

**VILLAGE OF PAW PAW PLANNING COMMISSION
DRAFT MINUTES
REGULAR MONTHLY MEETING
THURSDAY, AUGUST 3, 2023, 7:00 pm**

1 The regular monthly meeting of the Paw Paw Planning Commission was held at the Paw Paw Township
2 Hall Chamber located at 114 N. Gremps Street, Paw Paw, Van Buren County, Michigan.

3 **I. CALL TO ORDER:**

4 The meeting was called to order by Chair Larson at 7:00 pm.

5 **II. ROLL CALL:**

6 MEMBERS PRESENT: KATHLEEN LARSON – CHAIR
7 EMILLY HICKMOTT – SECRETARY
8 TOM PALENICK
9 MICHAEL PIOCH
10 ASHLEY NOTTINGHAM – VILLAGE TRUSTEE
11 JEFF BROWN

12 NOT PRESENT: DAVID BOGEN

13 OTHERS PRESENT: TRICIA ANDERSON, VILLAGE PLANNER, WILLIAMS & WORKS AND WILL
14 JOSEPH, VILLAGE MANAGER

15 **III. APPROVAL OF THE AGENDA: MOTION**

16 Chair Larson notified the Planning Commission and members of the public in attendance at the
17 meeting that the Planning Commission will not take action on the 105 Oak St. Special Land Use
18 Request for a Transitional Residence item, as the applicant was not present. The Planning
19 Commissioners discussed the best course of action regarding how to handle the public hearing.
20 Chair Larson indicated that her recommendation is to postpone the public hearing until such time
21 that the applicant could attend, perhaps on next month’s agenda. Commissioner Palenick noted
22 that he believes the public hearing should be opened and then it could be adjourned, so that it can
23 be re-opened at a future meeting. Ms. Anderson indicated that opening and adjourning the public
24 hearing is an option for tonight’s meeting, that way, there is still opportunity for public comment
25 when the applicant is present at a future meeting.

26
27 Commissioner Pioch moved, with support from Commissioner Hickmott, to approve the agenda as
28 proposed for the August 3, 2023, regular Planning Commission Meeting.

29 Motion carried unanimously.

30 **IV. JULY 6, 2023 MINUTES: MOTION**

31 Commissioner Pioch moved, with support from Commissioner Palenick, to approve the meeting
32 minutes from July 6, 2023, as written.

33 Motion carried unanimously.

34 **V. PUBLIC COMMENT**

35 Point of Inquiry – Zoe Hutchins, of 214 N. Gremps, asked if the public comment portion of the
36 meeting was appropriate to make her comments regarding the 105 Oak Street application.

37

38 Karen Macomb, of 219 N. Gremps – inquired about procedures. If she withheld her comment and
39 waited until the time that the public hearing is picked back up at a future meeting, would she have
40 an opportunity to speak again.

41

42 Chris Smith, of 211 N. Gremps – inquired about whether he would have an opportunity to speak at a
43 future meeting if he spoke tonight during the public hearing.

44

45 Ron Armstrong, of 206 N. Gremps – noted that his grandfather used to live at 105 Oak. He is a
46 neighboring property owner and asked Chair Larson if the meetings are open and inquired about her
47 comment related to speaking at tonight’s meeting.

48

49 Kathleen Murphy, of 217 N. Gremps – asked when the best time to provide their public comments
50 would be.

51

52 Ms. Anderson offered some clarifying information to the members of the public and explained that,
53 opportunities exist for public comment now, during the public comment portion of the meeting, as
54 well as when the Planning Commission opens the public hearing for the special use request for 105
55 Oak St. She further explained that the Planning Commission will simply adjourn, but not close, the
56 public hearing, thus another opportunity will present itself at a future meeting when the public
57 hearing is re-opened.

58

59 A member of the public asked about the neighborhood where the special land use request is and
60 whether multi-family conversions were permitted under the ordinance, or if perhaps residents that
61 simply converted homes without permission. She also asked about whether the proposed
62 transitional home would be considered a multi-family residence.

63

64 Karen Macomb, of 219 N. Gremps – inquired about how her property tax and funding for public
65 services for fire and police were assessed. She noted that her taxes fluctuate and wondered who she
66 could speak to in order to get a better understanding. Mr. Joseph noted that he could meet with
67 her to explain how it works, and perhaps set a meeting within the assessor. Ms. Macomb also noted
68 that the zoning ordinance determines the timeframe for when the application must be heard. She
69 wondered why the applicant submitted the application in July and questioned the requirements for

70 noticing a public hearing. She suggested that the Village should bill the applicant for the costs for
71 noticing the public and in the newspaper if the applicant doesn't appear when the public hearing is
72 scheduled.

73
74 Ronald Armstrong added that he doesn't know the Planning Commissioners and what their
75 viewpoints are. He said he wanted to know more about them.

76
77 Chris Smith reiterated Mr. Armstrong's comment and noted that Planning Commission members
78 who have a conflict of interest should not vote if they cannot be impartial.

