

**TYRONE TOWNSHIP PLANNING COMMISSION
APPROVED PUBLIC HEARING MINUTES**

**Request of Greg Duberg for Property at 10260 White Lake Road (04-300-006)
Rezoning From RE and M-1 To B-2 (29.00)**

February 10, 2009

8:40 p.m.

PRESENT:

Chairman - Dave Hanoute, Vice-Chairman - Mark Meisel, Secretary - Laurie Radcliffe;
Commissioners: Gary Butler, Joe Fumich, Steve Hasbrouck, Ed Kempisty

ABSENT:

Joe Fumich

CALL TO ORDER: 8:40 p.m. by Chairman Hanoute

READING OF THE PUBLIC NOTICE: The notice was read aloud by Secretary Radcliffe

CORRESPONDENCE:

Chairman Hanoute said he received a letter from Mark Guidobono, owner of the property immediately across the street, stating he had no problem with the request. He asked to have the letter placed on file with the other correspondence.

PURPOSE OF THE HEARING:

The purpose of the Public Hearing is to receive comments regarding the request of Greg Duberg for rezoning of approximately 25 acres at 10260 White Lake Road (04-300-006) from RE, Rural Estates, on the west side of the parcel and M-1, Light Industrial, on the east side of the parcel to B-2, Community Business, based on the type of zoning shown on the Tyrone Township Future Land Use Map.

COMMENTS FROM THE APPLICANT:

Mr. Duberg said that his request to rezone to B-2 ties in with the Township's future land use of the property in the area.

COMMENTS FROM THE TOWNSHIP PLANNER:

Sally Hodges of McKenna Associates, said the Master Plan for the site calls for public and quasi public land uses on the M-1 portion of the parcel and residential and natural resources protection on the RE portion. Strictly speaking, the request is not consistent with the Master Plan. However, when you look at surroundings to the property, the Master Plan north of the site also calls for Public and Quasi Public use and to the south, it calls for Planned Commercial Services, a new Zoning District that the Planning Commission is considering, which is similar to B-2. Mr. Hanoute pointed to the proposed commercial zones on the Future Land Use Map which surrounded Mr. Duberg's property.

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Ms. Hodges explained that Mr. Duberg is asking for B-2 Community Business District Zoning. The purpose of the B-2 district is to accommodate the needs of a larger consumer population. It speaks to clustering of establishments, larger parking areas, and increased traffic. If it is zoned to B-2, the applicant is requesting a specific use for a paintball course, but there are a variety of other uses which would be permitted by right or by special land use. All of the retail and service uses in B-1 would be permitted---clubs, restaurants, theaters, educational facilities, bars, and banks would all be permitted by right. Outdoor garden supplies, outdoor recreation space, indoor commercial recreation space, auto sales and other similar uses could be permitted by Special Land Use. When they consider a rezoning, the Planning Commission considers the whole range of uses which would be permitted and whether the site is appropriate for the various uses.

Ms. Hodges noted that the site is divided by land features and environmental features into two segments. There are wetlands toward the White Lake Road part of the site, then there is a high and dry area on the south and the rest of the site is divided from the east side by a stream and some wetlands. One of the questions she had was how useful or appropriate the back (south) portion of the site would be for B-2 uses. It doesn't have visibility and the access will be difficult because there are wetlands and a stream to cross. The property south and west of the back portion is zoned residential. That needs to be considered in any recommendation for rezoning

Ms. Hodges asked about the status of the small parcels shown as "B" and "C" shown on an earlier drawing and asked if they had been separated. The Recording Secretary explained that legal descriptions of parcels "B" and "C" were taken to the County and recorded, but they were never reviewed or approved by the Township. A boundary realignment request for Parcels "B" and "C" has been received and the review is tentatively scheduled for the February 24, 2009 Planning Commission Meeting, pending receipt of revised legal descriptions and drawings. Mr. Duberg said that the legal description provided for rezoning of his property did not include parcels "B" and "C."

