

MINUTES OF THE 484TH REGULAR MEETING OF THE  
WEBSTER TOWNSHIP PLANNING COMMISSION  
WEDNESDAY, JULY 18, 2018

The Meeting was called to order at 7:05 p.m. by Chairperson Zamansky at the Township Hall and the Pledge of Allegiance was recited.

WTPC Members Present: Charles Estleman, Andrea Zamansky, John Westman, George Goodman, Tammy Koch

Members Absent: Kay Stremler, Paul Zalucha

Also Present: Martha Zeeb, Randy Raiford, John Kingsley, John Scharf, Barb Caleja and 20 citizens

I. Approval of Agenda: George Goodman moved, 2<sup>nd</sup> by Charles Estleman, to accept the agenda as presented. Motion carried unanimously.

II. Approval of Minutes: Tammy Koch moved, 2<sup>nd</sup> by Charles Estleman, to approve the minutes of the June 13, 2018 Webster Township Planning Commission meeting. Motion carried unanimously.

III. Township Board Report: John Westman reported that the Board approved \$158,250 for a PDR parcel purchase and a loan from the General Fund to the PDR to purchase 2 parcels by December. The Board approved hiring a contract consultant to assist the architect on Fire Hall construction work.

IV. Zoning Administrator Report: Randy Raiford reviewed his Zoning, Property Inspection and Code Enforcement Activity Report dated July 18, 2018 (attached).

V. PDR Report: John Westman related that there is a new vacancy on the Board.

VI. Comments from Citizens: None

VII. Public Hearing on proposed amendments to the Zoning Ordinance regarding inoperable, abandoned and junk motor vehicles and storage of junk abandoned and discarded materials.

A. Andrea Zamansky said this change was due to difficulty for administration to define vehicles and junk vehicles. She opened the Public Hearing at 7:20 pm and related we have not received any written comments.

1. Merri Rose said she grew up where it took more than a year to get the money to repair a vehicle. She felt this proposed change was taking people's property rights for esthetics. If the vehicle was not a hazard, or causing pollution, or life threatening why does the public have any concern? She did not think it was equitable or necessary.

2. As there were no further comments Andrea Zamansky closed the public hearing at 7:23pm.

B. Discussion by the Planning Commission:

1. Charles Estleman said he agreed with Merri Rose as it will be hard to ever enforce and vehicles can be neatly tarped and not be a health or safety factor.

2. Andrea Zamansky said visible blight has a negative impact on neighbor's property value. The Zoning Ordinance has always restricted junk vehicles to not be stored in public view, but the proposed amendment is more lenient.

3. John Westman said this issue was addressed at Randy Raiford's request to make it easier for him to do his job. The Township is changing and residents don't like blight.

4. Tammy Koch moved, 2<sup>nd</sup> by John Westman, to accept Section 2.10, 13.105 A(2) and 13.160.B as written in the attached (Draft Zoning Ordinance Changes re: Junk/Inoperable Motor Vehicles dated 6-14-2018) and recommend the Board accept it. A roll call vote was taken and it passed unanimously.

VIII. Public Hearing on proposed amendment to the Nuisance Ordinance Section 3.4 for Junk, Inoperable and Abandoned motor vehicles:

A. Andrea Zamansky said this is parallel to the proposed changes for the Zoning Ordinance with the intent to loosen restrictions so we can restore a vehicle within a year, or keep a farm truck that is only used on the farm, and help Randy Raiford to enforce. Andrea Zamansky opened the public hearing at 7:35 p.m. and said we have no written comments. As there were no comments from the public she closed the public hearing at 7:36pm.

B. Discussion by the Planning Commissioners:

1. John Westman asked if a tractor is a motor vehicle. Charles Estleman said tractors do not have a registration. Andrea Zamansky said 3.4b says farm machinery is not included so they are not under these restrictions.
2. George Goodman said he knows what a muscle car is but asked, in Section 3.4(b) 2, what is a special interest vehicle? Andrea Zamansky said it was from other Township language and the vehicle is located in public view. In the current ordinance vehicles are to be stored indoors. John Westman said a property can have 2 historic vehicles and 2 less than historic that are being restored. Andrea Zamansky suggested planting bushes or having a fence for neighbors view.
3. Randy Raiford said this is a step in the right direction so he can enforce it.
4. John Westman moved, 2<sup>nd</sup> by Charles Estleman, we recommend the Township Board approve the proposed amendment to the Nuisance Ordinance for Section 3.4 provision regarding junk, abandoned and inoperable vehicles. A Roll call vote was taken and it passed unanimously.

IX. Public Hearing on proposed amendments to Nuisance Ordinance Section 3.6.C.(iv) regarding exceptions to specific noise violations:

- A. Andrea Zamansky said we are removing “Activities permitted by Township actions” and replacing it with one-time, short term temporary uses permitted under Section 12.30 of the Zoning Ordinance.
- B. Andrea Zamansky opened the Public Hearing at 7:55pm and said we have received no written comments. As there were no comments from the public she closed the public hearing at 7:56pm.
- C. As there were no comments from the Planning Commissioners George Goodman moved, 2<sup>nd</sup> by Tammy Koch, that the Township Board approve the amendment to Section 3.6.C.iv of the Nuisance Ordinance as written. A roll call vote was taken and it passed unanimously.

X. Public Hearing regarding proposed amendment to the Zoning Ordinance Sections 2.10, 9.10.B.ii and 9.35.B.viii, and the addition of a new Zoning Ordinance Section 9.12.C.ix on Farm Markets and Farmer’s Market.

