**TORCH LAKE TOWNSHIP**

**PLANNING COMMISSION DRAFT MINUTES**

**July 13, 2021**

**APPROVED MINUTES 5-0 WITH CORRECTIONS**

**COMMUNITY SERVICES BUILDING**

MEMBERS PRESENT: CHAIR B. STRIDIRON, B. HAWKINS, J. MERCHANT, J. KULKA, B. BUDROS, COLE SHOEMAKER

ABSENT: NONE

OTHERS: S. KOPRIVA, V. HAWKINS

ATTENDANCE: 114

1. **Call to order** at 7:05 pm by B. Stridiron followed by the Pledge of Allegiance

2. **CONSIDERATION OF AGENDA**. Motion by B. Budros to read letter received from Bob Spencer (NW Torch Lake Dr.) to be added to the Agenda. 2ND by J. Kulka. Passes 6-0. Letter from Mr. Spencer reviews purpose of tonight’s meeting to review several Zoning revisions initiated by Mr. Tim Baise regarding the Torchport Airpark. Mr. Spencer states notice of the public hearing; which falls under the guidelines of the Open Meetings Act, has not followed the 15 business day published notice. Details regarding the posting were included with recommendation that tonight’s meeting be cancelled. Further, this meeting should be rescheduled in compliance of Public Notice regulations. Torch Lake Township Attorney Todd Millar addressed concerns of letter. He states; in part, that tonight’s hearing is controlled under the guidelines of the Zoning Enabling Act. This Act states the hearing must be published 15 days in advance. There is no distinction to business days. The notice was published in compliance and details with dates being given. Motion to Approve the Agenda by C. Shoemaker. Second J. Merchant. Passes 6-0.

3. **SUMMATION OF THE PROCEDURES AND RULES**. Chair B. Stridiron provided an outline of tonight’s proceedings. Specific details to purpose of tonight’s hearing were outlined along with ground rules established by the Chair.

4. **PUBLIC HEARING** is open at 7:23 PM with discussion of the Rezoning Request PCA 2021-02 to PCA 2021-34 for Torchport Airpark LLC beginning at 7:24 pm. Applicant Tim (Tracy) Baise spoke to being fulltime residents of Antrim County since 2008 and Torch Lake Township residents since 2018. Spoke to love of area and reason to live here for reason everyone. Historical review included reason for commercial rezoning because of pushback received by the former Torch Lake Township Zoning Administrator D. Graber and Supervisor A. Martel. Specifics to correspondence and discussion that began on October 14, 2020 provided by Mr. Baise. Long time aviation purposes with specifics to runways and displaced thresholds being highlighted. Mr. Baise provided full comments with copies of correspondence, photos and charts for review. Summary of intended usage by previous owners as well as development were provided. Mr. Baise expressed goal to do very minimal changes while trying to preserve the integrity of the airport.

