

**Buchanan Township Planning Commission  
Regular Meeting  
August 22, 2018**

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**CALL TO ORDER**

The regular August 22, 2018 meeting of the Buchanan Township Planning Commission (PC) was called to order by Chairman Dennis Wentworth at 6:30 p.m.

**Members Present:** Dennis Wentworth (Chair), Scott Albright, Gerald (Jerry) DiPietro, Amber Breden, Daniel Lakin , Kimberly Scarpone

**Members Absent:** Sheila Reitz, Kimberly Scarpone

**Others Present:** Enforcement Officer Eileen Glick. Also present: Mario Palmisano, , Berrien County Health Department, Nick Margaritis and Laird Willard, Chris Fuchs, Building Inspector, Members of Clear Lake Property Owners Association (Jerry Nemeec, President, Roy Angel, Vice-President, Louise Hammond, Secretary, Jim Lyons, Co-Beach Commissioner, Sandy Lake, and Paul LNU

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegance was recited by those present

**APPROVAL OF MINUTES – June 27, 2018**

Scott Albright moved to accept the June 27 minutes and Amber Breden seconded. ALL APPROVED

**APPROVAL OF AGENDA**

Gerald DiPietro moved to accept the agenda and Scott Albright seconded. ALL APPROVED

**BRIEF PUBLIC COMMENT – AGENDA ITEMS**

Went right into the presentation by Clear Lake Property Owner's Association

**CORRESPONDENCE**

None

**UNFINISHED BUSINESS**

Review of R-4L – Lake Residential District, presentation of proposed changes to our zoning laws by representatives of the Clear Lake Property Owners Association.

**NEW BUSINESS**

None

**CITIZENS COMMENTS – NON AGENDA ITEMS:**

None

Notes from the presentation:

**Background:**

Recently, a resident of Clear Lake wanted to rebuild his old residence on its current footprint. Plans were submitted to the Zoning Admin, Eileen Glick. Eileen contacted a member of the Planning Commission indicating we may want to look into possible changes to our current zoning in the Clear Lake area. A member presented the idea to the Planning Commission and also

contacted the members of the Clear Lake Property Owner's Association (CLPOA). They came to our June meeting at our request and offered to look into what they could consider useful changes to the ordinance to enhance safety, enhancement to their property and a significant reduction of variance requests. Having meet among themselves, they prepared a presentation for tonight's meeting.

Roy Angel made the presentation indicating that there are about 100 homes in their association. Members of the committee in attendance: Paul Kasten, Jerry Nemec, President, Jim Lyons, Louise Hammond, Sandy Lake. He started off by saying they want to address three main areas of concern: Safety, Property Enhancements and a Reduction of variance requests. Roy also provided handouts for the Board.

CLHOA suggested:

20' foot off the road parking spaces and front setback off the road for building additions

Accessory buildings and setbacks: Sheds 5' side setback and 15' off water setback

General Setbacks:

10' side yards set backs

50' Lakefront front setback 25' Non Lake Front lots setback

No boat houses in the future

Non Conforming structures:

If house falls down, demolished, etc., they recommend replacing a house with no cost limits. Benefits would be great. Either on inland or lakefront following recommended setbacks.

They also didn't want to change the square footage 8625sq ft required for building a new building

30' or 40' wide by 100' lots no recommended changes

Re: Wells and septic

Most sales require that septic systems be inspected.

Nick Margaritis, Environmental Health Manager and Laird Willard, Sanitarian from Berrien Co. Health Dept. (BCHD) made a presentation re: septic and wells. (I mailed a BCHD Ordinance 17 handout to the PC after the meeting with BC septic regulations.) BCHD currently has no point of sale inspection of septic system requirement.

Septic systems need to be: 50' from lake and water wells, 10' off lot lines, 15' off bluffs, road right of ways 10' off that line. 15' from basement. Big issue is that houses were cottages and now are year around homes. BCHD struggles to design for the number of bedrooms in the house.

Maintaining distances between water wells and septic is problematic. Deviations requests are required to gain permission of neighbors to maintain proper well/ septic isolation.

BCHC can refuse a permit and homeowner can appeal. Emphasis is on safety. Treatment of waste water is paramount in the design of a system.

Absolutely NO septic systems on space of 50' from the lake and the setback are from the inland road.

Prior to any issuance of a building permit, septic should be considered.

Drywells are currently allowed, but in the future BCHD is not allow them. They have to be sized according to the number of bedrooms

Scott Albright asked if area around the lake is also "heavy soil". East side is heavy clay. West side does have some sand and gravel. (Laird) Follow up by Scott A. are wells shallow or deep. Laird not sure. On bluff, probably deep wells.

CLHOA can enact point of sales regs regarding septic system inspections prior to sale or building/adding to a building.

Scott A. asked if every owner had their own septic and well systems. Yes, according to Laird.

Building Inspector, Chris Fuchs, asks for septic approval before initiating remodeling. Condition of dwelling required 'real investment'. Have to make sure well and septic were in working order.

If septic system can be installed, they have to go to a 'pump and haul' scenario. (Due to overbuilding.)

Statewide, septic permit over building permit seems to be the acceptable norm. Some states require pump out/inspection every 5yrs. (WI)

Scott A. addressed legacy issues with non-conforming. Chris Fuches indicated, in any event, septic system permits take precedence over building permits. CLHOA asked if periodic septic inspection would help. Nick Margaritis said all septic systems will eventually fail.

Scott A. asked if they routinely check the lake quality. No said BDHD. Like Action does check for E-Coli.

Septic enforcement is 'call' driven. Someone calls with a complaint.

Dennis reviews BCHD regs for septic/ well.

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Scott A. asked what the distance was for Propane Tank from building, above ground 400 gal. is 10 feet from property line and building.

Dennis closed public comment period at 7:43pm

Meeting Adjourned 7:45PM

A handwritten signature in black ink, appearing to read 'G DiPietro', with a large, stylized loop at the end.

Gerald DiPietro, Secretary  
Buchanan Township Planning Commission