

Planning Commission
FINAL - BUSINESS MEETING AGENDA
Monday, February 16, 2009 7:30 p.m.

CALL TO ORDER

APPROVAL OF AGENDA

PUBLIC COMMENT

Items Not On Agenda

CONSENT AGENDA:

1. Minutes of January 19, 2009

PUBLIC HEARING

OLD BUSINESS

1. Divine Mercy – Final Site Plan
2. Planning Commission By-Laws
3. Capital Improvement Plan
4. Procedural Changes

NEW BUSINESS

1. Amendment to Zoning Ordinance No. 26 -
Cell Tower Setback Requirements

OTHER BUSINESS

1. Priority List

PUBLIC COMMENT

ADJOURNMENT

NEXT MEETING DATE(s)

1. March 16, 2009 Business Meeting

The Mission of the Springfield Township Planning Commission is to guide and promote the efficient, coordinated development of the Township in a manner that will best promote the health, safety, and welfare of its people.

**Springfield Township
Planning Commission -- Business Meeting
Minutes February 16, 2009**

Call to Order: Chair John Steckling called the February 16, 2009 Business Meeting of the Springfield Township Planning Commission to order at 7:30 p.m. at the Springfield Township Civic Center, 12000 Davisburg Rd., Davisburg, MI 48350

Attendance:

Commissioners Present

Frank Aiello
Dean Baker
Roger Lamont
Bill Leddy
John Steckling
Neil Willson

Commissioners Absent

Ruth Ann Hines

Staff Present

Mike Trout, Supervisor
Laura Moreau, Clerk

Consultants Present

Brian Oppmann
Randall Ford

Approval of Agenda

Chairman Steckling recommended accepting the agenda as presented. The Planning Commissioners agreed.

Commissioner Aiello moved to approve the Agenda as presented. Support by Commissioner Baker. Vote on the motion: Ayes: Aiello, Baker Lamont, Leddy, Steckling and Willson. Nays: None. Absent: Hines. Motion Carried.

Public Comment:

Bob Schutzki, MSU stated he was at the meeting in November and explained at that time he was working with the Michigan Invasive Plant Council on a list of assessed plants which was updated on January 29, 2009. I sent examples of the full assessment that was done along with several summary statements for different plant species. This information is not yet updated to our website but I am willing to answer any questions the Commission might have.

Consent Agenda:

Commissioner Aiello moved to approve the Consent Agenda corrections to the January 19, 2009 minutes as listed: page 6, 8th paragraph, 4th line; to change the word “in” to “under”; 5th line; change “differential” “deferential”; page 9, 6th paragraph, 4th line change the word “changes” to “change” and on page 11, 1st line change “where” to “were”. Supported by Commissioner Baker. Vote on the motion: Ayes: Aiello, Baker, Lamont, Leddy, Steckling and Willson. Nays: None. Absent: Hines. Motion Carried.

Public Hearing:

None.

Old Business:

1. Divine Mercy – Final Site Plan Review

Chairman Steckling stated that Divine Mercy is proposing to construct a church and at a later time other facilities. The parcel is zoned Residential and under the residential zoning they are permitted as a Special Land Use to build this type of a facility. Divine Mercy came before us with a Concept Plan that met the requirements of the ordinance for Special Land Use and made recommendation to the Township Board that the Preliminary Plan be considered favorably and granted. The Township subsequently held the Public Hearing and also found that Special Land Use criteria were met and approved the Concept Plan. Now Divine Mercy is back for Final Site Plan approval and our purpose is to either recommend approval to Township Board, deny or table this item.

Jeffrey Huhta, P.E., P.S., Nowak & Fraus. PLLC stated since last meeting with the Commission, there have been multiple meetings regarding the concerns relating to the wetlands and general concerns about grading, drainage, storm water management, as well as traffic, vegetative screening and the overall disturbance of vegetative slopes. We went back and relooked at the plan, worked with the Township consultants, and came up with some positive changes to the site plan.

