

<p style="text-align: center;">YANKEE SPRINGS TOWNSHIP PLANNING COMMISSION Regular Meeting</p> <p style="text-align: center;"><u>Thursday, April 20, 2017</u></p> <p style="text-align: center;">Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333</p> <p style="text-align: center;">MINUTES</p>	<p>MINUTES Page 1 of 8 APPROVED: <u>HK</u></p>
<p>Meeting called to order at 7:00 PM by Chairman Greg Purcell</p> <p><u>PLEDGE OF ALLEGIANCE</u></p> <p>Roll Call: Present: Heystek, Purcell, Fiala, Beukema, Strickland, T. Knowles, VandenBerg.</p> <p>Present: Larry Knowles, Zoning Administrator</p> <p>Also Present: Rebecca Harvey, Professional Planner, Catherine Kaufman, Township Attorney</p> <p>Staff Present: Chuck Biggs, Todd Delamar, Sandy Marcukaitis, John Frigmanski, Mark Englerth</p> <p>Visitors: 12 (not including staff present).</p>	<p>CALL TO ORDER PLEDGE ROLL CALL</p>
<p>APPROVAL OF AGENDA:</p> <ul style="list-style-type: none"> • Strike: SEU: Petermen request- Lakeridge Dr. - Withdrawn • Add: Discussion - mapping/Master Plan verbiage • Add: Information regarding zoning –Loew/Cobb Lake Rd. <p><i>Approval of the amended agenda was made by an <u>All ayes</u> vote.</i></p>	<p>CHANGES TO AGENDA:</p> <p>(Approval of Agenda as amended.)</p>
<p>REPORTS from REPRESENTATIVES:</p> <p>Board of Trustees- Shane VandenBerg commented, “They’re all good. Let’s proceed.”</p> <p>ZBA- Cathy Strickland – no meeting yet. May 9th is the next scheduled meeting.</p>	<p>BOARD REPORTS from REPRESENTATIVES</p>
<p>PUBLIC COMMENT: None at this time</p>	<p>PUBLIC COMMENT</p>
<p>APPROVAL OF MEETING MINUTES:</p> <p><u>Minutes of February 16, 2017 -</u></p> <p>Objection was made by Cathy Strickland – to <u>minutes of February 16, 2017</u> – Center of page 2 – 4th paragraph: <u>“In Response to the above motion of 3/16/17: The following additional language has been included:...”</u> C. Strickland referred to section – “Meeting Requirements” <u>of Authorities & Responsibilities of Michigan Township Officials, Boards, and Committees – Handbook:</u> <i>“At public hearings it is also frequently necessary that the comments and arguments of those promoting or opposing a particular matter and the fact that opportunity to be heard is given to those present. Such discussion and comments do not necessarily have to be recorded at meetings that are not public hearings since the board or the commission acts as a whole based on reasons recorded for any action and not upon individual comments.”</i></p>	<p>APPROVAL OF MEETING MINUTES</p> <p>Objection to Minutes of Feb. 16, 2017</p>

Motion by Cathy Strickland with support from S. VandenBerg to strike the additional language (pg. 2, 4th paragraph) to the February 16, 2017 meeting. Discussion took place before Roll Call vote: Heystek: No, Vandenberg: Yes, Beukema: No, Strickland: Yes, Fiala: No, Purcell: No, T. Knowles: No. Yes: 2, No: 5. MOTION FAILED.

Discussion: (This discussion took place before the roll call vote above).

Paul Heystek – commented the statement should be truthful when a board member or any member makes a comment. - P. Heystek commented he was gone ten (10) weeks not six (6) months – “It gives a bad reflection on the individual and also on the intent.” Heystek noted that remote participation has been approved and is legal. Heystek wants the public to know, “because if it gets out, those statements, and there is nothing there, they (the public) are going to think that “these guys are gone for six months. That’s not right.” Heystek added “If you want to say for a short period of time or have it stated correctly, that’s one thing. But when you mislead people, that’s a whole ‘nother ballgame. Especially from a board member, an elected official. I think that’s beyond the pale. The other thing is this has been done in the past by individuals on this board including things that were a little bit more than just the basic stuff. Cathy knows that. I think a lot of the board members know that. Things have been written in when it’s to their advantage or serving their purpose.” Heystek referred to C. Strickland’s reading of the Meeting Requirements section of the Authorities & Responsibilities Michigan Township Handbook and commented, “It doesn’t say you can’t do it (record discussion or comments in minutes), it just says you don’t have to.”

