

**Silver Creek Township Planning Commission**  
Monthly Meeting  
11/19/2014

Meeting called to order by Tom Lehrer @ 7:00

The pledge was lead by Mike Glynn.

Roll Call: Mike Glynn, Tom Lehrer, Walt Lehman, Terry Harris, Jerry Donley(via phone), and William Zuhl

Absent: Dave Grabemeyer

Also in attendance: Steve Czadzeck from Lakeshore Environmental Inc., Attorney John Magyar, and Jennifer Stockwell

Members of the public: several

A motion was made by Bill Zuhl to approve the meeting agenda. It was supported by Terry Harris. Typo pointed out on line item #14 by Terry Harris the agenda on the word "Scheduled".

Motion carried by a unanimous voice vote.

A motion was made to approve the meeting minutes from October 22, 2014 by Terry Harris it was supported by Bill Zuhl. There was a correction that needs to be made by Walt Lehman on the Election Term. It should say "for calendar year 2015" not for "2014-2015".

Motion carried by a unanimous voice vote.

At this time Jerry Donley pointed out that he is having a hard time hearing everyone on the Commission.

**Communications:** There are no communications.

**Public Comment:** Bud Wayland of 33067 School Street "Blight and Trespassing Problem. Walt Lehman explained the process to the citizens and the concern with this issue and who makes the decisions on what will happen.

**Zoning Administrator's Report:** None

**Attorney's Report:** None

**Unfinished Business:**

Tom Lehrer stated that the commission needed to discuss the input from Public Hearing of 10/22/2014. Mike Glynn wanted to look at the concern over the raft size in the ordinance. He stated that he can see why Mr. Olthof had a concern over this ordinance. Article 4 section 4.1 "raft and trampolines" addressed on page three in the Boating Ordinance this needs to be reviewed. Mike pointed out Section 6.7 B in the Zoning Ordinance also addresses rafts and trampolines. Mike feels that it needs to be taken out of one or the other but not in both. Bill Zuhl talked to Officer Roach "waterfront police officer for Cass County. Mr. Roach asked why the township is even trying to restrict this as if it a safety issue it is his job to address this. Mr. Zuhl feels we shouldn't be addressing this at all. Mr. Lehrer asked Mr. Magyar if this is something that the Commission really needs to regulate. Mr. Magyar stated that the Commission doesn't need to regulate everything. Mr. Magyar doesn't like last the sentence in this ordinance because of the proof problem. Mike Glynn asked if this a use regulation or a police ordinance. Jerry Donley agreed with Bill Zuhl on the statement that he made about this issue. John Magyar pointed out that the second part in this ordinance is something that a neighbor would file a civil suit on and the Township should not get involved. Tom Lehrer asked Mr. Magyar if we should eliminate this part. Mr. Magyar that after the part that states, "present a safety hazard to watercraft." the rest of the paragraph should be eliminated. Tom Lehrer also wanted to address that the floatation devices were also supposed to have the owners name and address on them in case they come loose and float across the lake. Bill Zuhl pointed out that it is addressed in the Boating Ordinance Section 4.1 in the very last sentence. Tom Lehrer asked if it should be taken out of the Township Ordinances and Mike Glynn stated he would like to know the same thing. Bill Zuhl would like to see section 4.1 out of the Boating Ordinance except the last sentence that addresses the identification on the floating devices and this should be taken out of the Township Ordinances completely. Walt Lehman stated that we need to make recommendations to the Township Board on the Boating Ordinance and that it needs to be corrected in the Zoning Ordinances. Mike Glynn asked if it a use or a police power issue. John Magyar stated it could be either if the Commission wanted it at all. John Magyar stated that it needed to be noted in the minutes that it was brought up by several citizens that this was a concern of theirs. Walt Lehman agreed with Bill Zuhl that this should be a Boating Ordinance and not a Zoning Ordinance. Tom Lehrer asked Steve what his opinion was on this issue. He stated that if it just an identification issue it should be in the Boating Ordinance and if it is a size and location issue it should be in the Zoning Ordinance.