Ms. Hodges noted that an Impact Assessment, as required by the Ordinance, had not been provided with the rezoning request. The Planning Commission will have to determine if they want to review an impact assessment before they make a recommendation on the rezoning.

Since the more intensive use of the property will be located on the north and east portion, the Planning Commission might want to give some consideration to retaining the RE zoning on the western portion of the parcel. The applicant is asking for a specific B-2 special use that is also permitted by special use in the RE district. Mr. Hanoute asked if that meant that a paintball course could be allowed as a special use in the RE Zoning District as well as in B-2. Ms. Hodges said that was correct. Looking at the natural features, it might make sense to use the boundaries of the stream to divide the B-2 portion of the property from the RE portion. The back portion of the property really isn't suited for B-2 use.

Mr. Duberg said that for what they were after, he wouldn't have a problem with her recommendations, but in the future wetlands and streams will get addressed and he could

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see development on both sides of it. He thought that both parts of his property should have the same B-2 zoning. Ms. Hodges said her concern is whether the back portion of the property is really suited for B-2.

Mr. Duberg said there was an MDEQ permit application filed, and his feedback was that the wet area at the front of the parcel was too small to consider as regulated. The wetlands and the stream at the back wouldn't have to be reviewed. He felt that issues with the regulated wetlands didn't have to be considered until improvements were made and the property was developed.

Responding to a question from Mr. Hanoute, Ms. Hodges said that an easy way to create a boundary between RE and B-2 zoning districts would be to use the stream. Mr. Duberg said that he has discussed selling the property in the future to a gentleman who owns most of the property surrounding his site. His neighbor would take the property on the west and he would keep the part on the east. There aren't too many ways to get to his property, other than the access he has now, but the other property owners that surround his property have ways to get to the RE part without crossing the stream.

Mr. Hanoute explained Mr. Duberg was requesting B-2 Zoning for everything and Ms. Hodges recommend B-2 zoning for the east part with continuation of the RE zoning on the west part. He asked Ms. Hodges if she felt that B-2 rezoning was not appropriate for the RE portion of the property because of the topography, the wooded area, the adjacent residentially zoned parcels, and the means of access, and was suggesting that the RE parcel remain RE , and that the portion of the M-1 parcel south of the stream be rezoned to B-2. Ms. Hodges said she didn't have a really firm opinion about where the boundary line between the parcels should be. The rationale is that the RE should stay RE.

Mr. Hanoute explained that if the B-2 rezoning is approved as far as the existing RE boundary, the owner could apply for a PUD and incorporate some condominiums or other residential development within that topography at some time in the future.

PLANNING COMMISSION COMMENTS:

Mr. Hanoute reminded the Planning Commission that the hearing was about the rezoning of the property and the special use permit would be discussed later.

Ms. Radcliffe asked Mr. Duberg about the distance of the Old US 23 and White Lake Road intersection from this his property. Mr. Duberg estimated that it was 300 feet. Ms. Radcliffe said she asked because that was where most of the accidents happened in the Township.

Mr. Hanoute noted that the parcel between Old US 23 and Mr. Duberg's property was zoned RE, but the Future Land Use Map shows it as PCS which is similar to B-2. Most of the properties south of his parcel are currently zoned RE

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Township Zoning Administrator, George Van Hecke, explained that at one time the property was rezoned from residential to industrial (M-1) so they could manufacture headstones next to the cemetery.

COMMENTS FROM THE PUBLIC:

Mr. Hanoute asked the members of the audience to keep their comments brief because of the number of individuals who asked to comment

Mike Joynt, 11304 Nora Drive, asked if Mr. Duberg's property abutted the cemetery and Sunken Gardens. He said his daughters loved going over to the stream that goes through the area. He didn't want to see paint going into the water and down the stream. The Sunken Gardens have been known all over the world. To him, it wasn't a big enough property to do what they wanted to do.

