

## **TYRONE TOWNSHIP PLANNING COMMISSION**

### **MEETING MINUTES SEPTEMBER 11, 2012**

**PRESENT:** Mark Meisel, Steve Hasbrouck, Deb Lee, Cam Gonzalez, and Ron Puckett

**ABSENT:** Brandon Peabody and Mike Wood

**OTHERS PRESENT:** Tyrone Township Planner Sally Hodges, Planning/Zoning Administrator Vanessa Bader, Applicant Paul Phelps, and 1 resident

**CALL TO ORDER:** 7:00 p.m. by Chairman Meisel

#### **PLEDGE OF ALLEGIANCE:**

**CALL TO THE PUBLIC:** Merino Bernardi – Mentioned the end of the Master Plan makes a statement about the Township needing to educate the public. He feels like the Township is calling people “dummies”. He wanted to know if his latest suggestions have made it into the document.

Planner Hodges- No

Bernardi- Wants the comments incorporated.

Chairman Meisel- Stated we are currently in the comment period of the Master Plan review process and it would be inappropriate to make changes now that it has been sent out for comments. He explained the process and the time to make changes would be after the comment period and public hearing. He noted the Planning Commission has already added many of his suggestions into the plan.

Bernardi- Said we mention that SEMCOG believes there will be fewer jobs in the area in years to come and saying that lures developers to the Township.

Chairman Meisel- By State law we are required to allow for certain uses, but by doing so, this allows for reasonable control over development.

Bernardi- Asked about PIRO and heard from previous meetings we were proposing this district and wanted to know if it has become official.

Chairman Meisel- It has not been approved yet. The area proposed for PIRO is currently zoned for various commercial uses and this new designation would simplify the current zoning. We are also changing this to coincide with the Master Plan's current designation.

#### **APPROVAL OF THE AGENDA:**

Lee moved to approve the meeting agenda as presented (Gonzalez seconded).  
The motion carried by unanimous voice vote.

#### **APPROVAL OF THE MINUTES:**

##### **Joint Meeting Minutes for August 14, 2012**

Hodges noted PIRO was misspelled in lines 44, 46, and 51. Recording Secretary Bader will make appropriate changes.

Lee moved to approve the minutes as amended. (Hasbrouck seconded)  
The motion carried by unanimous voice vote.

Lee moved to suspend the order of business to move new business item #1 ahead of old business in view of the applicant's presence. (Hasbrouck seconded).  
Motion carried unanimously by voice vote.

**NEW BUSINESS #1:** Addition to Accessory Structure (total 1200 sq ft) for Paul Phelps

Planner Hodges questioned the height of the additional. Measurements were done at that time and determined it was less than 20'. She felt he met the requirements of the ordinance and this is treated similar to a home occupation.

Chairman Meisel- Started discussion of the yard location and whether or not it met the requirements for accessory structure placement due to it being on a corner lot.

Hodges- Read definition of a front lot line (line between the house and the street where it takes its main access from) and based on that the structure seems to meet the requirements of being in the side or rear yard.

Zoning Administrator Bader- Read definition of a front yard for a corner lot and it sounds like it contradicts the other definition just read.

Hasbrouck- Feels the building does not meet the front yard setback the way he reads it (Accessory structure is currently slightly in front of the house and thinks it needs to be behind that line). He has no problem with the size or parking.

Phelps- Stated the location he picked was because it is hard to get from the driveway for the house around his yard and not get too close to the septic field and has to avoid large pines trees. Indicated there would be no parking at the accessory building, but wanted a driveway on Linden Road for ease of access.

Chairman Meisel- Reviewed other requirements not discussed and feels it meets the requirement for being less than 50% of the primary building.

Gonzalez- Agreed the front yard setback was met. He also thanked Mr. Phelps for his patience during the zoning ordinance amendment process since it started at the ZBA.

Chairman Meisel- He felt the Planning Commission found enough definitions to safely say the structure was in the rear yard.

Lengthy discussion on front yard setback. The front yard definition appears to deal with the front lot line (between main building and street for access as stated in Land Use Permit), in this case Apple Orchard. The building still needs to meet the front yard setback from Linden Road as stated for a corner lot and the building is the required 50'. It seemed to most of the commission that even though the accessory building was slightly in front of the house, it does not impede the front yard and meet the requirements for the setbacks and location.