79
80 Chair Larson added that she wanted to be fair to the applicant and the public and that she may have
81 misspoken about the public hearing rules.

82

83 **VI. NEW BUSINESS**

84 **A. PUBLIC HEARING – 105 Oak St. – Special Land Use Request – Transitional home – Sue Barber**

85

86 Chair Larson introduced the item and reiterated that public comment is not a time for dialogue
87 and response to questions, and the audience is not part of the Planning Commission's
88 discussion. She stated the rules and indicated that members of the public must ask permission
89 to speak.

90

91 Chair Larson noted that Commissioner Brown has a conflict of interest. Mr. Brown recused
92 himself and left the building.

93

94 Chair Larson opened the public hearing.

95

96 Karen Macomb indicated she planned to hold her comments until the next meeting. She was
97 also concerned that the applicant would not be in attendance at the next meeting and
98 wondered how the Planning Commission can proceed when the applicant is absent.

99

100 Lois Baldwin, of 313 N. Gremps – noted that the applicant did this last year and did not have
101 any representation at the time the hearing was noticed. She feels that there is a complete
102 disregard to the community they want support from, and she thinks it's detrimental.

103

104 Kathleen Murphy added that she is torn between giving her thoughts now, or saving them until
105 the next meeting. She is concerned with the applicant having an advantage to respond to the
106 concerns expressed by the public. She indicated that she came home from being up north for
107 this meeting, and she said there was a pattern with the applicant not being on time with
108 things. She also presented 55 signatures from people in the neighborhood surrounding 105
109 Oak St. and urged the Planning Commission to take a close look at the request and to think
110 about the impact regardless of whether it's a single family or multiple family home. She
111 brought up areas in Ms. Anderson's memorandum that she feels are inconsistent with what

112 the ordinance requires. She added that the subject property is within close proximity to four
113 places that sell alcohol and that the subject site does not appear to be a good location for
114 healing. She added that there is no private space for people who are healing. She added that
115 she is unsure if she would be able to make it to the next meeting because she travels a lot.
116

117 Lois Baldwin indicated that her understanding is that the Wings of God program is a non-profit
118 organization and that perhaps they are exempt from paying fees and costs for the public
119 noticing. She was concerned with the applicant's lack of payment becoming the burden of the
120 taxpayers.
121

122 Fred Jeffers 313 N. Gremps – noted that he was upset that the applicant is absent at the
123 meeting just like they were last year. He feels that the lack of respect from the applicant is
124 setting a precedent in terms of how the house would be run.
125

126 Phil _____, of 413 Elm St. – noted that he ran a drop-in down the street and indicated that he
127 didn't know the application was on the agenda until the petitioners came to his house. He was
128 unhappy that there would not be support staff at the proposed transition home. He noted
129 that folks who are incarcerated end up leaving prison with no social skills. He noted that
130 support is the most important thing to these people. He added that he is a Vietnam veteran
131 and is familiar with being placed in a community from a drastically different environment. He
132 added that everyone wants respect and that the home he ran needed to establish credibility in
133 the community. He noted that if the house is properly operated, then it could perhaps be a
134 benefit for the community. He said that a house without the support would be a disaster.
135

136 Allie Ross, of 113 Oak St. – added that coming back to the meeting next month will interrupt
137 her vacation. She added that she was concerned that the men would be responsible for
138 paying rent. She did not understand why a resident would be kicked out for not paying when
139 it is a non-profit trying to help people.
140

141 Ronald Armstrong added that he viewed the Planning Commission as a body that is
142 established to protect his way of life. He expressed concerns with the location of the proposed
143 parking and that there is an oak tree and a hedge row and that these were not shown on the
144 site plan. He said that the home has horrible plumbing and a previous occupant was
145 discarding wash water from the window. He compared the transitional home to the other
146 types of housing that are regulated and wondered if they were renters with rights or renters
147 without rights. He was concerned that this was a scam disguised as a non-profit. He thanked
148 the Planning Commissioners for their time.
149

150 Emily Williamson, of 111 Pine St. – added that she was concerned with the fact that the
151 applicant was not present at the meeting, and wondered if it was reflective of how they will be
152 as a property manager or a landlord. She questioned who would be accountable for the
153 house.
154

155 Chris Smith again noted that Ms. Anderson’s report appeared to be written by her for Sue
156 Barber, the applicant. He reminded the Planning Commission that the he was almost
157 assaulted in the parking lot after the meeting when this application was considered last year.
158 He added that there is no respect. He noted that someone could stay there by the night for
159 \$22. He wondered how many people were hanging outside the house and waiting for a bed.
160

161 Kimberly Smith, of 211 N. Gremps – reiterated what the others said. She added that she was
162 supposed to be going to California she delayed her trip to be at this meeting. She was
163 concerned with the detriment that the transition home would be on her community that she
164 loves. She added that it’s very important that the Planning Commission hears this. She said
165 that Sue Barber is not the community and noted that she and the others attended the meeting
166 because they care.