Bill Zuhl made a motion, "That we remove section 6.07 B of Size and Location Restrictions from the Zoning Ordinances." Mike Glynn would like to amend this motion. Mike wanted to add that a recommendation be sent to the Township Board that the entire first sentence in Section 4.1- Raft and Trampolines be eliminated and that would take out the size and the mooring part. Mike read the sentence that would then be left. No person shall install or maintain a pier, dock boat storage device or anchor a raft, ski jump, trampoline, float, or platform except on bottomlands owned by that person. Bill Zuhl questioned whether the part about bottomlands should still be in the Amendment that Mike Glynn made. John Magyar stated that he really doesn't want to be involved in riparian rights settlements/disagreements. Owners can argue this in civil court. Mike Glynn amended his amendment of Section 4.1 to read only the last sentence, "Only the owners of a raft, trampoline, swimming platform, ski jump, or other such item shall place a sign or placard on such item that conspicuously identifies the current lake property of the owner(s). This is conjunction with Mr. Zuhl's first motion to exclude Section 6.07 B. Mr. Zuhl was in agreement with Mr. Glynn. Tom Lehrer asked if there was a second to the motion, but Mr. Harris wants a better clarification as to whether Section 6.07 B is being completely eliminated from the Zoning Ordinances. Mr. Zuhl stated that his motion was to completely take Section 6.07 B out of the Zoning Ordinances. This motion was seconded by Walt Lehman.

Motion carried by a unanimous voice vote.

The next item to discuss is the storage tanks on the lakes. Bill Zuhl stated this Police Power came into effect in 1997 about the 300 gallon storage tank and that this is already a law. Mr. Magyar stated that since this is in the Police Ordinance and not in the Zoning Ordinance the Township Board would have to review this item. Mr. Glynn wanted to point out that during the changes it has now been moved into the Zoning Ordinances and out of the Boating Ordinance. Mr. Magyar stated that it needs to be addressed then and asked what section it was now in. Mr. Glynn stated it was moved to Section 6.04 E.

Jerry Donley can only hear bits and pieces of what has been going on at the meeting. Mike Glynn stated that the Commission will do their best tonight, but this issue will have to be addressed before the next meeting.

Walt asked if it should be in both or just leave this in the boating ordinance. Tom Lehrer asked why it would be in the boating ordinance as this is more of a structure regulated issue. Walt Lehman supports what the Township has on the books and would like to ask the Department of Environmental Quality on their recommendations. Jerry Donley said the verbiage change would eliminate the ability of the Yacht Club from doing business, because there was a marriage of the two paragraphs into one. Jerry asked Steve and stated that he thinks there is a big problem when the wording of the two paragraphs was merged into one. He feels the new wording would affect how the Yacht Club does business. The 300 gallons is not enough fuel and if the Yacht Club needed to get a new tank this would adversely affect the Yacht Club. Walt stated this would not be affect as they would be grandfathered in, and he feels the Yacht club should apply as Marina or make it into conditional zoning. This was pointed more towards residential storage tanks not towards marina, yacht clubs, ect. Jerry Donley asked if there was a representative from the yacht club in attendance. Yes there are members present. Tom Lehrer asked if we need to get the public involved. Mike Glynn stated yes if there is person in the audience that might be able to answer a question he might have. Walt is questioned Mr. Donley stating that the verbiage had been changed. Walt made the statement that the problem is unattended residential tanks being vandalized, broken into, or leaking. He made more statements on the effects of a leakage on a lake. Bonnie Hague addressed the Commission and told the Commission that they are permitted and inspected yearly - the Yacht club has a 500 gallon limit. It doesn't say anywhere that the Yacht Club is grandfathered and if you are directing this at residential tanks then the ordinance needs to state this. Walt Lehman pointed out 6.07 L to Mrs. Hague of continuation of lawful and existing uses. John Magyar pointed out that the Yacht Club wants to be considered a conforming use. Discussion followed. If they are DEQ monitored then they are not considered in this ordinance. Steve states that the Yacht clubs concern is that if their tank needs to be replaced that this would affect the size that they could replace it with. The word "Residential" needs to be added to this paragraph. This would be in Section 6.04 E. Mr. Harris made a motion that the first sentence in this paragraph needs to read, "Storage Tanks of The permanent storage of Gasoline or other fuel in a residential properties in an Above Ground Storage Tank (AST) or Underground Storage Tank (UST) is hereby prohibited within fifty feet (50) of any lake in Silver Creek Township." Walt Lehman seconded the motion. Bill Zuhl questioned the status of Yacht club. It was agreed that they approved and monitored by the DEQ so they are except from this ordinance and it is recognized as a non-conforming use. Mike Glynn made an amendment to the motion made by Terry Harris and Section 6.04 E should read, "Storage Tanks of The permanent storage of Gasoline or other fuel on residential properties in an Above Ground Storage Tank (AST) or Underground Storage Tank (UST) of a maximum quantity of three hundred (300) gallons is hereby prohibited within fifty feet (50) of any lake in Silver Creek Township."

