

<p style="text-align: center;"> YANKEE SPRINGS TOWNSHIP PLANNING COMMISSION Virtual/ZOOM Meeting due to COVID-19/Executive Order from Governor 7:00 p.m. Thursday, June 18, 2020 Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333 MINUTES </p>	<p> MINUTES Page 1 of 6 PC APPROVED: _____ June 18, 2020 Zoom Meeting Covid-19 </p>
<p> Meeting called to order at 7:00 PM by Planning Commission Acting Chair, Shana Bush (Vice-Chair). PLEDGE OF ALLEGIANCE – waived (Zoom Meeting). Roll Call: Present: Fiala, Kennedy, Bush, Beukema, Jansens. Absent with notice: VandenBerg- no internet access. Administrating the Zoom meeting: Catherine Kaufman, Township Attorney. Present: Eric Thompson (PCI) Staff Present: Sandy Marcukaitis, Larry Knowles, Dave VanHouten. Visitors: Approximately 10 (not including staff present) (Some visitors appeared & left at various times in the Virtual/Zoom meeting). </p>	<p> CALL TO ORDER PLEDGE ROLL CALL </p>
<p> APPROVAL OF AGENDA: <i>Motion by Bush with support from Beukema to approve agenda with change of “Old Business” coming before “New Business”. ROLL CALL VOTE: Bush: Yes, Beukema: Yes, Jansens: Yes, Kennedy: Yes, Fiala: Yes, VandenBerg: Absent. Yes: 5, No: 0, Absent: 1. MOTION CARRIED.</i> </p>	<p> CHANGES TO AGENDA NONE. </p>
<p> REPORTS from REPRESENTATIVES: Board of Trustees- Shane VandenBerg, Trustee, Not present due to no internet access. No report. ZBA- Patrick Jansens noted the requests of the ZBA meetings occurring on June 9th and June 16th. Jansens also noted that a discussion occurred regarding “outliers” (setbacks that skew the average of setbacks) particularly in regards to lakefront setbacks. </p>	<p> BOARD REPORTS from REPRESENTATIVES </p>
<p> PUBLIC COMMENT: No comments at this time. </p>	<p> PUBLIC COMMENT </p>
<p> APPROVAL OF MINUTES: (Minutes of May 26th and May 28, 2020) <i>Motion by Jansens with support from Beukema to approve minutes of May 26, 2020 as presented. ROLL CALL VOTE: Kennedy: Yes, Beukema: Yes, Bush: Yes, Jansens: Yes, Fiala: Yes, VandenBerg: Absent. Yes: 5, No: 0, Absent: 1. MOTION CARRIED.</i> <i>Motion by Bush with support from Jansens to approve minutes of May 28, 2020 as presented. ROLL CALL: Kennedy: Yes, Bush: Yes, Beukema: Yes, Jansens: Yes, Fiala: Yes, VandenBerg: Absent. Yes: 5, No: 0, Absent: 1. MOTION CARRIED.</i> </p>	<p> APPROVAL OF MINUTES </p>

OLD BUSINESS:

Mark Stob – in regards to road frontage of Parcel #018-002-30. (Just North of 348 S. Payne Lake Rd.) Due to internet/technical difficulties: Mr. Stob’s request was reviewed by Eric Thompson. Private Road approval was just received by M. Stob at the Township Board meeting last evening 6/17/2020. However, the request tonight regards the frontage of lots on the cul-de-sac involved in the road. Due to the cul-de-sac, the lot frontage(s) are lacking the required road front footage. E. Thompson asked that the Planning Commission address it specifically for official documentation.

Motion by Kennedy with support from Beukema to approve reduced road frontage(s) on cul-de-sac as allowed under Section 12.5, subsection (4) of the Zoning Ordinance. ROLL CALL VOTE: Kennedy: Yes, Bush: Yes, Beukema: Yes, Jansens: Yes, Fiala: Yes, VandenBerg: Absent. Yes: 5, No: 0, Absent: 1. MOTION CARRIED.

Special Exception Use/Site Plan Review – to construct a detached outbuilding with guest quarters on a vacant lot. Applicant: Rebecca Vandersluis for vacant lot located opposite 2186 Parker Drive.

E. Thompson, Zoning Administrator, explained that the Applicant has re-submitted plans because the Planning Commission felt it needed more information to make a decision. R. Vandersluis also noted that they’ve purchased another lot which has increased rear setback to 110’. Building height is- 16 ft eves or less. Building is now 40 x 40. There is a 50’ front yard setback off of roadway to address parking issues. Guest quarter size and usage was discussed.

Motion by Fiala with support from Beukema to table request of R. VanderSluis and request applicant to document and give the Planning Commission a document with the correct measurements of the new footprint, the lower building height, and 480 sq. ft. maximum change at next regular PC meeting. ROLL CALL VOTE: Kennedy: Yes, Beukema: Yes, Jansens: Yes, Fiala: Yes, VandenBerg: Absent, Bush: (no vote due to technical difficulties). Yes: 4, No: 0, Absent: 1, Technical Difficulties (S. Bush not able to vote): 1. MOTION CARRIED.

