

**MINUTES SILVER CREEK TOWNSHIP  
PLANNING COMMISSION MEETING HELD ON OCTOBER 28, 2015**

The meeting was called to order by Chairman William Zuhl at 7:00 p.m. on Wednesday, October 28, 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 Lehmann, and David Grabemeyer

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

ABSENT: Jerry Donley

**APPROVAL OF AGENDA**

David Grabemeyer motioned, seconded by Mike Glynn, to approve the October 28, 2015 Silver Creek Township Planning Commission Agenda. Motion carried by voice vote.

**APPROVAL OF MINUTES**

Mike Glynn motioned, seconded by William Zuhl, to approve the August 28, 2015 Silver Creek Township Planning Commission meeting minutes. Motion carried by voice vote.

**COMMUNICATIONS**

Walt Lehmann instructed the board to fill out the payroll outsourcing direct deposit form if they hadn't already, and return to Clerk Runyon as soon as possible. He stated that every December, they are paid for the meetings from the previous 12 months. Terry and Tom commented that they didn't recall receiving the form in the mail.

**PUBLIC COMMENT**

Tim Hull, an Indian Lake resident, thanked the Planning Commission for allowing him to present the Capital Improvement Plan Request for the permanent filtration system, and stated that in putting it together, he had to do some research. He learned that Silver Creek Township is part of the Dowagiac River Watershed Plan from 2002. He stated he has been in contact with Bruce Campbell to discuss this matter.

## **TOWNSHIP ATTORNEY'S REPORT**

Attorney John Magyar stated that they argued a motion in the Indian Lake Sewer case and were successful. He stated they are trying to get it thrown out due to Statute of Limitations violations. Magyar explained that it is a district court case, and would get appealed to circuit court. He also stated he had requests for documents. He stated the main witness is the engineer who went in and corrected the problem, and that he should be an excellent witness.

## **NEW BUSINESS**

Zoning Administrator Todd Herter stated that he sent out eight violation letters to owners in the Indian Lake Woods subdivision on the north side of School Street. Two of them were down the street from the subdivision. He explained that the violations were for animal violations, deck and fence violations, yard barns, and a communication tower. Todd stated that all but two property owners have contacted him to resolve the issues. Mike Glynn asked whether the properties fit into our Zoning Ordinance, and Todd answered yes.

## **MOTION TO SELECT CHAIR FOR 2016**

Tom Lehrer nominated Terry Harris as Chair of the Planning Commission for Silver Creek Township for 2016. Walt Lehmann supported. Motion carried by voice vote.

## **MOTION TO SELECT VICE-CHAIR FOR 2016**

Tom Lehrer nominated William Zuhl as Vice-Chair of the Planning Commission for Silver Creek Township for 2016. Walt Lehmann supported. Motion carried by voice vote.

## **MOTION TO SELECT SECRETARY FOR 2016**

Walt Lehmann nominated Tom Lehrer as Secretary of the Planning Commission for Silver Creek Township for 2016. Dave Grabemeyer supported. Motion carried by voice vote.

Discussion on 6.07 F, permanent piers, followed. Magyar stated that when they did the ordinances, they were thinking there was going to be only one project, not the large project as well. He stated that he crossed out sections that he thought they could do without, and they would reiterate that they need a permit from the DEQ, and zoning requirements would have to be met: A pier can only service a single family, and any boat hoist cannot have a roof. He stated that he thinks a lot of things were taken out of the boating ordinance because they did not want to get into riparian surveys. He said he tried to make it where they didn't have any riparian type surveys in the boating ordinance, and that he tried to cut provisions that would require a riparian survey to enforce.

Tom Lehrer made a suggestion to pick a chapter or two of the Zoning Ordinance at each meeting and review it, item by item, and match it up with the boating ordinance. He stated that it has been changed so much that he doesn't even know what's in there. Mike added that they should have the Zoning Administrator included in the review.

Todd Herter stated that he needed clarification on some things. He referenced a situation where a permanent pier was being put in that was shaped like an upside down 'D', hugging the side of his neighbor's property line. He stated that how the surveyor had it laid out, the property line curves over when it hits the water's edge. He questioned the language of the middle of the property, if it was just at the water's edge in the center. Attorney Magyar commented that he did not want to regulate that type of thing.

Mike added that the language Magyar proposes they strike is the language that is in the DEQ currently. If DEQ has issued a permit, that language is covered on their end. He stated that we added it in our language, but it is covered by them. Todd commented that he is looking at the enforcement side of it, not the language. He referred to the setback requirement. John repeated that he wants the DEQ to enforce that, not us. He added that we would be drawing ourselves into neighborhood disputes.

