

ARLINGTON TOWNSHIP PLANNING COMMISSION
SPECIAL MEETING
MARCH 15, 2021

Meeting was both in person and electronic.

Commissioners Present: Donna Romanak, Tina Loomis, Mike Schrom, Joe Wooding (on Zoom initially; then in person), Georgette Peterson

Other Attendees: Brian Knotek (Township Attorney), Ken Detloff (Township Planner), Andy Andre. Ron Klein, Suzanne Klein, Carmine Pistolesi, Annie Funke, Derek Babcock (Fire Chief), Dan Higgs

Georgette Peterson (Secretary) called the meeting to order at 6:00 pm.

The Pledge of Allegiance was recited.

Roll call was taken. All Commissioners present.

Select/Vote on Temporary Chairperson. By request of Brian Knotek (Attorney) this was delayed.

PUBLIC COMMENT

None

RE: 27035 CR 215, INC. (Parcel # 80-03-004-020-10) Requesting an Expanded Special Land Use and Revised Site Plan Approval

Andy Andre presented a new Site Plan and stated the first one had been approved about a year ago. He presented the changes: Set backs changed; Increased buffering from the road and on the side; A 12,000 sq ft building; A detention basin next to the drain. Georgette asked why this Plan shows a smaller building; response was it was not needed. Andy continued, saying a berm can be built and plantings along CR 215 can be done. He said there is currently a line of trees on the property that is about 250 ft in length and the trees are about 30 feet tall. Andy said they have received approval from the Drain Commission and are in the final stages from the Road Commission and the Fire Department approval is completed. He passed out a timeline and an Avanti Development Group, LLC handout. Andy said they planned to put lavender in to help mitigate the marijuana odor adding that it is not required but they think it is important. Georgette asked if there have been studies done that show this is effective and Andy answered in the affirmative. Andy said the property has been maintained and there have been no issues brought up. He said it is the same company but with the 2nd owner and this is the 3rd review. Brian Knotek reminded the Commission that there are 2 renewal dates, one being the SUP and the other the licenses. Georgette noted the SUP application was put in 32 days before the expiration of the previous one and 60 days is required. Tina noted that Andy said nobody would be living there and asked about security. Andy said there will be 24 hr./day security. Tina asked if they would be armed and Andy said he did not know. Joe Wooding told Andy he did a good job on the presentation. Ron Klein asked about traffic, seasonality and if a study had been done. He also asked about the number of employees and the response was 5 at a minimum and a maximum of 40. There is a 30-space parking lot. Ron asked if Andy can supply the actual studies or data related to the use of lavender, saying he can't find much. Tina requested these be shown. Annie Funke said the traffic on 215 is very difficult to assess-especially during the summertime. Tina Loomis commented that the property had been purchased in June 2020 and Andy e-mailed her the following February and asked why it took so long to contact her. Mike asked if they were requesting 4 more Class C licenses which is correct.

Motion by Donna with support from Tina to:

Close the Public Hearing on 27035 CR 215, Inc. and Open the Public Hearing on 24685 CR 681/Sapphire Farms LLC/Carmine & Kristen Pistolessi Roll call vote. All in favor.

Motion carried.

**Re: 24685 CR 681/Sapphire Farms/LLC/Carmine & Kristen Pistolessi (Parcel # 80-03-006-009-13)
Requesting an Expanded Special Land Use and Revised Site Plan Approval**

Carmine stated the new Site Plan includes a barn and hoop house. Brian Knotek asked if there was any increase in plant count requested and the response was in the negative. Carmine said he currently has 1 Medical and 3 Adult Use Licenses. Tina noted that during a Site visit that she and Georgette made last week, there was still a lot of dust. Georgette noted that on 2/20/2019, a traffic generation study was requested from the Township and asked if it had been done; the response was that it had not been done. Tina noted that as you are going down the driveway, you are very close to a neighbor's property and she said she is speaking as a neighbor and not a Commissioner. Carmine said there are 100 to 150 trees planted there. Georgette noted that the storage containers, that were to have been moved, are still there. Carmine explained that moving them off site requires moving electric lines and so on but that they will be moved. Tina asked about moving the compost off site and clarification was requested as to the stage it would be moved. Carmine said it would be before it is composted. Ron Klein commented that all their fences are 15 to 75 feet within the property line and the driveway is only 3 feet from the property line. He added that the driveway was not moved 20 feet as it was supposed to have been, but was widened by 20 feet. He said if the branches of the White Pines that were planted reach 15 feet, they will encroach on his property and the roots will be under the driveway. Ron added that the complaints of the neighbors submitted in 2019 were ignored. He said there were 28 written complaints that were delivered to the Board and they were not acknowledged or filed. He said the PC is a fact-finding body and requested those complaints be revisited to see if they are still relative. Ron said a guess was made on the setbacks because a survey was never done. He added that in regard to the proposed buildings, there is no hardscaping or drainage controls which need to be done. The hoop house is immediately adjacent to the Black River Drain.

