

**MINUTES SILVER CREEK TOWNSHIP  
PLANNING COMMISSION MEETING HELD ON MARCH 30, 2016**

The meeting was called to order by Chairman Terry Harris at 7:00 p.m. on Wednesday, March 30, 2016. The Pledge of Allegiance to the Flag of the United States of America was led by Tim Feirick.

MEMBERS PRESENT: Tim Feirick, Mike Glynn, Terry Harris, Tom Lehrer, Dave Grabemeyer

OTHERS PRESENT: Attorney John Magyar, Building and Zoning Administrator Todd Herter, Recording Secretary Lindsay Krohne

ABSENT: Jerry Donley, Bill Zuhl

**APPROVAL OF AGENDA**

Dave Grabemeyer motioned, seconded by Tom Lehrer, to approve the March 30, 2016 Silver Creek Township Planning Commission Agenda. Motion carried by voice vote.

**APPROVAL OF MINUTES**

Mike Glynn motioned, seconded by Tom Lehrer, to approve the January 27, 2016 Silver Creek Township Planning Commission meeting minutes. Motion carried by voice vote.

**COMMUNICATIONS**

None.

**PUBLIC COMMENT**

None.

**TOWNSHIP ATTORNEY'S REPORT**

None.

**BUILDING AND ZONING ADMINISTRATOR'S REPORT**

Building and Zoning Administrator Todd Herter reported on a complaint from a Dewey Lake resident, which was unfounded. He stated there was an upcoming Site Plan Review for Lyons Industries for an addition as well as a new building. He added that the reason for the Site Plan Review was that with the size of their property and what our ordinance requires, they are already over on lot coverage. He also stated that Lyonø Industries owns the property the factory is located on, but the property next to it is owned by Lyonø Real Estate, a different entity.

Terry Harris questioned Todd if he anticipated anything further with the complaint from the Dewey Lake resident. Todd answered that he didnø see how or where it could go anywhere. He added that the resident wished to meet with the Zoning Board of Appeals regarding the matter.

He indicated that the reason for the complaint is that the resident disagreed with the setback of her neighbor's new home being built.

Mike Glynn asked for clarification; if Building and Zoning Administrator Todd Herter explains an ordinance to a Township resident, and they don't agree with the interpretation, can they then go to the ZBA. Attorney John Magyar answered yes.

Todd Herter stated that he was not sure about measuring from the high watermark, and that all prior Building and Zoning Administrators have always measured from the water's edge. Discussion followed. John Magyar stated that he would contact a surveyor regarding how to find the high watermark.

Todd questioned if they would still pay \$600 for the meeting. John Magyar answered that he thought at one time there was a lesser amount for this situation, but could not recall. Todd asked if the meeting would have to be noticed the same way as it would for an appeal, and John answered yes. Discussion followed.

### **NEW BUSINESS**

### **UPDATED BYLAWS**

Terry Harris stated that the Cass County Directory states the Planning Commission meeting will be held on the last Wednesday of each month, and our bylaws stated it would be the fourth Wednesday of each month. Terry stated that the meetings will be held on the fourth Wednesday of each month.

Tom Lehrer stated that he will keep track of the Planning Commission attendance, and according to the bylaws, they must notify the board if a member misses three consecutive meetings. Tom Lehrer stated that we should either enforce it or take it out of the bylaws. Mike Glynn replied that we should keep doing it, even if we aren't enforcing it currently; we are just notifying the board of the absences. Tom asked recording secretary Lindsay Krohne to notify the board that Jerry Donley has been absent for three consecutive meetings.

### **UNFINISHED BUSINESS**

### **DISCUSSION OF SECTION 3.23 PRIVATE ROADS/STREET ZONING ORDINANCE**

Terry Harris stated that per our ordinance, the Cass County Road Commission would issue permits for private roads, which they no longer do. He added that if we take it completely out of the ordinance, it gives Todd Herter nothing to go by. Terry stated that we could go about it in a few different ways. Terry stated that Tom Lehrer provided the Planning Commission with a proposed ordinance that he prepared, and Bill Zuhl provided a copy of a private road ordinance passed by Howard Township. Terry stated that he was working with a 14 page ordinance from Porter Township. Terry stated they could update the current ordinance or pass a completely new ordinance. He added that he thought there was only one private road in Silver Creek Township. John Magyar stated that there are many in the subdivisions. Terry asked how it was administered

in the past. Discussion followed. Terry added that a private road must accommodate for fire trucks, ambulances, etc. and stated that although they must accommodate for emergency vehicles and maintain the health and safety of the Township residents, they don't want to be designing roads. Discussion followed.

Terry Harris asked if a private road has to hook onto a county road. Attorney Magyar stated that the property owners would have to have permission to access the private road, and it would have to attach to something. Discussion took place about the potential for more splits, and if someone wanted to do a development with multiple properties. Terry stated that a private road would have to have a distinctive name so that it could be located. Todd Herter added that a private road has to be named and have a street sign.

Todd stated a scenario of splitting his 8 acres off to give to his two children to build on. He stated that requiring the Cass County road specifications for these private roads would make it too expensive for a Township resident to do such a thing for their children. He added that you need to make it accessible for emergency vehicles, but need to maintain property rights.

Discussion followed about maintaining a certain amount of road frontage. Todd Herter stated that you can't have landlocked lots. Mike Glynn stated that a road can be created to meet the standard of road frontage, which he had never considered. Mike added that the Cass County Road Commission won't take over a road if it isn't 66 feet wide. Discussion followed. Mike Glynn stated that he can see why we need to have standards for the minimum road width, but that they aren't road engineers.

Terry Harris reiterated that we can either rewrite Section 3.23 or scrap it altogether. Attorney Magyar recommended removing the part of the ordinance stating that the Cass County Road Commission will issue permits, and voiced that a 66 foot road width requirement is too much.

Mike Glynn stated that it is their job to promote public health, safety and welfare.

Todd Herter asked if he has the authority to put something in front of the Planning Commission for site review. Attorney Magyar answered that he wasn't sure and he would have to look. Tom Lehrer asked if a private road has to comply with setbacks, and Todd answered yes. Discussion followed.

Terry Harris stated that he will put something together and send out prior to next month's Planning Commission meeting.

### **COMMISSION MEMBER COMMENTS**

Terry Harris verified the next meeting date on Wednesday, April 27, 2016 at 7:00 p.m.

### **PUBLIC COMMENT**

Todd Herter requested the high watermark issue be added to the agenda for the April 27, 2016 meeting. Discussion followed.

Attorney John Magyar left the meeting at 8:24 p.m.

**ADJOURNMENT**

Tom Lehrer motioned, seconded by Dave Grabemeyer, to adjourn. Motion carried by voice vote.

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Lindsay Krohne  
Recording Secretary  
To be approved at the April 27, 2016 meeting