NEW BUSINESS:

SEU 20-05-07 Parcel ID 08-16-183-008-00. A request by Gary (Mike) Menke of 12305 Bowens Mill Rd., Wayland, MI for a SEU to conduct a home-based internet and appointment-only business for firearm sale and manufacturing.

Mike Menke, Applicant, apologized to those on Cobb Lake for concerns of gunfire, and stray bullets. Menke explained his business (operating nights and weekends) and presented his request.

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OLD BUSINESS

M. Stob- Reduced Road Frontage 348 S. Payne Lake Rd., Wayland

Vandersluis – 2186 Parker Dr.

PUBLIC COMMENT was opened at 7:48 p.m.:

Mike Cunningham, of 1908 Heritage Bay Dr., asked “How many transfers a year are required to remain in that status?”

Mike Menke commented that they (transfers) would be minimal.

Kim Lozano 12235 Oakwood Shores, commented that his major concern was noise. He mentioned slugs were found by a neighbor in the road/driveways. He noted that recently there was an awful lot of noise, and he didn’t want to be listening to guns for the next 30 years.

Ronald Solmes, 12237 Oakwood Shores, commented that there was way too much noise lately and he would prefer to have it (shooting) offsite.

Mark DeRosia, 12236 Oakwood Shores commented that they live adjacent to Mr. Menke and have a great concern with the noise as well.

Susie Marsh, 12205 Oakwood Shores, commented that she had concerns with noise and enjoys the quietness of the area. S. Marsh commented she was not opposed to guns, but just not in this area.

Tim Zyskowski, 12665 Oakwood Shores, commented that he was concerned with noise. Zyskowski noted that this was not the property for testing.

Donald Visser, 2480 – 44th St., Kentwood, commented that his client is Craig Fredenburg who lives on the corner of Frederick and Bowens Mill Road. Mr. Visser referred to a letter sent to the Planning Commission regarding this matter dated June 17, 2020. Mr. Visser spoke of Home Occupation, in reference to the Zoning Ordinance Definitions. Visser commented that a pole barn is not one of the buildings that the home occupation is allowed in. Visser commented on home occupancy being limited to home, dwelling, or garage and one can’t enlarge, at this point, to include outbuildings..... Mr. Visser commented on the definition of accessory buildings. Visser commented that his client was concerned about noise and safety and Visser commented on being concerned of the “integrity of the Zoning Ordinance and the slippery slope that occurs on that- if you don’t basically insist that the very particular provisions of the ordinance be followed.” Visser pointed out that Outbuildings is defined in 62 but are not included with the definition of Home Occupation. Visser commented that you can’t have a home occupation in an outbuilding. “That would include pole barns.” Visser commented, “I just don’t think the PC can get to there from where it is right now based upon the way the ordinance is currently written.”

Al Schwennesen, 12285 Oakwood Shores, commented that he understood that Mike (Menke) was shooting north toward Bowens Mill Road and toward the Golf Course, “and what’s going to happen if a bullet ricochets off of a rock and we know this is heavily graveled area?”

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**PUBLIC
COMMENT**

Craig Fredenburg, 380 Frederick Drive, Wayland, commented that they've lived here 34 years and the number #1 concern is safety. Fredenburg commented that Menke's neighbors have told them that it's something like a 300 magnum being "shot over there and machine guns". Fredenburg noted that he failed to see why guns like this are being shot in a subdivision and it hasn't been a problem for the first 33 years that they have lived there. Fredenburg noted that he has grandchildren. Fredenburg commented that he counted 51 shots the week before Memorial Day. Fredenburg described the shots as explosions and being pretty obnoxious. "It hasn't sounded like a rural subdivision in the last year," added C. Fredenburg.

Kathy Schwennesen, 12285 Oakwood Shores, asked if the neighbors used Mr. Menke's shooting range. Menke clarified that the neighbors did not use his range. Menke commented to K. Schwennesen that he did not plan to have lights for night shooting.

M. Menke commented that his immediate neighbors have never experienced anything. Menke commented that he had talked to the Masselink's (owners of the Golf Course), who said they loved it -"It's America." Menke commented that after this call, "any gunshots you hear aren't coming from my property."

Kim Lozano of Oakwood Shores, commented that he wanted to confirm that Mr. Menke said that he is not the one "doing all the shooting over there... but somebody is and if it is not you (Menke) then all of us would like to talk to whoever that is."

M. Menke commented that he is the one who started a bad trend when he moved in (a year ago) and now people may have joined in with shooting on their own surrounding properties. Menke noted that he was definitely to blame, and "I would not shirk that responsibility, it's something that I have done and I don't want to misrepresent that in any way, shape or form."

Kim Lozano commented that he and the neighbors don't think he (Menke) is a bad person and they support the Second Amendment. Lozano welcomed M. Menke to the neighborhood.