The septic field, which previously an engineered septic system was proposed, but while doing soil borings for the detention basin we found some very clean sand materials located in the area originally showed as the detention area, and we will be moving the septic system to that location as it will not require the engineered system. For the storm water management we have a large body of unregulated wetlands, and have retained the bio-retention areas, which will drain to a level spreader going through approximately 300 feet of existing grassed swale, before entering into an old farm irrigation pond. Then the storm water will then enter into a 2 acre wetland, approximately 6 to 7 foot deep that exists on the property. The future grading of the administration offices was also of a concern to the Commission, so we provided a grading sketch for the area of those offices. We would be disturbing approximately 12,000 square feet of environmental area, or old farm land, not much vegetation in this area, trees are sparse in this area and we will basically excavate into the hill to create the walkout area and create a minimal amount of disturbance. The 12,000 square feet is less than one percent of the total environmental area of the property. A Wetland Report was submitted to the Township for review.

Chairman Steckling asked if there were any unresolved issues, not addressed, on the consultant's reviews.

Jeffrey Huhta stated that between now and the time of meeting with the Township Board they would take care of any outstanding issues. He stated they were working with Mr. Ford on the bio-retention area and what he would be comfortable with on the drawings, in order to move forward with the process. I believe all of the Carlisle Wortman concerns have been addressed with a simple revision to the landscape plan and hopefully these items could be handled administratively.

Brian Oppmann stated he is in favor of the new storm water approach and that it is better than the original plan. Their concern was that the plants inside of that wetland, are not effected by the increase in storm water and I don't believe the Wetland Report indicated the types of plants in that wetland

and that will be something we will want to take a look. Overall we favor this approach and the screening on the northern and eastern boundaries can be addressed, the light poles in the parking lot exceed the ordinance requirements and can be addressed, and as additional phases are added we can continue to monitor the storm water situation and evaluate the vegetation on the site. We recommend approval tonight contingent upon the items in our review being addressed and it appears in their response letter they indicate it can be done.

Jeffrey Huhta stated that the plant species had been addressed in their response letter to Randy Ford and read that portion to the Commission.

Randy Ford agreed with Brian that the storm water management plan has come a long way and what he was trying to achieve with the bio-swale area was to capture the first flush of a rainfall event by filtering before the level spreader, 300 foot swale and then into the wetland system. This will provide some benefit from a storm water quality standpoint. Final calculations on the restrictor will be worked out prior to going to the Township Board, but what they are proposing is very achievable and will accomplish its purpose. I believe all other items addressed in the Concept review have been addressed, especially with the road improvements out on Davisburg Road. After the traffic count was completed it established the need for the acceleration/deceleration and passing lane, as it met the warrant and the final site plan package does reflect all of those improvements. The permit with the Road Commission for Oakland County has already been applied for and is moving in the right direction and those improvements will be done with Phase I construction.

Commissioner Baker inquired as to how Wetland B was deemed unregulated and did MDEQ submit any documentation showing that it is an unregulated wetland.

Randy Ford stated in their Wetland Consultants report there was a reference to MDEQ ultimately having jurisdiction over determination on wetlands. I think clearly the wetland in question is under the five acre criteria and I wasn't challenging where it was or wasn't regulated I was just referring to a comment in their report. Ultimately if it is marginal or even close then MDEQ needs to come in and make that determination and it is the property owner's responsibility to obtain that and they would be responsible of any violation of state law. I believe the concern of the applicant is the time frame in which it takes to obtain that determination, and they are concerned they will be held up on the entire process while waiting for that determination.

Commissioner Baker said he understands the time involved, but there currently is a lot of snowfall on the site and does anyone really know the acreage involved or are these educated guesses.

Jeff Huhta stated that wetland reports are typically put together with a tool they use, the MDEQ Level III Wetland Assessment and typically what is in most consultants reports is the language, Randy Ford referenced in his letter. That is what we think, but we are not the final determining factor of what that wetland boundary is. MDEQ has the ultimate call as to whether there is any permitting required. In this case it is not even close. The regulatory status of this wetland is greater than five acres or within 500 feet of a lake, reservoir or stream.

Commissioner Baker wanted to clarify that there was no obligation for the applicant to present any documentation that MDEQ has evaluated and found this to not be a regulated wetland. Jeff Huhta replied that was correct.