**Correspondence received:** Nancy Squires (nonresident from Milton Twp. asks for consideration with extreme caution), Marcie Jones (Bay View Dr. asks for environmental impact study and caution in approving), Douglas Law (Moulton Rd spoke to Master plan and against application), Dave and Wendy Krohn (Torch Point Ln against application), Stew and Terry Caulfield (Wild Cherry Ln against application), Paul and Nancy Taylor (San Marino Trail against petition), Maureen and Richard Lorenz (Bay Harbor Club Ln against application), Dennis Spillane, DDS (E. Torch Lake Dr in favor of consideration for merit), Ed and Rita Furdak (Bay Harbor Club Ln against), Chuck Bingham (Moulton Rd against), Bob and Bobbi Vitito (San Marino Trail against), Jeffrey and Stephanie Battershall (San Marino Trail against), Deb Graber (Beechnut Ln against), Janet Kitchen (Leech Ln. against), Borsuk Family (Kenneth, Madeline, Bennett and Quinn, Bayview Dr. against), Shelley Reisen (Moulton Rd against), Charles Mueller (San Marino Trail against), Laura Mueller Willard (San Marino Trail against), Judy King (Fisher Dr. against), James and Lauren McCourt (US 31 N against), Steven Martel (Wooden Gate Dr. against), Stacy Wright (against), Ralph and Dianne DelVecchio (San Marino Trail against), Betsy Mayer (Bayview Dr. against), Christine Harvey (Golden Beach Dr. against), Denise Despses (San Marino Trail against), William Dvorak (Moulton Rd against), Susan Coykendall and Steve Patrick (Rose Court against), Chris and Pattie Bean (San Marino Trail against), Susan and Larry Ponemon (Torch View Dr. against), Ron Budros (Bay View Dr against), Dr. Glen and Meg Ackerman (US 31 against), Gela Boebel (Moulton Rd against), Dennis Thorley (Michigan Trail/Bay View Dr. against), David and Donna Miller (San Marino Trail against), Jennifer and Arun Ramasamy (Moulton Rd against), Pamela Anderson (Torch Point Lane against), Shelley and Mike Ellis (US 31 against), Kathy and Karl Dittman (Golden Beach Dr. against), Steve and Joan Szynal (US 31 against), John King (N. M-88 against), Voicemail from Ann Bird (Torch Pointe Lane against), Marianne Jorgensen (Park Ave addressed historical application and approval of previous airpark use, member of condominium association), Lee Marmion (San Marino Trail against), Thomas Joseph (US 31N against)

**Public Commentary:**

John Sala (Moulton Rd) spoke to experience with applicant as a neighbor, FAA violations he witnessed and recent experience of airplane that flew low along shoreline causing extreme concern by residents. Against.

Frank Miller (Easy St) spoke to values reflected in Master Plan, applicant’s behavior and is against.

Bruce Leech (Leech Lane) a private pilot that has flown into Torchport and feels it is not a safe place. Concern for no fuel here in Torchport as well as noise pollution, against,

Steven Szynal (US 31N **written and verbal** comments) spoke as being a pilot that has used Torchport, against,

Mike Corso (Barnes Rd) spoke to purpose of master plan as a guide to use what is best for community as a whole while placing conditions of approval,

Laura Willard (San Marino Trail **written and verbal comments)** against,

Jerry Klinefelter (San Marino Trail) against.

Doug Harrington (NW Torch Lake Dr) Questions if this was a viable enterprise we would not see all the applicant’s additional requirements. Is against application.

Dan Swanson (Bay Harbor Club Lane) speaks to applicant’s business background which includes his other business ventures. These ventures are not consistent with intent of airport. Against.

Thomas Joseph (US 31) longtime member of community that is against application as not in compliance with Master Plan and will submit his letter.

Lee Marmion (San Marino Trail) has letter he will submit and speaks to not receiving notification timely though in close proximity to property in question. Spoke to historical data of property and disadvantage to Deb Graber. Against.

Andy and Kristen Graves (Bay View Dr) Speaks to love of area but caution with rezoning. Once done, it can’t be undone. Suggests that more analysis be completed. Deny application as proposed and complete an assessment that might lead to a new proposal.

Phil Elbert (Leech Lane) opposes any future applications. Adds that this property will change hands over time and once changed cannot turn back.

Deb Graber (Beechnut Lane **written and verbal comments**) speaks to having a target on her back, loves her home and community. Thanks PC and is opposed to this application.

Herb Roth (Bay Harbor Club) spoke to Memorial weekends activities and lack of safety. Zoning changes to C1 very dangerous. Master plan is well written and well thought out that should be adhered. Against.

Grant Mayer (Bay View) has lived in area all his life. Spoke to wondering if Mr. Baise is blaming community for what he has and not vice versa. No one forced his hand to purchase. Against.

MaryAnn Jorgensen, (Park Dr. **written and verbal comments**) said property was zoned completely commercial. States Mr. Baise is not trying to do anything different but just has the wrong application and will be back. Does not appreciate comments of facts that are untrue.

