CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD
FLUSHING, MICHIGAN 48433
810-659-0800 FAX: 810-659-4212

PLANNING COMMISSION MEETING MINUTES

DATE: AUGUST 8, 2011 TIME: 7:00 P.M.

WEB ADDRESS http://www.flushingtownship.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, John Cuddeback**,** Ronald Flowers, Robert Gensheimer and Mark Purkey
ABSENT: Richard Buell
OTHERS PRESENT: None

I. MEETING CALLED TO ORDER at 7:00 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 submitted. MOTION CARRIED**.**

III. APPROVAL OF PREVIOUS MINUTES: PURKEY MOVED, seconded by Flowers to approve the Minutes of July 11, 2011 as amended. MOTION CARRIED.

IV. UNFINISHED BUSINESS:
None

V. NEW BUSINESS:

CHAIR NEWMAN stressed that he was only the Chair and had only one vote so please don't interpret any of the comments as being for or against any applicant. The Planning Commission issues are not a popularity contest and all the ordinances have to apply to the applications. The Planning Commissions fiduciary authority is that everything is taken into consideration and applies to the ordinances.

1. **Mark & Brandy Cole, 9407 W. Coldwater Road, Flushing MI 48433**
   Special Use Permit for the Purpose of a Home Occupation (Lawn Care Service), Parcel No. 08-22-501-020

Requirements for Application: A Special Use Permit Application was submitted to the Township with the appropriate filing fee; Mr. Terry Peck, Supervisor and Zoning Administrator sent out a letter and mailed by Clerk Julia Morford, to the residents in the affected area, with the request and also the parties that had requested they receive all notices, such as SBC, Consumers, etc; two (2) drawings as to where trucks would be parked on the property; subdivision lay-out plan; Home Occupation Check List along with additional real estate material.

Correspondence Received: Two (2) letters and one (1) "Return to Sender" envelope were received:

1. **Garry Cruzen, 5493 River Ridge Dr, Flushing MI 48433** – "has no objection to and are in favor of the Planning Commission's approval of Mark and Brandy Cole's petition for a Home Occupation Special Use Permit."
2. **Raymond and Jeanette Carey, 5492 River Ridge Dr, Flushing MI 48433** – "has concerns such as having all the vehicles parked on the right of way near the street by their property: 1) huge enclosed trailer; 2) four (4) pick up trucks of which one doesn't even run; 3) one jeep; 4) several high snow blades; and 5) possible other vehicles – eyesore to our subdivision as their house is located on the corner as you enter."

Purpose for the Request:
Request for a Lawn Care Service in order to park trucks, with a sign on the regular pick up trucks.

Planning Commissioners' Questions and Comments:

1. **PURKEY:** by being on the corner (Maura Drive and Coldwater Road) it is hard to store the trucks behind the neighbor's front yard. The township currently has an ordinance to where the recreational vehicles have to be kept beside or behind the house in a residential area.
2. **DOYLE:** Mr. & Mrs. Cole is requesting a Home Occupation Permit for which twenty-five (25%) percent of the business has to be carried on in the house; in this particular case, twenty-five (25%) percent of the business will **not** be carried on in the house. It was felt the use of the property was not a home occupation request but a request to house, other than normal traffic for trucks or autos that are used for personal use, in a yard, which usually is a request for a special use permit, not particularly a home occupation permit. Because there are trucks used for work elsewhere, it is a commercial use for outside use in an accessory structure, which is not accepted in a home occupation request. Normally, it is more acceptable if the equipment is housed in a building, which in this particular case would look more like a commercial area. In a subdivision, there are

restrictions the same as with home occupations. The request is beyond a home occupation request per the ordinance.

DOYLE inquired if the Coles planned to put the trucks and trailer further back from the road. Currently, lawnmowers and equipments are housed in the trailer.

