

**MINUTES SILVER CREEK TOWNSHIP
PLANNING COMMISSION PUBLIC HEARING AND REGULAR MEETING HELD
ON SEPTEMBER 28, 2016**

The Public Hearing was called to order by Chairman Terry Harris at 7:00 p.m. on Wednesday, September 28, 2016. The Pledge of Allegiance to the Flag of the United States of America was led by Terry Harris.

MEMBERS PRESENT: Bill Zuhl, Dave Grabemeyer, Mike Glynn, Jerry Donley, Terry Harris, Tim Feirick, Tom Lehrer

OTHERS PRESENT: Attorney John Magyar, Recording Secretary Lindsay Krohne, three members from the public.

ABSENT: None.

Chairman Terry Harris stated the reason for the public hearing, being the review of recommended changes to various Zoning Ordinances as a result of the codification of the Township Ordinances. He read aloud the public notice.

No written comments were received.

PUBLIC COMMENT

Terry Harris opened the floor for public comment at 7:03 p.m.

There were no public comments; Terry closed the floor for public comment at 7:04 p.m.

COMMISSION DISCUSSION

Chairman Terry Harris reviewed the process leading up to the public hearing. A committee had been appointed to review the recommendations of American Legal who has been contracted to codify the township ordinances. He outlined the changes that were recommended, as follows:

Section 2.09 ó Housing for the Elderly: Eliminate all but the first sentence in the definition. Land Use Section 155.006.

Attorney John Magyar and Building/Zoning Administrator Todd Herter entered the meeting at 7:08 p.m.

Section 2.17 ó Definitions P & Q: Primary Caregiver changed from M.C.L.A. 333.7106 (H) to M.C.L.A. 333.26423 (H), and Qualifying Patient or Patient change from M.C.L.A. 33.7106 (H) to M.C.L.A. 333.26423 (I). Attorney John Magyar commented that this is greatly improved.

Section 2.3 - Boating Ordinance: Deletion of the reference to Inland Lakes and Streams Act, a reference to M.C.L.A. 281.951 ó Which has been repealed.

Section 9.04 ó Regulations for Licensed Manufacturing Home Parks Sub-paragraph A: Add after Michigan Public Acts of 1987 M.C.L.A. 125.2301 et seq.

Section 9.04 ó Sub paragraph M: Add reference to M.C.L.A. 125.2307 and 125.2317.

Section 2.24 ó Zoning Act: Add reference to M.C.L.A. 125.3101 et seq. This adds reference to the law.

Attorney John Magyar stated that the recommended changes were mostly to reference the sections. Discussion was held regarding the proposed changes, and there were no objections noted by the public or by the Planning Commission members. Terry Harris added that it would make it more user-friendly and easier to incorporate amendments. Mike Glynn stated that it was not the way it was explained to the Township Board last year. He added that they were told they would be doing things the same way, updating the zoning books whenever a change was made. Discussion followed.

PUBLIC HEARING ADJOURNMENT

Chairman Terry Harris closed the public hearing at 7:17 p.m.

REGULAR PLANNING COMMISSION MEETING

Terry Harris called the meeting to order at 7:18 p.m.

MEMBERS PRESENT: Bill Zuhl, Dave Grabemeyer, Mike Glynn, Jerry Donley, Terry Harris, Tim Feirick, Tom Lehrer

OTHERS PRESENT: Attorney John Magyar, Recording Secretary Lindsay Krohne, three members from the public.

ABSENT: None.

Jerry Donley requested to change the meeting start time to 7:18 p.m. instead of 8:00 p.m. as the Agenda reads.

APPROVAL OF AGENDA

Bill Zuhl motioned, seconded by Jerry Donley, to approve the September 28, 2016 Silver Creek Township Planning Commission Agenda. Motion carried by voice vote.

APPROVAL OF MINUTES

Dave Grabemeyer motioned, seconded by Bill Zuhl, to approve the July 27, 2016 Silver Creek Township Planning Commission meeting minutes. Motion carried by voice vote.

Mike Glynn stated that the recording system failed at the September 7, 2016 Public Hearing regarding Private Roads, therefore the meeting minutes did not reflect the details and comments made by the commission members. He stated that he believes that should be added to the

minutes. Discussion followed regarding the wording to be added. Terry Harris mentioned the lack of detail.

Jerry Donley asked why the details cannot be added now. Mike Glynn stated that it is not proper to try and put together what exactly was said. John Magyar stated that the most important thing is that the action taken be included in the minutes. Terry Harris commented that the discussion that took place at the Public Hearing was a rehash of the July 27th, 2016 meeting minutes. Discussion followed

APPROVAL OF MINUTES

Mike Glynn motioned, seconded by Tim Feirick, to approve the September 7, 2016 Public Hearing minutes with an addition stating that the recording system failed and the detailed comments made by the commission members were not included, but could be reviewed in the July 27, 2016 meeting minutes as the September 7, 2016 meeting was mostly a review of the comments made at the July meeting. Motion carried by voice vote.

MOTION TO AMEND AGENDA

Jerry Donley motioned to amend the Agenda to add the approval of the September 7, 2016 Public Hearing meeting minutes. Tom Lehrer seconded. Motion carried by voice vote.

COMMUNICATIONS

Secretary Tom Lehrer read aloud a letter received by Paul Mosier of Maple Ave. Paul suggested adding a Zoning Ordinance forcing property owners to eliminate dead trees on their property that could cause a hazard. Paul's letter stated that there were two occasions in the last two weeks where two dead trees had fallen in the township causing a hazard, one of them being Edward Magondowski's property. He stated that Ed has no money to take care of the trees, even though his roof was replaced last year. He added that ash trees are dying all over the township and he believes it is appropriate for dangerous trees to be taken care of.

