Chairman Peat called the special meeting of the Paw Paw Township Planning Commission meeting to order at approximately 7:00 on September 30, 2010 at the Township Hall.

Those present were:  
Randall Peat
Phil Arbanas
Tom Beam
Kip Kerby
Ivan Olsen
William Mihelich
Donald Stull

Absent was:  None

Also present were:  Bruce Dean, AGS

APPROVAL OF AGENDA –

On motion by Beam, seconded by Olsen, the agenda was unanimously approved.

APPROVAL OF MINUTES – August 11, 2010

On motion by Kerby seconded by Arbanas the minutes of August 11, 2010 were unanimously approved

PUBLIC COMMENT on non-agenda items - none

PUBLIC HEARING – opened at 7:02 pm

Peat stated that this is a continuation of the hearing from 08-11-2010 regarding the operation of the Roadhouse Grill is in accordance with the approved special use permit (04-14-2009). An overview of the special-use-permit process and limitations were described for the information of the members of the audience. Peat introduced the owner, Richard Conway, to provide a summary of his outdoor entertainment use.

Mr. Conway referred to the letter prepared by Mr. Barry Ray Smith, Pro Audio Manager, the Guitar Center, Portage, Michigan. The letter is dated 09-20-2010. Copies of the letter were provided to the three members of the audience for review. There was general discussion of the planned wall extension, and Mr. Conway stated that he is expecting Mr. Smith to attend the meeting to provide additional explanation and answer questions.
Mr. Van Sickle asked about the height of the existing fence, and about Mr. Smith’s credentials as a sound engineer.

Mr. Smith arrived at 7:10 pm. He addressed the commissioners, and indicated that he designs sound systems for churches and bars in the area. He works in the GC Pro Center in Portage.

Mr. Smith stated that the proposed wall would stop the high-end sound. He described the characteristics of sound wave travel, stating that sound loses 6 decibels for each doubling of the distance from the source. He described the general principals of sound absorption to be used in placing the wall. He stated that normal traffic noise is approximately 90 decibels, and that sound, particularly high-pitched sound, travels better in the humid air. He shared that he also has recommended that Mr. Conway install proprietary equipment to mix the sound through which he can control the absolute volume of the music.

Mr. Van Sickle asked if Mr. Smith had designed the canvas tarp barrier that was up in the early spring this year.

Mr. Smith indicated that he was not involved, and that he and Mr. Conway had only recently been introduced.

Mr. Van Sickle stated that at times the low-end sounds have rattled the windows in his house.

Mr. Rich Pender read his letter dated 08/30/2010 describing the sound on the evening of 08-27-2010, which indicated that on that evening the sound was the loudest he had heard to date, and that he believes this was a willful violation of the Planning Commission’s intent at the August 11, 2010 meeting.

Mr. Van Sickle agreed that the sound on the evening of 08-27-2010 was the loudest he had heard.

Peat described that the goal of the Planning Commission is to work to find a solution that works for both Mr. Pender and Mr. Conway, so that the business can be successful, the neighborhood can enjoy the use of their properties.

Peat suggested that installation of the proposed fence/wall to a height of 14 feet, a finding by the Planning Commission that the outdoor entertainment will be in compliance with the conditions of the special use permit based on installation of the fence, and subsequent evaluation of the effectiveness of the fence, may be an appropriate action on this matter. Peat asked about the proposed configuration of the fence.

Mr. Conway described that the fence is planned to extend along the east line and bend around along the north property line.

Olsen observed that members of the neighborhood have expressed that the management of the restaurant has not been adequately responsive to the concerns of the property owners.
There was extensive discussion of the meaning of compliance, and the subjective nature of the neighborhood assessment of the sound as a nuisance, versus the standards that may be applied by the Planning Commission in determining the effect of the noise. There was discussion regarding imposing a requirement that the wall must be completely constructed prior to any outdoor performances taking place in 2011.

Arbanas stated that at the time of his visit to the neighborhood, he only heard sounds coming from the east, not the west.

Mr. Pender stated that last Wednesday’s (09/22/2010) performance was loud at his house.

Stull asked Mr. Pender what level would be acceptable to him: does he believe he should not be able to hear the sound of the music?

Olsen reminded the members of the comments from the neighborhood regarding sounds that disturbs the sleep of neighborhood children.

Stull asked about any other measures that can be included in a motion to approve the proposed fence.

Mr. Smith indicated that the system could be designed to allow greater control by the restaurant. There is also a natural effect in the ear, whereby the sensitivity of the ear is reduced based on continuous exposure to loud volumes. Available equipment includes a “hard limiter”, which can be installed, but this involves a proprietary system controlled by the owner.

There was discussion of measures the owner of the restaurant can take to reduce the sound and otherwise control the sound from the band.

By consensus of the members, the public hearing was adjourned to the October 28th meeting. The adjournment of the hearing is to allow Mr. Conway to develop a comprehensive proposal, potentially incorporating some of the recommendations of Mr. Smith, in addition to, or instead of, the wall currently proposed.

ADJOURNMENT

On motion by Kerby, seconded by Olsen, and unanimously approved, the meeting was adjourned.

Respectfully submitted,

Bruce Dean, AGS