167
168 Chair Larson noted that the applicant must be present at the next meeting. She confirmed
169 that September 7th is the day before the Wine and Harvest Festival and is in fact, the date of
170 the next Planning Commission meeting.

171
172 Many members of the audience had questions about the procedures outlined in the zoning
173 ordinance, and whether the Planning Commission could make a decision if the applicant was
174 not present at the meeting.

175
176 Ms. Anderson spoke to Ms. Smith’s comment and clarified that the law (Michigan Zoning
177 Enabling Act) requires a special land use to be approved if the standards are all met. She
178 added that all communities are at the mercy of their own zoning ordinances and that the
179 zoning ordinance that is in effect is the one that provides the standards that must be met.
180

181 An audience member noticed that the meeting is being recorded via cell phone and asked if
182 the video was going to be available to the public.

183
184 Many members of the public noted that they should be told in advance if the meeting is being
185 recorded.

186
187 Rina Schincariol noted that other transitional houses needed special land use permits and was
188 curious if there was a neighborhood protest in response to those applications.

189
190 Commissioner Nottingham indicated that she recording the video on her phone. She added
191 that she wanted to record so that it would be easier for her to follow up on the concerns that
192 members of the public had expressed at the meeting. Lois Baldwin asked Commissioner
193 Nottingham if she would ensure it would not be made public. Mr. Joesph and Chair Larson
194 added that all public meetings can be recorded.

195
196 Ms. Anderson asked if it was okay if the video was shared with her so she could ensure
197 accuracy with the meeting minutes pertaining to the public comments that were made.

198 Members of the public were not ok with Ms. Anderson having access to the video as some
199 worried she was representing the applicant.

200
201 A member of the public said that Ms. Anderson's report said that the proposed transition
202 home use was compatible with the surrounding residential uses. She does not agree.

203
204 Chair Larson noted that the public hearing is not being run the way it's supposed to be, as
205 there was more dialogue than she's normally comfortable with, but she's glad that she was
206 able to answer some of the questions.

207
208 Phil Columbo was concerned that the PC would approve the use without the needed in-house
209 support person. Chair Larson thanked him for his comments

210
211 Commissioner Pioch moved, with support from Commissioner Palenick, to adjourn the PUBLIC
212 HEARING until the September 7th, 2023 Planning Commission meeting.

213
214 Chair Larson asked Ms. Nottingham to turn off the recording.

215
216 PC Banter about the public hearing.

217
218 The Planning Commission asked Ms. Anderson and Mr. Joseph to follow up with the Village
219 Attorney on a number of procedural questions they had. Specifically, whether an application
220 can be denied if the applicant is not present and how long a public hearing can be adjourned
221 before you have to notify the public again.

222 **VII. Short term Rental ordinance**

223 Commissioner Hickmott clarified for Ms. Anderson that the rental registrations are done under the
224 International Property Maintenance Code (IPMC), and that there is no stand-alone "housing
225 code". Commissioner Palenick recalled that he didn't believe short-term rentals are addressed in
226 the IPMC.

227
228 **VIII. Food truck ordinance**

229 Ms. Anderson noted that the latest draft requires the property owner to apply for the permit and
230 gave the distinction between the long-term and temporary mobile food vending permit. She also
231 added that she incorporated the changes that the Planning Commission had recommended at the
232 previous meeting.

233
234 **IX. Master Plan**

235 Ms. Anderson briefly explained the process for updating the Master Plan and noted that she spoke
236 with Mr. Joseph about whether he would be putting out requests for proposals. Mr. Joseph
237 confirmed that he discussed the issue with the Village Council and that they were interested in
238 soliciting more than one proposal for the Master Plan update.

239
240 **X. PLANNING COMMISSION MEMBER COMMENTS** – Village council update by Commissioner
241 Nottingham. Sol America, a solar farm company, is interested in placing a solar farm in the
242 Township but would be very close to the Village border. Mr. Joseph noted that it would be a

243 source of power for the Village if it was successful. A grant application has been submitted to the
244 Federal government for some funding of the solar project by the company. A power purchase
245 agreement would be in place for the Village to receive power from the solar farm if it is approved.
246

247 Commissioner Nottingham added that the Village clerk recently earned a professional
248 certification. She also provided an update on the repairs made at the restrooms at Maple Island.
249 She noted that they were finished last month. Mr. Joseph noted that there was an issue that was
250 not related to vandalism that was causing the delay. Commissioner Hickmott added that the
251 Santa Run was approved and Barb Carpenter was appointed to the DDA.
252

253 Chair Larson asked Commissioner Palenick if the township passed the short-term rental ordinance.
254 Commissioner Palenick noted that the Planning Commission adjourned before finishing
255 deliberations and that they are still working on it.
256

257 **XI. STAFF/CONSULTANT COMMENTS - None.**

258 **XII. ADJOURNMENT – 9:45 p.m.**

A handwritten signature in black ink, appearing to read 'Tricia Anderson', written over a horizontal line.

Tricia Anderson, AICP – Williams & Works
Recording Secretary