Commissioner Baker asked if the proposed septic location is for more than Phase I at this time or just for Phase I.

Jeff Huhta stated that the initial 4 lateral runs that are proposed will services Phase I, and when the area is doubled the 2nd area will service the worship area and the administrative areas and there is also a reserve area, as required by the health department, to meet the future needs, should they exist. (Check Plan)

Commissioner Baker clarified that then with future phases they would not have to find other suitable locations on the property to establish another septic. Jeff Huhta stated that was correct. Commission Baker asked about the letter received from Msgr. Budde referencing the safety paths and asking if they could refrain from participating on this requirement. Supervisor Trout stated they are asking to be able to provide the dedicated easements for the safety paths and not build them at this time as there is not a future safety path plan for Davisburg Road at this time.

Commissioner Baker said that doesn't the ordinance require either they provide the pathway or they provide the value or funding of the pathway and are we saying we aren't going to have them provide the funding as required just the easement. Supervisor Trout asked if the Commission would like to see a bond or escrow account established. Commissioner Baker stated he thought the ordinance language stated either you build it, or at times we have said, construct this with an easement and then fund a Safety Path Escrow that could be utilized by the Township for safety paths where we are trying to link either existing safety paths, or safety paths that have the viability of pedestrian traffic. The letter is requesting a relief from that but the ordinance requires that funding and I believe we need to collect those funds, even if they are used elsewhere within the community. Supervisor Trout stated he was correct and the ordinance states 1 1/4 times the estimated cost to be held. Commissioner Baker clarified that he wasn't demanding construction of the safety path, that we want the easement and the funding as required by ordinance to be submitted. Supervisor Trout asked if a Letter of Credit would be acceptable and that he would be comfortable with that.

Jeff Huhta stated that the church's philosophy is they believe in a matter of a few years they hope to be back with the next phase of the project. With the Township Park being across the street they are looking for opportunities of working with the Township after the Township's safety path plan develops further and possibly we could interact with that plan and come to a common resolution on how the safety path gets constructed. Putting up the money right now handcuffs everybody in determining exactly what the future direction of that safety path should be. By waiting until the next phase we would like to see a connection to the park somehow and connecting to the park doesn't make any sense having the safety path on the south side of the road.

Commissioner Baker stated that the establishment of the easement and the funding of safety path are two separate items and I want to make sure that the ordinance requirements to fund that safety path escrow is achieved with this project and the Township can decide what is appropriate to meet Section 16.25 (b) of the ordinance and not funding the safety path is not an option.

Commissioner Leddy stated he had a conflict of interest on this item and will abstain from discussion and voting.

Commissioner Aiello stated he had no additional comments. His main concern had been the safety path funding as well and he concurs with Commissioner Baker and wants to make sure that it is addressed.

Commissioner Lamont congratulated the consultants for their hard work in the engineering, storm water drainage protecting the natural resources in the Township and the applicant for working with our consultants and coming up with , what appears to be a very good solution. I have nothing to add to Commission Baker's comments and had the same concerns on the safety paths and using Section 16.25 (b) versus 16.25 (e) allows the applicant to comply with ordinance and move the project forward, but as I read 16.25 for Safety Paths, the Planning Commission does not have the authority to waive this requirement.

Commissioner Willson had no additional comments.

Chairman Steckling reiterated what the ordinance stated, that upon posting of security with the Township. This item could be handled by the Township Board as to how that security will be posted and believed it could be handled administratively. Listening to the consultants he believes that the other items of issue also could be handled administratively.