3. **FLOWERS:** wanted to know if the Coles would have any problem putting the trucks and trailer further back on the property away from the road right-of-way; the first thing you see when you go around the corner is the trucks.
4. **CUDDEBACK:** from one (1) of the correspondence that was received, there was a question about one (1) of the vehicles that has set in the same place forever; per Cole, the vehicle is registered and legal. Since he (Cuddeback) has lived in a residential area all his life, everyone is conscious about too many vehicles in one spot.
5. **GENSHEIMER:** there is a fine line regarding aesthetics in a subdivision; but on the other hand, if a person had five (5) children and they all had cars, there would be a lot of cars, although the area does appear like a commercial area.
6. **NEWMAN:** *quoted Section 20.1803 Standards for Non-Discretionary Special Land Use Permits* which states:

   a-1) There isn't a problem with this section.

   "there cannot be more than twenty-five (25%) percent of the floor area of the dwelling unit used for the purposes of the home occupation. "

   a-2) is the issue which states:

   "There shall be no change in the outside appearance of the structure or premises, or other visible evidence of the conduct of such home occupation, other than one (1) sign not exceeding two (2) square feet in the area, non illuminated, and mounted flat against the wall of the dwelling."

   The trucks, trailers would be a change to the outside of the home. There wouldn't be any change in the traffic.

   A-7) was quoted which states:

   "Home occupations shall be carried on by a member or members of the family residing on the premises, and not over one (1) employee not residing on the premises."

   Mr. & Mrs. Cole have one (1) additional worker in the winter season.

7:28 P.M. - OPEN TO THE AUDIENCE FOR COMMENTS:

1. **<u>John Parson, 9419 Coldwater Road, Flushing</u> –** "lives next door to the Coles; has a thirty (30) foot travel trailer that sits in the front of his house; if he moves his trailer it would be in the front yard of the neighbor's property; even if Coles moved their trailer back, everyone could still see it."
2. **<u>Terri Shock, 9397 W. Coldwater Road, Flushing</u> –** "lives on the other side of the Coles on Coldwater Road; not a matter of a bunch of junk vehicles; the vehicles are business vehicles which the Coles use to make a living; probably not the best looking;

the Coles are respectful and don't get in anyone's way; they keep the vehicles off the street and on their property."

3. **Louis Bobeda, 9471 Heddy Drive, Flushing –** "the corner looks like an industrial park; although it is neat and nice but it looks horrible when you come into the subdivision."
4. **Kerry Parson, 9419 Coldwater Road, Flushing –** "when she looks out her back porch, she sees the trucks; if her family has any questions, they go to the Coles because they are decent and are try to make a living."
5. **Cathy Marchetta, 6090 N. Seymour Road, Flushing** – "she walks in the subdivision; Coles always keep the area neat; not an eyesour; they have a young family which they need to support; there are other places in the subdivision and in the township that are worse than an eyesore."

7:40 P.M. – CLOSED TO THE AUDIENCE FOR COMMENTS:

Applicant's Response:
Mrs. Cole stated there were only three (3) work trucks, one (1) trailer, and one (1) personal truck. Mrs. Cole had been laid off from work and decided to start the lawn care service to support their family and pay the bills. They do not have an office in the home but is done by a CPA outside the home; the lawn care service is done at other individual's homes. There is one (1) other employee. The Coles have two (2) front yards (Maura Drive and Coldwater Road).

The public is only looking at one small area; there are worse areas in the township.

IT WAS DETERMINED, Mr. & Mrs. Cole applied for the wrong permit; there are other ways to apply for a lawn care service. Whether the area is kept clean as a hospital or dirty as junk yards, the lawn care service request would still not be a Home Occupation business. It was recommended to perhaps talk to an attorney that is familiar with land use.

PURKEY MOVED, seconded by Flowers to approve the application of Mark and Brandy Cole for a Home Occupation Special Use Permit.

ACTION OF THE MOTION:
ROLL CALL VOTE
AYES: Purkey
NAYS: Doyle, Cuddeback, Flowers, Gensheimer, and Newman
ABSENT: Buell
Motion Failed

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2. Mary Jo Gray, 9339 Stanley Road, Flushing MI 48433
Permanent Sign in Residential (RSA) per Section 13.5.57, Parcel No. 08-15-100-051

Requirements for Application: A Special Use Permit Application was submitted to the Township with the appropriate filing fee; Mr. Terry Peck, Supervisor and Zoning Administrator sent out a letter and mailed by Clerk Julia Morford, to the residents in the affected area, with the request and also the parties that had requested they receive all notices, such as SBC, Consumers, etc; a copy of the ordinance; a color picture of the proposed business sign "*Lily's Kountry Kennel*"; drawing of the site of the proposed sign; section map of the proposed property.

