

# CHARTER TOWNSHIP OF FLUSHING

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## ***PLANNING COMMISSION MEETING MINUTES***

DATE: MAY 14, 2012

TIME: 7:00 P.M.

WEB ADDRESS <http://www.flushingtowship.com>

### **MEMBERS OF PLANNING COMMISSION**

Mark J. Newman, Chair

John Cuddeback

Jerome Doyle, Vice Chair

Ronald Flowers

Richard Buell, Secretary

Robert Gensheimer

Mark Purkey, Board of Trustee Representative

Julia A. Morford, Recording Secretary

**ROLL CALL:** Mark J. Newman, Jerome Doyle, Richard Buell, John Cuddeback, Ronald Flowers, Robert Gensheimer, and Mark Purkey

**ABSENT:** None

**OTHERS PRESENT:** Supervisor Terry Peck and Charles Storm of 11319 W. Coldwater Road, Flushing MI

**I. MEETING CALLED TO ORDER** at 7:09 p.m. by Planning Commission Chair **MARK NEWMAN** with Roll Call and the Pledge to the American Flag.

**II. ADOPTION OF AGENDA: FLOWERS MOVED**, seconded by Purkey to adopt the Agenda as presented. **MOTION CARRIED.**

**III. APPROVAL OF PREVIOUS MINUTES: DOYLE MOVED**, seconded by Flowers to approve the Minutes of April 9, 2012 as amended. **MOTION CARRIED.**

**IV. UNFINISHED BUSINESS:**

**1. Noise Ordinance**

**Discussion**

- There are unique uses of property in Flushing Township and the problem with off road vehicles.
- Recommendations mentioned at the April 9, 2012 Planning Commission: amend the existing ordinance to elevate the problem or seeking law enforcement of the ordinance on the books.

- Update from Mr. Storm regarding the ORV issue:
  - a. The area used for the motorcycles behind Mr. Storm's house has been mowed.
  - b. The issue has gone from an ORV problem to a water problem on the neighbor's property.
  - c. Mr. Storm has a pond on his property with a berm and where the low spot is located the water flows North and Northeast; the berm isn't an issue with the flow of the water only used as an eco system for the pond from the run off of the neighbor's fertilizers, etc.
  - d. Since the neighbor mowed two (2) or three (3) acres of the field, all the straw is on Mr. Storm's property.
  - e. The neighbor is not happy with the water issue but knows the noise and dust is a problem.
  - f. Reference was made if a letter had been sent to Attorney Steve Moulton (Attorney Moulton).
  - g. Per Mr. Storm the noise has been quiet for six (6) or seven (7) weeks.
- Supervisor Peck stated a formal complaint had been filed for water destruction; there isn't a violation of any type on Mr. Storm's property and there isn't any grounds for any type of complaint.
- The current complaint isn't the first complaint regarding dirt bikes; people purchase four (4) or five (5) acres in the township and act like they have five hundred (500) and want to run motorcycles on the property going round and round in circles.
- Perhaps have an ordinance where a property owner cannot run the bikes unless there are a certain number of acres; have to stay a certain distance away from the neighbors; etc.
- Treat the issue as a "Nuisance" and you don't have to stay a certain number of feet away from the neighbor's property because some of the bikes are a lot louder than others.
- The dirt bikes have always been the problem due to the noise.
- The neighbor's kids are the ones that ride the bikes.
- The issue would be how the ordinance on the books was enforced; sometimes the resources are limited such as having deputies on the road rather than going around measuring fences to make sure they are a certain height. Even if the ordinance was changed, who would enforce the law.
- The deputies have been out to Mr. Storm's property.
- Sometimes when an individual has a pond, the neighbor's try to say you are holding water which causes the neighbor's water problem; the issue is completely reversed because when you have a pond, you get all the water as drainage from the surrounding areas.
- Most of the time, when individuals come before the Planning Commission, the issue can be resolved with recommendations.
- When have an ordinance, need to make sure someone is there to enforce the ordinance; the Planning Commission does not enforce the ordinance.
- In one subdivision where there was a problem with noise, the person was cited and the noise decreased.

- The “Nuisance Ordinance” is directly affected in the particular situation because it talks about “interfering with life and property”, “offenses to the senses”, etc.