Chairman Steckling moved to recommend to the Township Board that final site plan approval be given to Divine Mercy according to the plans submitted dated by Township 2/2/09, and documentation submitted for review in our packets and disbursed at the meeting. This recommendation is based upon review of the foregoing submissions, as well as the written reviews of Township planner, and engineer, and a determination that the applicant has complied with Section 18.07.2 and all other applicable provisions of the Springfield Township Zoning Ordinance, the Design and Construction Standards, and all other applicable ordinance's policies and standards. The following additional findings of fact are relevant to this application:

- 1. That the applicant is not desirous to build the safety path that is required by the ordinance in the initial phase and based on Section 16.25. 1 (b) there is provision that allows the construction of the safety path to be deferred upon the posting of security with the Township in the amount equal to 1 1/4 times the estimated cost of construction, as determined by the Township, and this is required.**
- 2. The storm water retention provided for under the proposed plan includes the use of a wetland, that may or may not come under the jurisdiction of the MDEQ, it will be incumbent upon the applicant to make that determination and be responsible for ascertaining that before construction is commenced.**
- 3. That the acceleration/deceleration and/or passing lane as proposed and approved by the Road Commission for Oakland County will be a part of the recommendation for completion of this project.**
- 4. That the screening on the north and eastern boundaries will have to meet the ordinance requirements and the Planning Commission recommend that an administrative field study be conducted by the planner to determine where additional plantings may be required in addition to those already existing.**
- 5. That the light poles on the current plan are adjusted to comply with the ordinance.**

Compliance with the foregoing conditions shall be undertaken on an administrative basis with the applicant working in conjunction with the Township and the Township consultants. Supported by Commissioner Aiello. Discussion on the motion:

Commissioner Lamont asked Chairman Steckling if it was his intent that all recommendations contained in the Carlisle Wortman review dated 2-5-09 and the Hubbell Roth and Clark review dated 2-0-09 be complied with and worked out administratively. Chairman Steckling said yes. **Commission Aiello amended the motion to include the reviews and compliance of the reviews. Supported by Chairman Steckling. Vote on the motion: Vote on the motion: Ayes: Aiello, Baker, Lamont, Steckling and Willson. Nays: None. Abstain: Leddy. Absent: Hines. Motion Carried.**

2. Planning Commission By-Laws

Chairman Steckling stated that the by-laws have been looked at a number of times and last month there were several good suggestions made by the Commissioners and the Commission decided to take another look at them and make additions, deletions and changes and try to get them in final form.

Commissioner Aiello said that looking at the proposed by-laws along with Onalee's history, and the procedures that we had adopted previously that there is a lot of duplication and inconsistencies in the documents. Someone should really take some time and consolidate these documents and make a proposal to the Commission.

Commissioner Lamont agreed with Commissioner Aiello. The inconsistencies bother him the most.

Randy Ford was excused at 9:04 p.m. by Chairman Steckling.

Chairman Steckling stated the document with the track changes was started by Collin and he asked Greg Need's office to review and it returned to us for revisions. This document is a culmination of the Rules of Procedure and the By-Laws and this would be the final version. Commissioner Aiello said that the Commission should revoke or eliminate the Planning Commission Rules of Procedure and this will be our By-Laws and Rules of Procedure. Chairman Steckling said he agreed and we should be able to go forward at this point and clean it up.

Supervisor Trout said that if the Commission is comfortable having the rules of procedure included with the by-laws, that this is probably as clean as it will get. I can consult with Clerk Moreau and Brian Oppmann can do the final version with our input and try to eliminate any consistencies and this document would supersede both documents and this was the original intent.

Chairman Steckling said he would like everyone to edit it and send it in to Supervisor Trout and Clerk Moreau and they could collectively reflect our thoughts and bring it back to us. Commissioner Aiello asked from the version adopted 8-18-08, and the redlined version for example; in Article VIII, Rules of Procedure, how are the changes tracked. Chairman Steckling says it takes into consideration two or three comments made at last months meeting, and if you look in the section of Order of Business, we talked about being able to take something of interest and moving it ahead, is now reflected. The document dated 8-18-08 would be replaced with the new document.

Commissioner Lamont agreed with Commissioner Aiello and having one document that is clean is much better and I would prefer that Clerk Moreau, Supervisor Trout and Brian Oppmann start with it and go from there.

Commissioner Leddy stated the part left out of the new document was the Purpose and that is why there is a discrepancy of the Article numbers as one is listed as Article VII and the other Article VIII. When the document is revised maybe we could decide if we want to leave the purpose section in or not.

Supervisor Trout believes that a statement of purpose that is comprehensive and addresses the issues that were bullet pointed in the 8-18-08 document could be incorporated.

