

CHARTER TOWNSHIP OF FLUSHING

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PLANNING COMMISSION MEETING MINUTES

DATE: APRIL 9, 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

PRESENT: Mark J. Newman, Jerome Doyle, Ronald Flowers, and Robert Gensheimer

ABSENT: Richard Buell, John Cuddeback, and Mark Purkey

OTHERS PRESENT: Charles Storm and Supervisor Terry Peck

I. MEETING CALLED TO ORDER at 7:45 p.m. (due to waiting to have a proper quorum) by Planning Commission Chair **MARK NEWMAN** with Roll Call and the Pledge to the American Flag.

II. ADOPTION OF AGENDA: FLOWERS MOVED, seconded by Gensheimer to adopt the Agenda as amended by moving “Unfinished Business” to Number V, and “New Business”, to Number IV. **MOTION CARRIED.**

III. APPROVAL OF PREVIOUS MINUTES: DOYLE MOVED, seconded by Flowers to approve the Minutes of March 12, 2012 as amended. **MOTION CARRIED.**

IV. NEW BUSINESS:

1. Charles Storm, 11399 W. Coldwater Road, Flushing MI 48433

Informal Hearing regarding ordinances for ORV's and Dune Buggys

Mr. Charles Storm was present to find out what could be done regarding an adjoining neighbor's hobby of running his ORV'S, dune buggys, pick up trucks, etc. all hours of the night.

BACKGROUND INFORMATION:

- In 1987, the property was zoned agriculture.

- In 2004, the neighbor purchased the property which was the beginning of the ORV trails; the distance across the trails is three hundred thirty (330) feet.
- Mr. Storm's property consists of two and one-half (2 ½) acres which includes a pond and barn; the barn is located in the back of his property; from the back door of the barn to the said neighbor's property it is one hundred thirty (130') feet.
- Mr. Storm has a garden that sits on the property line.
- The neighbor's house in question faces Duffield Road and consists of seven (7) acres.
- Mr. Storm's house is East of Duffield Road and faces Coldwater Road; the back (South) of Mr. Storm's property butts up to the neighbor's property.
- There were a lot of bare spots and motorcycle jumps on the neighbor's property which was flattened this past summer; there was a tremendous amount of dust.
- There are a lot of deer on the neighbor's property which also comes onto Mr. Storm's backyard.
- Mr. Storm has had conversations with the neighbor in order to try and resolve the situation.

COMMENTS FROM MR. STORM:

- Consideration of a five hundred (500) foot buffer between dwellings and hobby areas.
- The Sheriff Deputies have been out to Mr. Storm's house several times to try and resolve the situation.
- There could be an element of harassment because Mr. & Mrs. Storm are gone all day and then the neighbor starts the dust and noise in the evening.
- The neighbor is a great guy but a bad neighbor.
- Mr. Storm has been a patient man for four (4) years.
- The off road vehicle manufacturers and dealers are stressing more education for the purchasers regarding noise, etc. in order to prevent obstacles similar to the one in question.
- The Genesee County Parks and Recreation has a place not too far away where individuals can go and spend the entire day.

COMMENTS FROM THE PLANNING COMMISSION:

- There is a general sound ordinance; there are a lot of properties that are not five hundred (500) feet.
- How many members does the neighboring family consist of: ANSWER: The family consists of the husband and wife and two (2) sons; at times there are four (4) or five (5) boys plus other adults that are on the land.
- Has Mr. Storm and the neighbors talked with the family (in question). ANSWER: the only other neighbor is an elderly lady who does not want to be part of the situation.
- What other feedback has come from the neighbors:
 1. "how do the Storms put up with the dust"
 2. "the people on Duffield Road should have problems with the dust"

- Isn't there something the Code Enforcement Officer could do? ANSWER: Supervisor Peck is working with Attorney Steve Moulton (Attorney Moulton) regarding sending a letter to the neighbor; the difficult problem is getting an officer out to test the noise when the ORV/dune buggy racing is actually in process. Before 2008, there was an individual that lived on the Northwest corner of Coldwater that was using a motorcycle track as a testing area – the commercial business was in another location. Per the Secretary of State, that is considered a secondary location which carries a stiff penalty.
- The township's hands are tied because it is his (the neighbor) property.
- The issue is meant to be addressed by the Noise Ordinance; it is impossible to draft an ordinance for every activity that comes along; it would be reinventing the wheel.
- Some dealers require educational classes for purchasers of off road vehicles.
- Recommended having a camera with a sound system and record the noise and other issues.
- It was stressed there is a Noise Ordinance.
- What is the trailer in the back of the neighbor's property? ANSWER: It is an uncompleted shed that doesn't meet the four hundred fifty (450) foot rule set by the DNR for hunting purposes.
- There are all types of other ordinances, but is there an ordinance to go after situations similar to the particular question; can the Planning Commission actually enforce the situation?
- In order to have peace and quiet for the residents of Flushing Township, recommendations to the Master Plan should be considered.
- There is more than one (1) issue involved such as: noise, garbage, etc and should be addressed in the letter that is being sent by Attorney Moulton; Attorney Moulton is the prosecutor of civil infractions for the township.
- The Noise Ordinance issue will be placed on the May 14, 2012 Agenda under "*Unfinished Business*"; all of the Planning Commission Members should be in attendance and more feedback could be obtained.
- **DOYLE** stated there were special use permits for a lot of different reasons and there isn't any reason why something can't be put together for a situation similar to the noise ordinance; there are special use permits for gravel pits which includes taking care of the dust; with a situation similar to the one in question with noise, dust, harassment, and junk, it would run the same way a lot of other things the Planning Commission handles and could be taken care of with a special use permit. The people have to obtain the permit in the first place and then abide by the rules. **DOYLE** felt it would be the best way to handle the situation.
- **NEWMAN** stated the reason for the special use permit was in certain circumstances these activities, that would create a problem, would allow them on a case by case basis. Notification is required so all the neighbors would be aware of the issue and could come to the Planning Commission Meeting and be heard; the individual would have to come into the township and pay a fee and fill out the checklist;
- If the noise is higher (louder) than a lawn mower, there is a problem.

V. UNFINISHED BUSINESS:

1. Continued Update to the Master Plan

The survey issue has to be determined so will be discussed further at the next meeting.

VI. PUBLIC COMMENTS:

8:28 P.M. – OPENED TO THE PUBLIC FOR NON-AGENDA ITEMS

None

8:29 P.M. – CLOSED TO THE PUBLIC FOR NON-AGENDA ITEMS

VII. BOARD COMMENTS:

1. **NEWMAN:** read *Section 12.1, Article 1, Definitions of Nuisances, Chapter 12,*

Number 6 which states:

“essentially interferes with the comfortable enjoyment of life and property or tends to depreciate the value of others.”

2. **FLOWERS:** there will be a “Right to Farm Act” Seminar sponsored by Rowe Professional Services on Wednesday, April 25, 2012, from 7:00 p.m. until 9:00 p.m. at the Rowe Building (Flint); the seminar is free so encouraged everyone to attend.

VIII. NEXT REGULAR SCHEDULED MEETING WILL BE HELD ON MONDAY, MAY 14, 2012 AT 7:00 P.M.

FUTURE REGULAR SCHEDULED MEETING DATES:

JUNE 11, 2012 AT 7:00 P.M.

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 8:33 p.m.

MARK J. NEWMAN, Chair

JULIA A. MORFORD, Recording Secretary

RICHARD BUELL, Secretary

Date of Approval