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Planning Commission Minutes 2/22/21

The Saugatuck Township Planning Commission met February 22, 2021 via video Zoom conferencing. Frey checked in members and guests via ZOOM.

1) Call to Order at 7:00 p.m. by Chairperson Israels.

2) Roll Call

Present: D. Ihle, B. Rowe, R. Israels, J. Helmrich, D. DeFranco, D. Shipley, E. Welk
Also present: L. Wells, Planning and Zoning Administrator; J. Frey, Township Manager

3) Meeting via Zoom

Interim Manager Frey gave Zoom instructions for public participation. All votes should be taken via roll call. Please say your name before speaking. Mute yourself when you are not speaking. This meeting is being recorded. Please do not interrupt. If any public member is disruptive in a way that interferes with the board conducting their business, they will be blocked. Also highlighted that if there are any individuals that would like to participate, but need special accommodations, we will do our best to make those adjustments. Please do not click on any links on Zoom.

4) Approval of Agenda

A **Motion** was made by Rowe to approve the agenda as written. Seconded by Ihle. The Motion passed by unanimous roll call vote.

5) Approval of Minutes: Joint Board/PC Minutes 1/19/21 & PC Meeting 1/25/21

A **Motion** was made by Rowe to approve the minutes of Joint Board/PC Minutes 1/19/21 as written. Seconded by Ihle. The Motion passed by unanimous roll call vote.

A **Motion** was made by Rowe to approve the minutes of PC Minutes 1/25/21 as written. Seconded by Ihle. The Motion passed by unanimous roll call vote.

6) Public Comment:

No Public Comment

Public Comment Closed



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7) New Business

A. Special Approval Use and Site Plan Review: Special Approval Use and Site Plan Review application for a Home Occupation Use that has contract employees and is operating using an accessory building at 2815 66th Street, parcel: 20-022-032-20 in the A2 district for Big Thumper Express, Doris and Herbert Forker.

Zoning Administrator Wells introduced the project as a Special Land Use request. Wells explained that the TWP first became aware of the use in 2019 after receiving complaints from neighbors about inoperable vehicles, trucks/trailers parked at the site, and the installation of a gravel driveway and parking area. On a site visit, the owners explained that they run a trucking business out of the residence. Owners subsequently removed inoperable vehicles, but the Township continued to receive complaints about truck traffic and parking on the property. On a second visit to the property, staff found an accessory building that was permitted in September 2017, but only finalized in 2019. Staff contacted Allegan County Road Commission and found that the second driveway did not receive a permit. Wells explained that over the past few months she had received phone calls, emails and video clips from adjacent property owners showing up to 5 trailers on the property at one time. Wells requested that owners submit a special land use for a home-based business, because TWP rules stipulate that a Home Occupation cannot have employees unless authorized by special land use (*Section 40-642*) nor can a Home Occupation operate out of an accessory dwelling (*Section 40-642*). Wells clarified that while the Zoning Administrator would be the party to issue a Home Occupation permit, a permit cannot be issued in this case without the PC first addressing the above two special land use items for the home occupation.

Mr. Herbert Forker, owner of Big Thumper Express at 2815 66th St in Saugatuck Township, MI spoke as the representative of the project. Forker stated that he had been continuously living at the property for the past 15 years, and for those 15 years he had been driving trucks. Forker noted that over the years his business has grown; at its peak, Forker had 10 trucks and presently has 6 trucks. Forker added the trailers at his own authority and clarified that the business does not operate out of the accessory building; it is only used for work on his personal trucks and to park personal vehicles. Forker explained that the trucks are only on the property about every 12 days to park, at which time there may be 3 or 4 trucks. Forker also stated that the business has been operating between the hours of 7am and 10:30pm or 11pm; if trucks are running later than that they will not come to the property until the morning. Forker referenced the fuel tanks found on the property and said he thought that under Michigan state law tanks under 1,000 gallons were not regulated, but he may have been misinformed. Forker stated that he had contacted Allegan County about seeking a permit for the driveway retroactively but had not yet heard back.