Clerk Moreau suggested possibly just referring to the Goals and Policies and the purpose statements within the Master Plan would be acceptable.

Commissioner Lamont said that was a great idea as these current by-laws/rules of procedure do not align with the Master Plan and that was one of the reasons this Purpose section caused him problems was that it did not align with the Master Plan and he felt that the Planning Commission purpose would be to enforce the Master Plan. You could put it in as saying "restated". Clerk Moreau agreed as it would reflect what is in the currently updated Master Plan. Commissioner Lamont agreed that if taken literally, our only purpose would be the bullet points, and I think we have a far broader purpose that those few listed.

Clerk Moreau further suggested that the Commissioners submit their requests on a time line to Onalee in maybe a two week time frame so we can ensure we have collected your thoughts before sending them all to Brian Oppmann. I would hate the administrative portion be completed and then receive additional items to be added or deleted.

Commissioner Lamont then asked Chairman Steckling when the item would be back on the agenda. If a two week time frame is requested, they only have 20 days to get it back to us, leaving Clerk Moreau, Supervisor Trout and Brian Oppmann 7 days to review, consult on the comments, and revise the language. Commission Aiello said there was no urgency and why not have comments submitted by the next meeting with the understanding that it would be on the agenda for the April regular meeting. Chairman Steckling was agreeable. Supervisor Trout said they could possibly have a draft for next months meeting for them to review. Commissioner Aiello agreed, as some of the Commissioners may wish to give oral rather than written comments.

Commissioner Baker asked for a clarification of quorum, I thought it was quite clear in the past, but looking at the By-Laws from 8-18-08 page 2, it shows 4 members of 7 shall constitute a quorum, then immediately below that statement it tells you how you can conduct a meeting, "a majority of any members present at any meeting may approve any action unless provisions require a quorum". The preceding statement led me to believe all business that was transacted required a quorum and the next statement says you can transact business unless it requires a quorum.

Commissioner Aiello stated that in the new consolidated version it says "a majority of the members shall constitute a quorum" and no longer identifies the number of members. Commissioner Baker said that if this body should gather with three or fewer members present, I had the impression that we could not conduct business. Commissioners Leddy and Lamont were under the same impression. In the old document, Rules of Procedure, item 1.5, Change of Schedule, it says that in the event that a

quorum of the Planning Commission is not present, which would be three or less, a majority of those present, at least two, may adjourn the meeting, if they give notice. You can't even start a meeting without a quorum none the less adjourning a meeting. This is an area that needs to be addressed and cleaned up.

Commissioner Aiello suggested the sentence read "a quorum may approve any action unless provision of these rules or state law requires more for approval". The Commissioners agreed.

Commissioner Lamont wanted to clarify that the Commissioners were to bring their edited comments to the next meeting or get them to Onalee before the next meeting. Clerk Moreau stated it was preferred before the next meeting to potentially have a draft for your review.

Commissioner Aiello moved to table the By-laws for information to be provided by the Township Supervisor and Clerk Moreau as requested. Supported by Commissioner Hines. Vote of the Motion: Ayes: Aiello, Hines, Lamont, Leddy, Steckling, and Willson. Nays: None. Absent: Baker. Motion Carried.

3. Capital Improvement Plan

Supervisor Trout stated he had made some minor revisions to the text and basically removed the chart that was in the middle of the document and replaced it with a spreadsheet, which is easily changeable. This way the items that we would actively pursue, in various ways, put the actual numbers in there even if the time table gets pushed back. I have shown Congressman Rogers a copy of this plan and I would like to continue to look at additional opportunities other than the listed categories for grants and other funding sources so the changes in the text were made to align this document with the Township's budget process and this should be considered during that process. I believe this document will meet the statutory requirement, if and when it may be required. Supervisor Trout asked for any questions or comments. Clerk Moreau stated the only thing she would request would be to have the lines bolded at each heading, making it easier to read.