Anne Kehoe said she lost her husband three years ago and he is buried in the cemetery. She lives within a mile of the cemetery and her kids walk up to the cemetery all the time to visit with their Dad and wander the cemetery. They go on hikes through the woods and they have encountered hunters, empty beer bottles and men's magazines that she doesn't feel that any woman would ever want to buy. You can also stand in the cemetery and see hunters dressed in their full garb sitting up in trees waiting and other people enjoying a hike. She received a letter from Tyrone Memory Gardens about what is being planned. There will be two speed ball fields and two wooded ball fields on this property which will initially have a 50 car parking lot with space for more in the future, porta potties, a trailer and gun test ranges along the drive, and there will be no fence separating this business from the cemetery, nothing to stop paint balls from landing in the cemetery, and nothing to stop the noise.

She asked Mr. Duberg if he had considered the beauty of the spot and the number of people that come from all over. It's not just us locals who have lost somebody, but relatives who come and visit the site and remark on the fact that they have never seen another cemetery that offers what this cemetery offers. This is also a cemetery that doesn't see any vandalism. She knows from having a houseful of teenagers, that if you put teenagers and paint balls together, you will have a mess in that cemetery.

Mr. Hanoute explained that this Public Hearing was about the rezoning. A Special Land Use public hearing requesting use of the property as a paintball course was scheduled to immediately follow the rezoning hearing. Since most of the comments from the public seemed to be about the use rather than the rezoning, the Planning Commission concurred with his recommendation to include comments related to the Special Land Use as part of the rezoning hearing. He asked Ms. Hodges to comment about the Special Land Use request.

Ms. Hodges said the Special Land Use paintball plan shows a driveway and picnic area at the front of the site. They are showing a 50 car parking lot plus some future parking, porta-potties, and an office trailer with trash bins beyond that. They set off two speed ball fields

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and two woods ball fields. The township does have some regulations about these sorts of outdoor recreational facilities. They are permitted by Special Land Use Permit approval and covered under Ordinance Section 22.05.F. In particular, they need to have one property line abutting a paved arterial road. The building setbacks from the front, side, and rear yards have to be at least 50 feet and landscaped with shrubs and grass. The Planning Commission can set the parking requirements. The Ordinance requires that the property be fenced, and they are proposing fencing all around the property in the version of the plans that we have. One thing she didn't see represented on the proposal was the Ordinance requirement for a 200 foot setback for onsite facilities. When you scale a 200 foot setback around the property perimeter, it doesn't leave a lot in the center of it. The Section states, "Onsite facilities shall not be within 200 feet of the property line If the site is used for "war games" utilizing air guns. A fence at least six feet high shall be erected around the perimeter of the property and ropes, ribbons or similar materials shall be erected or hung from trees to form a visible line of demarcation at least 50 feet inside of and parallel to the perimeter fence." They will have to have No Trespassing Signs and so on (22.05.F.5).

She noted that the application referred to "viewing areas" and she didn't see those located on the plan. Mr. Duberg said that the viewing area would be located around the Trailer Area where people could sit and watch. Ms. Hodges recalled that there had been a discussion in the past about the office trailer being used as a place to sell paint balls, check people in, and so on. If an office trailer is used for that function, it would be her recommendation for a site this close to a major interchange, that the office trailer would have improvements to make it appear more permanent with a roof and setbacks so that it is not visible from the road. She didn't have a basis to tell if the parking was adequate. We will require information regarding the basis for the parking and the limit to the number of players who can be on the course. The driveway location is new and she would like them to address that. Parcels B and C have been talked about.

The applicant should submit an operating plan that describes how the facility will be run, the staffing on site, the hours, the maximum number of players at one time, and expansion of the site plan to address things like the location of the bleachers for the viewing area, the drainage, the wetlands crossing, the location of all structures, and the depth of all setbacks in accordance with the Ordinance.