Israels opened the public hearing.



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1. Randy Schipper, legal representative of the Bruce R. Gould Trust, asked whether the zoning ordinance allowed the applicant to have a subordinate assistant. Schipper noted that under state and federal law a contractor is not a subordinate assistant; to be an independent contractor requires that a person be independent such that they could set their own schedule. Schipper noted that the zoning ordinance uses the term “subordinate assistants,” referring to people who are working in the home occupation under the control of the home owner. Schipper emphasized that the language of the zoning ordinance is not relevant to the situation of the applicant, and given this Schipper did not believe the TWP could approve independent contractors as subordinate assistants. Schipper stated that the issue was a matter of law and how the TWP zoning ordinance was written. Schipper referred to the issue of outside parking and display of trucks and trailers, and noted that this was not incidental to the home occupation. Schipper stated that his client had no concern with the applicant having a home office, but they are concerned with having 7-8 trucks and trailers parked on the property, people coming and going, refrigerators running all night and the noise and vibrations of truck traffic. Schipper reiterated that all those factors were not incidental to the home occupation. Schipper referred to the above-ground fuel tanks located on the property, stating that tanks used in agriculture are not regulated up to approximately 1,000 gallons, but other tanks are regulated. The tanks in question were not agricultural tanks, but were being used to fill trucks. Schipper noted that federal and state law does regulate the use of fuel tanks with respect to how the applicant is using the tanks. Schipper emphasized that there have been major exterior changes to the applicant’s property as opposed to the dwelling itself. Schipper stated that applicant made the situation worse by removing natural buffering to the property that could have protected neighbors. Schipper stated that the property’s current use was not consistent with the character of the area, as it is the only property in the area that houses semi-trucks. Schipper believed approval of the use would change the character of the area; Schipper acknowledged that the property was in an agricultural zone but noted that the property in question is surrounded by a number of houses and the refrigerator trucks stored on the property were not compatible with residential use. Schipper emphasized that the proposes use was industrial in nature and was trying to be slipped in as a home occupation. Schipper noted that, per zoning ordinance, truck terminals are required to be in an industrial zone. Schipper stated that the site plan drawings submitted by the applicant did not come close to satisfying the site plan requirements, noting that buffering was cut back and the zoning ordinance requires that outdoor storage be strictly incidental to the home occupation, which, in this case, it was not. Schipper noted that neighbors have reported trucks being repaired in the accessory building, which was a service being provided and not something that was allowed per the zoning ordinance. Schipper said that even if the repairs were being done to the applicant’s trucks, if other people were driving those trucks it would be in violation of the home occupation standards. Schipper stated that the present use was no different than a truck terminal, albeit a small terminal. Israel noted that a letter was received by



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Schipper and that letter had been entered into the public record.

2. Kate Sarfaty, 2516 Riverside Rd, did not believe that A2 zoning allowed for the present use of the applicant's property; A2 zoning states the need for open space, agricultural uses and low-density residential. Sarfaty emphasized that A2 zoning states nothing about industrial or commercial land use.

Public Hearing Closed

Rowe stated that he in large part agreed with Mr. Schipper's assessment; a trucking company did not appear consistent with a home-based business for many reasons. Rowe reiterated his agreement with Schipper's general assessment.

Welk believed that it is difficult to tell someone who has been in business for 15 years that they must put the breaks on everything because they are not meeting the requirements. Welk noted that the present issue goes back to the issue of enforcement and the present lack of enforcement in the TWP.

Shipleigh agreed with Welk that it was difficult to require the applicant to desist from the present use of his property after 15 years. Shipleigh thought it was wonderful that the applicant's business was growing. Shipleigh asked how the TWP could work with the applicant, because it seemed that some things had not been permitted. Shipleigh also expressed agreement with public comment that the proposed use was inconsistent with the property's A2 zoning. Shipleigh asked if there was any way to meet in the middle. Shipleigh reiterated Welk's sentiment that it was difficult to say to someone after many years that they are no longer allowed to operate.

