

Hayes Township Planning Commission
April 19, 2022
Regular Meeting
Zoom ID 836 1621 1385

CALL TO ORDER: Chairperson Roy Griffiths called the meeting to order at 7:00 p.m.

Members present: Roy Griffiths (Chair), Ed Bajos, Steve Bulman, Matt Cunningham (Board of Trustee Representative), Derek Burnett.

Excused absent: Marilyn Morehead, Rex Greenslade (on zoom)

Also, present: Kristin Baranski (Clerk) and April Hilton (Deputy Clerk/Recording Secretary).

Audience: Betty Henne, Tim Boyko, Doug Kuebler, Deb Narten, Nate Narten, Robert Brill, Marilyn Anderson, Esther Brill, Chelsea Mills, Chris Mills, Jim Rudolph, JoEllen Rudolph, Kim Fary, Cory Fergeson, Holly Russell, Ed Russell, Luanne Kozma, Mike Taylor, Summer LaVanway, and Ellis Boal.

PLEDGE OF ALLEGIANCE TO THE FLAG: Mr. Griffiths led the Pledge of Allegiance.

WELCOME NEW MEMBER

Chair Griffiths introduced Derek Burnett as the newest member of the Planning Commission.

REVIEW AGENDA: Mr. Cunningham made a motion, supported by Mr. Bajos to approve the agenda as amended

Yeas: Derek Burnett, Steve Bulman, Ed Bajos, Roy Griffiths, and Matt Cunningham.

Nays: none **Motion Carries**

Added items:

1. Rex Greenslade Report/Affordable Housing
2. Budget Draft

DECLARATIONS OF CONFLICTS OF INTERESTS: None

PUBLIC COMMENTS UNRELATED TO AGENDA ITEMS:

Public comments opened at 7:03 pm.

Comments included:

- Resident expressed that Roy Griffiths has served on the Planning Commission illegally for the past year and needs to be removed
- Resident expressed the desire for the gravel pit in Bay Shore to be restore and replanted and is very upset to see property recently surveyed and learned of a land swap between Reith Reilly and Emmet Road Commission
- Resident opposed to any commercial activity at the gravel pit; opposed to a salt storage unit in Bayshore

Hayes Township Planning Commission
April 19, 2022
Regular Meeting
Zoom ID 836 1621 1385

- Bayshore property is ideal for affordable housing
- Resident involved in lawsuit against Hayes Township; referenced Radio Broadcast from NPR and questioned comments made by Van Zee
- Resident questioning when BRI zoning ordinance was found to not be a fit for Township
- Resident requested clarification on how PUD would work in the Agricultural/Residential
-

Public comments closed at 7:25 pm

APPROVAL OF MINUTES February 15th, 2022 REGULAR MEETING:

Ed Bajos made a motion, supported by Matt Cunningham, to approve the February 15th, 2022 regular meeting minutes as amended.

Yeas: Derek Burnett, Steve Bulman, Ed Bajos, Roy Griffiths, and Matt Cunningham.

Nays: none **Motion Carries**

REPORT OF TOWNSHIP BOARD REPRESENTATIVE TO THE PLANNING COMMISSION: By Matt Cunningham. Next meeting May 9th, 2022

REPORT OF ZONING BOARD OF APPEALS REPRESENTATIVE:

N/A

ZONING ADMINISTRATOR REPORT:

Ron VanZee presented an oral Zoning Administrator Report.

BUDGET DRAFT:

Ed Bajos made a motion, supported by Steve Bulman, to approve the 2022 Planning Commission budget draft to be submitted to the Board of Trustees for consideration.

Yeas: Derek Burnett, Steve Bulman, Ed Bajos, Roy Griffiths, and Matt Cunningham.

Nays: none **Motion Carries**

REX GREENSLADE REPORT

Rex Greenslade report attached to minutes.

NEW BUSINESS-

AMENDMENT TO PLANNING COMMISSION BYLAWS:

Hayes Township Planning Commission
April 19, 2022
Regular Meeting
Zoom ID 836 1621 1385

Ed Bajos made a motion, supported by Steve Bulman, to adopt the Planning Commission Bylaws as of April 19th, 2022.

Yeas: Derek Burnett, Steve Bulman, Ed Bajos, Roy Griffiths, and Matt Cunningham.

Nays: none **Motion Carries**

ELECTION OF VICE-CHAIRPERSON/SECRETARY:

Ed Bajos made a motion, supported by Steve Bulman to nominate Rex Greenslade as Vice-Chairperson/Secretary of the Planning Commission.

Yeas: Derek Burnett, Steve Bulman, Ed Bajos, Roy Griffiths, and Matt Cunningham.

