

**Barry County Planning Commission  
Meeting Minutes  
August 28, 2023**

The meeting was called to order at 7:00 p.m. by Chairperson John LaForge in the Community Room of the Tyden Center located at 121 South Church Street in Hastings.

The Planning Commission members in attendance included: LaForge, Jack Miner, Jack Nadwornik, Joseph Kammenzind, Dave Hatfield, Joyce Snow and Juli Sala. Others in attendance included: John Paul Kauffman, Ben Varney, Denise Hettinger, Jim Carr, James McManus and many other interested people.

Hatfield asked to correct the agenda to indicate Hettinger was requesting a personal storage building. Motion by Hatfield to approve the agenda as corrected. Support by Miner. All ayes – motion carried.

The Planning Commission reviewed the minutes of July 24, 2023. Motion by Snow to approve the minutes as printed. Support by Sala. All ayes - motion carried.

**BUSINESS**

**Election of Officers**

Chair – Miner nominated LaForge to be Chair. Support by Hatfield.  
All ayes – motion carried.

Vice Chair – Miner nominated Snow to serve as Vice Chair. Support by Hatfield.  
All ayes – motion carried.

Secretary – Hatfield nominated Nadwornik to serve as Secretary. Support by Miner.  
All ayes – motion carried.

**Special Uses**

LaForge explained the procedures of a public hearing.

**Case No. SP-1-2023**

**John Paul Kauffman  
(Applicant/Property Owner)**

LaForge recessed the Planning Commission, opened the public hearing and asked Kauffman to present his request.

Jim Carr, representing Kauffman, distributed a packet of paper work to the Planning Commission. He said the front page of the handout is Kauffman's responses to the requirements of Section 2368. He also noted they reduced noise output and had a reading of 55 decibels. Carr noted the packet included affidavits from the public.

Carr noted Kauffman had constructed a solid fence around the building to lessen the noise.

LaForge read the noise report.

LaForge asked if anyone wished to speak in favor of the request.

Jacob Comer noted he was an employee of Kauffman and noted Kauffman is a good boss. He said he would answer any questions the Planning Commission had about the saw mill.

LaForge asked if anyone was opposed.

Kim Zoss, a neighbor, noted Kauffman ran the mill when it was not permitted. She said he is disrespectful to the neighbors and has no regard for the area.

Steve Zoss noted the trucks were using the roads before the frost limitations had been lifted. He questioned how the rules will be enforced and will it be used in winter. He said the mill is right off of the road, and they can clearly hear it. He questioned if Kauffman could conform to the rules. He said the roads will be damaged by the trucks.

Aaron Mast said truck traffic is an issue, and the saw mill noise is loud and annoying.

Carr rebutted by saying the recent cutting was for on-site use. He noted Kauffman stopped using the mill when McManus shut him down.

Carr said during the frost law time, trucks can have 30% of their load, and there is a 35mph speed limit. He noted the trucks go to and from the site from M-66.

LaForge closed the public hearing and reconvened the Planning Commission.

Miner said he was unable to determine the site location or the boundaries of the property. He said Kauffman should start over as there are too many unanswered questions.

Kammenzind noted the fence was already open. He was concerned about truck traffic and noted the road is narrow. He said the tree canopy on Jenkins Rd was low.

Hatfield noted Kauffman had started without permits and resumed operations without any approval. He noted large loads would be leaving the site.

Nadwornik asked where the decibel readings were taken and asked if the other property lines were measured. McManus noted the saw mill is on the south east side of the property, and the other property lines are a long way away.

Nadwornik asked how the large logs arrived on site. Kauffman said by a pickup with a flatbed trailer.

Snow commented that the fence was impressive. She asked how many loads will be moved per week. Kauffman said 2-3 semis per week. He said the mill can cut 20,000 board feet per week.

Sala noted public roads can be used, but he was concerned about the mill operations prior to receiving the required approval. He asked what would happen if it hadn't stopped. McManus noted a Civil Infraction Citation could have been issued, but he noted he would prefer to have the application decided first.

LaForge asked what Carr and the Barry County Road Commission had discussed. Carr said the Frost Law requirements. Hatfield noted the limitations during the frost laws could increase the truck traffic.

LaForge asked if the Road Commission had looked at the site. Kauffman said they were there in the spring. He noted the road received maintenance then.

LaForge asked how many flatbed loads were there per week. Kauffman said not more than three. LaForge noted road usage is a concern, but semi traffic may not be the primary issue.

LaForge noted the fence had the unfinished side facing the neighbors. He asked if Kauffman would follow the stipulations.

Snow asked Kauffman if he understood the rules, Kauffman said the sheriff advised him to continue. Kauffman noted other people had sawmills that they used.

LaForge asked if those other people's mills were at their homes.

Miner asked Kauffman if the Sherriff told him to keep cutting lumber. Kauffman said yes.

Snow asked if Kauffman was in violation. McManus said yes; Kauffman had not received approvals so he had to shut down.

LaForge suggested starting the operation at 8:00 am instead of 7:00 am and to have dust control in the truck maneuvering area.

Sala asked if Kauffman had made revenue during the summer. Kauffman said yes. Sala noted the use of the mill was not just for internal projects

Sala asked who was present for the decibel reading. Kauffman said three people were there. Sala asked if logs were processed during the test. Kauffman said no, but he said cutting the logs lowers the sound.

Motion by Snow to approve Case No SP-01-23 with the stipulation that the equipment not start until 8:00 am. There was no second to the motion.

