

PLANNING COMMISSION MEETING

JUNE 10, 2020

Commissioners present: Derek Babcock (Chair), Mike Kosher, Joe Wooding, Donna Romanak (late), Annie Davidson-Funke (Alternate) Georgette Peterson

Other Attendees: Brian Knotek (Attorney), Ken Detloff, John O'Connell, Susan Bell, Carmine Pistolesi, Ron Klein, Suzanne Klein, Christopher Passmore, Ted Swanson, Steve Denenberg, Clayton Robison, Will Peterson

Derek called the meeting to order at 6:08 pm. The Pledge of Allegiance was recited. Georgette took roll call. Annie filled in until Donna arrived.

Joe made a motion, supported by Annie:

To accept the May 6, 2020 PC minutes as read

There was no discussion. All in favor. Motion passed.

Georgette pointed out an error made on the May 13, 2020 minutes. On page 4 on the minutes, on the vote to send the Proposed Draft Zoning Ordinance to the Township, where it says Mike and Georgette "Yes" should be Mike and Georgette "No"

Mike made a motion supported by Donna:

To accept the May 13, 2020 PC minutes with the correction as read.

There was no discussion. All in favor. Motion carried.

PUBLIC COMMENT: None

NEW BUSINESS

Special Use Permit Renewal Review for 39940 CR 673 (Engle Farms)

Derek discussed conditions for the renewal of the Permit. An inspection by John O'Connell (Zoning Administrator), Chuck Moore (Building Inspector) and himself be scheduled and to be done within 60 days. He also noted the wording on their website says the house can be rented and it should be changed to say that the house can be rented only in conjunction with the event. Annie noted that on the website it says there is a separate fee for the house. It was noted that this property is owned by a Real Estate Company who has authorized their use. Susan Bell said all but 3 weddings have been cancelled this year.

Mike made a motion, supported by Georgette:

To recommend renewal of the SUP to the Township Board with the conditions of the inspection being done within 60 days and the changes made to the website.

No further discussion. All in favor. Motion carried.

Special Use Permit Renewal Review for 43239 CR 215 (Smith Gravel Pit)

This property was purchased as a gravel pit around 2011 and the history is it was bought on speculation of I 94 expanding. Derek noted the only thing that has been done is to put in a partial driveway. A condition of showing they are intending to do something was discussed. Joe asked what difference it makes if they do anything or not. Derek responded the Ordinance states so; Annie said that is only in the Marijuana Ordinance. Georgette stated that we should be consistent. Annie said there are many State and Federal regulations they must follow and one is a reclamation plan. Ken commented that there may be other uses besides marijuana we would want to see this on and his recommendation is to treat all businesses the same. He also noted that he can envision instances where, if there is no progress, a SUP could be revoked.

A motion was made by Mike, supported by Georgette:

To recommend renewal of the SUP to the Township Board with the condition that the driveway be finished and maintained to show use of the property within the next 12 months.

No further discussion. All in favor. Motion carried.

Quarterly Special Use Permit Review for 24685 CR 681 (corrected from Agenda reading CR 682)(Pistolesi LLC)

Derek read the conditions of the renewal and asked Carmine about aggregate to which he replied they are adding more to the driveway. Derek stated he spoke with Derek Haroldson from EGLE twice. He stated a lot of issues with soil erosion have been completed but there are still minor violations that have mainly to do with wetlands. Mike and Georgette reported on their visit to the property last week. Carmine said he asked Mr. Haroldson for a timeline and he said 30 days. There was discussion about Carmine receiving 3 new permits. The next quarterly review will be in September, 2020.

PUBLIC COMMENT

Ron Klein said part of the reason he and his wife withdrew their complaint was a conversation with Brian and Carmine. He said the agreement was that Dragonfly would be off the property and Carmine would remain at 1 Class C license for the year 2020. He addressed Carmine and said that is what he had told him and, therefore, he withdrew the complaint. He added that 2 days later he asked them why they objected to him having more licenses. He said, at that time, Derek came out. He said Carmine had lied to him, which was when, he withdrew the hundreds of hours of work they had done that was PC work. Ron said, for the record, he apologized to everyone who supported him. Christopher Passmore stated he was speaking as a land owner. He said that Carmine told everyone that the findings and omissions were Ching Ho's fault. He added that everything he spoke about is based on an EGLE document noting that he is downstream from Carmine and that Carmine has remediated his own property. He told Carmine that after everything he destroyed, he then threatened to sue. He said there is culpability all the way around and waterway destruction has occurred. He said this is about the land and it isn't right. He added those provisional licenses were given stating that he was in good standing by utilizing the fact that there's no jurisdiction from the Feds to keep farmers in check. Joe asked Christopher if he is currently having problems. Ted Swanson said but for the Klein's, this would still be going on. He said they work very hard for their dairy farm. He said Ordinance 2018-01 talks about penalties; it says they shall be fined. He asked where is the Municipal Civil Infraction? Derek responded that's why the new Ordinance oversees

this. Ted said we have the tools to do the job and Derek said he was right about the Kleins or who knows where we will be. He added it is up to the neighbors and citizens. Mike commented that Carmine was laughing while Christopher was talking. He added the PC is powerless and the Board has the final say. Will Peterson said the Board just sends it back to the PC. Carmine said Mr. Passmore knows he refuses to speak to me and asked, how then was he supposed to bridge this gap? Steve Denenberg said he tried to remediate and 2 days later he received a threat of a lawsuit. Carmine said the legal letter directly resulted from lies. He added that Mr. Klein asked him if he could survive on one license and he responded in the affirmative. He said Ron refuses to communicate with him. Steve said it looks good that you are going to be a good steward of your land and we don't have to discuss this anymore adding that we had to take time to teach people who didn't know how to farm to farm. Derek said we need to learn from our mistakes.

Meeting adjourned at 7:08 pm.

Respectfully submitted,

Georgette Peterson