

Vergennes Township Planning Commission

Monday, August 31, 2009 (September Meeting)

Approved 10/5/09

The meeting was called to order at 7:15 pm by Jernberg, chairperson.

Roll Call – Baird, Gillette, Jernberg, Medendorp and Makuski were present. Post and Mastrovito were absent.

Motion to approve the minutes from the August 3, 2009 meeting by Gillette, 2<sup>nd</sup> by Makuski. Motion carried.

Approval or changes to agenda - Motion to approve agenda by Gillette , 2<sup>nd</sup> by Makuski. Motion carried.

1. **Proposed Amendments – Lighting – Public Hearing:**

**Explanation:** Brian Wegener of Williams and Works: Two main concerns with current lighting standards. Flood lights should not intrude onto neighboring properties/streets and residential house/door lights ordinance is too restrictive. The following proposed changes – softened requirement on house fixtures to be partially shielded instead of fully shielded. Light pole height limitation raised from 14 to 16 feet above grade and set back from property line by one foot for every one foot of height. Industrial is now 20 feet except when located within 200 feet of a residential property or district. Then it shall remain at 16 feet. Received comments from Vergennes Open Space committee which were reviewed by Brian in a memo dated August 31, 2009.

Vandersloot – Building code requires light next to or above exterior door. Most new homes in the Township do not meet ordinance – are putting up lights to match the homes for decoration and light source. Allow partially shielded via translucent glass, etc. Suggestion from Open Space Committee did not specifically address this problem.

Public Hearing opened at 7:22pm. Steve Platt -11171 McPherson, Lowell – Represents Open Space Committee. Not their intent to do away with decorative lighting on houses. Section 201.413A, Paragraph B2, (b) refers to flood lighting. They reorganized wording in lighting ordinance and copied what Lowell Township had in its ordinance. The committee added some definitions of decorative lighting, exterior lighting and light trespass. They feel this is easier to understand and read.

Bill Schreur , 538 Flat River Drive, Lowell – two light fixtures commonly used are flood lights on back of house, typical coach light on front of house. There is a hood on top of it. Are these lights illegal under proposed ordinance?

Jernberg responded – coach light as being discussed is acceptable under ordinance – no neon lights, etc... Downward shine is required. It is not for lighting up front yard. Glass must be opaque, colored or frosted. The type of bulb has no bearing on the type of fixture used in determining if it glares or not. Flood light on back porch must have light end at property line. The bulb must be fully shielded, tilted down but can use whatever bulb. A flood light as Schreur is speaking of is not shielded. The top of the bulb or fixture is actually used to reflect the light outward. Shield focuses light as it comes off the light source. Cannot see bulb but is still lighting area. Coach light is lower wattage, lower intensity. Bill disputed external shield on flood light bulb and how is it different than coach light.

Direct line of light must be shielded from property line. Light going horizontal or up is not ok. So he cannot use a plain flood bulb, no. If bulb is shielded by inside of soffit, ok per Jernberg. If bulb comes below soffit, not allowed. Is there any way to meet ordinance with different type of bulb? Regardless of bulb, there is glare. Bulbs must be shielded.

Luke Klein, 1050 Parnell – Section B2 – Where is mercury vapor light requirement? For yard lights, etc...page 4 – definition of fully shielded.

Steve Hanson – 12415 Downes, Lowell - has there ever been complaint on residential light? Builder will be one paying for lights, not potential homeowner. Never been complaints on front of house, only about flood lights. Why is it being addressed now, with no complaints? Scott stated we are being proactive. You could use decorative lights across back of house instead of flood lights. Only reason is cost per Steve. Jernberg – first draft was too restrictive. Now have revisited and are trying to be more flexible with residents. Three years ago market was not an issue. Because of prices, cost of lighting is an issue. Looking to work with night sky requirements, etc. The new ordinance is something that Vandersloot can enforce. Bottom line is that there have never been complaints so why are we changing it? Jernberg – we are not waiting to have it brought to our attention. We are trying to be proactive.

Steve Platt – easy way to resolve is to put a dimmer on it. Coach lights don't need a dimmer, they have to be shielded or opaque.

Vandersloot – drove around to see newer homes in last couple years. 90% of homes have coach lights and could see bulb. Colored/opaque glass ok. Most house lights are in violation of previous ordinance. New ordinance will allow almost all types of lights currently on homes, except clear glass or open bulbs.

Kate Dernocoeur – Fero Road, Lowell. Thanks for looking into this issue. Many people still want to protect the night skies vs their pocketbook. Part of our purpose is to protect environment. Showed picture of night time shielded/unshielded lights in community. Definite difference. Not difficult to shield lights if in ordinance or not. Also experienced last year – changed bulbs from regular to blue cast/spiral light felt like large store parking lot. Blue cast fluorescents are much more invasive.

