

SYLVAN LAKE PLANNING COMMISSION  
Minutes of the February 2, 2010 Meeting

1. CALL TO ORDER

Chairperson Menuck called meeting to order at 7:02 P.M.

2. ROLL CALL

PRESENT

Michael Menuck  
Paul Hungerman  
Joanne Eberhardt  
David MacGillis  
Russell Meskin  
Aron Lorenz  
Jim Schafer  
John Martin, City Mgr.

EXCUSED

Jim Bull

3. APPROVAL OF AGENDA

Moved by, MacGillis seconded by Eberhardt.  
No discussion.

Motion carried.

4. APPROVAL OF MINUTES

Moved by Lorenz, seconded by Hungerman to approve the minutes of December 9, 2009.

Yes: 7

No: 0

Abstain: 1

Motion carried.

5. MEETING OPEN TO THE PUBLIC FOR BRIEF COMMENTS

Chairperson Menuck opened meeting for public comment.

Michael Palchesko, representative for DTE stated the diesel generator on the service center site will be removed. It has been disconnected from the system and is not used anymore. He then again expressed his concern about decibel level allowances and other concerns with the noise ordinance. Mr. Palchesko asked if the Planning Commission would entertain having a few of the Planning Commissioners meet with DTE representatives to discuss noise in general. After discussion it was stated that all of Planning Commission should hear what the DTE representatives have to say regarding the issue and suggested they come to the next Planning Commission meeting and present it.

Chairperson Menuck closed meeting for public comment.

6. New Business:

None

7. Old Business:A. Review and Approval to send Draft Noise Ordinance to City Council

City Mgr. Martin briefly reviewed the latest draft that was just distributed. He did not expect it to be discussed in detail since Planning Commission has not had time to review it. This draft addresses issues that were brought up when meeting with the City Attorney. The sections that are suggested to be added or moved are underlined and sections suggested to be removed are struck out. He suggested the Commissioners review it and be prepared to discuss it next month. Section 8 regarding Diesel Trucks would be removed from the proposed noise ordinance and either placed in another ordinance or create a new ordinance if Planning Commission decides it is necessary.

Chairperson Menuck suggested everybody take the information and review it.

Mayor Lorenz questioned section 2.1 (e) and (f). recording the background sound level without the source sound and with the source sound. It was clarified that is how they register the difference in level between the background or ambient noise and the increase from the noise in question. He then questioned what a pure tone is and how do you determine if it is a pure tone or regular noise. The definition of a pure tone was discussed. The question was raised if a backup alarm on a truck would be considered a pure tone. It would not because the sound is intermittent, not steady.

Lorenz then questioned the unamplified voice as an exemption to the noise ordinance. He gave an example of a group or party outside playing cards and talking, they are exempt from the noise ordinance. However, someone playing a radio in their backyard that was at a lower level than the people talking, it could still be in violation of the ordinance if it was more that 5db greater than the ambient quiet night. Menuck stated if the sound of the people talking was used to determine the ambient sound level, then maybe not.

Hungerman questioned the unamplified voice is exempt, but earlier in the ordinance it states unruly persons yelling and shouting is prohibited. Is that a conflict? Martin stated the unamplified voice is allowed until they do something that falls into the prohibited category.

B. Outdoor Storage of Vehicles

Chairperson Menuck felt that Planning Commission has discussed the issue and felt that the current ordinance is sufficient. He would like to send a recommendation to City Council that our current ordinance is ok. Eberhardt stated she was given the job to research the ordinance. She found that a lot of it

is covered in our current parking ordinance, junk vehicle ordinance or outdoor storage. There are a couple suggestions she forwarded for review. Call them automobiles, limit them to 10 passengers, licensed, cannot be for racing and cannot cover them with a tarp. Bloomfield Hills and other municipalities restrict the amount of time a vehicle can be parked in your driveway.

Discussion followed on whether an automobile should be allowed to be stored in the driveway with a car cover. Schafer asked if Planning Commission would review what the issue is with our current ordinance. Chairperson Menuck explained that there are a few vehicles in the City that have their vehicles stored in their driveway but meet our ordinance requirements of being licensed and in operating condition. Schafer stated that if he has vehicle in his driveway that is licensed and operating, no flat tires, and decides not to drive it, somebody is indicating that could be a problem. Chairperson Menuck stated according to our ordinance it would be allowed. Schafer reiterated the example with storing the car while going to Florida for the winter. Under the current code it is allowed, but some are saying it is an issue, and if he chooses to cover it while he is in Florida, that is a separate issue. Additional examples were discussed.

