

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION  
MINUTES FOR SPECIAL MEETING OF AUGUST 23, 2011**

**FENTON TOWNSHIP CIVIC COMMUNITY CENTER  
12060 MANTAWAUKA DRIVE, FENTON, MICHIGAN**

Chairperson Tucker called meeting to order at 6:03 p.m.  
Present: Carlson, Franz, Hemeyer, Lorraine, McGuirk, Richard, Tucker  
Recording Secretary: McDonald  
Absent: None

**APPROVAL OF AGENDA:**

Motion to approve the agenda  
Motion by: Carlson  
Seconded by: Tucker  
Ayes: Carlson, Franz, Hemeyer, Lorraine, McGuirk, Richard, Tucker  
Nays: None  
Absent:  
Motion carried

**PUBLIC HEARINGS:**

**SUP11-003 TMI Custom Air Systems Inc. 200 Quality Way, Holly:**

06-02-400-005

2111 W. Thompson

Special Use Permit: Light Fabrication

This matter was postponed on 8-16-11

Secretary McGuirk reviewed file he noted there is a letter and e-mail in the file from Jeff Crim, 11394 Audubon opposed to the request and any special permit granted for the property. Greg Freitas, TMI Custom Air Systems, 200 Quality Way, Holly sworn in. Freitas explained that since the last meeting a letter had been sent from Baldwin Electric, 2226 W. Maple Ave, Flint in an effort to answer questions with regard to the contractor and the electrical work being done. McGuirk verified the letter in the file. Freitas said in addition several sound test were done to ensure that TMI could and would be comfortable with the 65 dB requirement of the Township Ordinance. Freitas emphasized that they must have the ability to run a 2<sup>nd</sup> shift in order to meet their demands. He addressed concerns about operating on the weekend by stating they could shut down on Saturdays at 12:00 pm and on Sunday at 3:00 pm. Lorriane asked if they intend to start at 6:00 am as previously stated. Freitas replied in the affirmative. Carlson asked if they planned on operating from 6:00 am to 3:30 am. Freitas said yes. Freitas offered a condition that the dB level at night be reduced to 60 dB and reiterated that TMI wants to be a good neighbor. Chairperson Carlson called for audience comments. Chris Schramm, 11404 Audubon, stated concerns about the noise. Jeff Crim, 11394 Audubon, stated this is a rezoning of the property to a more intense use than originally zoned which was high tech intended to create a buffer. He stated noise travels especially at night and gave an example that he can hear people skateboarding in the parking lot at the Mott College building on Thompson Rd. He said that rezoning the property in this way will set a precedent for more intense uses and noted that before he purchased his property he did his due diligence and was comfortable with the zoning. Tom Miller, the founder of TMI introduced himself and addressed the Planning Commission and audience by stating they must operate a 2<sup>nd</sup> shift, however the 2<sup>nd</sup> shift is much quieter than the day shift. He said they are very comfortable that a decibel level set at 65 dB and reducing that to 60 dB at night. Miller stated he lives in the Township and respects the work of the Commission and the concerns of the neighbors. Carlson asked if the dB test that were at the property line. Schramm stated concerns that the test were done without the facility being at full production. Freitas said the readings were done at both locations and within 15 ft. of the buildings and they were still under 65 dB. Dale Benish, Genesee County Regional Chamber, Business Development Manager, supported the request and noted that this will keep business and jobs in Genesee County, he noted as long as the applicant is meeting the