Bill Zuhl stated that this kind of Ordinance is not under the Property Maintenance Code. Tom Lehrer commented that Paul had been to a Township meeting about this suggestion. Mike Glynn added that he is not sure what role the Township would be in this. He stated that he went to look at it, and limbs are coming off of the tree. Bill Zuhl stated that maybe it should be brought to the county's attention as it is a hazard. John Magyar stated that he will look into it and get back with the commission members at the next Planning Commission meeting.

PUBLIC COMMENT

None.

TOWNSHIP ATTORNEY'S REPORT

Attorney John Magyar stated that he will give his report at the next Planning Commission meeting, after the October 5, 2016 Zoning Board of Appeals Hearing.

BUILDING AND ZONING ADMINISTRATOR'S REPORT

Building and Zoning Administrator Todd Herter stated that he has nothing new to report.

He made a suggestion to entertain the idea of a Rental Ordinance. Todd stated that he did two Property Maintenance Code inspections, for the same individual, in which he has been dealing with for a long time.

John Magyar stated that it falls under health and safety, which is a police power, not the Planning Commission.

Discussion followed. Todd stated that he is hands off about personal property, except when you're using it as a business. Attorney John Magyar referred to a case where a man fell off three steps and broke his neck at a rental house, which is currently in litigation. He added that there are good reasons for a Rental Ordinance. Todd Herter stated that a Property Maintenance Code is good to have, but you only get called to enforce it after the damage is already done.

Attorney John Magyar added that rental properties have grown in the last 10-15 years. Terry Harris questioned whether the Planning Commission should be involved in this issue, and Attorney Magyar answered no.

NEW BUSINESS

Terry Harris stated that he thought three items needed to be discussed and reviewed from the Zoning Ordinance, and that he would entertain the idea of adding other items to the agenda in the future for discussion and review. Terry stated that the first item, the Right to Farm Act, should be reviewed and discussed as to how it relates to our ordinance.

The third item, Waterfront District, Attorney John Magyar stated should be discussed when summer residents are present.

Jerry Donley stated that he believes Section 3.02 D (Required Lots, Yards, and Frontage) should be amended. He stated that he was under the impression that an accessory building could not be put in front of a residence.

Todd Herter stated that no accessory building being allowed in the front of a residence was a part of the old ordinance, and it was missed. He added that the comment was brought up, but it was decided that no action would be taken on it.

Mike Glynn referred to Priest Lake, where a man wanted to build a shed by the lake and was allowed to do so. Todd Herter commented that on that lake, the water is the back yard and not the front, according to the deed and abstract. Discussion followed.

Jerry Donley asked whether or not we can have an accessory building in front of the residence. Todd Herter answered yes, as long as it is not in the 30' front yard setback. He stated that he personally believes that if the building is not attached, it does not belong in front of the house.

Tom Lehrer asked who determines what is Waterfront District. Terry Harris answered that the Planning Commission does. Discussion followed.

Jerry commented on the signage ordinance. He stated that the only way for someone to know there is a Zoning Board of Appeals variance request is by either reading the notice in the paper, or receiving notification of the hearing by mail if you are within 300ø of the property owner requesting the variance. Jerry suggested placing a sign in front of the property, showing the request and the hearing information. Attorney Magyar suggested bringing it up to the Zoning Board of Appeals to amend.

Mike Glynn stated that he would like to see more of a connection between the Zoning Board of Appeals findings and the Zoning Ordinances. He added that he has received comments from the Zoning Board of Appeals to the Planning Commission asking "What was the intent of this?" He added that he would like to know why a variance was granted. Terry responded that he was happy to add it to the next agenda.

Discussion was held on how easy it is to receive a variance. Terry replied that it is the Planning Commission's job to put together the ordinances according to laws and regulations, and that is their roll. It is up to the Zoning Board of Appeals to decide whether a variance should be granted or not.

Mike Glynn stated that the Zoning Board of Appeals goes through the Five Standards of Review when deciding whether or not they approve a variance and it is at their discretion.

Attorney Magyar commented that what courts look at is whether the request was for a reasonable use. He gave the example of a property owner wishing to build a reasonable sized house on a small lot.

Jerry Donley stated that it is case by case and common sense is used.

Todd Herter stated that he goes by the Zoning Ordinance book, and if someone wishes to build something different, they go to the Zoning Board of Appeals.

Jerry Donley made the request to discuss having an accessory building on a lot that is not continuous, but maybe two lots down. He made a suggestion that a lot 150ø or 300ø from another can have an accessory building, even if it is not continuous. Mike Glynn stated that he has comments and questions regarding that at a later date.

UNFINISHED BUSINESS

None.

COMMISSION MEMBER COMMENTS

Terry Harris questioned Mike Glynn about the Capital Improvement Plan. Mike answered that the time is coming up to review it, and that he talked to Clerk Runyon regarding things like a barrier-free automatic front door, and a police car with over 200,000 miles.

Terry Harris verified the next Planning Commission meeting date of October 26, 2016 at 7:00 p.m.

PUBLIC COMMENT

None.

ADJOURNMENT

Jerry Donley motioned to adjourn, seconded by Dave Grabemeyer. Motion carried by voice vote.

The meeting was adjourned at 8:12 p.m.

Respectfully submitted,

Lindsay Krohne
Recording Secretary
To be approved at the October 26, 2016 meeting