Ihle asked the applicant if he mainly operated out of another facility or location and that the property in question was a secondary location. Forker said that he did not operate out of another location. Ihle referenced public comment that stated that the applicant had refrigerator trucks running all night, and asked the applicant if that was an accurate statement. Forker explained that every once in a while, he had trucks on site storing goods and the refrigerator will run all night. Forker noted that those trucks did not run consistently, but would start and stop. Ihle asked if there were other family members who drove trucks other than the three contract drivers. Forker stated that he was the only family member who drove. Forker emphasized that the other people who drive were not independent contractors and that they were employees who were paid on a 10-99 but were provided workers' compensation. Forker said that he confirmed this with the Michigan Labor Board. Forker also stated that there were two other drivers on 66th street who had a truck apiece and stored their trucks on their respective properties. Forker asked the PC if the present use was going to be a problem, why was it not addressed 15 years ago. Forker acknowledged that his operation had changed over the years, but the biggest change was that two new neighbors moved into the area. Schipper stated that the removal of buffering trees was also



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a change to the property. Wells called for a point of order and reminded Schipper that the public hearing had been closed.

Helmrich asked if staff had researched the history of the property and asked whether the applicant had been paying for a home occupation license during its 15 years of operation. Wells said she had no record of any home occupation permit issued. Wells noted that the applicant may have a business license through the state, but noting through the TWP. Helmrich noted that the applicant was required to do so; the TWP issues many licenses to residents who operate businesses out of their home which must be reviewed. Helmrich said it seemed as if the applicant had ignored that basic requirement. Helmrich expressed concern about rewarding misuse and reiterated Rowe's point that the use under consideration is not allowed in that zoned area. Helmrich noted that it was unfortunate that the business had grown so much that it had become an issue in terms of code enforcement. Helmrich said that the PC should bear all that in mind. Helmrich asked the applicant if he ever applied for a home occupation license from the TWP. Forker stated that he had applied for one 3-4 years ago, but did not hear back from the TWP. Forker also stated that because no one had said anything he assumed he did not have to get a license. Forker said that once he was told to get a license, he did file an application but later found out that his license was never approved, and that this is the present situation. Helmrich reflected that the applicant had waited 12 years to apply, and emphasized that the onus was on the business operator to apply and secure a license. Forker stated he was licensed with the state. Helmrich emphasized that the applicant needed a home occupation license to operate out of a home. Forker said he was unaware of the requirement. Helmrich stated that he was concerned that Forker was unaware of the requirements and regulations surrounding many of the activities associated with the operation of his business and that this was concerning. Helmrich noted that the memo developed by Wells excellently highlighted the challenges posed by the proposed use of the applicant's property. Helmrich said that the PC needed to take seriously the precedent that would be set if this special land use was approved.

Ihle stated that the present situation was very unfortunate. Ihle wondered what would happen if the applicant's business continued to grow and wondered whether it would be possible to draw a line. Ihle noted that he had reviewed the master plan in preparation for the meeting and closely considered the sections that discussed the need to preserve the agricultural feel of A2 areas. Ihle was unsure if the proposed use fit with the TWP's long term goal for the agricultural districts.

DeFranco asked the applicant to offer insight into what his trucks transport and to where those goods are being transported. The applicant explained that they primarily transport frozen food products and that they go all over the country delivering these goods. The applicant referenced Ihle's comment about further expansion to their business and clarified that the business had downsized and that they were not planning on adding any new trucks.

Israels asked the applicant if they used to have more trucks than they presently own. The



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applicant confirmed that they used to have 10 trucks and now have 6. Ihle asked the applicant to confirm the number of trucks and trailers they own. The applicant responded that they have six trucks and six trailers, although two of the trucks rarely park onsite. The applicant added that there are periods of 7 to 10 days when there are no trucks parked on the property. The applicant expressed their willingness to work with the TWP.