Nays: none **Motion Carries**

REVIEW ARTICLE VII – PLANNED UNIT DEVELOPMENT:

The Planning Commission reviewed and discussed the Preliminary Zoning Ordinance draft of Article VII concerning Planned Unit Development. The Planning Commission will continue work on articles.

OLD BUSINESS:

SET PUBLIC HEARING DATES: Set public hearing for Bayshore Steel Special Use Permit (Accessory Building) for May 17th, 2022.

SET/CONFIRM DATE OF NEXT PLANNING COMMISSION MEETING: Next Planning Commission meeting will take place on May 17th, 2022, at 7:00 pm.

PUBLIC COMMENT: Public comments open 8:11 pm,

- Resident praised the Planning Commission members for their outstanding job they have been doing will conducting meeting and official businesses concerning the recent lawsuits and zoning disputes.
- Residents disapproves of the Planning Commission approving the Planning Commission By laws and appointments at the evenings meeting.
- Resident gave suggestions for additional by laws for the Planning Commission.
- Rex Greenslade made comment into record that he believes that the budget workshop meeting on June 8th 2021 was when they began discussing the BRI Zoning Ordinance and he was absent for the Workshop which is why he does not remember viewing it.

Hayes Township Planning Commission
April 19, 2022
Regular Meeting
Zoom ID 836 1621 1385

public comments closed 8:21

ADJOURNMENT: Ed Bajos made a motion, supported by Matt Cunningham, to adjourn the meeting at 8:26 pm.

Yeas: Derek Burnett, Steve Bulman, Ed Bajos, Roy Griffiths, and Matt Cunningham.

Nays: none **Motion Carries**

Respectfully Submitted by:

April Hilton
Deputy Clerk/Recording Secretary

It is my understanding that Hayes Township is considering spot rezoning from agricultural to industrial the Reith Riley gravel pit parcel on Townline Road that is across from Resort Township's Bay Shore trailer court.


I would like to give the Planning Commission a 30-year history of that parcel.

Bruce Green owned that 30 acre parcel for many years. Elders in the area cannot remember it ever being farmed. It was always in their memory a fallow field.

Around 1988, Bruce sold the 30 acres to Hodgkiss and Douma (H&D), now Reith-Riley. H&D applied to mine gravel on that parcel. The Township Planning Commission and Township Board denied the mining permit because they thought that mining activity was inappropriate with the Village of Bay Shore across the street and more residential housing close by

H&D sued members of the township board and planning commission individually for \$10,000 each, alleging a violation of the Open Meetings Act. The board quickly capitulated and granted H&D a permit to mine with no restrictions on the operation.

The Bay Shore community formed Concerned Citizens for the Bay Shore Area (CCBSA). They hired a lawyer and Bay



Shore residents filed to be granted intervenor status against the Township's settlement for gravel mining that 30 acres and additional land.

At considerable legal expense, the intervenors succeeded in getting many restrictions placed on the gravel mining operation on the Green parcel as well as additional parcels West of the original 30 acres. Examples are restricted hours of operation, no rock crusher on site, all ingress and egress had to be from US 31, not from Pincherry, Townline, or Petoskey Street.

Another critical condition regarded the additional Paragraph 15 property which was located at the headwaters of the Horton Creek. This Paragraph 15 part of the Consent Agreement spelled out conditions and restrictions including no mining into the water table.

The Consent Agreement allowed H & D to mine the site for 30 years. The 30 years expired in 2019. The remaining gravel on the land South of Pincherry Road appears not to be mined.

The Consent Agreement stated that H&D must regrade and restore the original topsoil on all mined property. The agreement also stated that the 30 acre Green property would be divided into four 10 acre parcels for

residential use, the maximum allowable under zoning at that time.

In 2019 JoEllen Rudolph gave a presentation to the township board on the history of the Consent Agreement, specifically that the 30 year agreement to mine was expiring and restoration should be initiated.

With residential use on all four sides of the mine, the intervenors never would have entered the Consent Agreement if the implication was that after 30 years the parcel would be spot zoned to industrial or commercial.

Given the critical lack of affordable housing in the two-county area, the Green parcel is an ideal location for housing.

Petoskey School buses already come to the trailer park across Townline Road. The location is approximately equidistant from Petoskey, Boyne City and Charlevoix and would accommodate residents working in any of the three cities.

Any other zoning of this property is certainly spot zoning and seriously imperils its future residential use and is discriminatory against the village residents.



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Tonight meeting!

