CALL TO ORDER:

Chair Pfost called to order the regular meeting of the Park Township Planning Commission at 6:30 P.M., held in the Township Hall at the Park Township Office.

ATTENDANCE:

Present: Terry DeHaan, Dennis Eade, Rosemary Ervine, Diana Garlinghouse, David Kleinjans, Denise Nestel, Jeff Pfost

Staff: Greg Ransford, Planner, Howard Fink, Township Manager

APPROVAL OF AGENDA:

Motion by Kleinjans, supported by Ervine, to approve the agenda as submitted.

Voice Vote:

Ayes 6, Nays 0. Motion carried.

APPROVAL OF MINUTES:

Kleinjans noted an omission on page 2 for the sentence ending with “plumbers, electricians and…”. Pfost suggested adding “other fire prevention agencies.”.

Motion by Ervine, supported by Kleinjans, to approve the October 9, 2019 Regular Meeting Minutes as amended.
Voice Vote:

Ayes 6, Nays 0. Motion carried.

Garlinghouse joined the meeting at this time.

NEW BUSINESS:

Pfost suggested a note of thanks be sent to Chief Gamby for his October presentation. All concurred. He will write the note.

A. PUBLIC HEARING – Text Amendments

Ransford provided an overview of the PC’s review of the text amendments. Revised language was shared with the Planning Commission in the Staff Memo of November 6, 2019. He highlighted the changes based on the Planning Commission’s recommendations in the October meeting. He pointed out that the language for outdoor ponds includes the change from a building permit to a zoning permit. He also noted that Manager Fink will address his concerns about firewood sales.

PUBLIC HEARING

Chair Pfost opened the Public Hearing at 6:40 P.M.

Kurt Lower is a 40 year Park Township resident. He has been selling firewood from his property for 38 years. He has 13 acres of land where he harvests the wood. He is a legal nonconforming business since he began selling firewood before the Township ordinance. He noted he stores the wood behind a fence at the rear of his home. He had no complaint about the amendment and has no problem with his neighbors. He added he has a large entryway at the front of his property so he doesn’t block traffic with the sales of his firewood.

Chair Pfost closed the Public Hearing at 6:45 P.M.

Kleinjans asked Lower how many face cords he sells each year.

He replied that he sells about four full cords of wood in a year’s time.

Garlinghouse asked if it is documented with the Township when a grandfathering situation occurs in a nonconforming use situation.
Lower said he talked with Emma Posillico and she assured him he was on the record as a firewood seller.

Fink explained when the ordinance was written, going into the township BS&A property records program, Posillico called Ed deVries to verify that Lower was operating his business before the ordinance was created. His property is not zoned commercially but because the ordinance was written his firewood sales are grandfathered. He has a legal nonconforming use. Posillico discussed this situation with him and he confirmed Lower is allowed to operate as a legal nonconforming firewood seller. A new seller would have to apply and comply with the ordinance.

Fink said the ordinance began at the Board level. He has concerns about three specific items in the language of the ordinance as it is currently stated:

1-The Board agreed the wood didn’t have to be harvested from the seller’s property.

Kleinjans asked if Lower was monitored by any oversight agency.

Lower said there is a concern about ash wood because of the emerald ash borer. He doesn’t handle that wood. Most wood comes from Muskegon and the northern part of Michigan. There is also a restriction in hauling oak in the spring. There is an oak fungus to be aware of and it can’t be cut in spring. Most wood is harvested in the fall.

Kleinjans asked if there is any inspection process.

Lower said there was not. There are no other restrictions that he is aware of.

Pfost asked about the differentiation between campfire wood vs. home use.

Fink said the Board was concerned about this because of policy issues regarding ordinances not being enforceable.

2 – The Board wanted smaller firewood sales. Having a face cord of wood for sale in front of a resident’s property is considered commercial. Selling small amounts of wood is preferable. Sales of a face cord would be too large.