Correspondence Received: One (1) returned envelope marked "Return to Sender".

Purpose for the Request:
Placement of a permanent sign on property located at 9339 Stanley Road, Flushing MI 48433 per Section 13.5.57(b) Residential (RSA). The proposed sign, "*Lily's Kountry Kennel*" would be 3' x 4' on wooden posts (not fancy) with no lighting . The applicant had previously requested a Special Use Permit for a Home Occupation for a dog grooming/training service where one (1) non illuminated sign not exceeding two (2) square feet in area could be mounted flat against the wall of the dwelling. A permit is required."

Planning Commissioners' Questions and Comments:

1. **PURKEY**: stated the proposed sign, "*Lily's Kountry Kennel,*" did meet the ordinance – 3' x 4' (12 square feet); the issue is self explanatory per the ordinance.
2. **NEWMAN**: read Section 13.5-57(c) Residential RSA, RU-1 – Permanent Signs which states:

   "A single-family residence, where a home occupation is conducted in accordance with township ordinances is permitted one (1) non illuminated sign not exceeding two (2) square feet in area, and mounted flat against the wall of the dwelling. Permit is required."

   A Home Occupation Permit was given several months ago for a dog grooming, training service and would apply because it was the original permit request. The business is not a "kennel" which would require a special use permit but only the name chosen by Ms. Gray.

   NEWMAN: a Home Occupation Business requires one (1) - two (2) foot sign and mounted against the wall. Since there are a lot of different sign sizes, the "Sign Ordinance" was reviewed to see if there was another direction to proceed.

3. **FLOWERS**: had requested Ms. Gray bring in the proposed business sign "*Lily's Kountry Kennel,*" in order for the Planning Commission Members to review.
4. **PURKEY**: after a review on different sign ordinances, it was determined the twelve (12) square foot sign was for such issues as the entrance to subdivisions only (such as the *Pines,* the *Bluffs, and Krysta Creek*).
5. **NEWMAN**: inquired if Ms. Gray would like for the Planning Commission to proceed with the sign specified under the Home Occupation Permit (2 square foot), since she could only have one (1) - two (2) square foot sign that had to be mounted flat against the

wall. A building permit would be required per the ordinance. Was there another attached building that would be closer to the road where Ms. Gray could place the sign?

6. **CUDDEBACK**: wanted to know the distinction between "kennel" and "home occupation." (a Variance or Special Use Permit would have to be obtained for a kennel. The Home Occupation Business that Ms. Gray had received was for grooming and training of dogs).
7. **NEWMAN:** the size of a sign depended upon the business. The Planning Commission could amend the current request to a two (2) foot sign, non-illuminated attached to the home but could not grant the 3' x 4' (12 square) sign out by the road. The only way to get a larger sign would be to apply for a Special Use Permit or go Commercial.
8. **GENSHEIMER:** since the proposed sign says "kennel", would Ms. Gray have to change the wording? (No, Ms. Gray only has a home occupation permit for grooming, training, etc; the sign can stay as proposed because it is only a name.)

7:58 P.M. – OPEN TO THE AUDIENCE

None

7:59 P.M. – CLOSED TO THE AUDIENCE

Applicant's Response:

Karen Popovits, sister of Ms. Gray, did the interpretation between Ms. Gray and the Planning Commission. The proposed sign will be designed so both sides of the sign will be seen regardless of the direction a car/person is going down the road. Ms. Gray's house is so far back from the road that no one can see the sign if it is flat against the home. There is a detached garage but that doesn't apply because the sign has to be attached to the dwelling.

IT WAS DETERMINED, that Ms. Gray could have a 1' x 2' sign which would equal two (2) square feet but the sign would have to be attached to her home. It was suggested by the Planning Commission to approve the two (2) square foot sign now and then, if down the road, Ms. Gray wanted to put the sign up, she could go ahead.

