

Wiley stated they do meet the NRA standards. He stated he believes the NRA standard on the shotgun sports is 600 feet. Ferro interjected that this standard is 900 feet. Wiley stated that, as Jim had referenced before, when they had a tournament a couple of years ago they had a couple of stations that were closer than 900 feet to the property boundary. However, the safety zone standard was met from these stations by the direction of fire being within a 180-degree arc, pointing away from the property boundary.

Easter asked if there was anyone here from Winding Brook who would speak to how they came to a consensus on this.

Ron Wassenaar, 8655 Conservation Street, stated they have been working with each other for the past year, and what Jim has presented is what we came up with. We all worked together, and came to agreement.

Pete Lozicki stated he is a club Board member, and lives in the Township as well. He stated that the Board of Directors wants to be good neighbors with the people around them. He stated they worked hard to try to do things that are beneficial to everybody. He stated the club, beyond what is in this ordinance, has committed to taking measures to abate the sound beyond what's there already. He stated they are going to install sound attenuation materials at the rifle range shooting stations, which is the biggest source of noise impact to the Winding Brook neighborhood. Lozicki stated they are looking at installing sound attenuation materials at the pistol range as well. He stated they have committed to planting trees and making design changes as we go. Lozicki stated the Board is committed to having ongoing dialogue with the neighbors going forward.

Korth stated the ordinance will be set for a public hearing in February.

Easter asked if she has an obligation to recuse herself from this, because of the proximity of her residence.

Ferro read provisions in the Planning Commission Bylaws concerning conflict of interest which state "in the case where a commission member owns property that is located within 300 feet of the property that is the subject of a request, or if for any other reason a member believes there may be a reasonable appearance that he or she has a conflict, the commission member should state the nature of the potential conflict to the commission and whether he or she believes he or she can impartially consider the request", after which "the balance of the commission shall determine by a majority vote whether a conflict exists or not." Ferro stated you disclose the potential conflict, then it's up to the rest of the Commission to determine whether there is one or not.

Easter stated so that process should be followed at the next meeting.

Korth stated yes, the appropriate time would be at the beginning of the public hearing. He stated he doesn't think he has a conflict, as his property is well beyond 300 feet from the club property. Korth stated we'll have a public hearing next month.

VIII. STAFF/COMMITTEE/COMMISSION MEMBER REPORTS

Proposed 2012-18 Capital Improvements Plan

Korth stated he and Easter have served as representatives from the Planning Commission on a Capital Improvements Plan Committee, along with the Supervisor, Clerk and Treasurer, in developing the annual update to the Capital Improvements Plan, or CIP. He stated Jim has helped administer and put it all together. He stated this is a draft of that plan which we need to have a public hearing on

Korth stated between 2000 and 2010 the Township population increased by 33%, which has resulted in a sizeable increase in State revenue sharing funds. As a result, he stated, our budget looks very strong and the general fund is much stronger than we had been anticipating a year ago when we were working on this.

Ferro provided an overview of the information contained in the plan, and the assumptions made in projecting future revenues and expenses, and the amount of funds available for spending on capital projects.

Korth stated the plan maintains a high level of conservatism regarding future revenue growth.

Ferro stated the plan assumes zero growth in property tax base and that's probably realistic, although with some of the industrial growth we've seen there could be some modest increase in the future.

Korth encouraged members to review the draft Plan prior to the February hearing, at which time the Commission could entertain possible revisions to the Plan.

Review/Revision of Planning/Zoning Project Priorities

The Commission reviewed the project priority list that was developed by the Commission last year. Ferro suggested that after a proposed list of candidate projects for this year is prepared, the Commission members use a voting system as was done last year to develop a priority ranking for projects. It was agreed that Commission members would offer any suggested additions to the list by next Friday, and that Ferro would then email the updated list to Commission members to vote on. Ferro will then compile the results and present them at the February meeting.

IX. PUBLIC COMMENT

None.

X. ADJOURNMENT

Motion by Rhoades, second by Easter, to adjourn the meeting at 9:20 p.m. Motion passed unanimously.

Respectfully Submitted,

Susan Burton, Township Clerk

SB/dr