It was noted that there appeared to be adequate screening since it is on a corner lot. Mr. Phelps showed the tree lines and where he has planted more pine trees to the South. Chairman Meisel stated that would show compatibility with the surrounding area.

Lee- If the building was to be moved it would encroach on the septic field.

Chairman Meisel- Questioned whether this application required a public hearing as stated in the recent amendment. On one hand, the Township has new standards that require one. On the other hand, the applicant has already been to the ZBA for this very structure and his application was recently withdrawn due to the amendment taking affect. A public hearing was already held at the ZBA and there was no public comment on the structure.

Hasbrouck- Questioned if the applicant was turned down.

Chairman Meisel- No, the variance request was tabled as the Planning Commission was working on the amendment since he may not need a variance in the future. Mr. Phelps went ahead and built a structure that meets the current ordinance with the intent of adding on to it. The variance request was then withdrawn when the amendment was approved, and now he is going through this process.

Hasbrouck- Feels if there was no comment at the original public hearing then the Planning Commission should waive a public hearing here.

Chairman Meisel- Stated if the Planning Commission documents their findings and decision, showing the ZBA minutes, then they could waive a second hearing with confidence.

Gonzalez- Moved to approve the application. (Puckett seconded). Discussion:

The issue of the fee was discussed. Bader mentioned the new fee was \$225, with \$200 of that for the public hearing. He has already paid \$400 for the ZBA.

Chairman Meisel- They could waive the fee since he has already paid at the ZBA level and no new public hearing was required. He asked if there should be conditions to the approval.

Hodges- It would not hurt to add conditions about no parking.

Chairman Meisel suggested an amendment to the current motion.

Gonzalez- Moved to approve the addition of 400 sq ft to the accessory structure with the following conditions. (Puckett seconded)

- No parking between accessory structure and Linden Road.
- That the public hearing be waived due to already having held one at the ZBA level.

Motion carried by majority voice vote. (4 yes, 1 no-Hasbrouck)

**OLD BUSINESS #1: Wireless Communications Amendment Recommendation**

Chairman Meisel gave brief review of the amendment and Sally discussed. A public hearing was held during the prior meeting.

Lee- Moved to recommend approval of the amendments to the Township Board. (Hasbrouck seconded)

Motion carried by unanimous voice vote.

**OLD BUSINESS #2: PRIO and Kennel Amendments**

Chairman Meisel asked Planner Hodges to review kennels and keeping of pets first.

Hodges- Reviewed previous discussion at the joint meeting with the Township Board. The Planning Commission defined a kennel to the State standards.

Chairman Meisel- noted Supervisor Cunningham did not agree with the acreage as shown in the proposed chart.

Hodges- The acreage requirements allow a buffer for those on smaller lots where people are closer together.

Chairman Meisel- Feels it is not stricter than surrounding communities. The chart came from five meetings and two public hearings. Other communities are at 2 or 3 dogs regardless of acreage. He seemed to think the majority of the Board would agree if the smallest number on the chart was increased to 3 and went up to 7 dogs.

Hasbrouck- Feels it will cause problems on smaller lots to allow more, but agrees with Chairman Meisel.

Lengthy discussion on the chart and what would be acceptable to the public and township Board.

Hasbrouck- Asked if this chart would apply to the MHP districts. Hodges- Yes

Chairman Meisel- Remembered public comment from last meeting about allowing dogs in commercial areas, such a guard dogs for junk yards or others for security proposes. He stated there were no junk yards in the township and this chart would only apply to residential areas for now. Questioned if the Planning Commission should change anything.

Lee- Recalled the public not wanting a lesser number of dogs allowed. Still comes down to owner control.

Public Comment (Phelps)- The Township requires dog licensing. People could not get more licenses than what is required by the ordinance.

Chairman Meisel- Noted as it is written now there is no language for control of dogs, barking, etc.

Hodges- Read language for constant barking that creates an on-going disturbance and reasonable control of dogs that could be added.

Gonzalez- In light of discussion tonight he would like to see the chart changed to 0-.5 acres having 2 dogs, then .51-2 acres be allowed 3 dogs. Then include the language for control and barking.