Karen Popovits wanted to know if the Planning Commission could review the sign ordinance in the future and perhaps change the sign sizes. **NEWMAN** stated the sign issue has been discussed at different Planning Commission meetings for temporary signs, farm signs, etc and a decision has never been made. **DOYLE** stated there is such a difference between residential, large partials of land, and farms and at the same time, the same rules have to be applied to everyone. It was mentioned that Ms. Gray could request a Special Use Permit in order to get a larger sign. Ms. Gray could also request a variance on residential property

PURKEY MOVED, seconded by Cuddeback to approve the application as amended and to not exceed a two (2) foot square sign to be in consistence with the ordinance.

ACTION OF THE MOTION:
ROLL CALL VOTE
AYES: Cuddeback, Flowers, Gensheimer, Purkey, Newman, and Doyle
NAYS: 0
ABSENT: Buell
Motion Carried.

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3. **Francis & Cynthia Mead, 8252 Stanley Road, Flushing MI 48433**
Special Use Permit for a Produce Market with Roadside Sign Out Front, Parcel No. 08-11-400-001

CHAIR NEWMAN RECUSED HIMSELF FROM THE CASE DUE TO MR. & MRS. MEAD HAVING BEING PRIOR CLIENTS. VICE CHAIR DOYLE TOOK CONTROL OF THE MEETING.

Requirements for Application: A Special Use Permit Application was submitted to the Township with the appropriate filing fee; Mr. Terry Peck, Supervisor and Zoning Administrator sent out a letter and mailed by Clerk Julia Morford, to the residents in the affected area, with the request and also the parties that had requested they receive all notices, such as SBC, Consumers, etc.; zoning permit; map of the proposed area; Special Use Permit Form.

Correspondence Received: One (1) letter was received:
1. **Ms. Beverly Abulibdeh, 8224 Stanley Road, Flushing** – "feel it would be a great convenience for our neighborhood to have a produce market – I vote Yes."

Purpose for the Request:
Having a Produce Market with a roadside sign out front and on a building. Would also like to have a sign posted at the intersection of Stanley Road/Elms Road and also Mt. Morris Road/Elms Road.

Planning Commissioners' Questions and Comments:
1. **PURKEY**: the Meads would be selling produce brought in from a wholesaler and also produce grown on their own property. In order to place a sign at the proposed areas, there has to be an agreement with the land owner. Signs cannot be placed on County right-of-ways. The actual request is for a produce market.
2. **CUDDEBACK**: would the area be considered commercial if the Meads brought in produce.
3. **DOYLE**: defined the difference between "road side stand" and "fruit market." "Road Side Stand" – is for the purpose of selling produce off your own property. "Fruit Market" – is brought in from other farms/areas.
4. **PURKEY**: would the zoning have to be changed on the particular request.

5. **GEHSHEIMER**: there is a big difference between roadside fruit stand and produce market.
6. **FLOWERS**: don't consider the request a Home Occupation.
7. **PURKEY**: it would be similar to McCarron's Orchards or Martins Orchards where people drive in; some produce would be grown on the property and some produce would be brought in.
8. **FLOWERS:** the area should be rezoned for the particular use.
9. **DOYLE:** the request is for a special use for a produce market with a roadside sign out front. The Planning Commission has to view the request as if it was a roadside stand with a sign out front; the Meads are looking for a produce type market which is for commercial use and not a farm use. If the Meads sold produce from their farm, that would be great.
10. **FLOWERS:** it looks like more items are requested that are not available in an RSA district; the zoning would have to be changed; similar to C-1, C-2, C-3 and manufacturing.
11. **DOYLE:** being a produce market, C-1 would work. The zoning would have to be changed. The request could be for a roadside stand with produce which the Meads would grow on their own property, but when you start bringing in other produce, you are looking at C-1 zoning. The Meads are currently selling under a pre-existing (grandfathered) roadside fruit stand.
12. **PURKEY:** if continue to have the produce out front, everything is fine; but if want a produce market, would have to change to C-1. Recommend contacting a land use attorney to get the details.
13. **DOYLE:** the current zoning is in an RSA zoning district; the best thing will be to see what will be acceptable and the likeliness if the C-1 would be available.
14. **PURKEY:** there is a lot of spot zoning in Flushing Township.

Applicant's Response:
Mr. & Mrs. Mead would like to sell wholesale produce, fruit, and vegetables which they purchase at the Eastern Market; the produce is USDA inspected. They would also like to grow and sell their own produce out of their 24' x 52' pole barn located on their property. The pole barn will not be inspected by the health department until a decision has been made by the Flushing Township Planning Commission. They will be purchasing merchandise from other orchards, etc in Michigan.

MR. MEAD withdrew his request and will continue as he has in the past with a fruit stand out front of his home. NO ACTION WAS TAKEN BY THE PLANNING COMMISSION.

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4. **Scott Stone & Christine Wren-Stone, 7447 Johnson Road, Flushing MI 48433**
Special Use Permit for a Detention Pond at 7447 Johnson Road, Flushing MI 48433, Parcel No. 08-12-100-008

Requirements for Application: A Special Use Permit Application was submitted to the Township with the appropriate filing fee; Mr. Terry Peck, Supervisor and Zoning Administrator sent out a letter and mailed by Clerk Julia Morford, to the residents in the affected area, with the request and also the parties that had requested they receive all notices, such as SBC, Consumers, etc; site plan drawing of the area; Special Use Permit for a Detention Pond; documents from the Genesee County Drain Commission including a pond permit; Pond Site Plan Review Check List; Site Plan Review; legal description of the property; aerial view of the pond; pictures showing the pond at different angles.

Correspondence Received: One (1) letter was returned marked "Forward Time Expired – Return to Sender:

Purpose for the Request:
Detention Pond at 7447 Johnson Road, Flushing MI

Planning Commissioners' Questions and Comments:

1. **NEWMAN**: was there a Covenant or Warranty Deed given to Mr. & Mrs. Stone? Mr. & Mrs. Stone bid for the property on line. Was there a time frame to do inspections? (Consumers had to be called a few days before an inspection in order for the power to be turned on; real estate agent had to be present with the proposed purchaser because of liability. **NEWMAN** reviewed photographs of the water area. (The water from neighbor, Deborah Fisher, drains into different ponds and eventually goes into Armstrong Creek.)
2. **PURKEY**: if Mr. Stone had dug the pond on forty (40) acres and not close to anyone else, there probably wouldn't be any problems; the concern was that the pond was dug on top of other people's property. Everything that has been done has violated the ordinance. There has to be two (2) acres to have a pond. Mr. Stone's request was a Special Use Permit to have a pond which doesn't have anything to do with zoning; variances deal with zoning.
3. **NEWMAN**: the spacing between the parcels: 7441 Johnson, 7451 Johnson, and 7461 would be a problem if there was a downpour. (Mr. Stone: they opened up an area that someone covered up; felt the pond should be grandfathered in - pre existing non-conforming issue). Flushing Township's Ordinances date back to 1976 and have to be applied for everyone. (Mr. Stone wanted to know where the homeowner's protection relief was in order to take care of their property). The legal interpretation: the owner has to get everything approved prior to building, digging, or constructing. The land has to be used/modified per the ordinance.
4. **DOYLE**: had several questions: 1) the pond did not have to be dug to drain the water; there only had to be an open ditch to carry the water to another pond. 2) a complete engineered drawing on grades is needed which will show the topography of the land as it deals with the drainage. 3) in order to make decisions as to what is legitimate, the Planning Commission needs to know how much lower the pond to the North is, how

much water is draining from Stone's pond to the other pond, how much backup water could there be? ANSWER: Mr. Stone stated the height difference from the easement which he drives through to get to the Stones driveway, and the distance, and "No" he doesn't know the grade, but he does know that if he tries to excavate the 330 feet that it is from the drain tile to the other drain tile at Ms. Fisher's pond, he dug the first scoop and if he had to make the ditch wider and deeper it would fill up and he would have a pond. Before the pond, the trees were eroding, etc. 4) there is a drainage amount from the Stone's property to the other pond; 5) another concern is the size and location of Stone's septic system and well to accommodate the home – there is an ordinance as to the distance of the septic system to the pond (this has to be in the engineered drawing; 6) there must be two (2) acres and the Stone's have one and one-half (1½) acres; 7) there isn't an existing County drain in the area, but perhaps a natural drain; 8) the setback distances are off; 9) the only way to go along with the ordinance is to look at it from the view point whether the neighbors want to be in with the request so that they are allowing this type of drainage, being that the pond is so close to them, is somewhere near a respectfully distance so that if there was a problem with the pond and it backs up to them, they have the responsibility and not just Mr. Stone. The approval would have to be obtained from the neighbors. Although the pond is illegitimate in the first place, Mr. Stone took care of the issue, but not per the ordinance. This is a situation that involves the neighbors and should be part of the request; what kind of septic system that could be too close to the pond and not be good for the health, welfare, and education of the community. (All the neighbors have wells and septic systems).