Ron then listed 7 points to be considered:

1. Correct any violations of 2018-01 and 2018-02; specifically, the front, side and back yard setbacks. The inspection should be conducted by non-biased third party under supervision of the Township Board or Commission to avoid the perception of bias, favoritism or compromise.
2. The hardscape contiguous to the proposed buildings added to the site plan.
3. The fate of run off and control of such drainage to the site be included in the site plan and approved by the state.
4. The approval in the form of appropriate permits submitted to the planning commission for review and inspection as required.
5. Confirm if drainage from the HQ building and between the wetlands flowing to the pond is blocked by the access roads. If so, then appropriate engineering and approved remediation be conducted and indicated on the site plan and appropriate permits and inspection results provided to the PC for review and evaluation.
6. Blockage of the stream draining the middle wetland to the marsh or bog should be confirmed and brought to the attention of EGLE. It must be properly drained and engineered to prevent mud and silt from entering the marsh/bog. The mud trail be constructed appropriately for the heavy clay soil and wetland area. This specific issue was part of the original EGLE violations notice.

7. A written plan and binding guarantee that will prevent night sky light pollution should be submitted and approved before the site plan can be approved.

Carmine said the fencing was an item of debate last year and the findings were that the fence was not subject to setbacks. He said EGLE has walked the property and they are not in violation of anything. He said they can get that in writing from EGLE and the regulating body agrees with him. Regarding the greenhouse, marijuana plants need a certain amount of light and that can be supplied during daylight hours. More supplemental light can be used during the day. Ken Detloff said there is a debate going on as to whether or not a fence is subject to setbacks. Ron said that in Ord. 2018-02, marijuana growers are not considered agricultural and fences are structures according to the definition in Section 10. The setback applies to marijuana grows and this needs to be addressed. Annie Funke said Ron Klein's comments are that he represents several people and added that she spoke with Chris Snyder who has no problem with it. Dan Higgs said he always interpreted setbacks to include fencing. Brian noted that, by law, this PC cannot interpret Ordinances, the ZBA does that. Carmine said, regarding the green screens, the wind destroys a lot of them. Suzanne Klein said that the PC and the Board know that Carmine threatened to sue Ron and her for \$7 million and everything Ron has said focuses on protecting the land. She added that she is concerned about the nature of the businesses in the Township. Carmine said the notice of cease and desist came after actual lies and in direct response to threats from them. Brian said this is not the forum for issues between neighbors and property owners. Dan Higgs noted that changes to the Site Plan would require compliance with the new Ordinance.

Motion by Donna, with support from Tina to:

To close the Public Hearing on 24685 CR 681/Sapphire Farms LLC/ Carmine & Kristen Pistolesi Roll call vote. All in favor.

Motion carried.

Re: 27035 CR 215 Inc.

The criteria and findings and facts of Article 13 were gone over one at a time with discussion among the Commissioners.

Motion by Joe with support from Donna to:

To recommend to the Board approval of 4 more Class C licenses. Roll call vote. Joe, Donna, Mike, Georgette-yes. Tina abstained due to living within 300 feet.

Motion carried.

Regarding the recommended approval of the new Site Plan: Article 5:04 was reviewed. Discussion to add visual and sound barriers with trees on CR 215 side.

Motion by Joe with support from Donna to:

Recommend approval of the New Site Plan to the Board with the conditions as noted in the Ordinance and the added condition of planting trees on the CR 215 border. Roll call vote. Joe, Donna, Mike, Georgette- yes. Tina abstained due to living within 300 feet.

Motion carried.

Re: 24685 CR 681/Sapphire Farms LLC

Motion by Donna with support from Joe to:

Recommend the Site Plan approval recommendation be tabled in order to review the questions that have been asked regarding the differences of opinion and the outstanding issues with EGLE. Roll call vote. All in favor.

Motion carried.

Motion by Joe with support from Donna to:

Table the recommendation to the Board on the Site Plan approval as is. Roll call vote. All voted against.

Motion failed.

Motion by Mike with support from Joe to:

Table the recommendation on the Site Plan approval to the Board in order to receive more information. Roll call vote. All in favor.

Motion carried.

PUBLIC COMMENT

Carmine asked what more information was wanted and Brian referred him to the seven points that had been mentioned.

Meeting adjourned at 8:50 pm.

Respectfully Submitted,
Georgette Peterson
Secretary