Mr. Duberg said they had looked into the possibility of a future building. They were thinking of a pavilion like the one the Church has across the street by their softball fields. There is also a pavilion at the Church on the other side of the expressway that they use for their softball fields. They know they will have to come back to the Township for approval if they do build that. His understanding of the setback is that buildings would have to be set back 200 feet, but not the people walking around. When he read the war games part, it specifically states that there has to be 50 feet from the property line and it has to be shown on the drawing. Ms. Hodges said her reading was that "on site facilities" had to be 200 feet from the property line, and the area where the shooting occurs is a facility of the course based on her interpretation of Section 22.05.F.5, Fencing.

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Mr. Duberg said they planned to locate a 12 foot high fence in the area shown in the drawing so nothing would go toward the cemetery. The guns are air guns that shoot 150 feet. James Soldan, Mr. Duberg's partner, said he checked and found that from the furthest west line to the furthest east line of the cemetery is 250 yards. Mr. Duberg explained that the gun range shown on the drawing is where all guns have to be tested. Before anyone can go out on the course, they have to be set at 275 feet per second. Even if you cranked them up all the way, they wouldn't shoot 200 feet. They are constantly checked in the field by referees and the number of referees is determined by how many people are playing the game. Mr. Soldan said the activity is highly regulated and there is no way the paint balls can reach the cemetery or the buildings thereof.

Mr. Hanoute reminded them to give the Planning Commission all the information they could at this point, before the audience gets to ask more questions. Mr. Soldan said that as far as the creek and the appearance of the site, the paint balls are water soluble. They are basically filled with food dye. The dye won't hurt the fish, the fauna, or the stream. This area will provide something to do in Tyrone Township for anyone who is 10 years old or above. There are national and international events for paint balls and it is safer than B.B. guns. You have to wear headgear at all times. If you violate the rules, the referees can throw you off the course without refunds. As far as having a sales trailer, it will be located behind the wetlands. If you can't see the pontoon trailer that is there now, you won't be able to see this.

Mr. Soldan said they didn't want to upset the neighborhood and it would be quieter than the softball games at the churches. This won't have anything to do with the cemetery. The guns shoot with air and aren't as loud as B.B. guns. You don't want to sound off or scream and holler because you don't want people to know where you are. It is basically hide and seek with paint ball guns. It will be an alcohol and drug free zone. There won't be any magazines or beer bottles. They have already contacted the Athletic Director at Saint John's in Fenton who would like to use paintball for team building. So would the football coach at Grand Blanc. This is not army, it is people having fun. Corporations use it for team building. Mr. Duberg said they had already been contacted by a Police Department in the area who want to use the facility to meet the mandatory hours required for a certain type of testing they require.

Mr. Soldan said the residue factor would be nil. Instead of building barricades on the course, they planned to use round bales of straw or hay. It is biodegradable and the deer can eat it. They want to work with nature and the neighborhood, not against it.

Mark Johnson, 11304 Nora Drive, asked what the paint ball casings were made of and if they were biodegradable. Mr. Duberg and Mr. Soldan said they were and would degrade during the first rain or in any heavy moisture. The life time of a paint ball on the shelf is less than a week. Mr. Johnson commented that he had heard the talk about national and international competitions and didn't think the site was big enough. Mr. Soldan said there are competitions, but they wouldn't be held at their site. Two of the competitions he observed in Florida were held on sites of 2 to 2 1/2, acres. The woods is where people really want to play, more than the speed ball in a smaller area. It is hide and seek. For us, it is taking back our childhood. For kids, it is their childhood. They don't call them guns,

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they call them markers. They have to have a sock over the barrel when they aren't on the course and players can be asked to leave if they don't have one. The guns have to be tested by radar at the "shooting range" before they can go on the course.

Art Palaian, 8101 Older Lane, said he wasn't for or against it because he was in attendance on another issue. He said he hadn't heard the Board ask about the time of day they would be holding the events. He has played real war games and night vision goggles and 2:00 AM go together real well. His next door neighbors play paintball, and it is a lot better than a motorcycle.