Israels said that it was unfortunate that this request had only now come before the PC. Israels reiterated that it was not past TWP staffs' job to ride around the TWP looking for zoning violations, and that it is a person's responsibility to get the proper licensing. Israels said that if a person had knowledge of applying for a home occupation license three or four years prior but was unsure of when the check was cashed and when checking into the matter found that their requested use was not allowed, that should be recognized as a red flag that the person could not do what they wanted to do. That the applicant did not see that as a red flag was concerning to Israels. Israels was concerned because every day people plan businesses and get the proper permitting. Israels commended the applicant for having the diligence to have their own business, but said it was not an appropriate business for A2. Israels said that she believed the applicant needed to find somewhere else to operate their trucking business in an area that's not A2. Israels explained that when she drove by the property there were four semi-trucks, several cars and no buffer to the neighbors and Israels said she could understand how that would upset neighbors and that the all-night noise from the refrigeration trucks was not conducive to residential use. Israels was also concerned with the fuel tanks and how the applicant received their information about regulations concerning their use. Israels was concerned about the soil and how the contents of the fuel tanks could pose an environmental and safety hazard. Israels stated that the applicant could not operate a business without permits. Israels noted that there were neighbors in the area who lived there because they loved the nature and agricultural feel and that the applicant's requested use would not be conducive to that; it is not harmonious with A2. Israels expressed sympathy for the applicant, but said she could not support the applicant's request.

The applicant stated the fuel tanks in question were empty and clean, that they were given to the applicant, that they were not in use and the applicant had no intentions of putting them in use.

DeFranco said that the issue before the PC was challenging for a few reasons; no one ever wants to take something away from someone else. DeFranco noted that the issue was also technically challenging, because the proper procedure for securing a home occupation permit would be to go through the zoning administrator to determine if the proposed use satisfied those standards; the case before the PC was not satisfying those standards in two respects. DeFranco noted section 40-642 of the zoning ordinance that Home Occupations are to be conducted only by the members of the home. Having "assistants," up to three, is permitted only by approval of the Planning Commission as a special approval use. In the present case, various independent contractors participated in the operation of the business. DeFranco also noted Section 20-642, 2 that states that Home Occupations are to be conducted entirely within the principle Dwelling and may not



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involve garages or accessory dwellings, or the outside storage of goods, products or materials, unless approved by the Planning Commission as a special approval use. In the present case, the majority of the operation was conducted outside the principal dwelling and some of the operation was potentially being conducted in an accessory dwelling. DeFranco clarified that the PC was not convened to consider issuing a Home Occupation permit, but rather to consider whether an SAU could be authorized for the two areas in which the applicant's proposed use was non-conforming. DeFranco stated that if one looked back to the rationale in the zoning ordinance as to why an SAU was required for having employees outside the residents of the principal dwelling it was to prevent issues that pertained to the present application, i.e. to prevent the character of the neighborhood from being materially impaired and to prevent additional traffic. DeFranco believed that the prevention of issues that pertained to this case was why the zoning ordinance required Home Occupations to occur only in the principal dwelling; if a person is operating a business outside it is likely not to be harmonious or conducive to residential use. DeFranco believed the proposed use to neither be harmonious with agriculture nor residential use. DeFranco said that the PC needed to consult the SAU standards and ask whether the proposed use satisfied those standards. DeFranco read the SAU standards aloud. DeFranco stated that the third SAU standard was especially pertinent in the present case, because a truck operation would pose certain hazards. DeFranco said that when operating a trucking business in a residential area the operator must be incredibly careful, knowledgeable on safety and regulation, and have access to reliable information on proper and legal operations. DeFranco noted that if there were ever a spill of fuel or other hazardous material and it polluted the water supply, it could undermine neighbor's continued residential use of their property considering that all neighboring properties use well water. DeFranco stated that the two SAU requests before the PC did not meet the SAU standards. DeFranco asked whether denial of the present request would rise to the level of a regulatory taking property; would the PC be placing restrictions on the applicant that were so onerous that the property no longer had value. DeFranco noted that the very premise of the Home Occupation application was that the primary use of the property was residential, that it was the applicant's primary residence. DeFranco added that if the applicant were to return with an application for a Home Occupation that met the definition of and standards for a home occupation, i.e. an occupation operated solely within the primary dwelling, that the TWP would have no issues granting such a permit. Since the PC would not be taking away those uses, DeFranco stated that the denial of the applicant's SAU request would not rise to the level of a regulatory taking of property; the value of the property would not be undermined given that the applicant could continue their residential use, i.e. their principal use of the property. DeFranco reiterated that a denial would not rise to the level of a regulatory taking of property and the proposed use clearly did not satisfy the SAU standards.

