

Baroda Township Planning Commission
Minutes
October 14, 2019

On October 14, 2019 the Baroda Township Planning Commission met in the Baroda Municipal Building meeting room at 9091 First Street, Baroda. Present were David Schultz, Dean Schmaltz, Tom Shafer, Brenda Troxell, Dennis Krotzer, Peter Van Vooren and Barbara Sukys along with Secretary Wendie Shafer, Clerk Christina Price and eleven audience members including Jim Pheifer, Zoning Administrator, Steven Salisbury, owner of Worthenbury Home, Barbara Antonucci, owner of Among the Vineyards B&B, and Attorney for Mark Schutze, Mike Bell. Chairman David Schultz opened the meeting at 6:27 p.m.

The minutes of the September 9, 2019 meeting were reviewed. Dean Schmaltz moved, Seconded by David Schultz to approve the minutes. Vote – all Yes. Motion Carried.

The Building and Zoning Report for August was presented by Wendie Shafer who reported there were building on or zoning permits for 1 re-roof, 1 home addition, and 1 barn remodel and two new homes issued in September – October 10th.

New Business - Chairman Dave Schultz changed the order of the agenda to take care of new business first.

David Schultz asked if any issue were present for the Worthenbury House on Hills Rd. Wendie Shafer read a short letter from Mike Franzese, a neighbor of the property, who said he has no issues with Worthenbury and is glad to see the business in the Township. There were no issues reported. Tom Shafer moved, seconded by Brenda Troxell to approve the continuation of Worthenbury home for the coming year. Vote – All yes. Motion Carried.

David Schultz asked if any issues exist for Among the Vineyards B&B. Owner Barbara Antonucci reported she had had a good summer with the rental. She asked who she should call to have the trees removed, which are growing up in the ditch along Lemon Creek Rd., in front of her property and are blocking the view of her sign. She was instructed to call the Berrien County Road Department. No other issues with the B&B were reported. Dennis Krotzer moved, seconded by David Schultz to approve the continuation of the Among the Vineyards B&B for the coming year. Vote – All yes. Motion Carried.

New Business and Old Business - David Schultz opened discussion on the Special Land Use Permit for Mark Schutze for NIMBY Pond. Many violations of conditions of the SLUP were noted and discussed. It was noted that under condition #1 along with the conditions imposed by the Planning Commission, Mr. Schutze is also responsible for adhering to commitments agreed upon The Police Chief (then Gary Ruhl), and American Power who has an easement and electrical towers near the NIMBY Pond site.

Condition #2 States that there shall be only two one day events allowed during the months of July, August or September. It was noted that Mark had more events than the two allowed. Fireworks and Pumpkin Chunking were mentioned as violations. Condition #3 was not addressed. Condition #4 prohibits overnight camping. It was noted that Mark admitted his help camped overnight. It was reported that an under aged girl was raped or sexually molested

after such an overnight camp out. Condition #5 was not addressed. Condition #6 prohibits motorcycle and 4-wheel activities as planned events. It was noted that Mr. Schutze created a mud bogging area, advertised for and allowed trucks to compete in an event. Condition #7 was not addressed. Condition #8 prohibits sanctioned events. It was noted that Mr. Schutze held charity events on several occasions. Condition #9 says the SLUP is voided if any conditions of the permit are violated and remedied within the prescribed time frame. It was noted the prescribed time frame described in Section 19.01.B.3 of the Zoning Ordinance. Condition #10, #11, #12, #13, #14, #15, and #16 were not addressed. Condition #17 requires a manned first aid tent. Mr. Schutze admitted to not having such at his last race event saying the firemen sit in their truck. He has not verified that they are EMT's. The requirement to have at least two EMT's on site was also part of his agreement with the Chief of Police. It was obvious from the letter from the Baroda-Lake Police Chief's letter that this condition was violated. Condition #18, #19, #20, and #21 were not addressed. Condition #22 states an initialed, dated and highlighted portion of the SLUP is the only portion of the property to which the SLUP pertains. No such photograph is included with the original paperwork for the SLUP. Condition #23, #24, and #25 were not addressed. Condition #26 prohibits Campfires. It was noted that campfires were known to have been on the SLUP site. Condition #27, #28, and #29 were not addressed.

Dean Schmaltz remarked that when Mr. Schutze sold off property listed as part of his SLUP and changed the Property IS numbers his SLUP was automatically voided since the SLUP is described in terms of Property numbers.

Mr. Bell having received a letter enumerating many of the above violations from Township Attorney Charlie Ammeson said he agreed with the violations listed on page two, but not all of the violations on page one. It was requested he write a letter to the Planning Commission and attorney Ammeson specifying the points of agreement and disagreement. He agreed to do so. Mr. Bell asked to have a meeting with Mr. Ammeson, the Zoning Administrator and some Planning Commission members to work out a mutual plan to correct the violations on the SLUP.

David Schultz said there is a choice to call a public hearing to proceed with revoking the SLUP, or we can continue discussion at the next Planning Commission meeting. Dennis Krotzer moved, seconded by Dean Schmaltz to continue with the NIMBY Pond review at the November 11, 2019 Planning Commission meeting. Vote – All Yes. Motion Carried. A meeting between Mr. Schutze, Mr. Ammeson, Mr. Bell and member(s) of the Planning Commission was recommended.

Chairman David Schultz adjourned the meeting at 7:45 p.m.

The next Planning Commission meeting is scheduled for Monday November 11, 2019 at 6:30 p.m.

Wendie Shafer
Baroda Township Planning Commission Secretary