Greg Purcell commented that he didn’t think they were debating the merits of being able to make phone call participation in the meetings. Purcell commented that he (Purcell) did it for three winter months to participate. The By-laws were amended to allow participation via telephone. Also, Purcell commented that courts do video arraignments all the time. Purcell also noted that this(remote participation) is permissible according to state law.

Shane VandenBerg commented that he corrected the statement of five (5)- (six)6 months to four (4) months. Regarding the additional language requested by P. Heystek, VandenBerg said “If you want to put that in the minutes, put the entire meeting in the minutes so the public can be made aware of me being badgered and screamed at by who I thought was you, Mr. Purcell, and yourself (P. Heystek). I didn’t know who I was talking to because you guys are on a phone system. So I thought I was talking to you (G. Purcell) and I was going back the year earlier to the four months- that you -I thought you were gone for four months earlier the year before. Because this year I wouldn’t have any idea when you are coming back until you got back. So I was talking about the year earlier which I thought everybody understood except for Paul who somehow thinks that I should be crucified for saying “five to six months”.

Greg Purcell – commented on addressing the policy – not the personality. “If you are going to speak, speak to the policy, to the issues at hand, and don’t speak to the personality,” stated Purcell.

Shane VandenBerg- continued to comment “And the reason why I believe this thing is all here is because of what I call “Vacation Voting”. You guys can talk about legality all you want. I don’t believe it is legal. I don’t believe it is. I think we really stretched it. I don’t believe there’s another township in the entire state of Michigan that is doing what this board is doing. And we’ve checked.”

G. Purcell commented that S. VandenBerg was entitled to his opinion.

MINUTES

April 20, 2017

Page 2 of 8

APPROVED: *tlc*

MOTION to strike additional language to Feb. 16, 2017 PC minutes.

Discussion regarding added language to Feb. 16, 2017 PC minutes.

S. VandenBerg commented, "No. That's not opinion. We've checked."

G. Purcell referred to the attorney.

C. Kaufman directed attention to the motion on the floor about the minutes. "Minutes should reflect what was said at the meeting, not somebody's personal policy/viewpoints. So what is said at the meeting is what should be in the minutes. Whether people think it's right, wrong or whatever. The minutes should reflect what was said."

G. Purcell commented that remote participation was not going to be re-debated. "It is in the by-laws. If someone wants to go to legal counsel to correct that – fine." G. Purcell continued and commented that this is about the minutes. "Having transparency and accurate reflection of what was said is appropriate," stated G. Purcell.

NO other comment.

At this time-ROLL CALL VOTE was taken. (On Motion by C. Strickland – page 2.)

Approval of PC Minutes of February 16, 2017 and March 16, 2017:

Motion by Beukema with support from T. Knowles to approve minutes of February 16, 2017 and March 16, 2017 as presented. Discussion took place before ROLL CALL: Fiala: Yes, VandenBerg: No, Strickland: No, Purcell: Yes, Heystek: Yes, Beukema: Yes, T. Knowles: Yes. Yes: 5, No: 2. MOTION CARRIED.

Discussion: (before Roll Call Vote)

Shane VandenBerg– commented "Going back to the same scenario I re-iterated that I said **four (4) months** thinking I was talking to Mr. Purcell on the phone. This is important that this be in the minutes. I don't want anyone in the community to misconstrue what somebody thinks was right. There was no harmful intent. It's not like I wanted to lie about this gentleman. And that's what he is trying to point out. And I don't think that what this board is here for."

Greg Purcell: requested the Recording Secretary include the comments (immediately above) of S. VandenBerg in the minutes of this meeting of April 20, 2017.

NEW BUSINESS:

- **WITHDRAWN:** SEU 17-02-01 PARCEL ID 08-16-085-038-10 A request by David Peterman for a Special Use Exception Permit regarding Sec. 12.7 Outbuildings- to construct an outbuilding located on a lot without a principal structure that is less than two (2) Acres in size. Property is a vacant lot across the street from 11867 Lakeridge Dr., Wayland, MI 49348.

MINUTES

April 20, 2017

Page 3 of 8

APPROVED: 

Motion to approve minutes of February 16, 2017 and March 16, 2017.

