

Banks Township Planning Commission

Regular Meeting Minutes

December 14, 2023

1. Meeting was called to order at 6:00 p.m. by Chairperson R. Diebold
 - a. Present were J. Waterman, F. Hersha, P. Howes, A. Hoeksema
2. Recognition of Guests and Visitors
 - a. Kurtis Busman, Zoning Administrator, Ken Lake, consultant – Beckett & Raeder, Cindy Busman, recording secretary. Also present: Mike and Sharon Comito, Marv Rubingh, Todd Essenberg, Alex Busman, Brian Fleming, Atty Peter Wendling
3. MMS J. Waterman, P. Howes to accept the October 10, 2023 minutes as written. Motion carried
4. Announcements and Correspondence
 - a. An email was received from Ken and Mary Schneider. All PC members have received the letter.
5. Public Comment
 - a. None. R. Diebold spoke about the role and charge of the Planning Commission
6. Standing Reports
 - a. Zoning Board of Appeals: has not met since the last PC meeting
 - b. Zoning Administrator: Kurtis Busman – permit activity has slowed. Answering questions as they are received
 - c. Township Board representative: Julie Waterman highlighted the minutes from the October and November township Board meetings.
 - d. Planning Consultant: Ken Lane – provided packet
7. Unfinished Business
 - a. Proposed Zoning Ordinance amendment “#6 of 2023” re: Section 4.08 Recreational Vehicles – After receiving the proposed ordinance back from the Township Board, the PC held more discussion in October. Ken Lane reworked the proposed ordinance and the members discussed the revisions. The proposed ordinance will be posted on the Township website. Ken will rework and present at the January meeting.
 - b. Special Use Permit #1-2023 re: Section 8.03.12 Extraction
 - i. Section 9.03.2 Fees – Ordinance provides for establishment of an escrow account when a Special Use Permit requires professional expertise and the \$400 fee will not be adequate to cover the expense anticipated. MMS P. Howes, J. Waterman that the Planning Commission finds it necessary to enlist professional assistance in the “review of the application” and/or “participation in the review process” for SUP #1-2023; and further the Planning Commission finds that the basic zoning fee of \$400 for review of SUP #1-2023 will not cover the actual cost of review and participation in the review process; and further that based on estimates provided by a professional planner, a practicing attorney, and a certified geologist the Planning Commission finds that the initial estimated additional costs will be \$12,000. Motion carried

- ii. Professional Reports – Beckett & Raeder identified deficiencies in the application thereby not meeting ordinance standards. Recommend providing a copy of their report to the applicant so they can address the deficiencies. Pangea Environmentals also provided a report finding deficiencies in information needed to review the reports provided by the applicant. They recommend a geological study and also that their report should be furnished to the applicant so the applicant can provide required information. MMS P. Howes, F. Hersha to accept the Beckett-Raeder Planning Review and the Pangea Environmental Preliminary Hydrogeological Assessment of SUP #1-2023 and provide copies to applicant and inform them the review process cannot occur until all missing, insufficient, and/or inadequate responses, information, and deficiencies outlined in these reports are satisfactorily remedied in the application. Motion carried.
 - iii. Review of Ordinance Section 8.03.12 Sand & Gravel Extraction – The existing Township Ordinance was enacted prior to the Zoning Enabling Act. Discussion of a moratorium to review and amend the existing ordinance as appropriate to comply/align with requirements. The usual process of Public Hearing, etc. would be followed putting review of any new applications on hold and deferring any review of pending applications for the length of the moratorium. MMS R. Diebold, A. Hoeksema to call for a public hearing for Moratorium Ordinance. Roll call vote: R. Diebold- aye, J. Waterman- aye, F. Hersha- aye, P. Howes- aye, A. Hoeksema- aye. Being all ayes, motion carried. A Public Hearing will be held on January 9, 2024 at 6:00 p.m. Notice will be posted on the Township website, at the Town Hall, and in the newspaper.
 - c. Master Plan 5 year Revision
 - i. Continuing discussion
8. New Business
- a. Temporary Moratorium Ordinance – see above
 - b. Ad-Hoc Committee – no action
9. Public Comment
- a. Marv Rubingh commented on the SUP application
 - b. Mike Comito commented on the Recreational Vehicles ordinance changes
 - c. Sharon Comito commented on the Recreational Vehicles ordinance changes
 - d. Alex Busman commented (as a private citizen) on both the SUP application and the Recreational Vehicle ordinance changes
10. Next Meeting: Tuesday, January 9, 2024 A Public Hearing will be held at 6:00 p.m.
11. MMS J. Waterman, P. Howes to adjourn. Motion carried. Meeting adjourned at 8:20 p.m.