Mr. Hanoute explained that their application outlines time constraints. Mr. Duberg explained that there are usually two different sessions. The morning session would be from 9:00 to 11:00 and the afternoon would be from 1:00 to 3:00 and that is usually on the weekends. They will not have night events. Mr. Soldan said that special groups like the police can schedule events during the week. That is when they could schedule birthday parties or team building events. Actually, the exposure coming from people who visit the site should help the cemetery business also. Right now half their property is zoned M-1, and almost any use could occur there. We are asking to downsize the zoning from an industrial district to a business district. It is right off the highway, and US 23 is noisier than anything they are going to do, especially the truck brakes. You have industrial property (Fenton Concrete) on another side of the property and you can hear his trucks and trailers all day long. What we are after would be a better use for the property than an industrial use.

Velda Bishop, 1302 Jennings Road, Linden, said that they purchased lots in the cemetery 15 or 16 years ago. Her husband was a policeman and was buried there on August 2, 2008. She wanted to know what type of supervision they would have. Could anyone go in there at any time and play paintball when no-one is there. Who will stop that. Mr. Duberg asked her who stops it now. Right now, kids don't have any place to go. Ms. Bishop replied that if they gave the kids an inch they would take a mile. Mr. Duberg replied their property would be fenced and gated. Ms. Bishop thought that whether they were there or not, it would be fun to go into the cemetery and start shooting. Mr. Duberg said even if his property was next to the cemetery, they couldn't get to it from his property. Ms. Bishop said he missed her point. Mr. Soldan asked if she thought that if they had the paintball activity, the paint balls would go into the cemetery from their property. Ms. Bishop said, "Yes." Mr. Soldan said the favorite thing for the kids to do in the cemetery is to drink. Just because we have a facility there, it won't encourage them to go out into the cemetery and shoot paint balls.

Mr. Duberg commented that he lives in the area and goes by the property constantly as does Mr. Soldan. His brother is a police officer and has already asked if Livingston County can have a cruiser in there at night. He has no problem with Livingston County using the site and will give them a key. He knows what she is saying, but he thinks they can do better than what is being done there now, especially with the alcohol on the property. Ms. Bishop explained that she was told that there wouldn't be a fence up there. Mr. Duberg said their property would be fenced, and Mr. Hanoute said fencing was a requirement of the

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Township. Ms. Bishop said she was still worried that if you give kids an inch they will take a mile. She was under the impression that they could go right from the paintball course into the cemetery, hide behind the tombstones, and shoot at each other and that's a lot of fun.

Robert Butts, owner of Tyrone Memory Gardens, read a letter into the record which stated, "I am opposed to the Zoning of the property at White Lake Road for a paintball course. My home is at 11009 Old US 23 at the entire south edge of the property requesting to be rezoned. I don't want to watch a bunch of Cowboys and Indians shooting paint balls at each other the rest of my life. I am most concerned about my Tyrone Memory Gardens which I own with 100 other cemetery lot owners bordering the property requesting the rezoning on the north and part of the east. There is no way, a manager should ever sell time at the shooting gallery when my cemetery or your Cowell Cemetery might have a funeral. Can you imagine some referee with a bullhorn yelling 'You're dead' while a funeral internment is going on. The historical Sunken Gardens borders on the property requesting rezoning. It is still a surprise how many people visit the sunken gardens after all these years. It is not dedicated cemetery property, but Tyrone Gardens tries to maintain it the best we can for visitation. You will kill the future of lot sales, no pun intended, at Tyrone Memory Gardens if you allow this zoning. Please. Bobby Butts."

Jim Mascow, Pastor of Tyrone Covenant Presbyterian Church, said he met last night with his elders to discuss the issue. They asked him to find out more information about how it would impact the Church especially on weekends and he asked the Planning Commission to think the thing through carefully. It will change the atmosphere of the cemetery. Many of the parishioners have loved ones there and they will be there to visit them. We ask that you use caution and they asked for more information to help understand how it will impact them.