Close public hearing at 7:55pm.

Open to Commission for comment – Makuski motioned to accept ordinance as per Brian’s draft, seconded by Medendorp. All approved – present to Township Board for approval at their next meeting on September 21, 2009.

Steve Platt questioned adding definitions per the Open Space suggestion. Per Brian, the Township Board could add those definitions at their meeting if they so desired. Items can be added or changed by the Board.

- 2. Proposed amendments for Recreational facilities** – Brian of Williams and Works discussed possible changes to ordinance. Commission was given homework to review what they think should be included in ordinance for recreational facilities. Rubric from Brian lays out what we currently have on page 1 and on page 2 shows breakdown of what we could work with in new ordinance.

Parks are only allowed in R1-R2 in current ordinance. They are usually allowed anywhere. Horse arena would be agricultural use to avoid making current horse operations such as Meadowview nonconforming.

Brian did very nice job on this layout per Gillette.

Jernberg, add soccer, baseball and softball , lacrosse, etc... to rural recreation areas as well as commercial. Anything in rural should be in commercial.

Paved road – required for developed park, not needed for hiking trail, etc...Depends on activity there. Unimproved park does not require paved road.

Not sure of people count – anything out that Brian has seen for counts? If we limit size of building, may limit number of people. Baird felt a private road may be needed if several soccer fields, etc...Would have to have off road parking, etc. Brian suggested limiting number of parking spaces. They could park on grass...etc...Vandersloot could check out if complaints. Rick thought if this is Special Exception Use, we could determine parking/road issue before Planning Commission. Is there some formula we can use, ie the schools have something for their sporting events. Yes per Brian. He can look into it for next meeting.

Per Gillette, go forward with our comments and Brian’s template and draft an ordinance. We can tweak from there. Look at parking limitations vs limitation of people. Use state requirements as a starting point. Is there a minimum acreage on horse arenas? None currently. Strike last line about arenas since they are considered agricultural uses. Will review for polo fields, etc. due to horse trailers, etc... will look at separately.

- 3 IMPLEMENTATION OF MASTER PLAN MAP** – Set public hearing – next month’s agenda may have a couple of public hearings. To do public hearing on exhibit 2, after public comment, may want to remove a couple areas. Can always take away, cannot add parcels. Gillette motioned to set public hearing for October 5 meeting, seconded by Makuski. Brian felt it would be best to fill out a rezoning application for this request. Chairperson should sign so we have a paper trail and future

Commissions can see why we did it. Medendorp abstains. All others approve motion. Motion carried.

**4. Vacant lot accessory buildings** – Current ordinance does not allow accessory buildings on parcels without a house. Township Board thought it would be good to have an ordinance to allow these types of uses since two residents have asked to do this on their adjacent lots that they own. If we allow and the property sells would have to sell lots together. For garden/storage shed, Gillette states, that could be picked up and moved. There should be definition for portable sheds. If you stay within setbacks, stay behind any potential house. Portable sheds should be allowed as permitted use. Jordan Meadows home resident wants to put accessory building on property across road. Two separate parcels. They cannot combine due to it being a site condo development. Their neighbors have given approval to put up a building on the lot that won't sell due to the power-lines running through the middle of it.

Commission went over ordinance language provided by Brian of Williams and Works. Change 4.02 B to read in "RA district only", remove other districts from definition. For minor accessory buildings, #1 is ok, #2 should read "to be considered adjacent, the two parcels shall share a common boundary". The balance of the paragraph with regard to minor accessory buildings is taken away. #3 only refers to minor buildings when property is sold, the building must be moved/removed. #4 and #5 do not apply to minor buildings.

For a major accessory building, is ordinance really needed? We have similar language for vacant farm lots. That similar language could be used here as well. Could also use ZBA language defining a hardship to allow these types of buildings.

Brian should revise draft with these suggestions for the Commission to review by Friday to see if captured as they wanted. Public hearing will be set for October 5, 2009. It can always be cancelled if not ready to act on it. This will speed things up for the homeowners trying to get the building up before the frost. Gillette motioned to set public hearing for October 5, Medendorp seconds. Motion carried.

**5. Cannon Township Master Plan** – Commission agreed to have Jernberg review Cannon Master plan and report back on his findings. He has not had time to review the plan.

**6. Otisco Township review Draft Master plan update** – Jerberg did not have time to review this one either.

Both items (#5 and #6) are tabled to the next meeting.

**General Public Comment time** – no comments

**Meeting adjourned** at 9:20 pm by Gillette, seconded by Makuski.

The next regularly scheduled meeting is October 5, 2009.

Submitted by Janine Mork