

Swan Creek Township

Zoning Commission Meeting

Record of Proceedings

January 12, 2011

Meeting was called to order at 6:00 p.m.

Roll call was taken by Walt Lange, Chairman, - present, Joe Kahl, Vice Chairman, - absent, James McConkey - present, Robert Westmark - present, Sally Wylie - present
Township Officials & employees present: Trustee Leu, Walter Hallett, III, Zoning Inspector & Chris Lauch, Administrative Assistant
Visitors: See sign in sheet

Chairman Lange opened the meeting with discussion of the Legal Opinion obtained by the Fulton County Prosecutors office regarding regulation of noise and resolution language. (Attached)

Sally Wylie asked if any preliminary testing had been done with a sound meter. Walt Hallett said no, he was waiting to see if the Board was going go forward with amending the resolution to include noise regulation language. He stated that so far, complaints have basically been in compliance or at least satisfied by replies from legal counsel of offenders. He has not received any further complaints at this time. He felt the Fulton County Prosecutor's Legal Opinion gives us a starting point. He also felt language will give the ability to enforce regulation, as the nuisance factor is not stringent enough. Preventatively, the language would give a tool for issues that are simply not common courtesy to adjoining neighbors. He said he would, more than likely, send a warning letter first.

The Board discussed costs of regulation.

Jim McConkey inquired about who would "police" the meter/complaints if Walt Hallett was not available when a complaint came in. Walt Hallett said the language would need to designate an authority such as the Sherriff's office and the meter would need to be made available to them. Similar language is implemented, giving the Fulton County Engineers authority, in other areas of the resolution.

Trustee Leu said administrative guidelines of one-time issues and issues that occur over and over again based on decibels need to be discussed.

The Board discussed a definition of noise for Article 100-23 and decided on the following from the legal opinion:

Noise: Any noise or sound that emanates in such manners and/or volume and is of such intensity, character and duration to be offensive or disturbing to a person of ordinary sensibilities.

The Board decided not to place a definition for intermittent noise.

Bob Westmark made a motion to adopt the following amendment; a second was heard from Sally Wylie:

100-5.2 #19 Noise: *Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Noises incapable of being so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses. At no point on the boundary of any property shall the sound intensity level of any individual operation or plant exceed the decibel levels established in the table below.*

No activity on private property shall emit noise in excess of sound levels indicated in the table below that creates a nuisance to surround properties. Sound levels shall be determined by the use of a sound level meter designed to give measurements designated as dBA or dB (A). Measurements may be taken, at the discretion of the Zoning Inspector, at the property line or anywhere beyond the property line of the source property. The maximum noise levels will be established by the receiving property or zoning district regardless of the proximity of the source property to it. The source property need not be contiguous to the receiving property. The maximum permitted sound levels can be referenced in the sound table.

| SOURCE PROPERTY | | RECEIVING PROPERTY | | |
|-----------------|-------------------|--------------------|------------|------------|
| Noise Source | Time | Residential | Commercial | Industrial |
| Residential | Daytime/Nighttime | 70dBA/60 | 70dBA/60 | 70dBA/60 |
| Commercial | Daytime/Nighttime | 70/60 | 75/75 | 75/75 |
| Industrial | Daytime/Nighttime | 70/60 | 75/75 | 80/80 |

Daytime shall be considered as the hours between 8:00 AM and 10:00 PM.

Nighttime shall be considered as the hours after 10:00 PM.

~Roll Call - Walt Lange - yes, Joe Kahl - absent, Bob Westmark - yes, James McConkey - yes, Sally Wylie - yes. Motion Carried.

Bob Westmark motioned approve the 12-8-10 Minutes, a 2nd was heard from James McConkey

~Roll Call - Walt Lange - yes, Joe Kahl -absent, Bob Westmark - yes, James McConkey - yes, Sally Wylie - yes

James McConkey made motion to keep the board officers the same for 2011, a second was heard by Bob Westmark.

~Roll Call - Walt Lange - yes, Joe Kahl - absent, Bob Westmark - yes, James McConkey - yes, Sally Wylie - yes

Sally Wylie motioned to adjourn the meeting at 7:15 p.m., Bob Westmark 2nd the motion.

~Roll Call - Walt Lange - yes, Joe Kahl - absent, Bob Westmark - yes, James McConkey - yes, Sally Wylie - yes

Zoning Board Approval of Minutes:

Walter Lange, Chairman

Joe Kahl, Vice Chairman

Sally Wylie, Board Member

James McConkey, Board Member

Robert Westmark, Board Member