

PLANNING COMMISSION MEETING

SEPTEMBER 2, 2020

Commissioners present: Derek Babcock (Chair); Donna Romank; Mike Koshar; Joe Wooding; Georgette Peterson.

Others in attendance: Annie Funke (Alternate); Brian Knotek (Township Attorney); Ken Detloff (Township Planner); Suzanne Klein; Ron Klein; Judy Daniels; William Steele; Ted Swanson; Braxton Davis; David Holmes, John O'Connel

Derek called the meeting to order at 6:00 PM. The Pledge of Allegiance was recited. Georgette did roll call-all commissioners present.

Regarding the July 1' 2020 minutes which all commissioners had a copy of. Joe Wooding made a motion to accept with a second by Donna Romanak. Mike Kosha requested last names be added because there were two Mikes at the meeting and it was difficult to follow.

Motion to accept the minutes with the corrections. All in favor. Motion carried.

PUBLIC COMMENT

Suzanne Klein noted that the Township has made mistakes in the past talking about Quality Cannabis at 47200 48th Ave.

Ron Klein stated that notice is an important issue. He urged the commissioners to take into consideration the comments from residents. He said people should have a voice in the government and that it takes him a long time to read site plans. He added that he has not had the opportunity to see the site plans for the property on 681, next to him, that is owned by Carmine Pistolesi.

Judy Daniels said she is one neighbor here to talk about this (Quality Cannabis) and she agrees with Ron. She said the draft was not available until Saturday. She added that she feels the people in her area are concerned. She said that she hadn't been out to go to church or anything due to Covid, but this is so important that she came. She said she asked to have the driveway moved and she is very happy about that. She said the new plan should be reviewed and he went past the time he should have done something.

Annie Funke said Quality Cannabis had a public hearing on July 16,2019, the PC recommended approval to the Board on August 4, 2019 and it was ruled on August 14,2019 and it was chaired by Jim Funke. She went on to say that Jim had open heart surgery the next day and subsequently resigned as Chair of the PC.

Brian Knotek said there was an issue with the driveway. There was never anything written to Mr. Steele saying it wasn't approved and this is a regular quarterly meeting, not a Public Hearing.

Mr. Steele said back in July, I assumed it was approved. He commented that he made 8 different changes and only found out it wasn't passed until he applied for permits. He said he did not have to make those changes; no order said he had to; he moved the driveway. He said he didn't find out until later and it was impossible to get in touch with anyone in the past 5 months. He said he told the PC he would move the driveway if it didn't affect his approval but his comment was not in the minutes.

David Holmes said there are a lot of opinions, feelings and so on and suggested approval be considered due to a change in the board; gather information and discuss at the next PC meeting. Then it should be decided at the next Township meeting.

Judy Daniels said they did have a meeting at her house. That was no place where decisions could be done and it was a meeting for her neighbors to discuss things.

Annie Funke suggested that a special PC meeting could be scheduled in October.

Ted Swanson said that whether it's the PC or the Board, the tools are there. There are Ordinances that have to be followed and the ball was dropped.

Brian Knotek asked Mr. Steele if he was present at the Board meeting when they sent it back to the PC. The reply was in the negative.

Suzanne Klein asked what the concern was about the notice. She added that it was delayed long enough that people thought it was dead. Board members said it was dead.

Ron Klein said his concern about the notice is the changes in the Site Plan.

Brian Knotek asked Ken D about the changes to the Site Plan and Ken's response was there are substantial changes and in accordance with the new requirements there is drainage. Mr. Steele said he lives in Florida, he came here and submitted his Plans in April 2019. He added that he followed every ordinance put in front of him and when he left that meeting, he assumed he was approved. He added the second he found out, he acted on it. He said you have had over a year and there was no notification.

Ron Klein said one of the most critical issue is the wetlands.

NEW BUSINESS

Re: The Special Use Permit renewal review for 53930 28th Ave (Purple Valley Farms).

