

Millington Township Planning Commission Minutes

Monday, February 10, 2025

Meeting was called to order by Chairman A Zavitz at 6 PM. Roll call showed members L. Jaruzel, D. Pletcher, M. Opperman and E. Maschke, Zoning Administrator T. Daenzer and 9 guests present.

Review of the minutes of 1-13-25 – Maschke claimed the minutes weren't accurate & referenced a lawyer's summary regarding the site condominium. Maschke opened discussion on wanting to remove "expired 2 years according to the conditions on the original Special Land Use Permit" & add "the development of the commercial enterprise within the project boundaries is a matter within discretion of the Planning Commission provided that the commercial enterprises are of neighborhood commercial type." Jaruzel noted the "board should decide if it fits the ordinance" per the lawyer's statement. Questioned if the approval remained valid after 17 years. Discussion. Maschke felt the board needed to approve the latest site plan before the board could move forward & he felt that there was no concern that it was over 17 years. Jaruzel stands by her minutes & stressed she tries for accuracy on minutes. Zavitz remembered a reference that it should have been renewed at 15 years & it had been 17 yrs. Other board members felt they wanted to go through the process correctly & that is why they tabled it until tonight. Maschke made a motion to remove the words "expired 2 years according to the conditions on the original SLUP" & add information in lawyer's summary letter "enterprise within the project boundaries is a matter within the discretion of the Planning Commission". Support by Opperman. Roll call Jaruzel – no, Pletcher – yes, Opperman – yes, Mashcke – yes, Zavitz – yes. Motion carried. Maschke also noted that mention of Dudley's permit was missing the L in SLUP.

Public Comment – Gerry Cook - Millington Road – he noted that a few people complain & the board wants to regulate. He spoke up for the people that don't like so many regulations & asked the commission not to regulate so much.

Paul Dudley – had a question on his SLUP being delayed until next month.

Catherine Benard – Millington – Asked the board to pay attention to the zoning of the area of & all around the gravel pit. She noted that it is all Ag/R & not commercial. The permit request before them is for a commercial enterprise.

Jaruzel read a letter from Lorraine Martin – her letter asked the board to follow the ordinances & deny the request for the commercial business in the Ag/R zone. Letter attached to the minutes.

Public comment closed at 6:18 pm.

Agenda had not been approved at the beginning of meeting, agenda reviewed. Maschke noted that under new business "approval of SLUP documents" the number is 4 and should be 5. ZA Deanzer noted she had been asked by the PC to prepare two documents for them & it wasn't on the agenda. She has the reference guide ready that the PC asked for, although the agenda said it wasn't ready. She will present both documents for review. Motion by Jaruzel, second by Pletcher to approved the agenda with changes identified. *Motion carried.*

Old Business – 1. Paul and Renee Dudley Special Land Use Permit approval. Zavitz spoke that he felt there are things on their permit that should not be there & since next month there will a hearing it should not be signed. Discussion on ordinance wording of ordinance and SLUP. Masche spoke on his copy that he printed from meeting minutes, including the removal of the fence that was discussed at the last meeting. Discussion on whether to vote on it tonight. Referenced ordinance items ie: durations of permit, does not expire, status of permit would be approved. Permit conditions in compliance 10 SLUP pdf file 04-15-24. More discussion on ordinance wording vs SLUP wording. Pletcher moved to table the signing of the SLUP until the updated process is done. Support by Jaruzel. Maschke – yes, Opperman – yes, Zavitz – yes, Pletcher -yes, Jaruzel – yes. Motion carried.

2. Tri-County Aggregates LLC proposal for Special Land Use Permit – approve or deny of TCA/Cedar Lakes Estates Reclamation/ Site Plan Board members had concern over possible conflict of interest for Jaruzel. Planning Enabling act allows a member to dispense information on an issue but not vote. Jaruzel stated she would abstain from voting because she is within the mailing are. Several special land use permits from the gravel pit from previous years were reviewed. Two large books of the history on the gravel pit were brought out at the request of Pletcher. It was decided to review these books later. Zavitz moved to table discussion on review of the previous gravel pit permits & possible discrepancies. Second by Opperman. Maschke - yes, Opperman – yes, Zavitz – yes, Pletcher – yes, Jaruzel – abstain. Motion carried. Zavitz moved to not allow Jaruzel to vote according to the bylaws due to conflict of interest, second by Pletcher, All voted yes. Motion carried. Site plan from 2007 was referred to & compared with one page site plan presented today. Items were noted on site plan that were added since the old plan, especially referencing items 8, 9 & 11. Gillings explained that the engineer added them. He didn't realize they were there. Questioned where the rest of the pages of the site plan, regarding the different topography of the land since so much mining has been done. Jaruzel showed opinion from MTA that informed the board that they should work with a lawyer or an engineer to be sure the site plan matches our Millington Township ordinances. Several items were mentioned that need to be reviewed, especially on an expired plan. References to R-2 zoning, R-5, items allowed in Commercial zone. Our lawyer recommends a new plan and to compare it to article 18 in the ordinance. Maschke said the intent of the board was to approve the original reclamation plan, that there were no differences. Jaruzel pointed out the board won't know there is a difference of topography if there are no maps for comparison. Questioned the items saying "at the discretion of the operator" listed on the site plan notes. Gillig agreed to take 8,10 & 11 off the plan note to match the original site plan. Maschke