**Commissioners ask questions of applicant and audience**: None

**Airpark Planning Consultant** Steve Langworthy overview and options to Commissioners: Comments from public were very thoughtful and helpful. This is a complicated course in which process is to ensure there is a defensible decision should the case ever need to go to court. All comments and letters will be included in this process. Regarding Master Plan, part of the problem is that it makes no mention of airport. There are mentions of things like character and where development should be concentrated which is on the north end of township. Dependent on the Zoning decision, the mention of the airport will need to be put in place via an amendment with the Master Plan. Permitted use means use can be done without any interference. Special land use defined as needing approval from the planning commission. Nonconforming aspect recently addressed by the Planning Commission with an amendment which strengthens what can and cannot happen in nonconforming issues. Options available offered by Mr. Langworthy upon request of the Planning Commission. Evaluate this rezoning with the Master Plan as it exists or as it may be amended in the future. Not having the airport in there could be problematic. Option to amend Zoning Ordinance to include airport uses in a residential district as a special permit usage. This would allow ability to add specific requirements. Create specific Airport Zoning District. Zoning Enabling Act speaks to this issue. Another option is we can reduce the number of acres for usage. Flowchart describing the process as it relates to applications and provided in handouts for review addressed by Mr. Langworthy.

Public Hearing is closed at 10:09 pm.

**5. Break** begins at 10:09 pm.

Meeting resumed at 10:21 PM

**6. Public Commentary not related to Hearing**

Judy Kulka – Speaks to having a good YOU TUBE for those that can’t attend to review. B. Stridiron spoke to recent improvements to sound system and B. Cook’s continued efforts to improve.

**7. Approval of Minutes** (M/S) B. Budros/J. Merchant motion to approve the minutes from June 8, 2021 and Special Planning Commission Meeting of June 23, 2021 as presented. No discussion. Motion passed 6-0. J. Kulka mentioned he was unable to obtain a recorded copy and the YOU TUBE was unable to be heard.

**8. Ongoing Reports**

Zoning Administrator’s Report – Written report included in packet. B. Stridiron asks if there are any issues with short term rentals this year. S. Kopriva responds that it is continually being monitored.

Planning Commission Representative to Zoning Board of Appeals Report – No hearings scheduled. Completed Annual review of Rules and Procedures, Guidelines and Notice of Appeals form. Reviewed Chapter 20. Copy of draft minutes included in packet

Torch Lake Township Board Representative Report – Copy of draft minutes included in packet. J. Rubingh, County Commissioner spoke to new product available to repair roads. Presentation by Casey Clement of NW Michigan Health Department to discuss water concerns. Review of approved Motions detailed.

**9. Correspondence** – None

**10. New Business -** None

**11. Unfinished Business**

A. Zoning Ordinance Review – Comments from Antrim County

Section 2.19 Antrim County provided 2 comments regarding recreational vehicle as temporary dwelling and storage. S. Kopriva provided overview with recommendation to move forward as discussed to the Township Board.

Chapter 4 – Antrim County provided comments that S. Kopriva feels is not necessary to change.

(M/S) J. Kulka/J. Merchant Motion that the consensus to forward what was previously completed in Section 2.19 and Chapter 4 be sent on to the Board.

**12. Concerns of Commission**

A. Chair – implores that commissioners not engage in discussions regarding proposed changes with public

B. J. Kulka seconds that and mentions when questioned he offers explanation of the process. B. Stridiron suggests that members refer questions to S. Kopriva as the specialist.

C. Consultants: S. Kopriva echoes B. Stridiron’s comments and adds to send email to her department at zoningadmin@torchlaketownship.org. Items must come through the office of the administration to be a part of the official record. S. Langworthy suggests that commissioner’s emails be taken off the website. This would allow correspondence to be official. In chance of litigation, this could become an issue. B. Hawkins mentioned that he did notice he received many emails and did not check distribution. He questions if he can delete emails now with response being no. Discussion ensued with input being requested from Consultant Steve Langworthy with reiteration that emails sent be preserved.

**14. Public Commentary** – None

**15. Meeting adjourned** at 10:45 pm

(M/S) Motion to adjourn by J. Kulka/B. Hawkins. No discussion. Passed 6-0.

Minutes Respectfully Submitted by Veronica Beitner