Todd referenced letter C in 6.07 and explained how the pier was being built, curving at an angle. A Magician Lake resident commented that he was having the issue with the neighbor putting up the permanent pier. Discussion followed. The resident asked what he should do. Attorney Magyar answered that it is between him and his neighbor, and maybe the DEQ. He suggested sending out a FOIA request after receiving the letter from the DEQ. Magyar added that we don't have a county surveyor, and couldn't pay for a riparian survey every time two neighbors had a dispute. Discussion followed. Todd asked if he had to enforce this, since it is in the Zoning Ordinance. John answered that he should call him at the office when it comes up.

Bill Zuhl stated that all we are doing is making sure the person has their permits in order from the DEQ until we get this amended. John commented that when we made these changes, we were under the impression that there were only the small minor projects, not the major projects. He added that if we turn down major projects that comply with the DEQ, we're going to get sued. Mike commented that the language Magyar struck is strictly minor projects. It was pulled from the minor projects part of the DEQ's guidelines. John stated that when it comes to enforcing, he can't recommend to the board that we do that. Discussion followed. Dave asked if Magyar was recommending 'D' as well. Magyar answered yes, and said that he kept 'D' shall not have permanent sides, covers or roofs because that seems to be a little more objectionable.

Bill referenced back to 6.07C. Mike stated that it is redundant. He added that they could reference the DEQ permit again, but why bother? Discussion followed regarding how the center of the lake is surveyed. Bill suggested striking 'C' as well. John asked if they would like to get that set for a public hearing. He stated that it was basically the same as what the DEQ had.

Discussion followed about when to set the hearing, since the population decreases in the winter. John suggested the public hearing sooner, before more permanent piers are requested. Walt added that the people that have an interest are going to make their selves available. He added that they can submit a letter that would be read at the public hearing, and considered part of the minutes if they could not attend. John stated that he would notice the meeting.

November's meeting was discussed. It was agreed to move the next meeting to November 18<sup>th</sup>, and include the public hearing.

William Zuhl began the discussion of the Planning Commission Bylaws, Section 5-A. He commented that the Planning Commission meets the fourth Wednesday of every month. John Magyar stated that only four meetings are required per year. Discussion about whether or not monthly meetings were necessary followed. William Zuhl suggested scheduling four meetings a year, and meeting in addition to that if the need arises. Discussion followed about reviewing one chapter of the Zoning Ordinance at each meeting. Terry Harris commented that if they are going to review a Zoning Ordinance chapter at each meeting, four meetings per year would not be enough. Bill Zuhl stated that he had discussed the meetings with Supervisor Saunders, and suggested meeting in May, June, July, August, September, and October. David Grabemeyer agreed. Discussion followed. It was agreed that the best solution would be to meet every month, unless there was nothing on the agenda.

#### **MOTION TO KEEP MONTHLY MEETINGS**

Tom Lehrer moved, seconded by Dave Grabemeyer, to continue the scheduled Planning Commission meetings on the fourth Wednesday of each month, unless there is nothing on the agenda. Motion carried by voice vote.

#### **UNFINISHED BUSINESS** **CAPITAL IMPROVEMENT PLAN**

Mike provided copies of the Plan. He stated that everything was completed. He stated that the Plan for the drain would be put in, but he wasn't sure where it would go. Mike clarified that there was nothing further they had to do. The Commission decided they would set a date for the Public Hearing at the November 18, 2015 meeting.

#### **COMMISSION MEMBER COMMENTS**

Mike Glynn thanked Walt Lehmann for his years of service and voiced his appreciation for his hard work. He stated that he learned a lot from Walt and he appreciated all that he taught him.

The next meeting date was discussed. Due to the Thanksgiving holiday, the November meeting was moved to the week prior and will be held on Wednesday, November 18, 2015 at 7:00 p.m.

## **PUBLIC COMMENT**

Tim Hull stated that the Improvement Association was donated approximately 11 acres on the north side of Lakeview. He added that with that donation it would allow them to use a natural filtration system, which would be a huge cost savings and would create something that Silver Creek Township could brag about as a model for the other townships. Tim also stated that in reviewing the 2014 update of the Dowagiac River Watershed Plan, he read that they were waiting for information from Silver Creek Township. John commented that they could look at our Zoning Ordinance online. Mike asked Tim for clarification. Tim responded that they were looking for revisions from our Zoning Ordinances that applied to the Watersheds in this area. Tom commented that we don't have an ordinance for that. Walt stated that it would be Chapter 3 and 6, if anything. He added that no one has come forth asking for any information.

## **ADJOURNMENT**

David Grabemeyer moved, seconded by William Zuhl, to adjourn. Motion carried by voice vote.

The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Lindsay Krohne  
Recording Secretary  
To be approved at the November 18, 2015 meeting