

**Vergennes Township**  
PLANNING COMMISSION MINUTES  
March 6, 2006

A meeting of the Vergennes Township Planning Commission was held on March 6, 2006 at the Township Offices. At 7:03 PM Chairman Jernberg called the meeting to order. Also present were Commissioners Gillett, Kropf, Medendorp, Makuski, and Tardy was Mastrovito. Absent was Nauta.

Assisting the Commissioners were Jeanne Vandersloot, Twp Zoning Administrator and Jay Kilpatrick, Twp Planner.

**APPROVAL OF FEBRUARY 6, 2006 MINUTES:** Motion to approve by Medendorp, seconded by Gillett. All approved.

**APPROVAL OF/CHANGES TO AGENDA:** Motion to approve by Gillett, seconded by Medendorp. All approved.

**1. DISCUSSION: DRAFT RESIDENTIAL LIGHTING ORDINANCE.** Jeanne Vandersloot referred to the draft from the Open Space Committee with amendments. Basically, need to go through it and see what the Commission wants to change. Jay: would add one standard in the first memo (from another ordinance) to include a concrete or definable standard of how much light trespass to permit. April ordinance draft recommended a one foot candle light standard – have seen them as low as a half-foot candle. Without a standard it becomes one person's opinion. Light cannot escape the top of the fixture, and the Committee borrowed a lot of language from the existing ordinance.

Jernberg: highest standard he's seen? / One foot candle is standard.

Medendorp: previous statement is no light can go off the property / a fixture with full cutoff may cast light to the side but it won't go high. Also have to consider elevation. A strict reading of the Committee language is you cannot see the bulb from offsite – but from the view of a residence 20 feet below, the light would be seen. The point is not to have light escaping up into the sky. Practical reality: difficult to retrofit a community. This grandfather existing lights and the effect to make changes going forward, with a lot of lights already in the Township remaining.

Medendorp: the draft that came with the packet did not include Pete Gustafson's recommended changes, read to the Commissioners. In the Sub-Committee, we discussed 14 foot tall lights in industrial and commercial, and the Committee was concerned that a house with a walk-out might have a light more than 14 feet above ground (with a walk-out for example), concerned about the wording. / Platt: soffit lighting and can lights can shield and cut off light and still be higher than 14 feet and be reasonably acceptable. / Medendorp: could add wording for higher doors or decks. /

Process question? Makuski: safety code requires a light next to an external door. / How to address light not to be visible beyond property boundaries / Jernberg: safety related lights could still have a downcast light /

Jeanne: she received the changes by Pete, were added to the final draft for the members, split between attached and non-attached exterior lighting.

Platt: it is most important to meet requirements of parts 1 and 2. Lighting as a decorative thing raises concerns about how well people would cooperate.

Medendorp: detached lighting (on accessory buildings) not to exceed 14 feet. The “or the height of the primary residence” exempts the first sentence. General agreement: could be reworded. Last sentence addressing lights attached to the house.

Makuski: is this too complicated to regulate? / Medendorp: the idea is to have a handout sheet when people apply for building permits to help minimize confusion. / Building inspector is a code official, not an ordinance official. / Makuski: Jeanne would have the authority to go out and check on this? / Gillett: Jeanne does setback checks? / Jeanne: when she gets application, she checks the site plan for building height and setbacks. / Medendorp: does anyone go out and measure? / Sometimes to check the staked house sites if the site plan shows close to setbacks. Assessor generally goes out when house is completed. /

Jernberg: the goal is to regulate a cutoff, downcast light only. Not sure how we can enforce it. / Medendorp: same as enforcing commercial and industrial lighting. / Makuski: there are fewer of those projects. / Medendorp: makes it more critical to do this. / Makuski: as a builder, who enforces these things? Would want to try to educate people when they pull a building permit, and see where it goes without setting an ordinance that we have to enforce. If it becomes an issue, then you change the ordinance.

Jernberg: developer next to Pheasant Valley agreed to go with the Commission’s suggestions, but he didn’t have to; I think we need some bare minimums in case someone doesn’t want to / Medendorp: if you don’t have a standard set, you don’t get anyone following anything. We started with the commercial/industrial and tried to make it flexible. / Roger O’Dell: complimented the Commission that it is on the right track, and this is not a difficult thing to track. We all remember Devonwood and all those complaints and how that was handled. / Jernberg: same example as Zeigler Ford, which also had to change their lights. / O’Dell: then there was the flag by the highway and they found a solution. But the issue is at the forefront. We need something in Vergennes; there’s too much development here so if there’s a problem there is a way to correct it. People will pretty much follow the handout.

Gillett: Devonwood was a legitimate complaint, and fortunately they were willing to be good neighbors, but this would give us something to work with. / O’Dell: farmers are grandfathered in. Does not support that new lights on existing fixtures need to comply is not reasonable although we should educate the Township via the newsletter.

Wittenbach: Re: #5, question about seasonal lights, answered.

Question about where this applies: the draft says “Residential” but question about whether this applies to agricultural settings. Discussion. Fourteen feet is generally considered too low, esp. for Ag settings. Farms are exempt under RTF Act anyway and we may not be able to regulate. Could say this applies to all zones and add “(ag exempt)” to answer this question. Gillett: what about a small horse farm? Is that Ag or residential? O’Dell: can’t zone for all exemptions, and those could be analyzed one at a time. If it settles a dispute with a neighbor to put on a hood, most people won’t object to that. Ag operations are exempt, so no one gets tripped up.

Jay: residential site condo or plat plan comes in with a site plan, and the PC has more control and it's easy to regulate and have standards. Can have them speak to these sorts of standards. The difficulty in this discussion is the single-family home. Focusing on stuff typically regulated by the PC, such as developments, can deal with the more intrusive lighting without trying to regulate the individual owner.

Gillett: what percent of houses are in a plat versus single project? Majority are not in plats. If we're trying to (eliminate light pollution), Jay's idea is a good remedy but most houses won't fall into this. Wittenbach: we run 27-34 houses a year (was over 50 when became supervisor). If we hand the lighting regulations out with building permit applications, it may not be that Jeanne has to go out, but they know this lighting has to be shielded to follow this ordinance. Ninety-five percent of people follow the rules.

Wittenbach: Most people want to be good neighbors and not be bothersome with lights. Has to be practical.

Medendorp: the ordinance is for the 5 percent who don't want to follow the rules. Most people are reasonable.

Jernberg: the things in here are for the toolbox. We need some of this language and agree with Roger and Chris re: the safety issue to exempt Ag operations.

Jernberg: group needs to agree it's focused around residential buildings.

Platt: passed out handouts regarding equipment friendly to night skies.

**Motion** by Medendorp to move forward with this project. Medendorp willing to rewrite taking into account comments from tonight and email to everyone to look over and rework as needed. Seconded by Gillett. All approved.

**General Public Comment Time:** none

Motion to adjourn by Gillett. Seconded by Medendorp.

The next meeting is April 10, 2006

The meeting was adjourned at 7:52 PM.

Respectfully submitted, Kate Dernocoeur, Recorder