

Milton Township  
Planning Commission  
Unapproved Meeting Minutes  
November 10, 2020

Members present: Chairman Hefferan, Kingon, Cole, Merillat, Ford, Lefebvre, and Kopkau.  
Members absent: None

Also present: Weinzapfel and an unknown number of audience members. This meeting was held via Zoom due to the Corona virus. Zoom shows 27 participants.

Hefferan called the meeting to order at 7:00pm.

Approval of meeting minutes dated September 15, 2020:

Changes:

Page 3, last sentence: Change “King” to “Kingon”

Page 4, fifth line from bottom: delete “matters” replace with “importance”

Page 4, replace “Letters” with “Comments, both for and against”

**Motion** by Kingon to approve the minutes dated September 15, 2020 as corrected. Seconded by Lefebvre.

Roll Call:

Merillat: Yea.

Kingon: Yea.

Ford: Yea.

Kopkau: Yea.

Cole: Yea.

Lefebvre: Yea.

Hefferan: Yea.

**Motion carried.**

Approval of Special Meeting minutes dated September 9, 2020:

Changes:

Page 1, Kingon should be noted as excused.

**Motion** by Lefebvre to approve Special Meeting minutes dated September 9, 2020. Seconded by Ford.

Roll Call:

Cole: Yea.

Lefebvre: Yea.

Ford: Yea.

Kingon: Yea.

Merillat: Yea.

Kopkau: Yea.

Hefferan: Yea.

**Motion carried.**

ZA Report:

Weinzapfel said the Township Board is in discussions with the attorneys regarding the RV Park. Notice within 300 feet, and notice on our website will be given when the meeting is rescheduled.

Township Board Report:

Cole said there were several comments from the public regarding the RV Park. Mac Whitehouse is concerned about boat storage on Jim Brewer's property. Kelly Wells discussed the issues at the RV Park. Bargy said it is in the restoration phase right now and EGLE is dealing with the county. Bargy said the township is considering hiring its own environmental engineer.

Agenda:

1. Subcommittee Report: Winery Ordinance.
2. Set agenda for December 15, 2020 meeting.

Hefferan introduced Ruben at Beckett and Rader who is helping us with these remote proceedings.

Public Comment:

Sue Kelly of Torch Bridge Court: I commend the group for considering hiring an environmental engineer. This is a strong suggestion we would urge you to take. I would also like to ask and am hopeful that many of you have gone to the site. If you have, you'll see boat storage being installed on River Road. This appears to be against your current ordinance. I am hopeful that you have continued to hear the residents concerns about congestion in the area. You should be willing to do a traffic study during those summer months to understand the impact in the area regarding the decision you make. This is a safety issue for everyone.

Tim Loock of Crystal Beach Road: I am concerned about the traffic congestion in the area and I appreciate you listening to residents and their concerns. Thank you for the opportunity to speak.

Mac Whitehouse: Complimented the township for hiring an engineer and I look forward to hearing what the person has to say.

A caller who lives near Torch River Marine said she hopes they will not allow the RV Park due to congestion.

Cole corrected Mac Whitehouse's comments to say that an engineer has not been hired, but the Township Board is considering this.

Tim Smith of Chippewa Trail said he is encouraged that the township is considering hiring an engineer. With a heavy rain and the way the site has been designed, is it possible to contain the water on ten acres? I would like to ask you to look at the pros and cons of the whole thing. There are so many risks. It just does not seem like there enough pros to outweigh the cons.

Sharon Hill of Torch River Road said she is concerned about what is being called restoration work. There continues to be significant run off and there is new drainage pipes that are on site.

Many of these things do not look like restoration. It appears that there is ongoing work that has not been approved to be done and the restoration is not being done. The public records show the purchase price of \$500,000 and they are currently appraised at \$40,000. This large development at the moment is not contributing much to the economic welfare of Milton Township. It appears they are not following the rules and this could set a precedent.

Kelly Wells thanked the township for considering the idea of hiring an engineering firm. When will the residents know that you have hired an environmental engineer? Regarding oversight, I understand that this is with the county, how will we be informed regarding what is going on with the site?

Brendo Hasso of Torch River Road: Reminded the commission that there is a significant number of residents who have spoken out about this RV Park. Many people have looked at this data and I ask that you keep that in mind as you continue to move forward.

Reesa Cochran of Aarwood Trail said she sent information to the township when this started and recommended the board hire outside help and she is happy they are considering this.

Dan Wells said you have to answer to the special land use standards and the Master Plan. I would ask that you re-read those documents and ask if this plan conforms to those standards? I would guess it does not meet with the majority of these.

Casey Munger of SW Torch Lake Drive asked that the township please hire the engineer. Our property is being jeopardized by this possible RV Park. Just do the right thing. The future of that area is counting on you.

Gary Doty: He said he knows what a site plan looks like and he knows that the people serving on the planning commission have walked this site. We are not talking about remediation. What is up there right now is the RV Park. It has been built without approval and without a permit. I am concerned how this park could get this far along with no approval and no permits. Remediation has failed once and will fail again and we are talking about remediation on a site plan that has not been approved and permitted. It is outrageous what has happened so far.

Phil Kowalski of Torch River Road thanked the board for having this meeting online.

Susan Dombrowski is concerned about the septic system on the RV Park. She is concerned about property values. Traffic backs up down to her driveway today and I can only image that this will get worse.

Public Comment was closed as no one else wished to speak.