Mr. Hanoute asked what specific information Pastor Mascow needed and if the Planning Commission could accommodate him this evening. Pastor Mascow said they didn't know the hours, they didn't know the range of the guns, they didn't know how close it would be to the road and that sort of thing. Mr. Hanoute said that would be published in the minutes of this evening's meeting and they can also have a copy of the application which pretty well spells those things out as well.

Mr. Duberg said they went online to look at the paintball facilities in the state of Michigan. It was really surprising to find the number of churches that owned paintball facilities tied into their summer camp. There is one large Baptist one just south of here. That is part of their advertised activities during the summer.

Mr. Hanoute asked them to address the bull-horn issue. Mr. Soldan said they can be used, but they didn't plan on using them. They aren't there to upset the surrounding community. If there is a ceremony going on at the cemetery, they will shut things down. The services don't last that long. They don't want to upset people. They want them to come and enjoy the facility but we don't want to upset them or their family members. If you upset one, you upset ten. We would just take a break during the ceremony. The closest spot of our property line to the cemetery is 250 yards. Mr. Duberg commented that by using it on the

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weekends, there probably wouldn't be more than 18 or 20 funerals a year there and maybe 8 or 9 a year at Cowell Cemetery. He was sure that very few were done on Saturday and very very few were done on Sunday.

Mr. Hanoute asked if the Special Land Use was approved and special conditions were attached that required Mr. Duberg and Mr. Soldan to coordinate their schedules with the cemetery, would they be willing to do that. Mr. Soldan said certainly. Upsetting those people makes no business sense at all. Mr. Duberg said a service at the cemetery usually only lasts about 30 minutes. Many times, the family doesn't even go to the cemetery. Mr. Soldan explained that Mr. Duberg had experience with cemeteries because he used to own part of Tyrone Memory Gardens.

Barbara Bisbee, the Manager of Tyrone Memory Gardens, asked to have a correction made to the minutes which stated that Mr. Duberg was representing Fenton Memorials and Vaults. The Recording Secretary explained that the property has to be described as it is shown on the Township's records. At the time the hearing request was made, the property was titled to Fenton Memorials and Vaults in the Township records. Once the boundary realignment has been reviewed and approved by the Township, properties will be retitled and new parcel identification numbers will be issued.

Ms. Bisbee read a letter stating that: "As a representative of Tyrone Memory Gardens, I wish to go on record as being against the request for the B-2 Special Land Use Permit. I have concerns for families who come to expect a peaceful and quiet place to visit their loved ones and for the families who come to the cemetery to visit a friend. I fear that you will hear somebody yell out, 'I shot you,' when you attend a service." She is really concerned about the property boundaries. She understands there are referees with bull horns during the day, but they can't be everywhere. What is there to stop them from wandering onto cemetery land. I wasn't told there would be a fence, but it is hard for her to believe that there will be a fence around that whole property. That is a lot of fencing. What is to stop players from wandering on cemetery land. There is a bronze statue not 20 yards far from their No Trespassing sign. There is a ridge overlooking Tyrone Sunken Gardens. What's to stop a paint ball from the ridge flying over and hitting the granite. She did some research to find out what a paint ball is made of. It seems innocent enough. The shell is basically gelatin with food dye for coloring. The paint is made from polyethylene glycol and food dye, and wax is used to thicken the paint. Wax is one of the few materials that will stain granite. Who will be responsible. She has copies of two release forms from Whitmore Lake and Clinton Township paintball facilities, each one listing property damage as one of the possible risks involved. Irregularities of paint ball manufacture affect the aerodynamics and trajectory. Variations in size, shape and weight can affect the velocity and reduce accuracy. Will a privacy fence be required. There has been no answer to that question. She believes that a paintball facility is an inappropriate use for this property. Tyrone Memory Gardens is respectfully opposed to the rezoning.