The topic of whether a cover should be allowed. Should it be required to be a fitted car cover designed for a specific car? It was then compared to watercraft that are allowed to be covered with any type of cover including shrink wrap. If a vehicle is licensed, the City's interest should be safety or if it is a nuisance.

MacGillis stated boats cannot be stored in the driveway, but cars can be. He feels if it is a collectable car and it is not allowed to be stored while covered, they will keep it in the garage.

Martin clarified that when discussing where boats or vehicles can be stored in the front yard, it is only within the front yard setback that they are not allowed. The definition was explained. If someone has a house that is built far enough off the street, they could store their car or boat in the front yard, just not within the front yard setback. Martin would like to see the ordinance changed to allow parking only in the driveway, designated parking areas or in the garage. That would eliminate parking vehicles in their front yard.

The question was raised about specific vehicles being licensed. Martin explained that as long as the registration is current, it is ok. The actual license tab does not have to be on the license plate.

Discussion continued on automobiles versus recreational vehicles. Where can RV's be stored and comparing a covered boat being stored in plain view and not allowing a car to be stored in plain view. It needs to be fair.

Planning Commission agreed to further discuss the requirement that a cover on a car must be a manufactured cover for that type of car, not allowing cars to park anywhere but on the driveway, limit vehicles to be parked to passenger vehicles seating 10 people or less.

Carports and car-stacking devices were discussed. A portable carport would be considered an accessory or temporary structure. Car stacking devices should not be allowed outdoors for aesthetic and safety reasons.

Martin will investigate all of the issues and bring something back for Planning Commission to discuss. It may not be for March though.

#### C. Outdoor Seating

Martin informed Planning Commission that he has spoken with Commissioner Bull who is working on this draft. He will hopefully have something for Planning Commission to review next month. This should not be a difficult ordinance and should focus on safety and not reducing parking below what is required.

#### D. Zoning Ordinance Review

None.

Mike Zubrycki asked if the Diesel portion of the noise ordinance could be discussed by Planning Commission separately and sent to City Council. Martin state it could be addressed separately.

#### 8. City Manager Comments

Introduced and welcomed Jim Shafer and thanked him for volunteering his time to serve on Planning Commission. Martin has known Schafer and has worked with him for a long time and knows he will be a great asset.

Martin also thanked Joanne Eberhardt and Jim Bull for their work on investigating and supplying draft ordinance information.

#### 9. City Council Comments

Lorenz welcomed Schafer and thanked him for volunteering. Lorenz announced that there will be recreation meeting at the Community Center Thursday at 7:00. They will be putting together volunteer groups for children, middle aged people and seniors. He also announced that the Sylvan Lake Fun Run is being planned for May. They are looking for volunteers and sponsors for the event. He thanked Joanne for her time providing information to the group to discuss. He further stated that vehicle storage is very difficult thing to enforce and there is only so much you can do.

Meskin questioned if they ok the beer and wine licenses. Martin responded that City Council approves them after the applicants are investigation by the Police Department.

10. Planning Commission Comments

Commissioner Eberhardt - Welcomed Jim Schafer to Planning Commission. Stated she doesn't mind gathering information for ordinances. She stated she would talk with Martin on what else needs to be done with the vehicle storage. She would like to see the noise ordinance passed. She feels it is needed and has been discussed for a long time.

Commissioner MacGillis - Acknowledged the work and time spent researching that was done by Joanne.

Commissioner Hungerman - Welcomed Schafer to Planning Commission and looks forward to working with him. He believes in private property rights. The storage ordinance needs to be fair for everybody. He stated there are very few problems with this issue and amending the ordinance may create more problems than it takes care of. He may be able to support no parking on the grass.

Commissioner Schafer - Thanked the Mayor and City Council for appointing him to Planning Commission, he's looking forward to it and hopes he will be able to help out.

Chairperson Menuck - No comments.

11. Adjournment

Moved by Lorenz, seconded by Eberhardt to adjourn at 8:07 P.M.

No discussion.

Motion carried.

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John Martin, Acting Sylvan Lake Planning Commission Recorder

**SYLVAN LAKE PLANNING COMMISSION**

**February 2, 2010**

Mike Zybrzycki  
Mike Palchesko, D.T.E. representative