A **Motion** was made by DeFranco to deny Special Approval Use and Site Plan Review application for a Home Occupation Use that has contract employees and is operating using an accessory building at 2815 66th Street, parcel: 20-022-032-20 in the A2 district for Big Thumper Express, Doris and Herbert Forker. Seconded by Rowe. **Approved by roll call vote:**



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DeFranco, yes. Helmrich, yes. Ihle, yes. Israels, yes. Rowe, yes. Shipley, yes. Welk, pass.

B. Site Plan Review application from Mark Bubloski, AIX Designs, LLA for Miniature Golf facility at the northwest corner of Blue Star Highway and Clearbrook on parcel 20-003-068-30. Parcel is within the C-3 zoning district.

As a point of record, Israels noted that she had previously abstained from any vote regarding the property in question because she was the owner of the property up until 5 months previous, but was no longer the owner of the property. Israels noted that she had consulted three legal sources on the matter and all concluded that there was no issue with Israels participating in the discussion. Israels said that she would respect the decision of any commissioner who felt that she should not be part of the discussion. No commissioners objected to Israels participation.

Wells noted that in September the PC heard and approved an SAU request from the applicant for a mini-golf facility with specific conditions. Wells updated commissioners on how the site plan had developed and how the applicant had addressed the conditions required by the PC.

John Tenpas, 11230 James St. Holland, represented the applicant, Mark Bubloski. Tenpas noted that the applicant was excited about bringing the project to the TWP. If the project received approval, Tenpas said that construction would start in the next few months and the business would be open potentially for summer 2021. Tenpas was planning on working with the various agencies (Road Commission, TWP engineer, Fire District) to ensure the project was fully compliant. Tenpas did not anticipate any problem meeting the conditions of the various approvals. Tenpas expressed willingness to work with Zoning Administrator Wells on tree protection; while some trees will need to come down, the applicant has tried to save as many trees as possible on the perimeter of the property. Tenpas emphasized that the owners are intent on making this a nice property that is visually appealing and nicely landscaped. Tenpas said that at this point the owner was not willing to construct a public sidewalk, but would be willing to work with the TWP in the future on issues related to pedestrian circulation. Tenpas said that they are not anticipating that the business will produce significant quantities of refuse, and so they will be utilizing residential refuse containers as opposed to bringing onto the property a commercial refuse dumpster. Tenpas reiterated that the sound and lighting systems being proposed are low intensity and that the larger lights in the parking lot are dark sky compliant.

DeFranco said that the site plan looked fantastic and that the project itself fit well with the current climate in which there was a high demand for outdoor recreational activities. DeFranco thanked Tenpas and the applicant for being so detailed oriented with their site plan.

Shipley inquired as to how the TWP would ensure that the conditions set forth would be met by the applicant.



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Wells explained that before any permits are issued for site work, staff would require the applicant to update the site plan such that all conditions required by the TWP are reflected on that site plan. Wells noted that there was also a certificate of occupancy to be issued after construction was completed; before the building inspector issues the certificate of occupancy the fire district, TWP engineer, TWP Planner and all building inspectors go to the site to ensure all conditions are met and all fees are paid prior to a certificate of occupancy being issued. Wells noted that those were the procedures presently followed by the TWP.

Shipleigh requested that the applicant incorporate native vegetation into the landscape design.

Israels thanked Tenpas and the applicant for bringing the project to the TWP.

A **Motion** was made by Welk to approve the application from Mark Bubloski, AIX Designs, LLA for Miniature Golf facility at the northwest corner of Blue Star Highway and Clearbrook on parcel 20-003-068-30 with the understanding that the applicant meet the 7 recommendations in the memo from the Township Planner to the Planning Commission dated February 11, 2021. Seconded by Helmrich. **The Motion was approved by unanimous roll call vote.**

8) Old Business

A. **Master Plan Review**, Land Use Discussion Related to Well-Head Distance Requirements in Special Approval Use standards

Wells explained that the memo was included in commissioners' PC packets because discussion arose at the PC meeting on groundwater protection; there were standards in the ordinance that were removed because commissioners thought those standards would be better handled in the TWP's special land use area of the zoning ordinance. Ihle requested the topic be taken up at the next PC meeting. Wells identified four standards that she recommended be added to special approval uses concerning (1) Junkyards and salvage yards, (2) Incinerators and sanitary landfills, and (3) Soil pits, sand mines and quarries; those areas were the ones removed from the language of the wellhead protection ordinance. Wells also added another standard. Wells noted that through both PC conversations and public comment related to mines and mining that the TWP had learned it would be helpful to have a survey of the site prior to the operation, a survey during the operation, and a survey at the time the site was restored. Wells explained that if commissioners were comfortable with the language, the next steps would be to send the additions to the TWP attorney and prepare it for a public hearing. Wells wanted to add that the TWP had a process similar to mining for pond creation; it was a one paragraph rule that the applicant needed a zoning permit for pond creation. Wells wanted to include in the public hearing the same requirement concerning surveys for pond creation and perhaps include some language about the quantity of material excavated for a pond that remained onsite. Wells had not



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prepared that language yet, but would have it included for next meeting or could have the PC review the language first and have a public hearing in two months.

Ihle was in favor of the ALTA survey, because it would let the TWP know the starting point of the project and would identify encroachments that could become an issue during the development of the site. Ihle reviewed the Master Plan and noted that it contained a section on “special environments.” Ihle understood “special environments” to refer to wetlands, sand dunes, and critical wildlife habitats. Ihle also considered whether the wellhead protected area ought to be considered a “special environment,” and put the question to Wells for further insight. Ihle suspected that not all the “special environments” had been identified in the TWP, and that many are identified on a case by case basis. Ihle was asking these questions, because he believed that the public and a number of PC commissioners were concerned about large ponds being constructed throughout the TWP and wondered how the PC could put an ordinance in place that could help control the situation. Ihle had considered that a way to put people in a comfort zone about this kind of development was to limit the size of ponds to what is required for retention and anything larger would become a special use. Ihle was considering that for the special environment areas. Ihle asked what would happen if you go outside the special environment areas, and remarked that he did not think that opinions would change much. Ihle believed that what is required for retention could become a good guideline for water bodies that are allowed to be created before being a special use. Ihle referenced Shipley’s comment about wanting to see native plantings. Ihle thought the PC could consider requiring native landscaping for pond creation such that created ponds would become more of a natural feature.

Helmrich thanked Wells and Ihle, appreciated that Ihle took the time to consider the definition of “special environments,” and liked the idea of defining a limitation on the size of water body creation. Helmrich particularly agreed with Ihle’s remark that there may be no difference between special environments and other areas, that perhaps the TWP is just one, Special environment. Helmrich reiterated his thanks for Wells’ work on updating the special use standard and remarked that including the ALTA survey was an excellent idea.

DeFranco thought Ihle’s work was great and it gave the PC a lot think about. DeFranco especially liked the idea of requiring native landscaping to create a natural environment. DeFranco thanked Wells for translating the PC’s thoughts into an ordinance format.

Israels appreciated Wells work in updating the Special Use standards and echoed the thoughts of the other commissioners. Israels remarked that the PC might have walked away from the previous meeting unsure of the appreciation of municipal water. Israels thought the additions presented were a great addition to the ordinance and that it was a great step. Israels reminded commissioners that changes could always be made to the ordinance, and that everyone wanted to protect our water. Israels asked Wells if she was recommending that the PC put the ALTA survey requirement into the pond ordinance. Wells confirmed that to be the case. Wells noted



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that if a pond creation request were to be received by the TWP, she would include the ALTA survey as a condition of approval, but it would be nice to have it in the ordinance. Wells noted that this had not yet been shared with the TWP attorney and she wanted to see if it would get a pass before proceeding. With PC permission, Wells could send the additions to the attorney as well as the inclusion of the ALTA survey for pond creation. Wells read aloud the present language in the pond ordinance, which she noted did not even contain language regarding limitations of the size of a pond. Wells remarked that the PC could have a whole meeting dedicated to discussion on the pond ordinance. Israels asked Wells what would be done with Ihle's suggestions. Wells said she would consult with the TWP attorney regarding restrictions on pond size. Wells noted that the present ordinance says nothing about what happens to the material that is excavated for the pond, and commented that the TWP had a lot of opportunities revisiting the pond ordinance. Ihle approved of the next steps proposed by Wells.

9) Public Comment

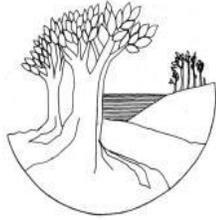
No Public Comment

10) Board Discussion

A. Special Committees Update

Frey explained that the PC Special Committees would be working with Microsoft Teams to coordinate their work and allow staff easy access to that information. Frey said that within teams would be certain documents such as a guide of how to report information and an excel sheet that would function as a minute taking apparatus. The TWP planned to give PC members TWP email addresses. Frey said that staff was presently testing the technology and planned to go live mid-March. Frey noted that because the special committees are under the PC, they are subject to the OMA; the special committees would have to submit regular meeting times and those meetings would be open to the public.

Welk said that he thought that there would not be a quorum on any committee and thereby they would not fall under the OMA. Frey explained that because the special committees were under the PC, they are considered public meetings and committee members would be working within the OMA. Frey said that the quorum question concerned the number of PC and Board members on each committee and whether that would constitute a meeting of the PC or Board. Ihle remarked that it sounded like a lot of work for staff. Frey said it would not be too much work because each commission chair would be receiving their own zoom account; staff would know when a meeting was taking place but the commission chair would be running the meeting. Welk requested input from the TWP attorney on the matter. Frey said he would put in a request with the attorney.



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Israels explained that Frey was working on a functionality sheet that explained how the teams would function, identified who was on the teams, and included a reporting mechanism on excel. Israels said that the reporting mechanism would be a quick format for reporting as opposed to lengthy minutes. Israels mentioned that some committees were changing; the BSH group had split into a safety group and a commercial group. Israels noted that Shipley had requested that “open spaces” be added as an area of interest, and encouraged all committees to consider the topic of “open spaces” in the community. Israels asked PC members to share their committee work thus far.

DeFranco said that he had assembled his committee members, but was waiting to receive the tools from staff before proceeding. Ihle said that he was in the process of assembling his committee members. Ihle mentioned that he had met with Frey and wanted to receive tools from staff before taking the committee work to the next level. Israels reiterated that Ihle would oversee both the safety and commercial groups of the BSH committee, and that the split was needed to accommodate the high interest in the topic. Welk said that the housing committee had met several times. Rowe said that Housing added a new committee member but would be waiting to proceed until receiving tools from staff.

B. Planning Commission Education

Israels noted that several commissioners attended the free session “Your Role as a Planning Commissioner.” Israels mentioned that she sent out information regarding the MAP March meeting, which included several workshops; cost of attending would be covered by the TWP. Israels also mentioned that the MTA had a virtual conference with a 3-day schedule at the end of April. Israels asked commissioners to reach out if they were interested in attending any of those educational opportunities so that the proper arrangements could be made. Israels requested that if a commissioner attended an educational seminar that they prepare a 5-minute presentation on what they learned. Israels shared that she spoke with the Parks Commission about the PC’s special committees. At the meeting, Israels requested that the Parks Commissions present on their work to the PC. Commissioners agreed that they would like to hear from the Parks Commission. Shipley referenced the Master Citizen Planner course she took with MSU. Shipley said that she had access to the documents for the course and would check with her instructor to see if she could share those documents with commissioners. Shipley asked Wells if she knew anything about a new Coastal Leadership Academy launched by EGLE. Wells did not know more about the program, but she said she would look into it and encouraged Shipley to explore it further. Israels asked the PC if they would be interested in hearing about affordable housing from Ryan Kilpatrick, executive director of Housing Next. Commissioners agreed that they would like to hear from Kilpatrick. Israels asked if commissioners were comfortable starting the PC meeting at 6:30pm if there was a presenter. Commissioners agreed they would be comfortable with that.



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C. Book Discussion

Commissioners discussed the first three chapters of Charles L. Marohn Jr.'s book *Strong Towns*.

D. Township Board Update Submitted by PC Member and Township Treasurer, Jon Helmrich

- The Township Board met via Zoom on Wednesday, February 10, 2021
- County Commissioner Dean Kapenga reported on a COVID vaccination site operating in Fennville and a new Ground Water Study on the county website.
- Board went into a special legal update session.
- Review of Multi-Year Strategic Action Plan including wording for a Township Mission Statement. The plan is available for review on Township's website under the Information tab.
- Wellhead Protection Ordinance as approved by Planning Commission was approved by the board.
- 2022 Draft Road Project & Maintenance plan was reviewed.
- Public Comment from Denise Shipley on the Strategic Action Plan and Historic District study.
- Next Board Meeting will be held March 10th, 2021 at 6pm

Helmrich noted that on Wednesday EGLE was holding its public hearing on the Van Horn project and noted that prior registration was required. Wells noted that she had submitted to EGLE a comment on behalf of the TWP Zoning Administrator saying that if EGLE was considering conditions for approval that the TWP would recommend a requirement for a survey of the property, lake and piles of excavated material and that the time frame for completion, identified in the TWP resolution for the project, be honored. Shipley asked if Helmrich could share anything further about the Board's closed session. Helmrich could share nothing further because of the legal nature of the closed session.

11) Adjourn

A **Motion** was made to adjourn the meeting at 9:54 pm by Welk. Seconded by Rowe. Motion passed by unanimous roll call vote. Next P.C. meeting: Monday, March 22, 2021 at 7:00 p.m.



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Motions:

1. A **Motion** was made by Rowe to approve the agenda as written. Seconded by Ihle. The Motion passed by unanimous roll call vote.
2. A **Motion** was made by Rowe to approve the minutes of Joint Board/PC Minutes 1/19/21 as written. Seconded by Ihle. The Motion passed by unanimous roll call vote.
3. A **Motion** was made by Rowe to approve the minutes of PC Minutes 1/25/21 as written. Seconded by Ihle. The Motion passed by unanimous roll call vote.
4. A **Motion** was made by DeFranco to deny Special Approval Use and Site Plan Review application for a Home Occupation Use that has contract employees and is operating using an accessory building at 2815 66th Street, parcel: 20-022-032-20 in the A2 district for Big Thumper Express, Doris and Herbert Forker. Seconded by Rowe. **Approved by roll call vote: DeFranco, yes. Helmrich, yes. Ihle, yes. Israels, yes. Rowe, yes. Shipley, yes. Welk, pass.**
5. A **Motion** was made by Welk to approve the application from Mark Bubloski, AIX Designs, LLA for Miniature Golf facility at the northwest corner of Blue Star Highway and Clearbrook on parcel 20-003-068-30 with the understanding that the applicant meet the 7 recommendations in the memo from the Township Planner to the Planning Commission dated February 11, 2021. Seconded by Helmrich. **The Motion was approved by unanimous roll call vote.**
6. A **Motion** was made to adjourn the meeting at 9:54 pm by Welk. Seconded by Rowe. Motion passed by unanimous roll call vote. Next P.C. meeting: Monday, March 22, 2021 at 7:00 p.m.

Respectfully,

D. DeFranco, P.C. Sec.