Donald Visser, Attorney for C. Fredenburg, commented on Home Occupations being a defined term and referred to subsection K 9 and AG, SR & RR. Visser commented that once home occupation is defined, it will preclude this type of application from being done anywhere because by its own definition it does not include any other buildings. Visser commented that home occupation is self-limiting in its definition. Visser commented that he was kind of surprised that one would consider the manufacturing of guns to be considered a home occupation. "You can't expand the definition of home occupation to something that is occurring outside of one of those three places which are set forth," added Visser.

Catherine Kaufman, YS Township Attorney, commented that she does "agree that there is a little bit of a confusing interplay here in the Zoning ordinance." C. Kaufman commented the Zoning Administrator has the ability to interpret the

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PUBLIC
COMMENT cont'd

ordinance “at the first cut”, and Kaufman assumes that E. Thompson has done that. “The more specific generally controls over the general. I would say the definition’s general and the more specific is Section 4. K. 9, but that’s just from reading the two sections together at this point.”

Eric Thompson commented that Section 4. K 9 was what he used in his review of the request to come before the PC, that a home occupation can be operated in either a dwelling or within an accessory structure. This is what he based his determination on.

Craig Fredenburg commented that he wants to make sure that everybody understands how loud a 300 magnum is. It’s anywhere from 140 to 170 decibels. “That’s loud,” added C. Fredenburg. “That’s too loud. I just want that to be clear.”

Claudette Lozano, 12235 Oakwood Shores, asked M. Menke if he could use his influence to possibly tell those people to not shoot these guns because it’s very obnoxious.

Close of Public hearing at 8:20 p.m. by Secretary of Planning Commission, Frank Fiala. (Fiala assisted in leading the meeting, as S. Bush had internet difficulties during the Zoom/Virtual meeting.)

BOARD DISCUSSION TOOK PLACE

Due to technical difficulties, there was some confusion with the final motion/ amendments in regards to the request from M. Menke. C. Kaufman guided the process of working through the wording of, and voting on, the motions.

Motion by Fiala with support from Jansens to approve request of Mr. Menke, 12305 Bowens Mill Rd., Parcel# 08-16-183-008-00, with condition that no shooting will be allowed on property. ROLL CALL VOTE: Bush: No, Kennedy: No, Jansens: No, Beukema: No, Fiala: Yes, Absent: VandenBerg. Yes: 1, No: 4, Absent 1. MOTION FAILS.

Motion by Bush with support from Kennedy to approve the special use permit request of Mr. Menke, 12305 Bowens Mill Rd., Parcel# 08-16-183-008-00, with the condition that no shooting will be allowed on the property in relation to the Home Occupation. ROLL CALL VOTE: Beukema: Yes, Bush: Yes, Kennedy: Yes, Jansens: Yes, Fiala: No, Absent: VandenBerg. Yes: 4, No: 1. MOTION CARRIED.

PUBLIC COMMENT:

Mike Cunningham, 1908 Heritage Bay Dr., commented that both applicants stepped up and modified their requests in response to the Planning Commission and to neighbors. Cunningham commented that the PC should not forget the conflict the PC found on the definition (home occupation) in the one section and resolve it to the way the PC wants it to be understood before it gets forgotten and comes up again.

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MOTION with condition of No Shooting on Property.

MOTION with No Shooting on property in relation to Home Occupation.

PUBLIC COMMENT

Kim Lozano, Oakwood Shores, commented that he understood from what just happened, (motions made), Mr. Menke agreed not to do any shooting on his property, and then the PC “came back and made it possible for Mr. Menke to sport shoot between 6 and 8, Monday through Saturday. Is that correct?”

Eric Thompson, PCI, commented that the Home Occupation will not involve the use or testing of any weapons related to the business, but it (PC’s decision) “protected Mr. Menke’s right to purportedly shoot on his property which is a right that is purposely afforded to all of you.”

Kim Lozano, commented that the PC gave him the right back (to shoot), after he (Mr. Menke) agreed to not shoot.

C. Kaufman, YS Attorney commented that the PC decided to put the reasonable condition on the Home Occupation and limited Mr. Menke to no shooting as part of his Home Occupation. Kaufman noted it was not illegal what the PC did. C. Kaufman also reminded that there is an annual review on this and once a year the PC will look at this again, and if there is a violation of the condition of his home occupation, the permit could be revoked.

Tim Zykowski, Oakwood Shores, was unable to establish audio to make a comment.

Mike Menke, Applicant, commented that he wanted to be a good neighbor and appreciated having his rights preserved. Menke commented “I’m not going to put you in a situation where you regret this meeting.”

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ADJOURNMENT:

Frank Fiala, Acting Chair (due to internet connection difficulties of S. Bush) asked to adjourn the meeting at 8:58 p.m.- if there were no objections. NO OBJECTIONS were noted. Meeting was adjourned.

Approved by: _____
Frank Fiala, Planning Commission Secretary Date

ADJOURNMENT

Deb Mousseau
Recording Secretary
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