Paul Sobanya, 11061 Old US 23, said they keep talking about 200 yards to the cemetery, but their house is about 200 feet from the fence. He also believes that this is a "war games" type of thing, and we don't need it in Tyrone Township.

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Penny Sobonya, 11061 Old US 23, stated that their property line was the east boundary line of Mr. Duberg's property. She didn't know much about paintball courses so she went on-line and visited a couple of blogs. What concerns her more than anything is what happens when these 10 year olds become 18 year olds and start saying, 'You should take your friend that you don't like too much and take him out there and get so high just saying, Your dead, I shot you, you're dead.' Is that what happens to the older patrons of paintball courses. She is concerned about that and doesn't think it is a good family kind of entertainment. No matter what you say, you are still shooting to kill. With so many people against war for good reasons, do we really want our young people thinking it is OK because it is just a game, it is just pretend.

Mr. Duberg said that in answer to her question that about the different types of paint balls, they would require that all the paint balls used on the course would have to be purchased from them. That is another way they can regulate how far they will go and the quality that they will be. We will not allow them to bring paint balls in.

Ms. Sobonya said she had another point. Once you get approved and everything is only going to be just a little bit on this day, and a little bit on that day, are you going to make enough money, or are you going to come back to the Board and say we have to have more games, we have to have more. It sounds good now, but you know people today are not that ethical. It's all greed and it's all money. You're not thinking of anybody else, but tomorrow I want more, next week I want more, and next year you will be back asking for more time. You don't fool me, I know better. You'll be back wanting more days. I'm not blind and I don't think anybody else is either. Just on weekends, two times during the day. Come on.

Mr. Hanoute explained that if there are changes to the plan in the future, they would have to come back for another Public Hearing, if it is granted. Ms. Sobonya said that will never happen. Mr. Hanoute continued that if any Special Land Use conditions are attached to the Permit, they are enforced by the Township. It is the Township's responsibility to enforce their own conditions.

CLOSING PLANNING COMMISSION REMARKS:

Mr. Meisel said that he wanted to review the fencing requirements one last time. You were talking about a perimeter fence in the area that would abut the cemetery.

Mr. Duberg said that their property is currently fenced on three sides. There is a ten foot fence, there is a four foot fence, Mr. Butts is in the process of fencing all his property, and there is another 4 foot fence that goes up to White Lake Road. The only problem is that the line between our property and the cemetery will have to be fenced. Mr. Hanoute commented that the Ordinance requires a 6 foot fence, so any section that was four feet would have to be raised to six feet, and there would be a six foot minimum anywhere else.

Ms. Bisbee asked what was going to be in back of sunken gardens in the swale. Mr. Hanoute said there would have to be a fence all around the property. Ms. Hodges said it

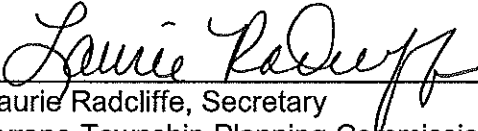
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had to be a 6 foot fence, but the Ordinance doesn't specify a privacy fence. Where there is a 4 foot fence, it will have to be increased to 6 feet.

Mr. Kempisty asked if it would be the type of fence that would not allow the paint ball to go through it. Mr. Hanoute said it could be a standard security fence. Mr. Soldan said they had also discussed putting up netting in the direction of the cemetery. Mr. Hanoute told Mr. Soldan that should be discussed whether they were approved or not approved. Mr. Soldan said if the fencing got too high, it would start looking ugly. Because of the Sunken Gardens and the Cemetery, they didn't want to create an eyesore.

ADJOURNMENT: 9:30 p.m. by Chairman Hanoute

Mr. Hanoute told the residents that a decision would not be made at this meeting because of time constraints. The decision would likely be made at the next regular meeting which will be in two weeks (February 24, 2009).



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission