

Hadley Township Planning Commission

4293 Pratt Rd

P O Box 227

Hadley MI 48440

March 28, 2017

Meeting was called to order by Chairman Shoemaker at 7:31 p.m.

The Pledge of Allegiance was recited.

Roll call of members present: David Hinton, Glenn Walton, Ron Shoemaker, Kim Hill, Elwyn Brandt and Robert Hartwig. Jennifer VanDam was excused.

Approval of Agenda:

Chairman Shoemaker asked to add item #4 to the agenda regarding the April meeting date. Commissioner Walton moved to approve the agenda with the addition, second by Commissioner Hinton. Motion approved.

Public Time:

Doug and Laura Clayton introduced themselves to the Commission. The Claytons are interested in the property north of the fire hall for a woodworking business. April introduced herself to the Commission; she is interested in Hadley having a Farmer's Market. Chairman Shoemaker directed her to see Sam at the General Store regarding use of the property at the Four Corners in town.

The Hadley Township Planning Commission will act on one appeal request as advertised in The LA View dated March 9, 2017

#17-01

THE HADLEY TOWNSHIP PLANNING COMMISSION WILL HOLD A PUBLIC HEARING ON THE 28TH DAY OF MARCH 2017, BEGINNING AT 7:30 P.M., AT THE HADLEY TOWNSHIP OFFICE BUILDING LOCATED AT 4293 PRATT RD, HADLEY MI, 48440.

THE PURPOSE OF THE PUBLIC HEARING WILL BE TO CONSIDER THE SPECIAL LAND USE APPLICATION BY GLENN AND DENISE ARENS FOR PERMISSION TO EXPAND AN EXISTING COMMERCIAL DOG BOARDING

AND GROOMING FACILITY (KENNEL) AND CATTERY KNOWN AS “FLYING A CANINE RANCH” LOCATED AT 3697 GREEN CORNERS ROAD; TAX PARCEL ID # 44-010-008-019-00. THE SUBJECT PROPERTY IS ZONED A/R (AGRICULTURAL/RESIDENTIAL).

ALL INTERESTED PERSONS ARE ENCOURAGED TO ATTEND THE PUBLIC HEARING TO ASK QUESTIONS OR TO MAKE COMMENTS AS TO THE APPLICATION. WRITTEN COMMENTS MAY BE SUBMITTED TO THE HADLEY TOWNSHIP CLERK AT P.O. BOX 227, HADLEY MI, 48440 AT ANY TIME PRIOR TO THE PUBLIC HEARING.

Chairman Shoemaker gave an overview on how the hearing will proceed. He read the public notice for Petitioner Arens’ hearing, opened the public hearing and asked the petitioner to explain to the Planning Commission their reason for the application.

Chairman Shoemaker: Mr. Arens, would you like to tell us about your petition and what you plan to do?

Applicant Arens: Denise and I want to thank you for the opportunity for the public hearing on our plans. You don’t have the easiest job at times. I know your desire to do your best to serve the needs of our community. You wouldn’t be sitting up there if you didn’t care.

I believe our job as a business owner in the community is similar to yours in that we do our best to serve the needs of our community and we try to always do the right thing while serving those needs.

It’s really an important element of both our jobs. As the Planning Commission, you’re appointed to plan and serve both the short and long term needs of the community. You have responsibilities to balance the needs of the individual in the community and to the community as a whole.

As business owners, we are also serving the individual needs of people in our community along with the responsibility to serve the community as a whole. We serve the community in multiple ways: Employment and the mentoring of young people, serving our customers which are our neighbors and the local community, participating and donating to various causes, providing a valuable service that people need which is evidenced by our growth.

We try our best to do the right thing with everything we do, the same as you do. To make decisions based on facts and to give people room to grow. As you know also, when we’re attempting to meet the various needs of groups and individual, the hardest thing to do is please everyone. We really try hard to make sure all the responsibilities and commitments we’ve made are upheld in the best ways possible.

We try to look at our business and this expansion holistically, to take everything into account: the feasibility of expansion to our business and family, the needs of our neighborhood, the needs of our customers, the needs of our employees, current and future, the legacy we leave behind and more.

We have tried our best to include sections in our business and expansion plans that work with each concern. My hope tonight is to explain our goals in terms of community as that is what is most important in this meeting. So with that, I’ll start the presentation.

This is our proposal for the Special Land Use (SLU). It is modifying or laying over the current SLU we have. We are trying to modify two conditions of the current SLU. We opened our business September 9, 2006. We’ve been in business over ten years now. We have provided a much needed service for the community by giving pets a place to stay while their parents are away. We have a staff of 12 employees not including Denise and I. We’ve served over 1,900 families in our local community. We have an excellent reputation with local veterinarians and our customers.

Current conditions are that daycare has grown significantly. Our outside yards are in constant use throughout the whole day. Because of that, outside noise has increased a bit. Our boarding services have increased also. Our existing cattery is not capable to house the 12 cats we currently have. We need to find a better way to exist for everyone. The benefits of the expansion proposal that we have put forward is exterior noise mitigation in the neighborhood. Also to satisfy customers and their pets with temperature controlled play areas. We'll have larger staffing needs, creating more local jobs. Local builder and contractors will be used for the new building and continuing maintenance needs. We are a Hadley based company using Hadley and other Lapeer based businesses whenever possible.

Our proposal: One is an amendment to Condition 5, which is the amount of dogs. We'd like to raise the limit of dogs by an increase of 27 dogs. The increase allows us to better satisfy the needs of our community. Our second proposal is an amendment to Condition 8, which is the site plan. We would need to put a second building on the property and parking next to the existing building that will include indoor play areas. We have copies of the layout that shows you the interior of the building. The indoor play area will help mitigate some of the barking that takes place when the dogs play, because they'll be inside to play. The dogs will be outside from time to time for relief and times of exercise. The new building will employ the same type of interior soundproofing characteristics of the current building. This is not a modification of anything, but if this goes through, we would modify the fencing beyond township ordinance by installing a sound barrier that was recently developed, and is being used in dog parks around the country to mitigate sound. We will still use the stockade fencing that we current employ to meet township regulations in the ordinance to maintain a clean look around the kennel, and to stay in compliance. The site plan was taken using Google Maps and I did a cut and paste job to the building right next to it to see what it would actually look like from the air. This is the actual site plan provided by Rowe Inc. that I provided you in the packet. The sound mitigation is the important part of what we're talking about. The current facility utilizes a product called Acoustiblok. It is about an 1/8th inch thick material that when placed in the wall it makes a sound barrier like twelve inches of concrete. For the exterior noise, what we're proposing is an exterior fencing called Acoustifence which lines those and stops sound. A dog's bark on average is 85-90 decibels (dBs). Acoustifence can reduce the transmission of the sound by 20-25 dBs. I put the chart on the right that basically shows the transmission loss and the frequency range on the bottom. A dog bark frequency is anywhere between 400-700 MHz. If you follow that line up it will show a decibel reduction of 20-25%. A ten decibel reduction is a 50% of sound to your ear. So if we lower it by 10 decibels it sounds only half as loud. By decreasing dB by 20-25% it will effectively lower the sound by over half. Here is chart of machinery we normally hear in our neighborhood. A combine at full throttle is about 110 dBs. That's why we get mad when you run them at 10 pm at night. Tractor is over 100 dB without a cab. Normal conversation is 60 dB at three feet. That's why when you're around that machinery it's hard to talk. You have to overcome that noise. Transmitted sound will continue in a straight line unless it is diffracted, reflected or absorbed. To stop transmission in a straight line you need to block or in some way hinder the direct transmission. The drawing here shows you what happens when noise meets a barrier. That's why you see the walls along freeways because when noise hits that barrier, it can't go any farther. The only noise that goes farther is noise that is going up but because sound travels in a straight line, that sound continues to travel up unless it is diffracted by something like a tree on the other side. That's why when you're outside and someone turns away from you, you can't hear them.

Our current parking is facilitated by a 70' wide parking lot that accommodates 8 – 8.5' wide parking spaces. With the addition of the new building the parking will be expanded to approximately 120' which would accommodate 14 – 8.5' wide parking spaces. There are only a few experiences in the 10 plus years of operation where we have had more than three customers in the business at any one time. It's a drop-off/ pick-up business. Outside of an occasional, not that occasional tour, they take 20-25 minutes to see the facility. We've never needed all the parking that we have even.

The current drive entrance is classified by the Road Commission as a multi-residential opening with a 24' throat, north radius of 20' and a south radius of 30' leading to a 13' drive back to the kennel which is more than adequate for the traffic of the kennel. When you're looking at a 27 dog increase, we're increasing the business not by a huge amount; this is just a better way of serving our customers, and serving our community.

In summary we are seeking the approval of the SLU that will allow the modifications of those two conditions, Condition 5 and Condition 8, the 27 dog increase and the revision of the site plan to include a second building. In summary, in accordance with zoning laws, the proposed changes are in compliance with the ordinance. It will not hinder the appropriate residential development of the affected neighborhood. The lot has more than the minimum 5 acres and 300 foot of width. The kennel buildings are more than one hundred feet away from any neighboring residential structure. The yards are enclosed by a chain link fence six feet in height with an obscuring barrier. Off street parking is provided. That is what the ordinance says we need to comply with. Thank you.

Chairman Shoemaker: Now that Mr. Arens has provided us with information about his SLU, it's time to open the public hearing for comments about this SLU application. I will request you raise your hand. I will recognize you. I ask you to state your name and your address. Keep it under three minutes please. Are there any comments about Mr. Arens' application?

Desiree Baranski, 3745 Green Corners: I am Desiree Baranski and this is my husband Ed. You have a copy of a letter, if I could make a few comments. We live directly south of the Flying A Ranch. I am speaking for both of us, and this is very uncomfortable. We object to any further development on this property site unless it is to reduce the noise levels currently emitted by the non-stop barking of the dogs being boarded. He went through the decibels and things like that but we cannot go outside of our home without hearing dogs barking. We can't go deer hunting, yard maintenance or anything outside. We have a three year old grandson come over and he's afraid of the dogs. We explain to him that they cannot get out because Grammy is not a dog lover either, but they've never bothered us or come over on our property. Worst of all is the dog barking can be heard inside my house, although it is not at an objectionable level, but we can still hear it. I am thankful we have air conditioning because we can't have the windows open listening to the dogs bark. For this reason we object to any further expansion. The last time we came here ten years ago, we came to the public hearing and we were excited for them. They had a dream. We didn't want to squash that. We came and said if you can make it so we don't hear the dogs, we're all for it. We want neighborhood comradery and we want to be good neighbors. As far as a business, I know they run the business very well. It's clean and neat. I have family and friends that keep their dogs there. There is not an issue about that. There's no danger at the kennel, but we don't want it next door to us. That is the plain, simple truth. We appreciate them employing the teens, serving the community. I know they do. We had a tour of it and it's a nice facility, but we must object because when we were here ten years ago we were told by the board and everyone involved that we would not be able to hear the dogs. We are very sorry we agreed to that because for the last ten years we have been hearing them ever since. So even if they are going to put up a barrier, we are objecting because we don't know if that will come to pass. We appreciate the time you spent listening to us, and we just ask would you want to live next door to it? We have people tell us if you ever try to sell the property it is not a good thing. Thank you.

Chairman Shoemaker: So your objection is primarily due to the noise?

D. Baranski: The general rule is you're always going to have problems when you bring a commercial business into an agricultural/rural setting. I'm all for entrepreneurship, but not the neighborhood setting.

Chairman Shoemaker: Thank you ma'am. Do we have any... Yes sir?

Ed Baranski 3745 Green Corners: We live directly south of the dog facility. A lot of the numbers that Glenn pointed out were numbers that were showed at the last meeting, but the shoe is on the other foot. I was presenting the information and got no traction with it. I was told my multi-acre pine woods was going to stop the noise from coming over. Any of you that have ever been in the woods knows it does not stop noise. It will actually make it worse. Today, ten years later, I'm glad we're finally talking about noise reduction, but if you're going to build a barrier, in the pictures he was showing, the barrier was a 25' high barrier. It was twice the size of the vehicle parked there. That's what you see along the expressways. In my mind, that is what you are going to have to do. It can't be three foot high. There has to be some stipulations to the things that are done, how they're measured. You can make data look like anything you want. It depends on who's taking the data, how they're taking the data. I appreciate it and I'm glad we're looking into that. The existing building has to be made so that you can't hear those dogs outside of that building. If you hear them outside of the building it is unacceptable.

Chairman Shoemaker: Anyone else like to make a comment?

Christina Coop, 3649 Green Corners: I live right next door to the house being flipped. I love animals. We moved from our previous address from barking animals, Lake Orion Pet Center. You do hear the dogs bark all day long. I can't hear them all day in the house, but it starts at about 7:30 in the morning. I have a barn and horses. When people come over it's just like barking, barking, barking. My issue is they just pull in, drop off, and leave. My parents have horses; my sister is a dog groomer. Trying to get the kids on the bus, you've got all that traffic. You can't even get your kid on and off the bus because of all the traffic. They don't want to even stop to let them on the school bus. I wouldn't mind it if I didn't hear them barking all day. You don't hear them after 8:00 at night, but it does start at 7:30 am I believe. The issue is if I don't want to stay here, am I going to be able to sell my house? We do hear dog barking when they let them out during the day. I have dogs, they don't bark but it gets to be a nuisance after so long. You can't play with your kids. It's all day, you know? Thank you.

Chairman Shoemaker: Anyone else like to make comments regarding this? With that I will read any correspondence we have received and we received an email from Ed and Desiree Baranski. (Reads aloud)

"To Hadley Township planning Commission Public hearing notice for March 28 concerning Special land use application by Glenn and Denise Arens for expanding and existing commercial dog boarding and grooming facility known as "Flying A Canine Ranch" at 3697 Green Corners Road Tax Parcel Id#44-010-0080019-00 which is zone A/R (Agricultural/Residential).

I object to any further development on this property site unless it is to reduce the noise levels currently emitted by the non-stop barking of the dogs being boarded. The noise levels are beyond acceptable levels for residential area in Hadley Township (32dB). Based on data presented by me at the previous hearing for this facility held by previous board dog barking noise is at 80-90 nominally.

We can no longer enjoy outdoors activities such as enjoying camp fires, deer hunting, pool, yard maintenance as well as vehicle maintenance on our property because of the noise from the dogs barking.

Worst of all is the dog barking can be heard inside my house, although it is not at an objectionable level the fact that they can be heard in my home makes the noise level from the facility at an unacceptable level.

For these reasons the facility should not be allowed to expand and should be required to reduce noise levels so that the dog barking noise immediately outside the existing building cannot be heard.

If the noise levels can't be reduced the facility should be closed down in agreement with the previous board's direction.

Also, the odor coming from the facility is not very desirable.

Thank you for listening to my concerns

Sincerely

Ed & Desiree Baranski

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Hearing no further comments from the floor, Chairman Shoemaker declared the public hearing closed.

Chairman Shoemaker: I welcome any board members to ask questions of the petitioners. Robert do you have any questions?

Commissioner Hartwig: In your proposal, you said it was a 25% increase of dogs.

Applicant Arens: 27 dogs total,

Commissioner Hartwig: That 40 %

Applicant Arens: 39. 38 %

Commissioner Hartwig: What's the difference between the 25% and 40?

Applicant Arens: The last proposal I submitted to you guys...

Commissioner Hartwig: The one that I was reading said 25%

Applicant Arens: Ok.

Commissioner Hartwig: But you did raise it to 40% since?

Applicant Arens: The proposal I dropped off Friday. Is that the one you got?

Commissioner Hartwig: No. I got it six weeks ago, a month ago. It is a little bit of a surprise to me that we're going from a 25% to 40 %. If the new building is erected, and barriers are put up, will it eliminate some of the daily noise to the residents, because the play areas will be inside the building?

Applicant Arens: I'll be honest with you, just like I was last time. The soundproofing inside the building as it was before was in between the hours of evenings and night time, once seven o'clock hits the soundproofing is very effective. There is very little discernable noise outside of that building. That was the goal of the soundproofing. That is what the board held me to. I had to come back before the board and show them the soundproofing. During the hours of operation, it was always known that dogs would be outside. When dogs go out, sometimes they do bark. Would dogs still be going outside? Absolutely. Would the barrier help? Yeah. In reference to the truck and the wall was 25' high, I don't have 16' high dogs for a 25' barrier. I have 2' high dogs with a 6' barrier. If you look at the ratio, it is very similar. With that being said, will that barrier stop all sound from homeowners that live on that road? No, it doesn't. Would it stop all sound? No, a sound barrier is only as good as any leak that exists in there. I have done a lot of research. The product that I'm talking about, this barrier is new. I learned about it a few months ago. It seemed to be a good work around to try to eliminate at least some of the barking. You've been on my property multiple times, delivering hay and stuff like that. I'm not sure, but have you heard incessant barking every time you're there? Is it an acceptable level? I don't know how to answer that. As far as deer hunting, I shot four deer last year, three the year before, and one before that. That is always on the back of my property. They actually bed down behind my kennels at times.

The kennel has not affected deer flow around the kennel. With that being said, would it stop all the sound? No, I'll be honest with you, it wouldn't. Would it curtail it? Yeah. It would probably lower the transmission to a level that is acceptable.

Commissioner Hartwig: The new material you would put up. Would it go up along the old fence?

Applicant Arens: If I do that, I'd go around everything.

Commissioner Hartwig: What is there now?

Applicant Arens: There is a screening barrier, which is what the township requires in the ordinance. It is an obscuring barrier. What I used basically is a wood fencing outside the cyclone fencing.

Commissioner Hartwig: Other than the wood fencing there's no sound proofing in there now?

Applicant Arens: There's nothing to stop the sound. Wood is not a great sound barrier.

Commissioner Hartwig: The new material is it...

Applicant Arens: It comes on a roll that is 6 foot high, by 30 foot long. To do the whole building with the new building it's about 10 rolls, about 300 feet long.

Commissioner Hartwig: You would do the old existing fence?

Applicant Arens: We would do the old existing fence. It would be around all the outside yards. The new building is set up just for day care. It is set up to indoor play yards so the dogs wouldn't have to go outside all day. In our current facility people drop off their dogs for daycare. Some are dual income families. They show up and have younger dogs and they need exercise. When they get home in the evening and tired from working all day, their dogs are tired too.

Commissioner Hartwig: That's all I have for now. Thank you.

Chairman Shoemaker: Elwyn do you have any questions?

Commissioner Brandt: Can I wait until after?

Chairman Shoemaker: We can. Just remind me so I don't forget. Kim?

Commissioner Hill: You said earlier in your presentation, the building is going to be used for daycare.

Applicant Arens: Predominantly. It will have runs in it. Sometimes daycare, we get a phone call and they say, "Hey, can they stay the night?" Absolutely, they can. There will be runs because you can't keep dogs in constant play. They get aggressive. They go in play spurts basically, and periods of rest. They get play, rest, and it helps them socialize better.

Commissioner Hill: Forgive me, because I haven't been out to your place, but is the dog run outside?

Applicant Arens: Our kennel runs are inside the building. We have outside yards that are sand based with pea gravel top that we disinfect daily.

Commissioner Hill: with the new building there will still be a lot of outside time?

Applicant Arens: They have to go to the bathroom outside. Some kennels use an inside run to go to the bathroom, and those dogs go home and guess where they go to the bathroom? In the house because we just trained them.

Chairman Shoemaker: Glenn the drawing that you provided us. Where is the existing fence located? Does it follow the property line?

Applicant Arens: No. It comes out from of the building about 15 feet, and then comes around the building, 15 feet from the building. Close to the building.

Chairman Shoemaker: It's just around the current building?

Applicant Arens: Correct. If you look at the picture I provided you'll see gray area. That is a good representation of the outside yards. There's no grass in those areas.

Chairman Shoemaker: The fence is 6 foot in height?

Applicant Arens: Yes. It meets all township ordinances.

Chairman Shoemaker: That play area, are they enclosed within that six foot fence too?

Applicant Arens: Correct.

Chairman Shoemaker: When you let them out to play, they are within that 6 foot fenced in area?

Applicant Arens: Always. They don't play outside that fenced in area. We don't take fence hoppers. If a dog can clear the six foot fence we don't board those dogs.

Chairman Shoemaker: You put together a good package. The only concerns I have are the comments from the neighbors, the fact that the noise can be heard in their homes. I can understand in the yard. That's a common thing. I live in the country myself. The farmer's cows I can hear when I'm outside, but not typically in my house. I can see how that would grate on people. If you're in your home, having a cup of coffee and you hear dogs barking all the time. If it were an intermittent thing it might not be so bad, but if it is nearly constant, which it sounds like it is...

Applicant Arens: I would invite you to come out and sit for a day, and see how constant it is, because that's really the only way to know the legitimacy of that comment or not. I would submit to you that it is not constant. My opinion might be biased, just as their opinion might be biased.

Chairman Shoemaker: That's fair enough. Also you being close to it, you tend not to pay attention to it after a while.

Applicant Arens: I pay attention to it all the time. There are times I can hear dogs barking outside and I know, we'll call the kennel and actually say you have a dog out there that needs to come in. Sometimes they get a little rambunctious. I would say the predominance of the barking happens in the morning because they have to go out to go to the bathroom, but they want to come in to get fed. Sometimes when they go out later in the day they bark because they're playing.

Coop: I lived in an apartment above the Lake Orion Pet Center. My sister worked there for 27 years. My mother worked there, and our family had owned the business. Just recently it burnt down. We had boarding dogs there. They never went outside. We had kennels in the back. We had a groom room. We had a veterinarian and a sound proof barrier in the ceilings. It helped, but it never took the noise away. They never went outside to go to the bathroom. All they had was a parking lot in the middle of the village of Lake Orion. We never had anyone come in and say you ruined my dog because he went to the bathroom in an indoor kennel. The noise does go on all day. I love animals. I don't have a problem with the place. I send people over there all the time. My sister does. It's wonderful. They post pictures. The only problem is the barking, and it does go on. I can invite you to my house.

Chairman Shoemaker: It seems like the primary concerns are not so much how you run the business. Most people are in agreement that you do a really good job. The problem seems to be centered on noise.

Applicant Arens: That's why I had four slides dedicated to that. Look, we all love our dogs, but none of us are crazy about having 70 of them living next door. That's the reality of having a boarding kennel. Boarding kennels overall, no matter where they are, suffer this plight. As much as we can try to make this facility the best as possible, there are some things that take place. With Hadley noise ordinance, it kicks in over nighttime and that it really when it has to be reduced, but during the day you're allowed to run your tractors, you're allowed to make noise during the day. A loud bark that is constant does get grating. I deal with it every day of my life. I'm trying to take as balanced of a view as I can, understanding the difficulties that are there. I would go outside there and go and listen. That's the only way you're going to know. The only way you would know this is to postpone it and look at it from that angle. Without that, all you're listening to is biased opinions, my biased opinions and theirs.

Chairman Shoemaker: The thing I'm concerned about is we've got two of your close neighbors that are concerned about the noise.

Applicant Arens: Is it affecting the development of the neighborhood? They're still developing houses 800 feet south of me. They are flipping a house just north of me. When your sister came to apply about the permanent position she actually said at that moment you didn't even know there was a boarding kennel two doors down.

Coop: I did. I checked out the area before. It's okay now. I can handle it now, but to expand it and bring more dogs in? I don't think I want to. You're making money. It doesn't do anything for us. Do you know what I'm saying?

Applicant Arens: I totally get that.

Coop: I'm okay with it now. I can handle it right now, but to make it bigger and get more animals, and more noise. I didn't agree to that when I moved in. I'm not trying to be mean. My sister sent four people to you in the last couple weeks. I like your place.

Applicant Arens: Well, thank you. My point to you is even with the expansion, I tried to explain that clearly, so I apologize for that, but it's not a huge expansion. It's 40% would be a high number for it. The point of the expansion would be to bring those dogs inside so they play inside. Yeah, there will still be dogs going outside, but not to the level they do today. While we're expanding to a second building, we're not doubling the size of the business. We're not operating in the same way as before.

Chairman Shoemaker: Besides the acoustic barrier type of fence, were you looking at any other additional type of noise remediation?

Applicant Arens: I don't know what to do more. I looked at what's available in the marketplace, what's feasible and cost effective. This is costly. Any sound proofing is costly. This is the best I've found for what is available, and currently being used in some dog parks. That was my gravitation towards this product versus others. I've used other products from this company. Again when this facility is closed up at 7:00 pm you can enjoy your background all you want this summer. I am not trying to minimize your complaint in any way. What we agreed to originally, ten years ago was when that building is closed at night, you wouldn't hear dogs barking all night long.

D. Baranski: No. We were told we wouldn't hear the dogs barking.

Applicant Arens: I could have never approved that though. That was Mike Carpenter from Rowe Engineering, because I know trees are not an effective sound barrier.

E. Baranski: I don't want to go there because that was not the consensus last time around so...

Applicant Arens: OK

E. Baranski: If I could speak? The thing that is objectionable to me is this is number one a commercial business in a residential area. It should have never happened. Number two...

Chairman Shoemaker: Sir, it is an agricultural/residential area. Practically, I could build a Walmart. If it was strictly an R-1, it would be a different type of matter altogether. With agricultural/residential there's quite a bit of freedom allowed in that area. Farmers can farm and generate all kinds of noise. There's 10 acres, he could run 50 head of cattle back there. Fence it in and there's nothing you can say about it.

E. Baranski: And I probably would not object to that because cattle don't make nonstop barking noise like dogs do. I grew up on a farm so...

Chairman Shoemaker: I don't mean to belittle you sir, but I'm just saying it is zoned agricultural/residential and some types of commercial activities are allowed.

E. Baranski: Farm machinery you hear once a season for a couple days if that? It's not there day, after day, after day, after day.

Chairman Shoemaker: We are concerned about your concerns about the noise. That's what we're trying to address right now.

E Baranski: I'm subject to their facility's hours. At 7:30 in the morning those things are barking like a son of a gun, and I can hear them in my house. I may still be in bed.

Chairman Shoemaker: That's what we are looking at trying to do something about, to come up with a reasonable solution.

E. Baranski: I appreciate the investigation Glenn's done, but I've worked in sound data collection for several years and you need experts to tell you what to do to fix it, to eliminate it. Researching it on the internet, I'm not

sure if that's the way to go. Regardless, it needs to be something drastically different than what it is today. If you can hear it outside within three feet of the building, I would say that's a no-go.

Chairman Shoemaker: Well, unfortunately that is not what our ordinances say. As long as his noise levels are reasonable at the property line that's what our ordinances allow. We can do more or no less than that. What we're trying to do now is talk to Mr. Arens about his application and our concerns, and finds reasonable ways to do some mitigation here.

Commissioner Hartwig: Question. I know I already spoke.

Chairman Shoemaker: You're not limited here.

Commissioner Hartwig: If we go ahead with this new building would you say there would be less noise than there is now? The way I read the proposal, there's going to be more inside...

Applicant Arens: There would be less noise than there currently is. Yes, I think that is a true and accurate statement. I do not want to blow smoke though. At times in the morning they are going to go out to go to the bathroom, but with the barriers in place, that would be cut back. Will they hear as much? No. Will they hear it in their house? It's possible. There's no way of knowing that. I've never taken a decibel meter at my property line. I think I would be in compliance with that.

Commissioner Hartwig: Are you going to let out 87 dogs inside an hour?

Applicant Arens: Let me go through a normal day for you. We start letting dogs out after we have done a complete walk through and everyone is fine and healthy. We let dogs out in play groups or singly, they're out for a short time because we have to cycle a lot of dogs through. So yes, the first hour they will all be outside then back inside. Then we feed, once fed they quiet down significantly. We disinfect the building and let them out again because they've eaten. Our boarders then stay in as daycare goes out in groups all day long to get exercise. That will be greatly reduced or eliminated for outside play because we'll have indoor play yards. That other building will be used distinctly for that. When they take time to rest, there are runs in the back of the building. Will that decrease noise? Absolutely, because now they're outside doing that, and then they'll be inside, it's not going to eliminate it though.

E. Baranski: If you do decide to go visit the place, don't go on a Tuesday. Go on a holiday. Go during deer season, Easter, Christmas, whatever. That is when the place is fullest. That's when it's the worst.

Chairman Shoemaker: Glenn do you have anything?

Commissioner Walton: Yeah. Ed and Desiree how long have you lived there?

E. Baranski: Since '92

D. Baranski: I've lived here forever.

E. Baranski: Not at that address.

Commissioner Walton: How about this other lady?

Coop: Just over two years. We just moved here.

Commissioner Walton: You mentioned combines. I don't know if two combines is double the noise of one or not. I don't know if four dogs double the noise of two dogs.

Applicant Arens: I don't think it doubles the noise. For the combine sake, they're both putting out about 110 dBs at full throttle. Depending on proximity, it could spread the sound farther. That sound tends to travel in a circle, not like speaking because that noise is coming out of the engine, the exhaust, the muffler and everything else. For a dog, they speak in a directional way. So a dog barking at you, it's louder than a dog barking away from you.

Commissioner Walton: I'm hearing some time frames out there. Is there any flexibility in your time zones? He's saying seven o'clock in the morning. Can that be changed to eight o'clock when they get let out?

Applicant Arens: I don't know if you own a dog or not, but when I get up in the morning the first thing he wants to do is go outside. If I don't let it outside at that point, he's probably going to have an accident inside. He just woke up from a night's sleep and wants to go. The SLU that is in existence, and will stay in existence if this doesn't go through, laid that all out.

E. Baranski: One more thing, sorry...

Chairman Shoemaker: I'm sorry sir. I've given a lot of leeway here. This is Mr. Arens' time to answer questions from the board. If we have a question for you we'll ask you, but to keep this hearing moving it's important that we talk to Mr. Arens. That's why we have a public comment time. Dave do you have anything?

Commissioner Hinton: Glenn, I was wondering if you could give us some sort of ratio for indoor play time.

Applicant Arens: Again the outside yards with the new building, morning customers would be able to go out there to go to the bathroom. The daycare customers will all take place in the new building. The only time that will create any... Let me answer your question as directly as I can here. I don't know how to put it into time frames. The average dog that we border goes out twice in the morning by 9:00 am. Definitely goes out by noon because we close for three hours Monday through Friday. Then goes out at 3:00 pm and then again after feeding time in the evening which would be about 5:30 or 6:00 pm. So were letting them out from 5:30 and 7:00, to make they have a chance to relieve themselves before we close up the building for the night. That would stay the same. What would stop is basically all the dogs for daycare that are going out between all those times because they are being cycled out on a regular basis to the play yards. That would happen in the inside at that point. Does that answer your question?

Commissioner Hinton: Yeah, I guess.

Applicant Arens: Well ask more if you need to.

Commissioner Hinton: Would it be fair to say it is going to eliminate a big chunk of the outside barking?

Applicant Arens: I would say yes, but like I said to Robert, a lot of that play time is going to happen inside, but as far as morning barking? No, to be honest with you, no, what will lessen the impact of that, I don't want you to forget, is the fencing. That's where the difference comes in.

Chairman Shoemaker: Okay Elwyn back to you.

Commissioner Brandt: There's no way to stop a dog from barking and there's no way to make a barrier so you can't hear it.

Applicant Arens: Not totally. You'll never make it where they can't hear it.

Commissioner Brandt: To give you an example, I have two beagles they're 500 feet from a house. They will bark at nothing except for a coyote, and they're scared to death of a coyote. I sometimes at night have to turn on the TV so I can sleep. I see what these people are putting up with. I'm between a rock and a hard spot here.

Applicant Arens: I'll tell you its better at night time for sleeping, unless you're sleeping in the middle of the day. I'll agree with that, but at night the noise is really not discernable. After 7:00 at night you're not going to hear barking.

Commissioner Brandt: There is actually is no comparison in my opinion between a machine running and a dog barking. A dog barking is to me a lot more annoying.

Applicant Arens: I would agree with you.

Commissioner Brandt: Have you had any complaints about the barking as the years have gone on?

Applicant Arens: The only complaints I've had are from Mr. and Mrs. Baranski. That's the only complaint we've ever received.

Commissioner Brandt: I'm still listening.

Applicant Arens: My goal was to comply with the ordinance and what the law states. It has a section about commercial kennels and it talks about that, that's why I ended my proposal with that. I'm willing though, if we get the approval to go beyond what is in the ordinance, to provide a sound barrier something above and beyond what the ordinance called for originally. If you're trying to say a kennel cannot emit any noise during the day or night, you'd have to shut down every kennel in the township. I think there are 15 or so in the township they're mostly privately use, three are commercial including me. You'd also have to have residents get rid of their dogs because they bark during the day.

Commissioner Brandt: I have a question for Ernie. Do you get complaints from other dog kennels from neighbors about the dogs barking?

Ernie Monroe, township Supervisor: Yes, we do.

Commissioner Brandt: Virtually all of them?

Monroe: No, maybe two other ones.

Commissioner Brandt: Is this one of them?

Monroe: The only one I've talked to is the Baranski's.

Applicant Arens: I have the largest kennel you have in the township.

Commissioner Brandt: Are we going to vote on this tonight?

Chairman Shoemaker: We have three options. We can approve, we can deny, or we can table this until our next meeting to gather additional information or do any further investigation.

Commissioner Brandt: I'd like to make that motion,

Chairman Shoemaker: Let's get a few more questions in here first. Does anyone have any more questions for Mr. Arens?

Commissioner Hinton: All hours of the night, we hear trucks driving up and down the road. Can you do something about that?

Commissioner Brandt: I've heard of people living by railroad track and once you live there long enough you don't hear the trains anymore. Does this go that way with the dogs?

E. Baranski: It's never that way.

Coop: I can hear the church bells ringing from Hadley to my house.

E. Baranski: Those are things you put up with because you hear them infrequently. When one starts barking, they all start barking. It's just unacceptable.

Chairman Shoemaker: About your point about meeting the requirements of the ordinance, there's a general requirements dictated by the state of Michigan one being, "There is no evidence of negative impact on the public health, safety, or general welfare."

Applicant Arens: I agree.

Chairman Shoemaker: I have to admit I have used Glen's facility in the past and thought it was a very, the kennel, the business was very well run. The people who have voiced their opinion about the noise bother me because we live in the country, we hear things once in a while, but if it is incessant day, after day, after day, it could wear on you.

Applicant Arens: Can I speak to that? Let's say you never met David Hinton, and before you meet him I tell you he's this awful guy, not really, I love you Dave. When you meet him, what's your first impression going to be? Once you get something a little stuck under your craw it's never going to get better and actually is probably only going to get worse only because you have a bias against it. That is not to minimize anything.

Chairman Shoemaker: Perhaps if it is one neighbor that voiced their concerns, but we have two separate neighbors that live on both sides of you. That's my concern. While I fully supportive of your business and what you're doing for the community, I have to be concerned with your neighbors.

Applicant Arens: I'm totally with you.

Chairman Shoemaker: I have major concerns about bark noise. I'm not concerned about the number of dogs, or how you take care of those dogs. There's a little extra traffic, but it's not excessive from what I've seen in the past. I drive Green Corners Rd. all the time.

Applicant Arens: I have three children that get on the bus every day.

Chairman Shoemaker: There's a little increase in traffic, but that is a reasonable thing, but the noise is something I'm definitely concerned about. As a commission what do you think we should recommend here?

Commissioner Hinton: I think that we need to be cognizant of the fact that two of these three bullet points are about the noise. I appreciate that with the Acoustifence, he is going above and beyond what is required. It seems to be an effective shield.

Applicant Arens: It is not going to eliminate it completely. If that's the bar...

Chairman Shoemaker: I don't think that's what we're looking for either.

Applicant Arens: Ok.

Chairman Shoemaker: What we're looking is for people inside their homes with their windows closed not to particularly hear the dogs. We've heard two separate people say that they do. To not hear them in your yard, well that's not going to happen. The requirement in the community is that the noise should be no louder than normal conversation at the property line. I think that's a reasonable standard. If I'm hearing it in my house, with my windows closed, that's kind of loud. Even at a low level, that's still kind of loud because I've got the wall, the insulation, and everything. So my concern once again is prominently noise. As far as to mitigate that, does anybody have some suggestions? What do we propose Glenn does?

Commissioner Hinton: I hate to say this again and again but, two of his three points are to mitigate noise.

Chairman Shoemaker: The thing is, originally there were issues about noise. Steps were taken, but it sounds like it wasn't as effective as we hoped it would be.

Applicant Arens: I'm not sure what you mean by that last statement.

Chairman Shoemaker: The plans for your original SLU, you had to come back with some noise remediation.

Applicant Arens: I included in my original proposal the Acoustiblok inside my building. They wanted a show and tell on exactly how it works.

Chairman Shoemaker: But still they were concerned about the noise too.

Applicant Arens: Always.

Chairman Shoemaker: Based on that, my question would be the effectiveness. I'm not sure of how effective it is going to be. I wonder if there's a place using this for noise mitigation that we can visit.

Applicant Arens: I'm not sure of anything local, but I could look into it. Dog parks you'd have to go down into the city to see what they're using for mitigation of noise. I know of Rexpointe Kennel at Rochester Rd. in Troy has 100 dogs and they are in residential area. They don't have any sound mitigation outside of that building.

Chairman Shoemaker: We don't know the original SLU that was granted under.

Commissioner Hill: What did you say your fence height was right now?

Applicant Arens: Six feet.

Commissioner Hartwig: Would it help any to go up 10?

Applicant Arens: Not necessarily. Acoustifence comes in six. You'd have to double layer it somehow.

Chairman Shoemaker: I would hate to grant this and have additional noise issues.

Applicant Arens: I totally understand that. I don't disagree with your thought process on that. Worst case scenario is that we keep operating how we are. The SLU we're using is currently in place and still in place, and I'm in compliance. That's not an issue.

Chairman Shoemaker: Any additional thoughts or comments?

*Motion by Brandt, supported Hill by to table a decision on Glen Arens' Special Land Use 17-01 application until the next Planning Commission meeting to allow board members to investigate methods of noise remediation.

Ayes: Hartwig, Brandt, Hill, Shoemaker, Walton, Hinton

Nays: None

Motion carried.

Approval of Minutes:

Commissioner Hill suggests correction to the minutes – Commissioner Walton actually prepared last month's minutes so the respectfully submitted by needs to be Glenn Walton. Commissioner Brandt moved to approve the minutes with the suggested correction, Commissioner Walton support. Motion carried.

Old Business:

*Postponed until our next meeting due to time constraints.

New Business:

- 1.) ZBA Report – next meeting will be 03-29-17. Dale Burwell proposes to build a detached garage in his front setback due to the fact that he has nowhere else to go.
- 2.) Township Board Report – No report.
- 3.) Correspondence – MTA Intro to Planning and Zoning. Solar Energy Planning/Zoning Smart Growth Strategies
- 4.) Change of April meeting date – The next Planning Commission Meeting will be rescheduled to April 25, 2017 at 7:30 pm.

Public Time:

Supervisor Monroe discussed Sandy Hayes coming to the hearing to discuss the mining being done on her property on Pratt Road. This mining is very limited and is being done to create a pond. Chairman Shoemaker has copies of the diagram if anyone wishes to see them.

Commissioner Comments:

Commissioner Brandt mentioned that 3 trees were recently cut down at the Baptist Church on Pratt Road.

Chairman Shoemaker suggests we make sure we do our homework on the special land use request before us.

Commissioner Walton asked if we can make an onsite visit soon.

Commissioner Hinton asks for documents to be sent in PDF form. He also reminds everyone that regarding the special land use request – the situation will get better, worse or stay the same.

Adjourn

Commissioner Brandt moved to adjourn. Commissioner Hartwig support. Motion carried. Meeting adjourned at 9:19 p.m.

Respectfully submitted,

Kimberly S Hill