Commissioner Aiello moved to recommend approval to the Township Board of the Capital Improvement plan with the new text changes and spreadsheet as submitted by Supervisor Trout. Supported by Chairman Steckling. Vote on the Motion: Ayes: Aiello, Baker, Lamont, Leddy, Steckling and Willson. Nays: None. Absent: Hines. Motion Carried

4. Procedural Changes

Chairman Steckling asked for discussion on the items he submitted for review as to how we could streamline the process for the applicant, and Township and better serve our time. I am looking for suggestions as to procedures that could be implemented between the consultants, the applicants and the Township.

Commissioner Lamont responded that he would like you add, along with items you would like to see denoted as either consent basis or for further discussion or explanation. Then place the unresolved items on the priority list to discuss. Commissioner Aiello would like to have the consultants prepare the motions in advance, so all of the conditions were contained within the motion and then still have the latitude of amending that motion as needed. If the motion was prepared and submitted just prior to or given out at the meeting, the main content of the motion would already be prepared, which would streamline any open issues. This is done at multiple municipalities. Commissioner Lamont had also

attended meetings where the consultant and the planning department worked together and the Planner prepared the motions. These motions were prepared with options such as recommend, not recommend, recommend with conditions etc. and they were all inclusive of outstanding issues. Brian Oppmann was asked if he worked with communities that pre-prepare motions after discussion with the Township Staff. Brian responded that yes they do but they do not prepare motions for all items on the agenda, but more with site plan issues in front of them and give all options available to the Planning Commission or Board. Commissioner Baker said he thought it was a great idea. Commissioner Lamont inquired as how to handle the feedback.

Supervisor Trout asked if the Commissioners would like to see the items incorporated into the Priority List and possibly expand the category lists to incorporate these items. The Commissioners agreed to forward their ideas to Supervisor Trout and Clerk Moreau to incorporate into the Priority list, the list of items suggested for procedural changes.

New Business:

1. Amendment to Zoning Ordinance No. 26 – Cell Tower Setback Requirements

Chairman Steckling explained this item was on the agenda at his request as it bothers him that during site plan review if the tower doesn't meet the ordinance, that there isn't any language in the ordinance to deal with the requirement and the only resolution is the Zoning Board of Appeals. We send things repeatedly to the ZBA and they get approved, tells me that maybe we need to review the ordinance for possible changes. Possibly we could consider language that would give us the option based upon engineering data that certifies its not an unsafe situation, or can we just change the setback number and I would like to defer to Brian Oppmann at this time.

Brian said there are two ways to look at it. Most ordinances, Springfield's included, the setback is equal to the height of the tower. What you find with a structural study done of these towers, they are not snapping at the base, they are snapping at a certain distance up, usually half to three quarters of the way up. You possibly get some flexibility by requiring the applicant when presenting his site plan request to include a signed sealed drawing by a structural engineer showing where the actual breaking point would be under extreme weather conditions etc. That way you could permit a short height making them liable and providing some flexibility to the Commission. He further stated that they are finding in almost every tower they review, an engineering study is usually submitted showing it would break half, two-thirds or three quarters of the way up, depending upon the tower.

Commissioner Lamont asked if these studies had been verified by reality. Brian said he doesn't know of too many times that it has happened in reality, but they have computer modeling that would determine that.

Commissioner Baker stated it was his understanding that it goes to the ZBA because it speaks of structures and the setback required thereof. The SBA cell tower required an 87' variance because it was only 70' away and with the lighting rod on the top was 157' and as Ellen Tencer who represented SBA said their tower was of fairly new construction. This type is gaining acceptance, but is not the same type of structural design as previous towers. SBA's tower was designed to "wilt" and no part of the tower was intended to touch the ground even if it had a structural failure and I would not be sure that would be the case with every tower or wind turbine that we are going to review. I understand that by ordinance we have to pass this on to the Zoning Board and the Zoning Board through their power and responsibility weights on it and it then comes back to the Planning Commission for completion of the process. Do we really want to put something in on how high and what type of

structural responsibility we expect from wind turbines when they are built. Do we want to put something in on the water towers and other towers, and should be lump them all together or have separate ordinances for each one of them. I don't see the existing ordinance as a problem and having to go through additional language changes to take the responsibility off a board that is not that exceptionally busy, and unless it is causing undue delay to the applicant I feel it should be left alone until we see a lot of requests for this item.

