

Port Sheldon Township Planning Commission
July 26, 2018

Van Malsen called the meeting to order at 6:04 p.m.

PRESENT: DeLeeuw, Monhollon, Petroelje, Stump, Timmer, Van Ginhoven, Van Malsen

STAFF: Davis, Moore

ALSO PRESENT: Township Deputy Alex De Jong

Motion by Van Ginhoven to approve the minutes of the May 23, 2018 minutes, supported by Monhollon and carried.

COMMUNICATIONS:

Request from Peter Krupp to be on the agenda to discuss Sandy Point Beach House. Christa Campbell and Geoff Gaskin from SPBH were present to talk about recent issues with noise. There is outside live entertainment in the summer. Several neighbors shared complaints about the loud music with Davis, the township supervisor and have called the Sheriff's department. SPBH wants clarification of the noise ordinance and their Special Use Permit. Moore explained that in 2012 the Planning Commission approved the special use permit to reopen the restaurant with liquor license with a condition that noise generated shall not be greater than 60 decibels at the property line. In 2017 the Port Sheldon Township Board approved a new noise ordinance. The new ordinance intentionally does not include decibel limits. Instead it uses general terms like excessive and prolonged. The noise ordinance is a general law ordinance and would apply equally to the entire township upon adoption. No "grandfathered" or "legal nonconforming" rights would apply. There was much discussion among the board members and staff about what rule applies and if one supersedes the other. Davis stated that there have been many complaints from neighbors when there is live music outside on the weekends. Deputy De Jong stated that the music is too loud at times, from the roadway, property line and even can be heard on Pigeon Lake when he does marine patrol. Gaskin responded that he does not want music to be too loud. In addition, he stated that they knew which bands caused the complaints and one of them is not going to be invited back. Davis explained that both the current noise ordinance and the language of the condition in the special use permit apply. Campbell asked what would happen if there was another complaint. Officer De Jong stated that a citation will be issued if it is determined that the noise ordinance has been violated. Davis added that continued noncompliance could also result in the Planning Commission revoking the special use permit.

NEW BUSINESS:

Application for Special Use Review from Lakeshore Sand LLC for the sand removal project on parcel #70-11-12-100-031. Phil Brewer from Lakeshore Sand was present. Davis had one complaint this year about de-watering in spring when water was high. The applicant addressed it by moving where they were working. Brewer stated there is high traffic on Croswell St. due to a large job at Consumers Energy. No action by the commission is necessary; Davis will monitor complaints and the commission will continue to review the project annually.

Van Malsen adjourned the meeting at 7:00 p.m.



Lori Stump, Secretary