## **2. Continued Update of Master Plan:**

- Everyone has been working on varied issues as determined by the Commission.
- One issue that has been misinterpreted from when Doug Piggott of Rowe Professional Services was in attendance at a Planning Commission meeting, was the survey something that was required by law or ordinance. **FLOWERS** followed up with Mr. Piggott the response was that we didn’t have to but it was encouraged to get public input. (**BUELL** has been working on the survey questions so the survey could be sent out to the Flushing Township residents). The issue was put on hold in order for all the Planning Commission to be in attendance.
- The remaining issue is: 1) does the Planning Commission still want to do the survey, 2) if so, what format - modified with the survey questions prepared by **BUELL**, hold one (1) or two (2) special meetings where residents can come in and have direct dialogue with the Planning Commission Members, or don’t do the survey at all.
- Opinions:
  1. there isn’t the time or resource to do a mass mailing.
  2. felt it was a “shall” to do a survey.
  3. in the past, have all the information, spent the time and money to put the survey together, then there weren’t any changes; were told it was necessary to do the survey. The Planning Commission is very knowledgeable as to what has to be in the ordinance
  4. the Planning Commission members live in the township; the decisions are not based on two (2) or three (3) questions but issues that actually happen in the township.
  5. felt there were two (2) issues that should be addressed: noise and junk which destroys everything around it.
  6. the Planning Commission can create or change ordinances but the enforcement of the ordinances is left up to the Board of Trustees.
  7. some of the ordinances are so broad.
  8. good idea to do the survey for the Master Plan – should be looking at twenty (20) years ahead – such as infrastructure in the future; the Planning Commission doesn’t have any control over the roads, water, etc.
  9. when revisiting the Master Plan in five (5) years, what will the results be then – need to have the input.
  10. paradox the Planning Commission is caught in; more information than the general - public.
  11. do the survey and compile the information.
  12. in a perfect world, the knowledge would be great; can’t see any changes in the next five (5) years; have an announcement for an open forum at one of the Planning Commission meetings for future planning.
  13. general public doesn’t realize what the Planning Commission does.

14. Purpose to have a meeting and let the public know they can come in and voice their opinion as to what they think the Planning Commission should be doing because the ordinances have to be updated. If people want to voice their opinion, the Planning Commission has given everyone the opportunity.
15. Recommended to put an article on the web, in the newspaper, etc to give the public the opportunity to come in.
16. Recommended to have the survey questions laying on the counter in the office for the public to fill out and return to the Planning Commission.
17. A group from the Flushing Methodist Church is doing a “needs” report and it was recommended to give the Clerk a copy.

**V. NEW BUSINESS:**

None

**VI. PUBLIC COMMENTS:**

7:58 P.M. – OPENED TO THE PUBLIC FOR NON-AGENDA ITEMS

None

7:59 P.M. – CLOSED TO THE PUBLIC FOR NON-AGENDA ITEMS

**VII. BOARD COMMENTS:**

1. **BUELL:** 1) very happy Mr. Burtrum’s issue was approved at the Zoning Board of Appeals; 2) a setback variance from the Zoning Board of Appeals was granted to Ultra Dex Tool Systems contingent upon 1) should the Planning Commission see useful that the North wall of the new Southern most building be constructed of block as a protection against fire, the matter is now referred to the Planning Commission for disposition. Ultra Dex is to submit an updated Site Plan including topographic data to be considered at the June Meeting of the Planning Commission. **DOYLE** – because of the issue of the fire wall, how close is the building. **BUELL:** Mr. Henneke’s feeling was that should the Planning Commission see that as a positive, he would suggest that the Planning Commission consider that as the Planning Commission deliberates on the final approval of Ultra Dex Site Plan. **BUELL** felt that since he was on the ZBA, he should inform the Planning Commission. 3) **BUELL** will be resigning from the Planning Commission, effective May 14, 2012. **BUELL** felt that he has missed so many meetings it was est that he resign. **BUELL** recommended his replacement be a farmer from the township.
2. **DOYLE:** caught off guard with the resignation; will miss having **BUELL** not being on the Commission; will continue with the survey.
3. **FLOWERS:** hate to see **BUELL** leave; thanks the next meeting will be great.
4. **CUDDEBACK:** hate to see **BUELL** leave because of so much knowledge.
5. **GENSHEIMER:** knowledge has been something that has helped so much. Enjoy

Alaska.

6 **NEWMAN:** since **BUELL** is the representative from the Planning Commission to the Zoning Board of Appeals, the Supervisor will be appointing a replacement. **NEWMAN** stated he appreciates everything that **BUELL** has done and he will be missed very much.

**VIII. NEXT REGULAR SCHEDULED MEETING WILL BE HELD ON MONDAY, JUNE 11, 2012 AT 7:00 P.M.**

**FUTURE REGULAR SCHEDULED MEETING DATES:**

JULY 9, 2012 AT 7:00 P.M.

AUGUST 13, 2012 AT 7:00 P.M.

**IX. ADJOURNMENT:** Due to lack of business matters, **NEWMAN** adjourned the meeting at 8:12 p.m.

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MARK J. NEWMAN, Chair

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JULIA A. MORFORD, Recording Secretary

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, Secretary

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Date of Approval

Planning minutes 05 14 2012