Miner said Kauffman needs to submit a better site plan.

McManus noted the application is an enforcement issue, and it needs a resolution. He suggested the Planning Commission decide the fate of the Special Use based on Section 2302 parts 1-7, and if the Planning Commission approves the Special Use, then stipulate a formal site plan be submitted.

The Planning Commission reviewed parts 1-7 and asked what type of site plan would be needed. McManus noted a detailed site plan is required.

Motion by Sala to approve Case No SP-01-2023 pursuant to Section 2302 parts 1-7 of the Barry County Zoning Ordinance with the stipulation that the hours of equipment operation be from 8:00 am to 4:00 pm and that a detailed site plan be submitted and approved before the use is allowed to continue. Support by Nadwornik. Roll call vote taken. 7 ayes – 0 nays motion carried. Special Use approved with stipulation.

LaForge recessed the Planning Commission at 8:10 pm.  
LaForge reconvened the Planning Commission at 8:17 pm.

<b>Case No. SP-03-2023</b>	<b>Pyramid Network Services/Ben Varney (Applicant)</b>
<b>PR-05-2023</b>	<b>Leah Berkimer (Property Owner)</b>

LaForge recessed the Planning Commission, opened the public hearing and asked Varney to present the request.

John Crane along with Ben Varney noted they want to erect a 197 foot tower on a farm. They said the new tower will fill a coverage gap in the area, and the tower will allow for co-location.

Crane noted there are no towers in the immediate vicinity that can fill the need. He said all of the required setbacks have been met; so they are looking for special use and site plan approval.



Varney noted the tower will serve an area that has no coverage. He noted the Federal Government mandates that coverage be provided to fill the gaps.

LaForge asked if anyone wished to speak in favor of the request. There was no response.

LaForge asked if anyone was opposed.

Monica Willcutt noted she works at home using the internet, and she has service. She said Verizon is not an essential service or a utility. She went through the ordinance requirements. She noted there could be a tower going up near Evert and Curtis Rd. She said property values could be affected. She questioned if the effects of EMF signals have been tested. She asked that property value studies and health studies be conducted. She asked if any executives from Verizon had a tower near them.

Don Willcutt noted there are environmental impacts from towers and there are cranes, whippoorwills and barn owls in the area. He said EMF signals can affect birds, humans and other animals. Willcutt said there is a ham radio operator next door, and he concluded by saying that there is a house bill that will remove local control from these decisions.

Crane rebutted by saying Willcutt's house is 855 foot from the tower site. He acknowledged that there is a wetland, and they are required to do a NREPA study after they receive local approval. He noted any 5g health issues cannot be discussed.

Crane noted some birds will nest on the towers. He noted towers are expensive to erect. He said the tower will be unlit and is over 400 feet off of M 66.

Varney noted phones use less power if tower signals are close. He said the propagation maps show a lack of coverage for the proposed site area. He noted over 80% of all 911 calls are from cellular phones so cell service is essential. He said property usually go up near towers because of the service.

Crane reiterated the tower will have co-location capability.

LaForge closed the public hearing and reconvened the Planning Commission.

Snow asked if they excessively charge other cell service companies. Crane said no. Snow asked how many co-location sites would be available. Crane said 3 or 4.

Varney noted Central Services have co-located on their towers.

Nadwornik asked if data usage can lessen the radius of service. Crane said a little. Nadwornik asked how long it would be before another tower was needed in the area.

Crane said 5-10 years.

Sala noted there was a 100 foot easement on the plan and asked if there are any overhead lines. Crane said the utility services would be underground.

Snow asked about the tests. Crane said the geologic test gets submitted with the building permit, and the NREPA test is completed prior to final approval.

Snow asked what would happen if an issue was found. Crane said the project could be cancelled. Varney said 24 different agencies have to sign off on a project before it gets built.

Motion by Sala to approve Case No SP-03-2023 and PR-05-2023 pursuant to Section 2302 parts 1-7 of the Barry County Zoning Ordinance as submitted. Support by Snow. All ayes – motion carried.

**Case No. SP-07-2023**

**Denise Hettinger (Applicant/Property Owner)**

LaForge recessed the Planning Commission, opened the public hearing and asked Hettinger to present her request.

Hettinger said she wanted to construct a personal storage building on her property on Royce Rd. She submitted an amended drawing to show the building will include an overhang.

LaForge asked if anyone wished to speak in favor of the request.

Tim McGavin said he was in favor and noted the area is improving. He noted she will be building a home in the future.

Roger May noted she has removed a lot of items from her properties.

LaForge asked if anyone was opposed. There was no response.

LaForge closed the public hearing and reconvened the Planning Commission.

Sala asked if the building would have any residential components. Hettinger said no.

Motion by Hatfield to approve Case # SP-07-2023 pursuant to Section 2302 parts 1-7 of the Barry County Zoning Ordinance. Support by Kammenzind. All ayes – motion carried.

**Other Business**

McManus referenced the notice from Rutland Township that they will be amending the Master Plan.

**Public Comment**

Gary White noted the alternative energy issue is going to be a big issue in the county. He said he did not want consultants from other areas writing the ordinance. He said he wants elected officials to be part of the Zoning Ordinance process. He noted Consumers has purchased 1,620 acres in Johnstown Township.

Motion to adjourn by Sala. Support by Nadwornik. All ayes - motion carried.

Meeting adjourned at 9:00 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jack Nadwornik", with a stylized flourish at the end.

Jack Nadwornik,  
Secretary