**Motion** by Kopkau to approve the agenda. Seconded by Kingon.

Roll Call:

Ford: Yea

Lefebvre: Yea

Kingon: Yea

Hefferan: Yea  
Cole: Yea  
Kopkau: Yea  
Merillat: Yea  
**Motion carried.**

1. Subcommittee Report: Winery Ordinance:

Kington presented Draft version 3 dated September 5, 2020, 117.1621 Wineries and Cideries with Tasting Rooms. Kington discussed the history of the issue. The major thing we are addressing is the possibility of having events and rental quarters on site. The commission discussed the new draft language.

Cole said the second paragraph...the things they must do are not measurable. I do not think we should say the site “must.”

The second paragraph reads:

The developed site must maintain the agricultural environment, be harmonious with the character of the surrounding land and uses, and shall not create undue traffic congestion, noise, or other conflict with the surrounding properties.

Cole made some suggestions and Kington said he would review that section again. Hefferan said what struck him about this is he cannot reference anywhere else in our ordinance where we have anything like this second paragraph. We can and do have a purpose statement and the subcommittee should look at other intent and purpose statements. For example in 1622 and 1623.

Hefferan suggested a removal in section E.

Cole asked about the definition of the operator? Who is this person? Kington said the intent is that the people who owns and operates the winery are the same people who operate the tasting room.

Cole asked what the rationale was to make the change from 1,000 to 2,000 square feet. Kington said there is nothing that should limit this particular winery to 1,000 square feet. Ford said they need to expand to be competitive and we discussed the square feet it would take to do that in an effective way and we settled on 2,000 square feet. Cole asked if in the Ag zone, are we starting to creep into allowing restaurants? Where is the line? Kopkau said we are trying to be careful as we are writing this to keep that from happening. Kington referenced section F with the new addition of #2. Cole said he is concerned with the future and what could happen down the line. How would we know if the food becomes more important than the wine? How do we answer this? Do we have to get into the dollars or volume? Kington said one thing that is done is to classify the amount of revenue by percentage.

Hefferan said he did highlight “adjunct” because it’s difficult to define.

Mike Neuman asked if he could speak.

Hefferan discussed with the commission. The subcommittee has the application for this proposed change but the rest of the commission members have not seen it yet. Hefferan said at a subcommittee meeting, you can have whatever input you chose to take, but here we have a proposed amendment to our ordinance. If the group wishes to take comment on this, Hefferan is fine with that. Hefferan asked what the application is for? Cole said we are looking to change the ordinance for everyone. Not one particular applicant. It was decided not to take comment at this time.

Weinzapfel discussed the application. Merillat suggested the applicant work with the subcommittee until this is final. Kingon said this is the third draft and we are in the process of getting to the final draft.

Kingon discussed the food truck additions. Cole asked about the definition of a food kiosk? This was discussed. Cole discussed some punctuation changes. Cole and Hefferan discussed the specificity of some of the items in G. Should we list the uses?

Hefferan asked about G#4. Why wouldn't the ZA grant the request? What would be the basis to deny it? Ford said it should be capped at 100 and if there were exceptional circumstances, like a wedding, they could get an exception rather than the rule. Cole said we should set a firm limit. Kingon said there is a relationship between the number of people needed and the need for a tent. If we kept it to 100 and 4,000 square feet, then we would not have to worry about tents. Cole said he does not know how you control the noise.

Cole asked about the kitchen for a caterer? Is that necessary? Kopkau said caterers need a staging area.

Hefferan said he better understood the relationship between tents and the event space. Are these things generally occurring in our milder months? Do guest not gather outside? Kingon said the proposal here would be a 2000 square foot pavilion, which would offer shelter and access to the outside. Cole said there could be wintertime activities.

Merillat said he does not have a problem with tents, but he would like the number of people to be set and not up to the ZA with no criteria to approve or deny.

Hefferan asked regarding 10 and 11. How do you define if music is a background or a main attraction? These are tied together. How do you define and regulate these items? Kingon said this is similar to what we have in our vacation rental ordinance. The difference is the number of people.

Looking at section H: Guest Quarters. This is a new section that lists specifics regarding what it would be regarding the structure and time limits. Discussion about the number of people in a quest quarter and the deed restrictions and what happens if the winery goes under? Does the rental go away too? Kingon said they are looking at this.

Kingon said the model for H was used from Peninsula Township. Weinzapfel said there are

lawsuits going on out on the peninsula regarding their restrictions and compare those to what we are doing here. Kingon said they have looked at that and much of what Peninsula Township has is quite over the top and it is not what we want to do.

Would a greater set back help with the noise? Perhaps.

Cole asked about item J and how that would be defined? Kingon said this is in our current ordinance.

Merillat asked about H1. This should just be written in rather than having the ZA decide. Regarding H5, how often is this required? This would be part of the building code permits and this duplicates the county's work. The Subcommittee will review this. Lefebvre said testing would be done every three months and this is controlled by the health department and the state.

Kingon said the subcommittee will take all of this feedback and work to incorporate it. Kingon said subcommittee meetings have been at the Old Town Hall. Kopkau said she would not be back until December 7<sup>th</sup> if the meeting will be in person. Kingon said we could do a Zoom meeting.

2. Set agenda for December 15, 2020 meeting.

1. Subcommittee Report: Winery Ordinance.
2. Housing summit report from Kingon.
3. Set agenda for January 12, 2021.

Hefferan thanked Ruben at Beckett & Raeder for their help and happy Thanksgiving to all.

Meeting adjourned by order of the chair at 9:08 pm.

Respectfully submitted,

Joseph Merillat