NEW BUSINESS

SEU of D. Peterman for Outbuilding on Lakeridge Dr., Wayland, **WITHDRAWN.**

NEW BUSINESS: continued

- **SEU 17-03-04 PARCEL ID 08-16-007-40** – A request by Jesse Shaffer for a Special Use Exception Permit regarding Sec.12.7.7 Outbuilding Guest Quarters- to allow guest quarters in an outbuilding. Property is located at 2004 Archwood, Wayland, MI.

Jesse Shaffer presented his request.

Chairman Purcell opened the public hearing for comments at 7:20 p.m:

John Wilson, of 2061 Archwood asked where J. Shaffer would be putting the drive. He was concerned about maintaining required setbacks for the driveway and the lot line as the Wilson's may expand/build in the future.

Pamela Wilson, of 2061 Archwood wants to make sure that with the land- there wasn't unnecessary wear and tear from building trucks and from whatever would be done to 2004 Archwood. Mrs. Wilson doesn't want it to interfere with their property and their rights as property owners and would like a site plan sent to the address on their tax bill as they are residents in Chicago.

Copies of letter distributed: Letter from **Cynthia J. Cooper, of 1965 Archwood Dr., Wayland, MI 49348.** Cathy Strickland read into record this letter regarding water & sewer hook-up and getting a separate bill from the sewer for the pole barn hook-up.

After public comment:

R. Beukema mentioned the kitchen forbidden by the ordinance. Square footage coverage was mentioned as well.

F. Fiala noted living area square footage.

Recommended by R. Harvey was to have the site plan turned in and reviewed at the next meeting.

Motion by Heystek with support by VandenBerg to table this SEU Request (Guest Quarters – Shaffer) until May 18, 2017 PC meeting. A site plan addressing setbacks, lot coverage, setbacks and drive is requested as well as a revised floor plan that removes the kitchen and provides accurate dimensions, including building height. ROLL CALL: Fiala: Yes, VandenBerg: Yes, Strickland: Yes, Purcell: Yes, Heystek: Yes, Beukema: Yes, T. Knowles: Yes. Yes: 7, No: 0. MOTION CARRIED.

R. Harvey, Professional Planner replied to Zoning Administrator, L. Knowles who asked for a definition of a formal site plan. Harvey commented that partial dimensions, all existing and proposed structures with dimensions should be shown on a site plan. The PC is always looking at a site plan to reach a conclusion that the proposal meets the standard. "If they can find all of that information from the site plan, then the PC has its answer," added Harvey. F. Fiala commented that the ordinance in regards to SEU's has items that should be shared with residents.

MINUTES

April 20, 2017

Page 4 of 8

APPROVED: 

Motion to table SEU-Shaffer to May 18, 2017.

- **SEU 17-03-05 PARCEL ID 08-16-205-012-10. A request by Trevor Gildersleeve for a Special Use Exception Permit regarding Sec.12.7.5.b to place a gazebo on a lot by itself and/or on a waterfront lot in the front yard Property is located at 3172 Sandy Beach St., Wayland, MI.**

MINUTES

April 20, 2017

Page 5 of 8

APPROVED: *tle*

Trevor Gildersleeve presented his request.

SEU 17-03-05 -A request by Trevor Gildersleeve at 3172 Sandy Beach, Wayland, presented.

Public hearing: opened at 7:41 p.m.

April Hodnicak – 3179 Sandy Beach. A. Hodnicak’s major concern is the solid wall of the gazebo (or structure)- on her side- that would block her view.

Closed Public hearing at 7:43 p.m.

R. Harvey referred to the ordinance and commented on a provision for an outbuilding on a vacant waterfront lot. Impacts were to be considered.

Discussion took place after **C. Strickland** looked up the definition of gazebo in the YS Zoning Ordinance.

R. Beukema mentioned concern about the solid wall.

T. Gildersleeve commented that the half wall would be okay. The goal was for shade and then privacy for the owners and the neighbors as well.

A. Hodnicak commented that she was okay with the half wall.

S. VandenBerg commented on drainage. Mr. Gildersleeve described his current (crowning of property) and future drainage plan (drain tile installed).

Bill Medendorp – of 1905 Vista Pt., inquired about the crowning of the property, and asked owner about the solid wall.

