

Baroda Township Planning Commission
Minutes
September 12, 2022

On September 12th, 2022 the Baroda Township Planning Commission met in the Municipal Buildings Meeting Room at 9091 First Street., Baroda. Present were, Chairman David Schultz, Christina Price, Tom Lippert, Dean Schmaltz, Tom Shafer, Barbara Sukys and Peter Van Vooren. There were 4 audience members.

Chairman David Schultz called the meeting to order at 6:31 p.m.

The minutes of the August 8th, 2022 meeting was reviewed. Barbara Sukys made a motion to accept the minutes with the correction of Dean Schultz being changed to Dean Schmaltz, seconded by David Schultz to approve the minutes. Vote – all Yes. Motion Carried.

The Building and Zoning Report for September 2022 was distributed and reviewed by the Commissioners.

Public Hearing – Special Land Use Permit for Benjamin Shoemaker

Opened at 6:35pm

Benjamin Shoemaker was present at the meeting and stated that him as his wife are legally blind and this application is for a hardship of letting a family member put a mobile home on their property to help take care of them and the property as both of their conditions will get worse over time.

Public Comments

Larry Myers – Stated that he lives East of the property and gives his blessings for this application process.
Amy Covington – Stated that she is also a neighbor and has no objections to this application.

Public Hearing was closed at 6:46pm

Deliberation and Action by Planning Commissioners

General Standards-

1. The special land use shall be designed, constructed, operated and maintained in a manner compatible with the character of adjacent land uses. **By Roll Call Vote – Voting Yes; Tom Shafer, Christina Price, Dean Schmaltz, David Schultz, Pete VanVooren, Barbra Barbara Sukys, Tom Lippert. Voting No; None**
2. The special land use shall be consistent with the intent and purpose of the Baroda Township Zoning Ordinance and Master Plan. **By Roll Call Vote – Voting Yes; Tom Shafer, Christina Price, Dean Schmaltz, David Schultz, Pete VanVooren, Barbra Barbara Sukys, Tom Lippert. Voting No; None**
3. The special land use shall be compatible with the natural environment of the site. **By Roll Call Vote – Voting Yes; Tom Shafer, Christina Price, Dean Schmaltz, David Schultz, Pete VanVooren, Barbra Barbara Sukys, Tom Lippert. Voting No; None**
4. The special land use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety and welfare of persons or property through the production of traffic, noise, smoke, odor, fumes or glare. **By Roll Call Vote – Voting Yes; Tom Shafer, Christina Price, Dean**

Schmaltz, David Schultz, Pete VanVooren, Barbra Barbara Sukys, Tom Lippert. Voting No; None

5. The special land use shall be compatible with the capacities of public services and facilities affected by the land use. **By Roll Call Vote – Voting Yes; Tom Shafer, Christina Price, Dean Schmaltz, David Schultz, Pete VanVooren, Barbra—Barbara Sukys, Tom Lippert. Voting No; None**
6. The special land use shall comply with applicable Township, County, State and Federal regulations. **By Roll Call Vote – Voting Yes; Tom Shafer, Christina Price, Dean Schmaltz, David Schultz, Pete VanVooren, Barbra Barbara Sukys, Tom Lippert. Voting No; None**

Conditions-

1. The Township Planning Commission may impose reasonable conditions with the approval of a special land use application and site plan which are necessary to insure compliance with the standards for approval stated in this section and any other applicable Township ordinances and regulations. Such conditions shall be considered an integral part of the special land use permit and approved site plan and shall be enforced by the Zoning Administrator.
2. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.
3. The Planning Commission, at its discretion, may require greater setbacks than otherwise established for the district in which the proposed special land use would be located where it is determined that one or more of the following conditions exist:
 - a) the proposed use will create noise, light, odor or similar potential nuisances affecting adjoining properties, the effects of which could be reduced or eliminated by increasing the separation from those uses;
 - b) adjacent property, even if vacant, is zoned Residential and the compatibility of the proposed special land use with existing or future dwellings could be substantively improved by increasing the setback for the special land use along the Residential property line;
 - c) due to the nature of the special land use, there is the potential threat to the health, safety or welfare of adjoining properties because of traffic, litter, trespassing or similar impacts that could be reduced or eliminated by increasing the separation from those uses; or
 - d) natural features, such as a significant vegetative screen, wetlands or topographic variations that would moderate the impacts of the special land uses could be preserved by modifying the setback requirement.

Conditions Applied from the Planning Commissioners:

1. Based on approval from the Health Department on Septic and Well.

Performance Guarantee-

In authorizing a special land use permit, the Township Planning Commission may require that a cash deposit, certified check, or irrevocable bank letter of credit be furnished by the developer to insure compliance with an approved site plan and the special land use permit requirements. Such guarantee shall be deposited with the Township Clerk at the time of the issuance of the special land use permit. In fixing the amount of such performance guarantee, the Township shall limit it to reasonable improvements required to meet the standards of this Ordinance and to protect the natural resources or the health, safety and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area including, but not limited to roadways, lighting, utilities, sidewalks, screening and drainage. The term "improvements" does not include the entire project which is the subject of zoning approval nor to improvements for which a performance guarantee has been deposited pursuant to Act No. 288 of 1967, as amended. The Township and the project developer shall establish an agreeable procedure for the rebate of any cash deposits required under this section, in reasonable proportion to the ratio of the work completed on the required improvements as work progresses. Said agreement shall be written as an element of the conditions surrounding the approval of the special land use permit.

Did not vote on this.

Chairman David Schultz announced that the Motion was Approved for the SLUP for 1290 W. Hinchman Rd.

Unfinished Business –

- Just Fluck SLUP Renewal postponed until October
- Master Plan update – Christina Price mentioned that there was meeting with Wightman to discuss the start of the Master Plan. There will be information about the previous survey emailed and if the planning commissioners could make notes. There was also concern about the 2010 and 2017 Master Plans and the Planning Commissioners wanted to meet with Wightman to ask questions

New Business –

- **There was a question about the Worthenbury house not being an Air BNB anymore.**
- **There was a question on how the Nimby Pond fireworks went. Christina Price reported that the Chief of Police stated that there was no issues as he was attending the event.**
- **There was a question about the Landon Property and if there has been any news on them applying for a SLUP. Christina Price reported that there should be a SLUP in the near future as she was told by Cindy Jakubs.**
- Audience Comments - None

The meeting was adjourned by 7:55 p.m. The next regular meeting is scheduled for October 10, 2022

Christina Price
Baroda Township Planning Commission Secretary