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requirements of the Township Ordinances the Commission should support keeping jobs in our area. Roger Redick, 2088 Wiggins, stated the high tech zoning that was in place was there to protect the residents, now the property is zoned M-1 and the special use permit is allowing for an even more intense use. He said the adjoining residents are on the taking end and have to live with all of the negative impacts. He opposed the 2<sup>nd</sup> shift with concerns for his family and the other families that will be impacted when it comes to entertaining, raising a family and just getting a good nights sleep. Leo Seide stated this building has been abandon, overgrown and vandalized over the last several years. This area needs good manufacturing related jobs and TMI needs a facility to do this assembly. He concluded that this is a good fit for this building and encouraged the Commission to amend the special use permit as presented tonight. Redick stated the Township should act to protect it's residents rather than big business or act as a real estate agency. Crim concurred adding it is the neighboring residents that will suffer the consequences. Lorraine asked if TMI considered doubling the 1<sup>st</sup> shift. Freitas said they had and found that would not be possible. Freitas also stated this is an assembly only operation nothing will be fabricated in the facility. Tucker explained the use is classified as Light Fabrication which is defined as Manufacturing establishments that are involved in the production of goods requiring limited processing of material as well as packaging and assembly. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Manufacturing processes do not include those that generate excessive noise, vibration, smoke, or odor or which use or store excessive amounts of hazardous materials. Processes do not include use of stamping presses, casting or extruding of metals or chemical treatments such as etching with acid. Goods are generally not displayed or sold on-site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site. He added this is a use permitted by special use permit in this zoning district. McQuirk asked if any outside storage or assembly is being proposed. Freitas said the only outdoor activity will be the loading and unloading of the trucks, no storage or assembly outside the building. Franz asked if Freitas knew when the sound meter he used was last calibrated. Freitas said he did not know the date, however the equipment is used in their business often and it is kept up to date. He added there were 2 meters used and the reading were consistent. Tucker asked about the truck traffic. Freitas said they try to keep loading and unloading between the hours of 7:00 am and 4:00 pm, however there are unusual circumstances that happen that are beyond his control. Carlson stated concerns with the operation of a 2<sup>nd</sup> shift. Tucker stated it is clear that the primary concern is the noise, if the noise were not an issues the hours would not be an issue. In an attempt to offer some conditions he felt the Commission would consider he listed the following: the permit will expire at the end of 6 months, hours of operation shall not exceed 6:00 am until 11:00 pm Monday through Saturday and 6:00 am until 3:00 pm on Sunday, decibel level at the property line shall not exceed 65 dB at all times, 60 dB after 5:00 pm and 55 dB after 8:00 pm loading and unloading shall take place between 7:00 am and 6:00 pm. Carlson asked about the operation of fork trucks. Freitas said those will operate all of the hours of the assembly. Lorraine asked if TMI is willing to further insulate the facility. Freitas stated that would be very costly and added he is very comfortable that they will not exceed the Township standard of 65 dB and 60 dB at night. Seide said the proposed 6 month expiration is unreasonable and not acceptable. He explained the lease agreement is open and if TMI wants to continue to operate in facility after 6 months they need to have that option. Miller stated they would like to have the demand for product that would provide a need to utilize this facility beyond the 6 month period. He said the 2<sup>nd</sup> shift necessary and he is sure that they can meet or exceed the noise level requirements. Richard stated he visited the TMI facility in Holly sat in his car and listened for a period of time and the noise level was not at all unreasonable. Franz asked if they had to work until 3:30 am. Miller said there is no way around it. Lorraine explained that it is a difficult task to balance business and a residential neighborhood, the Commission hears the valid concerns of the neighbors and will do their best to make this the best situation for all.

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Motion to approve the amendment to the special use permit for Light Fabrication with the following conditions:

1. The special use permit will be reviewed at the January 2012 Planning Commission meeting.
2. Hours of operation shall be as follows:
  - Monday through Friday 6:00 am until 3:30 am.
  - Saturday 6:00 am until 12:00 pm
  - Sunday 6:00 am until 3:00 pm
3. The sound produced by the Light Fabrication equipment shall not exceed 65 decibels at the property line at any time.
4. The sound produced by the Light Fabrication equipment shall not exceed 60 decibels at the property line after 5:00 pm.
5. Loading and unloading shall take place between the hours of 7:00 am and 6:00 pm.
6. Outdoor storage or assembly is prohibited.
7. There shall be no activity related to or associated with this business outside on the east side of the building.

Motion by: Tucker  
Seconded by: McGuirk  
Ayes: Franz, Lorraine, McGuirk, Richard, Tucker  
Nays: Carlson  
Absent: None

Motion carried

**PUBLIC COMMENT & COMMUNICATION CONCERNING ITEMS NOT ON THE AGENDA:**

5 Minute Limit – There were none

**ADJOURN: 7:38 p.m.**

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Sandra Carlson, Chairperson  
Minutes Posted 08/25/11

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James McGuirk, Secretary