

**MINUTES SILVER CREEK TOWNSHIP
PLANNING COMMISSION MEETING HELD ON JULY 22, 2015**

The meeting was called to order by Chairman William Zuhl at 7:00 p.m. on Wednesday, July 22, 2015. The Pledge of Allegiance to the Flag of the United States of America was led by Tom Lehrer.

MEMBERS PRESENT: Terry Harris, Mike Glynn, Tom Lehrer, William Zuhl, Walt Lehman, David Grabemeyer, and Jerry Donley.

OTHERS PRESENT: Attorney John Magyar, Zoning Administrator Todd Herter, two members from the public.

ABSENT: None.

APPROVAL OF AGENDA

David Grabemeyer motioned, seconded by Jerry Donley, to approve the July 22, 2015 Silver Creek Township Planning Commission Agenda. Motion carried by voice vote.

APPROVAL OF MINUTES

Walt Lehman moved, seconded by David Grabemeyer, to approve the May 27, 2015, 2015 Silver Creek Township Planning Commission meeting minutes. Motion carried by voice vote. William Zuhl moved, seconded by Jerry Donley, to approve the June 20, 2015 Silver Creek Township Planning Commission meeting minutes. Motion carried by voice vote.

COMMUNICATIONS

Walt Lehman publicized the Inland Lake and Wetlands Protection Tools for Local Governments Seminar on Monday, August 10, 2015 from 9:00 a.m. to 4:00 p.m. at the Van Buren Conference Center in Lawrence, Michigan, which is put on by Southwestern Michigan Planning Commission and Master Citizen Planners of Michigan State University. He instructed interested persons to contact Clerk Barb Runyon to sign up by July 30, 2015. He stated that Jerry Donley and Terry Harris were already registered for the event. Jerry stated that he was registered through the Indian Lake Improvement Association, not through the township.

PUBLIC COMMENT

None.

TOWNSHIP ATTORNEY'S REPORT

Attorney John Magyar stated there were no cases in litigation. He also indicated that the notice for the ordinances that were passed is posted in the newspaper today.

UNFINISHED BUSINESS

Zoning Administrator Todd Herter noted that there is conflict in the Waterfront District section of the Zoning Ordinance and referred to page 6-2 Section 6.04A, which states that lots 80 feet and greater in depth have a rear yard setback of 20 feet, and lots with less than 80 feet in depth have a rear yard setback of 8 feet. He then referred to accessory buildings in section 3.11 B #5, which states that the drip edge of any detached accessory building shall not be located closer than 7 feet to any side or rear lot line. It is in conflict with the other districts. In the Waterfront District, the closest is 8 feet. In R1, the closest to rear and side lot line is 30 feet to the rear, and side lot line is 10 feet. In R2, the rear yard side lot line is 50 feet, and the side yard is 10 feet for single and 2-family dwellings. Todd questioned what he is supposed to enforce when someone wants to put up a detached garage.

Attorney John Magyar commented that it was probably a carryover from when everything used to be 7 feet on the side yard.

Jerry Donley inquired whether we can be uniform throughout the district, since the Waterfront District is a case by case and there are lots less than 40 feet in width and less than 80 feet in depth, and to lock it into a residential district in itself, since there are two different parameters in the size of the lots.

William Zuhl suggested not putting 7 feet in section 3, and go by the setbacks in each section so there wouldn't be a question. He suggested going by the dimensions of each district in Section 3.11 B #5.

The discussion revealed that Mike Glynn's ordinance book differed from the others as it was a newer draft. Mike stated that as soon as the ordinances are adopted, new copies will be distributed. In the meantime, the final draft can be reviewed in the Clerk's office.

Todd questioned whether there is still something in the ordinance under accessory use that dictates rear and side property lines. He suggested going by whatever the district is; it has its own rear and side yard setbacks, which would eliminate any confusion.

John Magyar commented that if you had an exception that said 7 feet, you would have 7 feet; otherwise it would be at least 10 feet.

Mike Glynn believes the district should determine what set backs are.

William Zuhl commented that the lesser of the two is 7 feet in the Waterfront District.

Todd commented that the lesser of the two from his property line would be 8 feet or 20 feet, depending on the 40 feet or 80 feet set back. Ten feet is less than 20 feet; you could put an accessory building at 10 feet of the property line. William Zuhl agreed that it is an issue.

Todd stated that if that portion, where it gives the setbacks under accessory use, was struck out, it would revert back to whichever zoning district you're in. That's what the set backs are. If you can't fit it, there is the Zoning Board of Appeals. He asked the board to consider this in the new ordinance, section 3.11 B #6.