G. Purcell mentioned soil and sedimentation permit will be needed.

L. Knowles added that any new structures will also require eavetroughs and tile as well.

P. Heystek commented on deed restrictions and double checking the deed regarding building restrictions.

Motion by Heystek with support from VandenBerg *to approve SEU of T. Gildersleeve with conditions met for lake setback averages (properties 150 ft. of each side of structure) but no closer than 25 feet (high water mark), and wall depicted in diagram to be removed and a half wall not to exceed four (4) feet of solid material would be permissible in the structure.* ROLL CALL: Fiala: Yes, VandenBerg: Yes, Strickland: Yes, Purcell: Yes, Heystek: Yes, Beukema: Yes, T. Knowles: Yes. Yes: 7, No: 0. MOTION CARRIED.

Motion to approve SEU 17-03-05 - Trevor Gildersleeve at 3172 Sandy Beach

• **Dollar General – Commercial Site Plan Review**

Todd Stuive – commented Dollar General needs 30 parking spaces. The zoning ordinance requires 46. Dollar General will go to ZBA for a variance on May 9 for parking spaces.

Peter Oleszczuk commented that all stone (a stacked field stone) will be filled in- in the front of the building. Log planters were not recommended by landscaping designers. These were the modifications made after the last meeting.

Todd Stuive: commented that Dollar General Corporate has come back and have said they have problems with the layout in the crossed access easement. They don't like people having to cross "in traffic" between parking and the store. They are asking for the township to consider an alternative. Discussion took place. Another alternative plan was presented.

J. Reifel of Sandy Beach, inquired if there would be two Dollar Generals in the area. He had heard that Family Dollar on 124th in Shelbyville was being converted to Dollar General.

Peter Oleszczuk, who will be the owner of the property, mentioned that Dollar General will lease from him. Oleszczuk commented that there wouldn't be two Dollar General stores in the area.

Discussion took place regarding access to the sides.

Motion by Rich Beukema with support from VandenBerg *to accept site plan (revised 4/4/17) as presented to the Planning Commission with condition of getting approval from ZBA for parking, and subject to review from Barry County Drain Commission. Also based on findings in meeting of February 16, 2017 and finding that this proposal meets cross access requirements of ordinance.* ROLL CALL: Fiala: Yes, VandenBerg: Yes, Strickland: Yes, Purcell: Yes, Heystek: Yes, Beukema: Yes, T. Knowles: Yes. Yes: 7, No: 0. MOTION CARRIED.

MINUTES

April 20, 2017

Page 6 of 8

APPROVED: 

Motion to accept Dollar General revised site plan with noted conditions.

PUBLIC HEARING on ZONING ORDINANCE AMENDMENT

OPEN OF PUBLIC HEARING by G. Purcell at 8:30 p.m.

Attorney Catherine Kaufman – referred to the Zoning Enabling Act –in regard to number of members on the ZBA.

Rebecca Harvey commented on increasing numbers and increasing quorum, increasing the dynamics of the vote.

Chuck Biggs – commented that when there is an increase to six (6), and the meeting has a tie vote, then the motion fails. If you increase to seven (7) (with 2 alternates), you eliminate the possibility of a tie.

CLOSE of PUBLIC HEARING at 8:35 p.m.

Frank Fiala commented on using terminology "ZBA should **consist of up to six (6) members**", when recommending to the township board. Fiala requested also using the word "**may**" in terms of the township board member being a member of the ZBA.

Attorney Kaufman commented that there has to be a specified number in the ordinance, there can't be a range. An even number can be very problematic. State law says that the Planning Commission has to have a Board member on it. Township law says the ZBA has to have a Board member on it.

PUBLIC HEARING on ZONING ORDINANCE AMENDMENT

Comments came from the Planning Commission/ZA:

Larry Knowles commented on preferring 5 members with 2 alternates.

Paul Heystek agreed with Knowles.

S. Vandenberg agreed with one of the 5 being a board member.

R. Beukema and Tressa Knowles commented on keeping it at five members as well.

Cathy Strickland – commented that she would like 5 members with 2 alternates, one of which may be a member of the Board.

Greg Purcell commented on not remembering ever having an even number on the boards he has been involved with in previous municipalities or currently.

Frank Fiala commented earlier.