Discussion followed. Steve will look at rewriting this section due to the concerns of the size of the storage tanks and will email his suggestions to the Commission before the next meeting.

Jerry Donley asked Walt Lehman if he knew what size the of tanks the DEQ monitored. Steve stated he will check into this also. Jerry didn't think the DEQ monitored anything below 500 gallons. Mike Glynn stated that he thinks we have addressed the residence concern on this for right now.

Tom Lehrer the next concern of the citizens is moored boats at a residence of Section 6.07 I. Walt Lehman asked if this is a Boating or Zoning Ordinance? Discussion followed. Mike Glynn stated the residence asked about key holing. This was put in there to back in the 90's. Mike Glynn explained how this issue came about back then and gave history as to what is on the books now. Mike asked John Magyar as to his suggestions and in turn Mr. Magyar state that Mr. Kleva had some good suggestions on this topic and if he could please share his suggestions. Mike Glynn read the email from Mr. Kleva. It states that a non-resident

cannot moor a boat on the lake. John Magyar stated where the original ordinance came from. Walt Lehman read the suggested Ordinance change of Section 6.07 C. Mike pointed out this section does not address boats. Steve said it does in kind of a back handed way so John suggested that you could add the boat concept to this section. Bill asked if the word "boats" was added to this section would it be strong enough wording for him. John stated, "Yes." Steve will rewrite Section 6.07 to add the concept of boats and to take out the restriction on the number of boats. John Magyar also asked that the definition of water craft be reviewed. Steve will review and rewrite Section 6.07 C and the definition of "watercraft". Walt Lehman and Bill Zuhl wanted to convey that they like this idea. Rewriting 6.07 C will eliminate Section 6.07 I. John Magyar would like Steve to look at the word "Exclusive" in this section. Jerry Donley asked about the letter sent from Attorney Carey on section 6.07 C. and if this verbiage is being considered. What is question is "Business Invitees"? Isn't this referring to be a contractor? Jerry Donley asked why the lawyer's suggestion is not being considered. John Magyar asked if Lake Maintenance Equipment be included in this section.

Discussion followed.

Steve requested a copy of the lawyer's letter. He also asked if John Magyar could help him in the writing of Section 6.07 C. John stated that he will help Steve with the writing of this section. Mr. Kleva asked what happened to the paragraph that was originally adopted so Steve responded to him. John Magyar stated that it looks like the definition and the original ordinance changed. Tom Lehrer verified that Steve and John will be getting together and rewriting Section 6.07 C. Steve and John both agreed that they will help each other on the process on the revision. Steve will send out a new draft of the revision to the Commission before the next meeting.

Terry Harris questioned the time period as to when these ordinance changes will be adopted the changes. Should we wait until spring to adopt the changes? Tom Lehrer stated that we can send the proposed changes to the Township Board and they can hold it until the residence return for the summer.

Discussion followed.

**Commission Comments:** None

**Public Comments:** Bonnie Hague thanked the Commission for all their work on ordinances and would like to know if the vote to adopt them will be next spring and if this could be put in to the minutes. The Commission responded by stating that the proposed changes will be sent to the Board, they hope, before Spring but the Commission will request that the vote to adopt the changes be held off until Spring when the lake residence have returned.

Discussion followed.

Next meeting will be Wednesday 17, 2014 @ 6:00 p.m.

Tom Lehrer made a motion to adjourn the meeting; it was supported by Walt Lehman. The meeting was adjourned at 8:35.

Minutes respectfully submitted by: Jennifer Stockwell