5. **NEWMAN**: Mr. Stone was in a dire need and tried to help his neighbors; the Planning Commission is trying to find a solution; the neighboring land owners could join in and there would be over the two (2) acres.
6. **DOYLE**: if Mr. Stone was cited, the Planning Commission could have the pond filled in.
7. **NEWMAN**: the Planning Commission is trying to work with Mr. Stone and find a solution.
8. **PURKEY**: if the residents of 7461, 7451, 7433, and 7447 (Stone) would get a Reciprocal Easement, to allow water to flow over a neighbor's property, there would be over two (2) acres of land.
9. **NEWMAN**: the easement would be registered with the Register of Deeds, and would run with the land, which would protect the Stones. The setbacks are great but there needs to be grade shots (topography).
10. **FLOWERS:** can't approve the request the way it is; get with the neighbors and see if they will join in with the request; if have the Reciprocal Easement, future neighbors can't come back on Mr. Stone.
11. **CUDDEBACK:** first of all get an engineered drawing of the septic system; join with the neighbors; impressed with how hard Mr. Stone has worked on the issue; earlier was not impressed with the situation.
12. **NEWMAN:** gave Mr. Stone two (2) options:
    a. A decision tonight, but Newman will vote "no".

b. Adjourn to the September/October Meeting to meet with the neighbors and have an engineered drawing done. The Reciprocal Easement would have to be done and recorded with the Register of Deeds before a decision could be made by the Planning Commission.

13. **DOYLE:** it would be an advantage for the neighbors when they went to sell their property if everyone joined in the Reciprocal Easement.

9:23 P.M. – OPEN TO THE AUDIENCE

1. **Deborah M. Fisher, 7491 Johnson Road, Flushing –** "before when there was a downpour everything ran from Stones ditch to Fisher's pond; since the pond has been dug by Mr. Stone, everything has been great; Fisher's property is very dry; with the Reciprocal Easement would it hurt Ms. Fisher selling her home (7491 Johnson Road); (per the Planning Commission, Ms. Fisher would not have to join in. (Ponds are reservoirs)
2. **Rollin Springer, 7433 Johnson Road, Flushing –** "his property is saturated; the pond is nine (9) foot from his property; his backyard is slushy because the water is backing up; would the pond be left in place." (The Reciprocal Easement would be the solution to resolve the water solution for the four (4) property owners).
3. **Larry Sisco, 7417 Johnson Road, Flushing –** "there are no problems for him since the pond was put in; before the pond, there were all kinds of water."

9:35 P.M. – CLOSED TO THE AUDIENCE

Applicant's Response:

The Foreclosed FHA HUD house was purchased and closed on in September 2009. The house was constructed in 1980. There wasn't any way to have disclosures from prior owners as to any kind of drainage issues. After Stones purchased the home, there wasn't any way to mow the house on the East side of the property where the pond currently is located because of so much standing water; tire tracks in the water where vehicles had gotten stuck. Realized at this point, there was a water problem. After checking with the neighbors, it was determined the property on the East side of the Stone's house was a swamp years ago. The large pond at the end of property (Deborah Fisher) was also a swamp. Before the neighbor purchased the land the pond was dug and the house was built later. The land was not sellable until the pond was dug.

Mr. Stone came into the township to inquire about another issue and wanted to know if someone would come out and look at the problem; was told to do whatever with the problem. Had other problems: saturated ground which uprooted trees; drain tiles were put in but never worked. Was told by a neighbor that if property level brought up, it would create a problem for the neighbors. Also had trouble with his pole barn.