Discussion took place on the word “may” versus “shall” in regards to a township board member being on the ZBA. The preference of the board was to use the word, “may”. Votes: May: 6, Shall: 1.

Vandenberg commented that use of the word “may” is making a move to basically accommodate vacationers.

Motion by Heystek with support from T. Knowles *to recommend to the township board that number of ZBA members stays as is except to change the word “shall” to “may” as the only change. Recommendation is that the ZBA consist of five (5) members and up to two (2) alternate members. One (1) member shall be a member of the township planning commission, one (1) member may be a member of the township board of trustees, and the remaining members shall be selected from the electors of the township residing outside of any incorporated city or village.* Roll Call: Strickland: yes, Fiala: yes, Heystek: yes, Vandenberg: no, Purcell: yes, Beukema: yes, T. Knowles: yes. Yes: 6, No: 1. MOTION CARRIED.

OLD BUSINESS:

MASTER PLAN-

R. Harvey has the full Master Plan Text, if needed by anyone. R. Harvey left it for Sandy Marcukaitis, Planning & Zoning Assistant.

Harvey noted that the five maps that YS Twp. has in the existing plan have been generated by 2005 data. The base map is different from what is used today. The base map is outdated in its technology. Harvey said that it is not an expensive or time-consuming thing to update. Harvey added that the PC should make a conscious reconsideration as to updating the other maps- not just the Future Land Use map. Discussion occurred regarding the soft boundary map.

Separate Work Session: G. Purcell would like to schedule a work session to deal with the Master Plan verbiage and map. Purcell will go before the Twp. Board to seek permission to have additional work session(s) for the Master Plan.

PUBLIC COMMENT:

Englerth commented on cooperating with MDOT and having an opportunity to work with MDOT at an evening meeting. A Wednesday night meeting was suggested.

MINUTES

April 20, 2017

Page 7 of 8

APPROVED: AK

MOTION to recommend Zoning Ordinance regarding ZBA number of members.

OLD BUSINESS

MASTER PLAN

PUBLIC COMMENT

MEMBER COMMENT:

G. Purcell will go to the Twp. Board Meeting on May 11th for approval to have an extra PC work session or possibly more. G. Purcell was referring to the Master Plan verbiage and map.

Rich Beukema felt another meeting should take place as well to address the M-179 situation with MDOT.

May 18, PC Meeting:

- A request to rezone property at 491 S. Patterson to proposed C-3.
- Also, a request to rezone property at Loew Drive to a proposed zone of Rural Residential.

MOTION TO GO INTO CLOSED SESSION:

Motion by Beukema with support from T. Knowles to move to executive **closed** session with legal counsel. ROLL CALL: Fiala: Yes, VandenBerg: Yes, Strickland: Yes, Purcell: Yes, Heystek: Yes, Beukema: Yes, T. Knowles: Yes. Yes: 7, No: 0. MOTION CARRIED.

Resumed Regular PC meeting at 9:45 p.m.:

Motion by P. Heystek with support from T. Knowles to close/adjourn the closed session and return to open session at 9:45 p.m. All ayes. MOTION CARRIED.

Final Comments:

Frank Fiala commented on having the **4th Thursday** of the month for **special meetings/work sessions**.

Paul Heystek commented on putting out signs at the property(ies) involved in a public hearing - inviting the public to the hearing. Brief discussion took place.

Motion by Fiala with support from T. Knowles **to place signs at the propert(ies) involved in a public hearing - inviting the public to the hearing**. All ayes. MOTION CARRIED.

ADJOURNMENT of Planning Commission meeting of 4/20/17:

Motion by Heystek with support from VandenBerg to adjourn the meeting at 9:49 p.m. Approved by all. MOTION CARRIED.

Approved by: Tressa Knowles Date 5/18/17
Tressa Knowles, Planning Commission Secretary

MINUTES

April 20, 2017

Page 8 of 8

APPROVED: tk

MEMBER COMMENT

MOTION TO GO INTO CLOSED SESSION at 9:20 pm.

MOTION TO CLOSE/ADJOURN CLOSED SESSION and Return to REGULAR MEETING at 9:45 pm.

FINAL COMMENTS

MOTION TO PLACE SIGNS PUBLIC HRG. PROPERTIES.

ADJOURNMENT

Deb Mousseau
Recording Secretary
April 20, 2017