CAPITAL IMPROVEMENT PLAN

Mike Glynn stated that Sister Lakes Utilities Authority and Indian Lake Improvement are going to enter into the construction portion of upgrading the sewer treatment plant, which is a major capital expense that the township will incur. Mike stated that he and Terry will update the spreadsheet after getting information from Treasurer Maureen Kuriata. He stated that the numbers will be substantially different, and after updating the Capital Improvement Plan will be complete.

Discussion and questions followed. Trustee Glynn shared that in the Planning and Enabling Act, the Planning Commission is entrusted with developing a Capital Improvement Plan for the Township.

Discussion was held regarding the sewer systems upgrade. Trustee Glynn advised that the township is only responsible for a percentage of the cost and only for Indian Lake Sewer system.

Attorney Magyar advised that when SLAUA and Indian Lake Sewer were established, we purchased a percentage of the capacity of that plant. We have a reserved capacity in the plant, which is what the township pays for.

Discussion was held as to the bike path extension. Tom Lehrer questioned the large sum of \$300,000. Terry Harris thought it was appropriate, considering the path would run from Russom Park to Sister Lakes.

COMMISSION MEMBER COMMENTS

David Grabemeyer questioned whether unloading is permitted if weed harvesting. Mike Glynn stated that it's going to be a decision by the interpretation by the Zoning Administrator. If there is a complaint of an activity, they are going to bring it to the Zoning Administrator, and they're going to make a determination. If you read the zoning ordinance and compare it to what we had two years ago, not much has changed in the Waterfront District. 6.02F is right back in, and 6.02G has been modified as a special use. Walt Lehman commented they could apply for as a special use, and this board would have to decide. Mike Glynn stated that there wasn't an area in

the ordinance if a person had a vacant piece of property, they could put a pier. It was addressed in the new ordinance as a special use. Discussion followed.

Tom Lehrer asked Jerry Donley where he was at with the weed harvester. Jerry stated that it is not in use and is in storage for the rest of the year.

Mike Glynn commented on the special use for piers and minor projects. William Zuhl stated that they decided to wait until all the new ordinances are in play before starting to tweak them. John Magyar stated that there was an amendment to the ordinance on permanent piers after the permanent pier issue arose. After doing that, the DEQ amended their section. They have a major pier that permits things that we prohibit. He commented that we need to get in compliance with what the DEQ is permitting. William Zuhl commented that we want to have a major pier allowance and make sure they have their permits in order. He questioned if our wording can be the same as the DEQ regulations. John Magyar stated that he doesn't want to repeat everything they did for both sections, when you're going to have only a few major, compared to the minor, and doesn't want them to conflict.

Tom Lehrer questioned the difference between major and minor. William Zuhl responded that a minor is a straight out pier, and with a major, you can have H's and lift stations. Discussion followed.

William Zuhl suggested making another section for a major pier permit. John Magyar stated that he can look into it for the next meeting. Mike Glynn stated that he would like to make the wording smaller, not bigger. He recommended granting a permit if they met the DEQ specifications, DEQ has issued a permit, and the DEQ has scheduled a public hearing. Discussion followed.

Jerry Donley questioned what the next move would be. David Grabemeyer made the suggestion that they all think about it. Discussion followed regarding putting it on the agenda.

Todd Herter stated that every permanent pier requires a permit from the DEQ. He asked whether for every permanent pier, they are given the opportunity to have a public hearing. He also questioned if he is supposed to go through copies of permits for permanent piers when he receives them, to see if a public hearing is necessary. Walt Lehman referred to section 3.30. Permanent piers/docks shall be allowed as permitted use in Waterfront District, providing all conditions have been met. He stated that we mirror what the DEQ requires. Discussion followed.

Jerry Donley asked if the definitions were stricken from the new ordinance. William Zuhl replied that the only thing being eliminated was 3.30 A #11, no de-icing equipment is allowed. Discussion followed. Jerry Donley stated that he and Mike Glynn were adamant that 3.30 needed to stay in the ordinance and that it should still be there, as it was not listed in his copy of the ordinance. Mike Glynn suggested double checking with Clerk Runyon to make sure 3.30 is still in the text.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

William Zuhl moved, seconded by Jerry Donley, to adjourn. Motion carried by voice vote.

The meeting was adjourned at 7:57 p.m.

Respectfully submitted,

Lindsay Krohne
Recording Secretary
To be approved at the August 26, 2015 meeting