1 message

Danelle Hutcheon <dhutch3547@gmail.com>

Tue, Apr 19, 2022 at 12:23 PM

To: clerk@hayestownshipmi.gov, LuAnne Kozma <luannekozma@gmail.com>, Deborah Narten <dlnarten@gmail.com>

I requesting that this email be read out loud and put in the minutes of the meeting tonight. Thank you

Firstly,,,,,i am again requesting that Roy Griffiths not be re-appointed or remain on the board. AS a board member he should be know , and uphold the laws and rules of participating on a board, and the proper way to conduct meetings and do business. He clearly does not, as he has been serving on the board illegally and voting on issues illegally. This is not in the best interest of Hayes Township, or its residents.

Secondly,,,,, The EMS is not in the township budget. There was a separate Millage brought before the residents of Hayes Township, we all voted on it and it was passed. That millage goes directly to Lake Charlevoix EMS Authority. Mr Van Zee did not speak correctly on public radio, implying the township cannot enforce its ordinance because it has other budget priorities such as this.

Thirdly,,,,,Mr VanZee doesnt care about the lake as he proclaims. He showed pictures of waterfront infractions to the the shorelline protection strip. Noting they were not on his watch! He blatantly forgot to show the Law Property and its paved road to the lake among other protection strip infringements!! That was done on your watch Mr VanZee!!

Danelle (Dee) Hutcheson
Hayes township resident

Danelle (Dee) Hutcheson
Hayes township resident

Date: April 19, 2022

To: Kristin Baranski, Clerk and Members of the Hayes Township Planning Commission

From: Bill Henne, Former Planning Commission and ZBA Chair

Subject: Comments for Planning Commission Meeting Tonight

Kristin, please read the following comments at the Planning Commission (PC) meeting tonight and include them with the minutes. Also, please distribute it to all members of the PC.

Roy Griffiths has been serving on the PC illegally since he was appointed to the position of Assistant Supervisor, in violation of the Zoning Enabling Act, last year, until he was reappointed to the PC at the last township board meeting. This is a serious issue that must be addressed. None of the decisions or votes that Roy made in that time period can be considered valid because he was not a legal member. All conversations and decisions that he made with other parties, such as Beckett and Raeder and others, must be considered invalid. All meeting payments must be returned to the township since he was not a member of the PC. The rewriting of the Beckett and Raeder draft of the proposed changes to the Hayes Township Zoning Ordinance that Roy and Ron Van Zee have been redoing and submitting to the PC members must be discarded because Roy was not a member of the PC.

I have the following comments on proposed changes to the bylaws:

1. Sec. 6.4 QUORUM You are proposing to eliminate the last part of the paragraph after "Open Meetings Act". This is important language and must be retained.
2. Sec. 7.4 VACANCIES You are proposing to add a sentence that would be illegal. The PC cannot make appointments to the PC. Only the township board can do that.
3. Sec. 8 CONFLICT OF INTEREST You are proposing to completely change the wording of this section so that it would not protect the PC and the ordinance in the way that was intended. Are you trying to provide cover for certain individuals here? This is unacceptable.
4. Sec. 8.2 DECLARED CONFLICT OF INTEREST You are proposing to remove this section completely and are not even bothering to adjust the number sequence. Why? Again, this is an important section. It helps to keep members honest. Is there a current member who may want to hide something?

I would like to know whose idea it is to make these proposed changes and why this individual wants to make any changes to the bylaws at this time. In my opinion, all of the proposals are wrong, are misguided, are counterproductive and, in one case, illegal.

I request that you reject all of them.



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Letter to Zoning Board of Appeals re Boat House Project

1 message

sgdamm2002@gmail.com <sgdamm2002@gmail.com>

Sun, Apr 17, 2022 at 4:50 PM

Reply-To: sgdamm2002@gmail.com

To: clerkhayestownshipmi@gmail.com

TO:

Hayes Township ZBA, Trustees, Planning Commission, and Zoning Administrator:

While I cannot argue the details of the Laws' Boat House plans, I can say from my experience on the Planning Commission and my knowledge of Lake Charlevoix, that the scope of this project is absolutely not in line with Hayes Township Zoning Ordinances and that it will be dangerous to the health of the lake.

In addition this project is not in anyway of benefit to Hayes Township nor Lake Charlevoix. This project, if fulfilled, will be a net negative to the lake and set a dangerous precedent.

The Hayes Township Long Range Plans and the Zoning Ordinance were written and modified over the years with a major focus of protecting the lake and the rural ambiance of our township.

It is the health of the lake that is essential to the local economy. Please do not sell it out.

I urge the ZBA and other officials to strictly enforce the Hayes Township Zoning Ordinance and observe the spirit of the long range plan.

It is appalling that there is even a hint that big money can buy the right to degrade the lake and the surrounding lands.

The ZBA and all officials must follow the law and act ethically. That is their public trust.

Sincerely,

Sara Gay Dammann

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Sara Gay Dammann

email: sgdamm2002@gmail.com