Mr. Stone has been trying to fix the problem. July 2010, Mr. Stone dug the first part of the pond, approximately 50' x 50'; everything has been working great.

A concern from the real estate agent was the easement for the driveway.

Specifications Regarding the Detention Pond:

- Per Special Use Permits, *Article XVIII,BB Ponds*
- Property size is one and one-half (1½) acres
- Zoned RSA
- Both a house and pole barn are located on the property – there isn't a basement to the house
- Property is 154.8 feet wide
- A berm is located at the North end of the pond
- The extended use of the pond is drainage off all properties
- The soil is clay mix
- Evidence of water on the site
- No objections from the Genesee County Drain Commissioner's Office based on the following conditions:
  a. spoils are to be removed pursuant to the site plan.
  b. If an underground pipe is encountered, please notify the Drain Commissioner's Office.
  c. Stockpile shall not obstruct natural flow at upstream side.
  d. No grading or activities allowed within county drain easement.
  e. A soil erosion permit or waiver is needed from the Genesee County Drain Commissioner's Office – Water and Waste Division.
  f. The issuance of this permit does not waive any requirements for applicable permit from other Governmental Agencies. It is the owner's responsibility to contact the local community prior to construction to determine if there are any local permits required.
- The pond is already in existence and has been since July 2010.
- A Complaint was filed against the pond in 2009.

IT WAS DETERMINED THAT:

1. Mr. Stone requested more time to work with the neighbors to see if they would like to join in the Reciprocal Easement; Mr. Stone will be placed under "Unfinished Business" on the October 2011 Planning Commission Agenda.
2. Mr. Stone will call the Delta Land Surveying and Engineering, Inc.
3. Obtain septic and topography maps.

IF THE NEIGHBORS DECLINE TO JOIN IN THE RECIPROCAL EASEMENT:

1. The issue will be placed on the October 2011 Planning Commission Agenda.
2. The Planning Commission will vote on the application.
3. If cited for violation of the ordinance, the pond will have to be filled in and taken care of by the Township Attorney.

VI . PUBLIC COMMENTS:

9:40 P.M. – OPENED TO THE PUBLIC FOR NON-AGENDA ITEMS

None

9:41 P.M. – CLOSED TO THE PUBLIC FOR NON-AGENDA ITEMS

VII. BOARD COMMENTS:

1. **PURKEY**: due to the economy, more and more people are trying to make a living out of their homes.
2. **DOYLE**: felt the Planning Commission could have requested restrictions in the subdivision; Doyle mentioned the issue of the antique cars and a pole barn was constructed and the Planning Commission tried to accommodate the individual's request.
3. **FLOWERS**: need to go back and revisit the ordinances to make the best for everyone; there could be changes made to the Master Plan.
4. **CUDDEBACK**: he had to vote per the ordinances and not his feelings; need to revisit the ordinances to make better for everyone; thanks for the professionalism handling the outburst in the audience.
5. **GENSHEIMER**: the Chair was very professional with the outburst in the audience.
6. **NEWMAN**: more and more people are trying to make a living from their homes; need to take a good look at the Master Plan.

VIII. MEETING SCHEDULE: NEXT REGULAR SCHEDULED MEETING WILL BE HELD ON MONDAY, OCTOBER 3, 2011 AT 7:00 P.M. (DON'T FORGET, THIS MEETING WAS MOVED UP ONE WEEK DUE TO THE TOWNSHIP OFFICE BEING CLOSED FOR COLUMBUS DAY.

REGULAR SCHEDULED MEETING DATES:

MONDAY, SEPTEMBER 12, 2011 AT 7:00 P.M.
MONDAY, OCTOBER 3, 2011 AT 7:00 P.M.
MONDAY, NOVEMBER 14, 2011 AT 7:00 P.M.

IX. ADJOURNMENT: Due to lack of business matters, **NEWMAN** adjourned the meeting at 9:40 p.m.

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MARK J. NEWMAN, Chair JULIA A. MORFORD, Recording Secretary

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RICHARD BUELL, Secretary Date of Approval

Planning minutes 08 08 2011