noted site data says R-2 and should be R-1, is different than the original. Gilling claims that R-1 and R-2 had been approved in 2007. ZA Daenzer has given the Planning Commission a copy of the ordinance at the time the first permit was approved, & the current ordinance so the PC could compare to see if there were changes. Site plan paper presented has an office in current location & the sign on it. No number noted of how many houses per acre are planned. Zavitz noted that when building commences the layout will have to follow ordinances applicable at that time. Ordinance 5.03 G was referenced regarding putting in additional safeguards. It was noted that we need to stay current with the ordinances. It was questioned what phase of the reclamation plan he is on. Jaruzel raised concerns that 17 years of mining has occurred & feels a more current reclamation plan should be seen & considered, as per the advice of the lawyer and MTA. Gillings stated he has followed the 1:3 slopes noted in the original permit requirements for mining reclamation. Ordinance 17.06 was noted site plan approval shall expire two years from the date the site plan initial approval. This was missed before & it should be noted so it gets written in this time. Jaruzel read the ordinance procedure on how things are to be done properly according to the ordinances this time. Opperman wanted it put in the record that Robert Worth, former supervisor & two other supervisors said there were no written violations. Jaruzel disputed that information because complaints of violations had been brought to the supervisor's attention but they didn't keep records of them. Zavitz suggested waiting to vote on the site plan until the new site plan is turned in. Discussion referencing 17.03D stipulations. Discussion on whether to approve this without the actual updated site plan and what it looks like currently. Pletcher stated if all the items asked for are not on the completed plan when it is turned in the, board would not accept it. A motion made by Opperman to approve extension with following conditions:

1. Remove #8, 10 & 11 on site notes
2. Add new location sites of office building, storage & sign location noted
3. Current site plan will follow Section 5.03 of the Millington Township Ordinance
4. Approval is for 10 year extension only
5. Current mining operation information to be turned in to Planning Commission by August 11, 2025
6. Site data update to reflect the same information of 2007

Seconded by Pletcher. Roll call vote showed Maschke – yes, Opperman – yes, Zavitz – yes, Pletcher – yes, Jaruzel – abstain. Motion carried.

Approve or deny the TCA Resale special land use permit – Discussion on what is neighborhood commercial & the zoning of the property which is currently Ag/R. It was noted there is commercial property available to put this type commercial business other places in the township. The permit request is to bring in 6A pearock, crushed concrete, wood chips, beach sand, mulch, & limestone. It was noted that mulch is landscaping material. Gilling said he would not be processing concrete on-site & would not bring in any crushed asphalt. After questioning it was noted that other sand types would be brought in as well as beach sand. Gilling asked to take mulch off the list & add peat/topsoil to the list to sell. Maschke noted that topsoil was not

on the original request to sell. Zavitz made a motion to allow a public hearing to add these items. Gilling noted a public hearing was already held for this request. Maschke noted that there were some questions regarding documents that the land was zoned commercial at that time. No second on Zavitz motion. Motion died. Pletcher made a motion to allow crushed concrete, limestone, 6A stone, beach sand & other sand products & pea stone for resale. Second by Zavitz. Roll call vote showed Maschke -yes, Opperman – yes, Zavitz – yes, Pletcher – yes, Jaruzel – abstain. Motion carried. Gilling asked for a list of approve products & Pletcher said he will take a list out to him.

Updated Planning Commission By-laws approval – Maschke noted the updated list that has been sent to everyone prior to the meeting, there was one error. “Township clerk” on first page needs to be changed to “Administrative Assistant”. The date it was revised was January 10 with pdf file name 1/29/2025. Jaruzel noted that the by-laws list titles as “chairman, vice chairman” which is different that the co-chair terms that have been used recently. She feels we should stay with the use of “chair, vice chair” for clarity since the vice chair does the same job & works with the chairman. Maschke moved to approve the by-laws with the change of wording in item B2 changing township clerk to as Administrative Assistant and file name to bylaws21025.doc. Support by Jaruzel. All voted yes, motion carried.

Zoning Administrator Complaints file. – ZA Daenzer wasn’t aware that this was an agenda item. Maschke mentioned a file that was sent out about the 6 closed files. He wanted to see them to understand the complaints. ZA Daenzer said she had already sent a file to commission members about these complaints. Some members were unable to open the document, ZA gave instruction to assist in opening the file. Names of person making the complaint are not included in the file. Discussion on whether the complainant’s name should be included. No document requiring this has been adopted to the ordinance. ZA Daenzer stressed that she is following the civil infraction policy that was voted on by the commission previously & it doesn’t require signatures on complaints. Zavitz said Supervisor Loomis & some citizens have asked to require signatures on complaints. The township board discussed this issue at their January meeting & the board declined to make those changes. ZA Daenzer noted that planning commission can change the ordinances if needed so the township doesn’t enforce situations that they don’t want to enforce. Discussion on past practice using gravel pit as an example, that written complaints were needed to establish a paper trail. Discussion on ordinance changes, Zavitz will look into possible actions including talking to the township board.

