

Township of Somerset Planning Commission

Meeting Minutes

September 14, 2021

I. Call to order

Chair Namoo Carolan called to order the regular meeting of the Township of Somerset Planning Commission at 7:00 P.M. on July 14, 2021 at the Township Hall.

II. Roll call

Carolan requested a volunteer to take the minutes with the secretary not in attendance. Hartzler motion for Ray York to take the minutes. Seconded by Pumfrey. Ayes: 3 and Nays: 1. Motion passed.

Roll call indicated the following Commissioners were present: Namoo Carolan, Marc (Lynn) Hartzler, David Pumfrey, and Ray York. Absent: John Berro

Zoning Administrator Don Figiel, Zoning Board of Appeals chair Dan York, Somerset Township Supervisor Tim Shaw and 12 members of the public at the meeting.

III. Approval of Minutes from Last Meeting

Pumfrey moved to approve the July Meeting minutes. Seconded by York' Ayes: all present.

IV. Review of Agenda

York moved to approve the Agenda. Second by Pumfrey. Ayes: all present.

V. Conflicts of interest

The attending members reported no conflicts of interest for this meeting.

VI. Correspondence Received

No correspondence received.

VII. Board Representative, Zoning Administrator, Zoning Board of Appeals

Zoning Board of Appeals Chair Dan York - Nothing to report

Zoning Administrator Don Figiel – Will address under item 11 on the agenda

VIII. Public Comment

Kathy Farnsworth – Is the Blight/Parking Vehicle ordinances now dead or have you been ordered by the Executive Board to reconsider and work on it to add to our ordinances? Carolan response – Not working on these ordinances. Would need a public hearing.

Second question – Is it possible for the Executive Board to present an ordinance to the Planning Commission to enter as an ordinance without any public vote?

Carolan response – No.

Tim Shaw – the Board asked the Planning Commission to look through the current ordinances for recommendations to the Board to adjust or eliminate. Problem with misinformation. Comments need to be based on facts.

Peter Tochman was no Blight Committee – York stated that the blight ordinance was not to pertain to the total township but only the lake communities where there is a problem. Let the lake Associations handle the problem and the Township stay out.

Curtis Gale – has been a long time agreement between the Lake LeAnn Association and the Township that each would handle their concerns. Lake Association seems to be working for the Township to handle what the Association does not want to handle. Township to pay the burden to handle lake issues?

Patrick Carolan – issues of property value. Some people do not care or believe the rules apply to them. Selling a house a buyer drives by and say they do not want to live next to that. It does have an effect. Has to be some balance.

IX. Unfinished Business

Chair Carolan noted ByLaws, Master Plan and Zoning Ordinances are on the Somerset.org website. Planning commission to look at current ordinances for recommendations to the Board for revisions and removal of those not enforceable.

York volunteered to email a portion of the ordinances to each Planning Commission member who would provide suggestions to the commission for a vote and agreement as recommendations for the Board.

X. New Business

For Discussion Only

Presented by Don Figiel Zoning Administrator

1. Planned Unit Development (PUD) needs to correct the trailer park/condo into a singular solution. The owner is looking to sell the 20 acres where the current trailer park is located. What can PUD do for the Township? Take the whole parcel, not just sections of the parcel. Copies of developing PUD are available to those who provide their email.

2. Updating page 15 in the Land Use Ordinance to match zoning ordinance. Planning and Enabling Act requires showing all faults in this section. Ordinance changed RU1 into RS1, but Master Plan page 15 not updated to change. Figiel can provide proposed page 15 revision to Planning Commission.

3. Addressing such items as:

A. Sign Ordinances removed. Have three versions provided by Region 2. Sign can now go wherever a person wants as long it is five feet from the road right away a state law. What do you want? Speak to everything that can come up. Hartzler – How long since we got rid of the sign ordinances? Carolan – looking to keep a simple version.

B. Residential Subdivisions renaming/redoing them. Have 4700 parcels to be verified for zone and district size. More info available when needed.

4. Review proposed types of regular ordinances which the supervisor asked for input from the Planning commission. Something needs to be done with the two ordinances from the lawyer. Major problem is south of US-12. No control for junk cars and burning of plastic to get the metal to sell. Tires are being handled by the State of Michigan. Hartzler – How many tires? Figiel - About 3,000 on several properties (mostly on 2 properties). The police did a good job with the Issue of mattresses being thrown in the street. But some mattresses moved to the side of the road. Township has had site for reusable bottles and cans that turned into a junk yard and collecting of tires that cost the township \$5 per tire to remove. Vehicle being worked near the street and the engine block rolled into the street. How to handle platted subdivisions? Ordinance or no ordinance? Carolan – the vehicle ordinance circulated looks infringe on people property rights and would be a civil infraction. Is there any current ordinances to match what is occurring? Figiel - approached two attorneys with current ordinances and picture and no support was found.

York – these are all open items that need to be looked into. Taking care of the current ordinances must be done before adding more ordinances. The ordinances are not from the Planning commission but presented for Planning Commission review. Investigation with the insight of the people is required before presenting recommendations to the Board. Open items should be prioritized.

Hartzler – asked Figiel if he would make the change to page 15 and send to the planning Commission? Figiel – yes and will send an draft by email within 2 weeks.

Carolan – suggested Figiel to provide further ordinance change to avoid lawyer cost. Figiel agreed to send drafts on items i.e. setbacks and corner lots.

York volunteered to put the open items together with proposed ordinance plan.

Hartzler – asked Figiel to send copies of all versions of the sign ordinances to the Planning Commission members.

XI. Any Other Business

None

XII. Public Comment

Kathy Farnsworth - Particular siting of one incident and a couple of individuals in a specific area adds ordinance for the township of 4800? Not the proper way to address issues. Ordinances are for the use of the total population of the township. Not write ordinances that can be addressed in another fashion.

Jon Smith – We are not a democracy but are a Republic. 99% of township wants to take away my property because of blight is not right. Never seen a good blight. One man's trash is another man's treasure. Grievances can be taken to court. Not the government's job.

Dan York – People of this township voted in zoning. Save individuals from filing laws suit which take time and very expensive process. Understand Administrative Law because it affects us all.

Jeff Underwood – don't we have ordinance for property being sold for trailer park and condo? Figiel - Ordinance is to do one thing per area. Cannot do one or the other. Another item – can Amish put signs along Jerome Rd.? Can ask property owners to put signs up on their yards. Don't think this is proper way. Carolan – We can look at that.

Peter Tochman – have ordinances for Vehicle Repair and Storage & Litter. Kind of complex. Want as a township issue and spend money? State has resources, let them deal with it. People are cheap, deal with it. Is the car part in the street something for the Planning commission? Call the cops, let them deal with it.

York Emails sent on ordinances and open items – important to get replies.

Carolan – Township resources limited. Planning Commission to represent the public, review current ordinances, but not to enforce. Be constitutionally sound. Limit chaos.

XIII. Adjournment

Hartzler moved to adjourn the meeting. Second by Pumfrey. Ayes: all present.

Meeting adjourned at 7:54 P.M.

Submitted by:

Ray York

Approved as drafted at the _____, meeting of the Planning Commission.

DRAFT