3- The Board said we can’t monitor traffic safety. Fink said he would be reticent to allow Township staff get in the middle of a safety concern unless it is clearly defined.

Fink said he was told to enforce firewood sales. This came to the Board as a policy issue. It was under the home occupation ordinance previously. There has been some confusion regarding enforcement.

Eade advised, for clarification, to require in the firewood sales ordinance that sales are limited to campfire wood only.

DeHaan said we should address how much wood is allowed to be sold on a residential lot.
The Planning Commission agreed to return the language to staff for further clarification.

**Section 38-516 – Firewood Sales**

Kleinjans moved, supported by Ervine, to request Staff to rewrite the ordinance section for firewood sales and characterize it as sales of campfire wood only, and for staff to return with new language to address the issues discussed and agreed upon by the Planning Commission.

**Roll Call Vote:**

DeHaan, aye; Kleinjans, aye; Ervine, aye; Pfost, aye; Nestel, aye; Garlinghouse, aye; Eade, aye.

Ayes 7, Nays 0. Motion carried.

Kleinjans said we want the ordinance enforceable to include smaller size for front yards of what is displayed, how much wood can be stored on a property, and to simplify the language. Kleinjans also asked if possible traffic hazards can be enforced.

Fink said the traffic hazard issue is difficult to enforce, however, the Township has the ability to enforce safety infractions. He suggested clarifying the meaning of “title” for garage sales.

**Section 38-517 - Garage Sales**

The Planning Commission concurred with the requirement that the garage sale should be at a minimum of 18’ from the street.

Garlinghouse moved, supported by DeHaan, to approve the ordinance for garage sales and require that the minimum distance from the sidewalk to be 18’ from the street and 15’ from the sidewalk for display of a garage sale.

**Roll Call Vote:**

DeHaan, aye; Kleinjans, aye; Ervine, aye; Pfost, aye; Nestel, aye; Garlinghouse, aye; Eade, aye.

Ayes 7, Nays 0. Motion carried.

Nestel said the Board’s intent was not consistent with what the Planning Commission requested.

Pfost suggested, for the record, that the Board give the Planning Commission specific directives per their agreement and recommendation to address future changes in ordinance language.
**Section 38-33 (e) – Expiration of Permits**

Eade commented, from the perspective of the Zoning Board of Appeals, an applicant for a building permit has two opportunities to fulfill the timeline requirements of that permit. What happens if the building process is not completed in that period?

Pfost said the resident would have to go through the application process again for a new building permit.

**Kleinjans moved, supported by Nestel**, to approve the ordinance amendment for Section 38-33(e) – Expiration of Permits.

Roll Call Vote:

DeHaan, aye; Kleinjans, aye; Ervine, aye; Pfost, aye; Nestel, aye; Garlinghouse, aye; Eade, aye.

Ayes 7, Nays 0. Motion carried.

**Section 38-492 – Swimming Pools**

DeHaan moved, supported by Ervine, to approve the ordinance amendment for Section 38-492.

Roll Call Vote:

DeHaan, aye; Kleinjans, aye; Ervine, aye; Pfost, aye; Nestel, aye; Garlinghouse, aye; Eade, aye.

Ayes 7, Nays 0. Motion carried.

**Section 38-575(a)(5) and (b)(b) – Permitted signs in AG and Open Space Districts**

DeHaan moved, supported by Ervine, to approve the ordinance amendment for Section 38-575(a)(5) and (b)(b).

Roll Call Vote:

DeHaan, aye; Kleinjans, aye; Ervine, aye; Pfost, aye; Nestel, aye; Garlinghouse, aye; Eade, aye.

Ayes 7, Nays 0. Motion carried.
Section 38-575(c)(1) – Permitted signs in C Districts

Kleinjans moved, supported by Eade, to approve the ordinance amendment for Section 38-575(c)(1)

Roll Call Vote:

DeHaan, aye; Kleinjans, aye; Ervine, aye; Pfost, aye; Nestel, aye; Garlinghouse, aye; Eade, aye.

