

Township of Marshall
Minutes of a Planning Commission Regular Meeting
Held on September 5, 2023

A regular meeting of the Marshall Township Planning Commission was conducted on September 5, 2023, commencing at 7:00 p.m., at the Marshall Township Hall.

Call to Order:

Chairman Egnatuk called the meeting to order at 7:00 p.m. and welcomed those in attendance.

Roll Call:

Present were:

Alec Egnatuk- Chair
Robert Lyng
Phyllis Gresly
Joanna Johnson
David Boshears

Absent was:

Richard Lindsey
Kevin Hoffman

Egnatuk noted that the absences of Lindsay and Hoffman were excused.

Public Comment

Connie Warman discussed rules of conduct regarding township officials. Warman expressed displeasure and asked that rules of conduct apply to township officials and employees. Glenn Kowalske discussed the August 1, 2023, Planning Commission meeting regarding comments made by Commissioner Lindsay. Kowalske read a letter that he forwarded to the Township to the Planning Commission. Kowalske asked that the letter be included in the public record. Kowalske asked that the code of ethics be improved for the Planning Commission and Township Board. Kowalske discussed and recommended several amendments to the solar ordinance and discussed damage to land. Jerry Bosserd discussed changes to the code of ethics and public comment. Bosserd discussed the Next Era solar project and possible violations, including noxious weeds. Bosserd discussed the decommissioning process and expressed concern regarding the removal of the mounting poles from the ground. Bosserd asked the Planning Commission to use microphones so everyone could hear the Commissioners' discussions.

Hearing no additional public comments, Egnatuk said that the letter submitted by Kowalske will be included into the Planning Commissions record and will be available for public inspection.

Approval of Minutes – August 1, 2023

The next item on the agenda was consideration of the minutes of the August 1, 2023, Planning Commission meeting. Several revisions were recommended.

Upon motion of Johnson, supported by Gresley, and 5-0 vote, the minutes of the August 1, 2023, Planning Commission meeting were approved, as revised.

Old Business – Proposed Bylaws

Egnatuk said that the Planning Commission received proposed bylaws, which will be forwarded to the Township Attorney for review.

Public Hearing for Review and Possible revocation of a Conditional Use Permit

The next item on the agenda was the public hearing for review and possible revocation of a Conditional Use Permit for David's Brown Auto Collision, 1333 15 Mile Road, within the Township. Egnatuk opened the public hearing and invited David Brown to address the Commission. Brown was represented by Attorney Thomas Schaffer, who addressed the Commission on his behalf. Schaffer said that Brown has been trying to comply with Township Zoning Ordinance standards throughout the years, and has achieved some compliance. Schaffer said that the subject property has been cleaned up and felt that it would be an extreme measure of the Planning Commission to revoke the conditional use permit. Schaffer said that Brown intends to comply with all ordinance requirements. Schaffer said Brown is unclear regarding all matters for compliance and is asking for clarification. Schaffer asked the Commissioners to inform Brown of examples of non-compliance so Brown can work towards compliance with the applicable ordinances. Schaffer discussed the original site plan, which was approved in 1997 and suggested amending it to satisfying the Planning Commission and to comply with Township Ordinance regulations.

Egnatuk invited an interested person to submit public comment in support of or in opposition to the Planning Commission's review and possible revocation of a conditional use permit for David Brown's Auto Collision. Jerry Bosserd discussed several grievances regarding the Zoning Administrator. Bosserd asked the Planning Commission who filed complaints regarding Brown's property. Bosserd asked who owned the properties surrounding Brown's property. Dwayne Sly said that the Township encourages small businesses and asked the Commission and Brown to work together to reach a resolution. Connie Warman said that she observed the Brown property and didn't see any particular issue with it.

Hearing no additional public comments, Egnatuk closed the public comment portion of the public hearing and the Commissioners entered into deliberation. Paul Anderson prepared a staff report which was contained in the Commissioner's agenda packet and summarized it. Anderson's staff report is part of the meeting record. The staff report summarized the extensive history of the subject property and efforts made to achieve compliance. Anderson discussed the procedure [Section 7-13 of the Township Zoning Ordinance] for revoking a conditional use permit. Anderson

did not recommend revoking the conditional use permit, but instead wanted to work with Brown to set forth a plan towards compliance. Johnson said that the site plan was approved in 1997 and discussed parking and vehicle storage. Johnson and Anderson discussed notices provided to Brown before the public hearing. Johnson suggested that Brown update the site plan. Schaffer and Johnson discussed ways an amended site plan may achieve compliance with Township Ordinance regulations. Schaffer noted that the Township Attorney authored a letter on August 17, 2017, outlining compliance issues, which he thought were addressed. Schaffer, the Commission and Township Attorney, Seth Koches, thoroughly discussed this letter. The Township Attorney's letter was part of Anderson's staff report and the record of this meeting. Lynd said that inoperable vehicles should be stored behind a fence, and noted that there is no fence on the subject property. Schaffer agreed that fencing should be addressed. Egnatuk said that he does not want to shut down Brown's business; the rest of the Commissioners agreed. Koches and Shaffer discussed possible site plan amendments for compliance with Township Ordinances. The Commissioners discussed continuing the public hearing to allow for Brown to obtain a site plan amendment. The Township Attorney and Shaeffer agreed to discuss the site plan.

Upon motion by Johnson, supported by Gresly, and 5-0 vote, the Planning Commission continued the public hearing to a date certain of January 24, 2024, at 7:00 p.m. at the Marshall Township Hall, 13551 Myron Avery Drive, Marshall, MI 49068 for further consideration and review.

New Business

None.

Public Comment

Jerry Bosserd discussed the Next Era solar project and discussed the review process. Bosserd felt the review process was rushed. Bosserd discussed potholes and blight issues. Glenn Kowalske asked the Planning Commission if it plans to correct misstatements by a Commissioner at a previous Planning Commission meeting. Kowalske asked what happens to solar panel supporting poles that are installed and discussed taking measures to protect the land.

Zoning Administrator's Report

Anderson provided a staff report regarding 14201 H Drive North and summarized it.

Planning Commissioner Comments

Johnson discussed MTA webinars and possible solar preemption. Johnson discussed goals of the master plan.

Adjournment

Upon motion by Lynd, supported by Gresly, and a 5-0 vote, the Planning Commission meeting was adjourned at 8:20 p.m.

s/ T. Seth Koches

Seth Koches, Township Attorney