A. Andrea Zamansky said currently both Farm Markets and Farmer’s Market are permitted in the Ag and Commercial Districts. This amendment will change it so Farm Market is part of the Ag District and Farmer’s Market is in the Commercial District. This amendment would allow a Special Use in Ag Business of Farmer’s Market.

B. She opened the Public Hearing at 8:00 pm and related that we have received two letters. One is an email from Malaika Whitney (attached), and farmers market definitions from M Rose (attached- dated 7/18/18). Andrea Zamansky said the Webster Farmer Market is grandfathered so if the Zoning Ordinance is changed it does not prohibit what they are doing.

1. Merri Rose said she wrote the letter and asked if the Commissioners had any questions. She was concerned that 50% was a convoluted measurement so she tried to make it clearer. Andrea Zamansky related that the 50% was taken from the State of Michigan Right to Farm Act. Merri Rose said the community is not the State.

2. As there were no further comments Andrea Zamansky closed the public hearing at 8:07 pm.

C. Comments from the Commissioners:

1. John Westman asked to remove the apostrophe from Farmers Market through out as it implies a single farmer and this is really multiple farms so it changes the meaning. Andrea Zamansky will do this.

2. Tammy Koch verified that Jenny’s Farm Market is zoned Commercial so it can do what is allowed in Commercial.

3. Charles Estleman moved, 2<sup>nd</sup> by George Goodman, to recommend the Board approve changes as presented while removing the apostrophe from the word Farmers Market. A roll call vote was taken and it carried unanimously.

XI. Public Hearing regarding proposed amendments to the Zoning Ordinance Sections 2.10 and 9.10.B.ix regarding Seasonal Agri-tourism.

A. Andrea Zamansky said changes were made last September which confused the public so we want to rescind those amendments and replace with clearer language that allows Seasonal Agri-tourism and defines it based on the ZBA decision.

1. Andrea Zamansky opened the public hearing at 8:14 pm and related that we have not received any written comments.

2. Jim Daratony of Cobblestone Farm said there was still confusion and asked if the proposed changes will affect his horse shows. He felt it was an over-reach of government and there were other means such as the Nuisance Ordinance. The Commissioners should not limit our rights on our land.
  3. Phil Fox said Agriculture was an important part of our country's history and the Master Plan strongly supports agriculture. Farming is a tough business and he wants to support family farms so they continue for generations. Farming is the basic business but they need to supplement income to support the family. He does not agree with the "does not include" part of the proposed amendment as he wants it allowed.
  4. Ryan Nixon read his comments (see attached) and said he has been doing Agri-tourism since 2010 and seasonal weddings since 2012. Bruce Pindzia approved the new kitchen and he and the County knew it was for seasonal weddings. Cottonwood Barn became an issue for the Township and now he is in a lawsuit with the Township. Andrea Zamaskey has led the fight against him even though he has turned the sound off earlier. The Township people want to vote but now the Planning Commission is changing the definition. Farm Bureau, Michigan Agritourism Association, and Dept. of Agriculture all include wedding barns and there is a bill in the State to allow weddings in barns. Would we rather have him be a hog farm to support his family?
  5. Steve Savoie said the established Farmers Market is grandfathered so he asked why can't the Nixon wedding barn be grandfathered?
  6. As there were no further comments Andrea Zamansky closed the public hearing at 8:25pm.
    - a. She told Mr. Daratony that these language changes will not impact his horse shows as they are allowed by the Township Board with his special use permit that he applies for events each year. The proposed language creates certainty for the farmer and neighbors, who spend their life savings to buy property, to give peace of mind. It follows the ZBA definition without creating unintended nuisance for neighbors.
    - b. She told Mr. Fox that the Master Plan says Event barns are not allowed and this proposed language is to clarify it.
    - c. She told Mr. Nixon that he told her 2 years ago that he knew wedding barns were not allowed.
    - d. She told Mr. Savoie something can be grandfathered only if it is a legal pre-existing use.
- B. Discussion by Commissioners:
1. Andrea Zamansky said we received potential language changes from counsel we could consider that she just saw earlier tonight. It might be best to add a special meeting to discuss language in detail and decide what is best to recommend to the Township Board. She suggested rescinding what was done last September as it has caused confusion.
  2. John Westman said he was aware of the document from counsel but we haven't had an opportunity to review it. It would have no effect on the comments we received tonight as it is a different way of saying the same thing.
  3. Charles Estelman moved, 2<sup>nd</sup> by John Westman, to recommend to the Board that they rescind Section 9.10.B.ix of the Zoning Ordinance adopted September 2017 regarding seasonal agri-tourism and hold a special meeting of the Planning Commission on Friday, July 20, 2018 at 6pm to discuss and come up with final version of language to recommend to the Township Board. A roll call vote was taken and it carried unanimously.

XII. Public Comment: Brent Savander encouraged everyone to read Section 5.08 of the Master Plan and the survey that is in there.

XIII. Informational Items: None

IVX. Tammy Koch moved, 2<sup>nd</sup> by George Goodman, to adjourn. Motion carried. The meeting adjourned at 8:40 pm.

NEXT MEETING DATE:

Special Meeting: Wednesday, July 20, 2018 at 6:00 p.m.  
Regular Meeting, Wednesday, August 15, 2018 at 7:00 p.m.

Respectfully Submitted,

Tammy Koch, Secretary

EP:mlz  
copy to: J. Kingsley  
B. Calleja  
R. Raiford