Derek noted that there is now a building pad on the Site and Braxton Davis brought in a second set of plans due to the Road Commission. He had to move the driveway to the East. Braxton said he has 1 Class B license but would like to change the B to a C and add 2 more. Georgette asked him how many acres he has and the response was 18. Derek asked if these were indoor and the response was yes, regular hoop houses. Mike K asked if he changed the style and Braxton replied he just changed the sizes of the green houses. Mike then asked Derek about the license count and his response was 77. Brian K asked Braxton if Purple Valley was up and running and his reply was no but they do have a building permit.

Donna made a motion to recommend approval of the SUP to the Board with the change from Class B to Class C and the addition of 2 licenses. Joe supported. All in favor. Motion Carried.

Re: The Special Use Permit renewal review for 56583 CR 376 (Woodside Truss).

Derek stated that Orlo Mast has done everything asked of him including a driveway.

Joe made a motion with support by Donna to recommend approval of the SUP to the Board without new conditions. All in favor. Motion Carried.

OLD BUSINESS

Re: Review of the Site Plan and Information for 47200 48th Ave. (Quality Cannabis LLC)

Brian noted that Mr. Steele applied for his SUP prior to the new Ordinance coming into effect. In March of 2019, the Ordinance said he had to diligently pursue. He said the function of the Supervisor and the Township Board is to decide abandonment issues. He said based on the Planner's comment that there are substantial changes, he is of the opinion that a 2nd Public Hearing is required. He said there was no Public Hearing scheduled for tonight and one is absolutely required. Joe asked how much time it needed to be posted and the response was 15 days.

A motion was made by Joe with support by Donna to: Schedule a Public Hearing for October 7, 2020 at 6:00 PM.

Derek asked Mr. Steel if he could do that and the reply was, he would make it work.

All in favor. Motion carried.

Diligence issue discussion took place. Derek said there was a time frame where he took over and what was done before him. He noted the PC sent it to the Board who then sent it back to the PC for further review. Derek noted that Mr. Steele tried to get a permit a month and a half ago. He said we can blame several people for this—Us, John O'Connell, Mr. Steele. Mr. Steele said he didn't think 12 months was a long time. Mike K asked whose responsibility it is to notify. Georgette said it was Mr. Steele's responsibility to follow up. John O. said we dropped the ball and Mike said we have no responsibility to notify. Mr. Steele said I assumed I was approved; and added that you can ask everyone at the PC meeting, they all thought I was approved.

Georgette made a Motion with support from Mike to recommend denial to the Township Board due to not have diligently pursued.

Derek, Joe and Donna voted No. Mike and Georgette voted Yes.

Motion failed.

PUBLIC COMMENT

Ron K said the area under consideration has substantial wet lands and his recommendation is the Site Plan should not be based on EPA but a formal wetland delineation should be done by a government agency. Derek said EGLE is triggered by the Van Buren County Drain Commission. Ron said it can also be triggered by the Public. David Holmes asked if the individual hired by the Township is aware of what areas are wetlands. Ken D said he relies on other agencies and the VBC Drain Commission who can have hands on evaluations. Ken also spoke to Mike K saying that he (Mike) has been concerned if the Township would be held liable and, in his opinion, it would be the Drain Commission given that they have the expertise. Derek said we don't require a wetland delineation and Mike said we could. Mike noted the retention pond is within 500 feet and he asked Mr. Steele if he would consider consulting with someone. Mr. Steele said no and we are putting undue stuff on him that we don't require of others. Ken D said if there is a sealed approval, he or she is responsible. Derek said there was a new set of Site Plans received today because the Drain Commission required it. Mike said if we see changes we need during the public hearing, it is our job to ask for those changes.

Re: The Public Hearing to be held on October 7, 2020

Brian said the Plans have to be available for public review. If the public asks to be let in to see the Site Plans you can say no. The Site plans are public information but there could be information that is not subject to FOIA. He added that public records are always made available but not on a whim. Judy asked who she should call and Derek said to call him or call someone on this Committee to get in touch with him. Brian said it is not to hide things or to not be transparent. Technically, he added, if someone wants to see a Site Plan they should fill out a FOIA request. Judy asked if she could look at that Plan without having to pay and was told yes.

Meeting adjourned at 7:28 pm

Respectfully Submitted,

Georgette Peterson