Storage Containers, Section 14.11 Prohibited Structures – next steps as result of the public input meeting. It was noted only two people gave an opinion on storage containers at the January meeting. Discussion on amending the ordinance to allow them with conditions & the importance of having an ordinance that is enforceable. Discussion. Jaruzel moved to remove the words “semi-trailers and truck bodies” from Millington Township Ordinance Section 14.11 to more easily enforce our ordinance. Seconded by Pletcher. Discussion on Article 12 referenced to show they would not meet setbacks in LR district. Roll call vote result Maschke – no, Opperman

– no, Pletcher – yes, Jaruzel – yes, Zavitz – no. Motion defeated. Zavitz made a motion to allow semi-trailers & truck bodies in all districts except LR district & remove “semi-trailers & truck bodies” from Ordinance section 14.11. Second by Pletcher. Roll call showed Maschke – yes, Opperman – yes, Zavitz – yes, Pletcher – yes, Jaruzel – yes. Motion carried. The amendment will move forward through proper channels.

ZA Reference Guide for Processing Special Use Permits – ZA Deanzer reviewed & explained the procedure reference guide handed out. The commission had asked her to take the references in this processing procedure that had already been approved by the board & add the references from the ordinance. Pages 6 & 7 show comparison highlighting the language for processing SLUP & where the information is found in the ordinance, with a third column with additional information that was introduced in the second document & where it comes from. This shows more details in the summary of key differences listed on page 7. She explained why she uses them & has them for the commission to use when drafting Special Use Permits to follow Michigan Enabling Act & MTA best practices. Chairman Zavitz requests all members study this document & bring it back with any questions. Members agreed. The templet was handed out to answer the commissions’ question about why she feels this templet should be adopted for use. Our system currently is flawed by things like not even knowing how many special use permits are out, the forms used were not universal, some are hand written & this causes confusion for permit holder & enforcement challenges. We need clear guidelines & a better system of record keeping to follow. The commission is responsible for knowing what permits are out there & which ones are in compliance. It is recommended that the PC do a review of permits on an annual basis. Standardization will help us come into compliance with the Michigan Zoning Enabling Act & upholding its legal authority and will help keep up with state legislature changes. References are included. Two tables with key elements were also included for clarity and best practice. Zavitz moved that PC members will review these documents and come back to decide on adoption at a later meeting. Second by Pletcher. All agreed. Motion carried. Meeting paused for a break at 9:50 PM. Resumed meeting at 9:57 PM.

New Business – Process for updating Millington Special noted Land Use Permit approval documents – Five special land use permits have been issued since September 2024. Maschke initiated discussion on whether to make changes on the Clark, Dudley, Morris, Midwest Auto & Tri-county SLUP. Zavitz noted not all should be discussed at one meeting as this could make the meeting too long. Was noted that Midwest Auto has not asked for any changes on his permit. Jaruzel questioned why a permit would be changed if the owner didn’t ask for a change. March 6 was chosen to meet and discuss three of the permits. Will be discussed in the order they were received.

Review of the Open Meetings Act – Jaruzel pointed out some actions that all need to be aware of to avoid the “appearance” of violating the Open Meetings Act. Zavitz read excerpts from the MTA handbook. All members were reminded to be more aware of actions out in public, as well as not to have private discussions at the table. Maschke had information on the practice of blind

copying email information between commission members. It is not recommended to respond to these emails, & to include a statement like "do not respond back to this email" when distributing information. Never include opinions.

Review ZBOA 2/30/24 meeting outcome & process – Maschke wants better information before it goes to a ZBOA meeting. He felt the commission wasn't represented with the second complaint at that meeting. Discussion showed all meeting requirements were met. Discussion on making agendas available before meetings may be brought up at the next township meeting on Monday. It was noted the agenda is always posted in the window as required.

Zavitz moved, support by Jaruzel to table the Ordinance Review of Section 14.15, Recreational Vehicles & Section 14.06 Signs due to the late hour. Both will be discussed at a later meeting. Motion passed unanimously. ZA Daenzer noted there are several ordinance amendments that are not incorporated into the Ordinance 100 & gave examples. The clerk also found a folder of amendments that were passed & enacted but never incorporated when the last ordinance was revised. There are questions as to whether they are even still valid & if they are, need to be incorporated into Ordinance 101 so she brought it to the Planning Commissions attention. Zavitz will review the folder.

Next meeting will be March 6, 2025 for the STR SLUP review & the next regular meeting is March 10, 2025.

Meeting adjourned at 10:14 pm.

Respectfully submitted,

