

BENTON CHARTER TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
October 6, 2022

Members Present: Jack Caughey, Jeff Locke, Ben Kudwa, Maureen Sorbet and Barbara Wickerham

Absent: Chris Tennes and Dave Falsetta

Others Who Attended the Meeting:

Gary Suits-Benton Township Supervisor, Tammy Foster-Zoning Administrator, plus additional attendees. Please see attached list.

Call to Order

Chairman Jack Caughey called the meeting to order at 7:00 p.m.

Pledge of Allegiance: Chairman Caughey led the meeting with the Pledge of Allegiance.

Meeting Minutes Approval:

A motion was made by Maureen Sorbet, supported by Jeff Locke to approve the minutes of September 8, 2022. Motion carried 5 ayes; 0 nays.

A motion was made by Barb Wickerham, supported by Jeff Locke to approve the minutes of September 15, 2022. Motion carried 5 ayes; 0 nays.

A motion was made to approve agenda by Ben Kudwa, supported by Maureen Sorbet. Motion carried 5 ayes, 0 nays.

Public Comment Non-Agenda Items: None

New Business:

a. Special Use Permit (SUP) 2022-001 for 3361 Lansing Road for Gunsmithing per Ordinance Section 8.02.2:

Tammy Foster, Zoning Administrator, provided the Commission with findings for the SUP request.

Chairperson Caughey opened the public hearing. Each person should state name and address and has three minutes to speak.

Tom DeVries, 4581 Windsor Hwy: Questioned location of facility.

Patsey Bushnell, 5094 Windsor Hwy: Asked if just for repair services or are there any safety issues?

Cheryl Hughes, 3097 Lansing Road: Concerns for rental residence. Does not want a shooting range.

Chairperson Caughey closed public hearing.

Permit applicant, Oscar Mejia, spoke briefly regarding questions. Most of work will be cleaning of firearms and repairs. If need to shoot, by law, he has a certified bullet trap.

Barb Wickerham moved, supported by Jeff Locke, that the Benton Township Planning Commission recommend approval of SUP2022-001 to the Township Board, for the Oscar Mejia II Special Use Permit for an additional gunsmithing use at the existing commercial garage facility located on parcel #070-026-300-591-02, for the following reasons:

1. The request meets the general standards for Special Use Permit found in Section 14.05 of the Benton Township Interim Zoning Ordinance dated February 14, 2022.

Subject to the following stipulations.

1. The applicant and/or owner shall provide the Township with copies of other approved required permits including, but not necessarily limited to, the issued Federal Firearms License.

2. The permitted hours of operation for this SUP are to be the same as those stipulated under the existing Eaton County Conditional Use Permit which are, Monday-Friday 7 a.m. to 6 p.m. and Saturday 8 a.m. to 3 p.m.

3. Failure of the applicant and/or owner to comply with any of the provisions required by Benton Township Zoning Ordinance, or any stipulations required by the Benton Township Board in granting the Special Use Permit, shall constitute grounds for termination of the Special Use Permit by the Benton Township Board.

Roll Call Vote: (5 yes) Ben Kudwa, Jeff Locke, Maureen Sorbet, Barb Wickerham, Jack Caughey. (0 nays).

b. Special Use Permit 2022-002 for 5015 Windsor Highway for Automotive Repair Facility and Used Vehicle Dealer per Ordinance Section 8.02.2.

Tammy Foster, Zoning Administrator, provided the Commission with findings for the SUP request.

Chairperson Caughey opened the public hearing. Each person should state name and address and has three minutes to speak.

Todd Richards, 4772 Windsor Hwy: Concerns of appearance of outside site, dumping toxic waste, is there soil contaminated already?

Ann Robertson, 5043 Windsor Hwy: Concerns of appearance, bring down value of home, time of operation, number of cars, working outside and traffic at night.

Bruce Robertson, 5043 Windsor Hwy: Concerns of run-off, noise, hours and dropping off of vehicles.

Bob Holmberg, 5093 Windsor Hwy: Concerns of run-off and soil and water contamination.

Tom Metts, 4787 Windsor Hwy: Concerns regarding property value.

Tom DeVries, 4581 Windsor Hwy: Concerns of water contamination.

Melissa Smith, 4888 Windsor Hwy: Concerns of water contamination and eye sore.

Jacob Buboltz 4754 Windsor Hwy: Concerns regarding fence on property and site distance for roadway.

Gilbert Smith, 4888 Windsor: Concerns with parking and what applicant might do behind fence regarding illegal procedures. Question regarding possession of gas pump.

Melissa Smith, 4888 Windsor: Why not shut down building.

Gary Suits, Benton Twp. Supervisor: all liquids are sold off site and Robert Bashore, Zoning Enforcement Officer has had contact with applicant.

Dave Paszboush, 4746 Windsor Hwy: Allotted time applicant has to be in compliance.

Nancy Saites, 5377 Windsor Hwy: Concerns advertising on Facebook say open to public for business.

Chairperson Caughey closed public hearing.

Tammy Foster informed the Commission that the applicant could not operate without site plan approval. Site plan approval, if granted, is valid for one year.

Mr. Elijah Mercer first apologized for operating a business without appropriate approval. He provided the Commission with a hand out and said that Brandi Miller would speak as his representative. Mr. Mercer plans on discontinuing business until requirements are complete and will have outside vehicles hauled away within ten days.

Jack Caughey made a motion, supported by Jeff Locke recommending approval of the SUP 2022-002 for auto repair with additional use of a wholesale dealership. Roll call vote: (5 yes) Jack Caughey, Ben Kudwa, Jeff Locke, Maureen Sorbet, and Barb Wickerham. (0) nays.

Maureen Sorbet made a motion, supported by Barb Wickerham to amend original SUP 2022-002 for auto repair to include Class D Broker and Class W Wholesales with no vehicles on site. Roll call vote: (5 yes) Maureen Sorbet, Barb Wickerham, Jeff Locke, Jack Caughey and Ben Kudwa. (0) nays.

Maureen Sorbet made a motion, supported by Jack Caughey to deny SUP for used dealership because minimum lot size in ordinance is not met. Planning Commission stipulates if a variance of lot size is approved by Zoning Appeal Board a future required Special Use application fee will be waved and an escrow amount will be set based on anticipated review costs. Roll call vote: (5 yes) Maureen Sorbet, Jack Caughey, Jeff Locke, Ben Kudwa, Barb Wickerham. (0 nays).

Applicant Elijah Mercer requested that persons who attended this meeting be notified of next meeting pertaining to this SUP.

Additional Comments:

Jack Caughey read a letter from Dave Falsetta, dated September 22, 2022, giving his resignation for serving on the Commission Board. He has chosen to sit on the Benton Charter Township Board instead. Thank you, Dave, for you service!

Next meeting: December 8, 2022

Adjournment: A motion was made by Maureen Sorbet, supported by Ben Kudwa to adjourn. The meeting was adjourned at 9:30 p.m.

Attachment: Names of attendees for October 6, 2022 Commission Meeting.

Meeting minutes by: Barbara Wickerham, Planning Commission Secretary