Ayes 7, Nays 0. Motion carried.

Section 38-367 – Development requirements for PUDS with residential uses

Ervine moved, supported by Kleinjans, to approve the ordinance amendment for Section 38-367.

Roll Call Vote:

DeHaan, aye; Kleinjans, aye; Ervine, aye; Pfost, aye; Nestel, aye; Garlinghouse, aye; Eade, aye.

Ayes 7, Nays 0. Motion carried.

Section 38-504 – Outdoor Ponds with zoning permit requirement

Ervine moved, supported by Kleinjans, to approve the ordinance amendment for Section 38-504.

Roll Call Vote:

DeHaan, aye; Kleinjans, aye; Ervine, aye; Pfost, aye; Nestel, aye; Garlinghouse, aye; Eade, aye.

Ayes 7, Nays 0. Motion carried.

38-505 – Earth Change Regulations and Permits

DeHaan moved, supported by Ervine, to approve the ordinance amendment for Section 38-505.

Roll Call Vote:
DeHaan, aye; Kleinjans, aye; Ervine, aye; Pfost, aye; Nestel, aye; Garlinghouse, aye; Eade, aye.

Ayes 7, Nays 0. Motion carried.

Section 38 -368 – Dedicated open space requirements for PUDS

Kleinjans moved, supported by Garlinghouse, to approve the ordinance amendment for Section 38-368. All

Roll Call Vote:

Ayes 7, Nays 0. Motion carried.

Section 38-184(8) – Use Regulations

Kleinjans moved, supported by DeHaan, to approve the ordinance amendment for Section 38-184(8)

Roll Call Vote:

DeHaan, aye; Kleinjans, aye; Ervine, aye; Pfost, aye; Nestel, aye; Garlinghouse, aye; Eade, aye.

Ayes 7, Nays 0. Motion carried.

Section 38-214(6) – Use Regulations

Kleinjans moved, supported by Garlinghouse, to approve the ordinance amendment for Section 38-214(6).

Roll Call Vote:

DeHaan, aye; Kleinjans, aye; Ervine, aye; Pfost, aye; Nestel, aye; Garlinghouse, aye; Eade, aye.

Ayes 7, Nays 0. Motion carried.

Pfost noted that all amendments will be forwarded to the Township Board except for the firewood amendment which is to be rewritten by Staff.

PUBLIC COMMENT
Chair Pfost opened Public Comment at 7:55 P.M.

Karen Padnos spoke to the building development plan near her property. When will the residents be notified when this will be discussed?

Ransford said the public hearing notification must be issued 15 days before the meeting when it is scheduled for the agenda. Residents can see the documentation at any time. All materials are at the Township office.

Padnos asked when Ransford’s comments would be available.

Ransford said his Staff Memo is usually available a week before the meeting.

Padnos also mentioned her concern about the size of a PUD. She suggested increased size of a PUD application. A larger size benefits the Township and the developer. A PUD of only two acres requires a lot of staff time. A minimum requirement of five acres would make it much more worthwhile.

Chair Pfost closed Public Comment at 8:00 P.M.

ANNOUNCEMENTS

The next meeting date is December 11, 2019.

Ransford said there are potentially three items for the agenda.

DeHaan said affordable housing is being discussed in the Township. He suggested we need to be proactive in our definition of affordable housing for the Township, restriction guidelines and our responsibility for affordable housing. He recommended that Staff organize an educational program for the benefit of the Planning Commission. Going forward we need to know what we are going to do.

Pfost said he would discuss it with Jerry Hunsburger. We have to look at this from a zoning and planning standpoint.

ADJOURNMENT

Nestel moved, supported by Ervine, to adjourn the Regular Meeting at 8:10 P.M.

Voice Vote:
Ayes 7, Nays 0. Motion carried.

Respectfully submitted,