It was consensus to have local ordinance to enforce instead of making residents go directly to Sheriff or County Animal Control.

Lee- Asked if barking and control were discussed at the public hearing. Hasbrouck- Yes

Hasbrouck- Suggested sending the changes to the Township Board.

Gonzalez- Moved to recommend the changes to the proposed amendment to the Township Board. (Puckett seconded)

Motion carried unanimously by voice vote.

## PIRO Discussion

Chairman Meisel- The two issues he heard discussed most at the joint meeting were the confusing grading language and more flexibility within the district in regards where activity can be located. He also heard from Trustee Peitz that the minimum of 5 acres in some parts might be a little high. He heard concern regarding what if someone has a parcel that split between PIRO A, B, or C. He reiterated that there is allowance for the Planning Commission to work with the developer using a PUD option which helps to blend the lines and therefore allow more flexibility. He felt near the end of the conversation the Board understood what the Planning Commission's intent was. The ordinance is written to give flexibility if someone comes in and states what they want to do and the parcel they have purchased may not exactly fit the corresponding subsection.

Hodges- Did not think the Township Board at the joint meeting was in such understanding and they wanted even more flexibility and emphasis on performance based standards. She suggested adding some language that stated the lines of the subsection A, B, and C are not hard and fast and that the standards could be modified during the review process.

There was discussion of the reasons why the Planning Commission planned the district the way they did. More intense uses would be on the interior. They would also begin developing the infrastructure which would make it easier for other development to come in.

Grading issues were already addressed and Hodges will make the necessary changes. Developers will be allowed to grade a parcel to allow for a flat building, but while respecting the topography as best they can.

Chairman Meisel- Suggested talking to individual Board members and asking if they have more questions and clarifying the regulations again. Hodges would make the necessary changes that better clarify the flexibility of the standards and they would be reviewed at a later meeting.

Public Comment (Bernardi)- He stated he understands he does not represent everyone in the township. Accused Planner Hodges of "watering down" the PUD ordinance to appease a prior supervisor to allow a prospective developer to do what he wanted with a certain piece of property and the Planning Commission "gave away the store".

Chairman Meisel- Stated PUD is not a zoning district but a process. The Township does not zone property as PUD; it is a process to allow flexibility within the zoning district's standards.

Bernardi- Concerned with the Planning Commission allowing someone to develop an entire area at once and made mention of a construction project on M 59 at US 23 and the dust it created.

Chairman Meisel- Said the avenue to regulate dust is the EPA. The Township does its best to set up standards that protect the residents from a nuisance, but also protect the property owner's right to develop. The Township would not want someone to develop an entire area all at the same time, it would create a mess and be more costly for the developer. Phasing is in the PUD process to allow development in stages. This would minimize the disturbance and allow the developer to build on a schedule. Bernardi stated he did not see that.

Due to the hour, Chairman Meisel skipped ahead to new business items that were more brief.

### **NEW BUSINESS #3: Master Plan timeline**

Hodges reviewed the timeline. Comment period ends October 2<sup>nd</sup>.

Bader- No comments have been received. Will contact Rob at Livingston County Planning to see if they have comments coming.

**NEW BUSINESS #2:** Subcommittee appointments

Lee, Gonzalez, and Chairman Meisel volunteered. Hasbrouck said he could fill in as alternate if Chairman Meisel had a conflict.

A Vice-Chairman was not selected at this time.

**OLD BUSINESS #3:** Accessory Structure Regulations

Will be discussed at a future meeting.

**MISCELLANEOUS BUSINESS:**

- 1) Other Business Items: Chairman Meisel suggested some sort of recognition for the previous Chairman Dave Hanoute and member Ed Kempisty.
- 2) Township Board Actions: Hasbrouck said Fenton Sand and Gravel has been the major topic.
- 3) ZBA Report: None
- 4) Future Items: Chairman Meisel noted the prioritized action list from the Township Board's last meeting.

**ADJOURNMENT:** The meeting adjourned at 9:50 pm

**NEXT MEETING:**

October 9, 2012 - Regular Meeting

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Vanessa Bader, Recording Secretary  
Tyrone Township Planning Commission