Commissioner Aiello said that the way the system is now also preserves flexibility. If we had an applicant who was not as well versed as the last one, the Zoning Board of Appeals could ask for the engineering study as part their requirements. Possibly circumstances would be different based on location of the structure and that would preserve that flexibility.

Chairman Steckling said the Commission could deny it, and send it on to the Zoning Board of Appeals. If we are not comfortable with the request we would send it to the ZBA, but if we were comfortable with it we could proceed.

Commissioner Leddy said he agreed with Chairman Steckling that if an applicant was able to certify that the tower would not fall the required setback distance, then we could waive that requirement at that time and not send them to the Zoning Board of Appeals, so if the language was in the ordinance we could address it with some guidelines showing why we would be allowed to waive those requirements, such as a break point.

Commissioner Lamont asked Brian if other communities had differing setbacks or do they go by the height of the structure. Brian stated the majority use the height of the structure. Most of our reviews, over the past five years have a structural analysis showing the number of co-locations, the breaking point, etc. This is usually part of the submittal requirements. Springfield would be different from other communities, but I think this is a reasonable idea to consider allowing flexibility and it doesn't put liability on the Township by having certification by a structural engineer.

Commissioner Lamont said what if a variance was granted for less than equal the height distance, and the failure occurs without the Township receiving a certified engineering study, then where is the liability. Brian stated probably on the Township. Commissioner Lamont stated, yes probably on the Township. I understand both sides and both sides have merit but if we can reduce liability to the Township I would entertain some wording to our current ordinance to allow for engineered studies and deferment. I think we should take a look at this.

Commissioner Aiello stated while not being the Township Attorney, I don't think we could have any true liability in regard to our permitting that is going to be the property owners' liability.

Chairman Steckling asked how the Commission wished to proceed going forward. We can request sample language from Carlisle Wortman or drop it if you don't feel this is a valuable issue. As it would be an ordinance amendment it will require our reviews, public hearing and going through the amendment process as required.

Commissioner Aiello stated he didn't think we need a motion to drop it but wasn't comfortable with making a motion to go pursue it either. I would like to say I appreciate Chairman Steckling for trying to streamline the processes but I don't feel it is worth the time and money at this time.

Chairman Steckling moved to pursue the Cell Tower Setback Requirements and request Carlisle Wortman to draft language for an ordinance amendment. Supported by: Commissioner Leddy. Vote on the Motion: Ayes: Lamont, Leddy, Steckling, and Willson. Nays: Aiello, Baker. Absent: Hines. Ayes: 4 Nays: 2. Motion Carried.

Other Business

1. Priority List

Chairman Steckling reviewed the list and went over individual items and discussed their status. The Landscaping Amendment was set for review on March's agenda. Add Cell Tower under Amendments, Remove Divine Mercy as approved this evening. Downtown Davisburg is on hold. Discuss By-Laws in March and proceed in April with language. Add Procedural Changes to the Priority list for March meeting.

Public Comment:

Supervisor Trout wanted the Commissioners to know that the Master Plan had been approved by the Township Board and many kudos for all your good work. He also asked about the 2nd page of the Agenda that was attached and how they felt about it. Commissioner Lamont referenced the motion issue earlier. It should say Action: Recommend or deny that the Planning Commission...spelling out all statutory requirements. Commissioner Aiello stated he had seen actual full motion prepared also. Chairman Steckling stated for his benefit, he would like to see history listed as well on the 2nd page of the agenda.

Supervisor Trout also stated that Brian Oppmann is looking at becoming certified for soil erosion permit issuance and the Township taking over soil erosion permitting from Oakland County which would provide the advantage of allowing residents to deal directly with us, and us having latitude in regard to re-inspections etc.

Adjournment:

- **Commissioner Baker moved to adjourn the meeting at 9:22 p.m. Support by Commissioner Hines. Vote on the Motion: Yes: Aiello, Baker, Leddy, Steckling and Willson. Nays: None. Absent: Hines, Lamont. Motion Carried.**

Onalee M. Carnes, Recording Secretary