

NEW BUFFALO TOWNSHIP BOARD  
SPECIAL BOARD MEETING  
JUNE 25, 2012  
17425 RED ARROW HIGHWAY  
NEW BUFFALO, MICHIGAN

Supervisor Dudiak called the meeting to order at 6:30 p.m.

Board Members Present: Dudiak, Heit, Oselka, Rahm, and Rogers

Public Comments were called for.

Rogers moved, Dudiak seconded to approve changing the Articles of Incorporation of the New Buffalo Library Joint Building Authority as follows:

Joint Bldg. Auth.  
Articles of Incorp.  
Change

*Replacement Language for Article IV, Section 8:*

*Subject to the following, the term of this Authority shall end on May 7, 2014. This limited duration is not necessary given the current financial resources as the Authority will not be able to continue without the adoption of a voter-approved millage.*

*In the event a millage for the purpose of providing funds for all Library purposes authorized by law is presented to the voters and passes prior to May 7, 2014, the term of the Authority may be extended for a period not to exceed fifty (50) years.*

Motion            Carried

Heit moved, Dudiak seconded to approve, upon recommendation of The Planning Commission, a Special Land Use for Jake’s Fireworks, Inc. for 17649 U.S. 12, New Buffalo, MI, 49117, parcel # 11-13-0002-0009-08-2, for an open air business based on the following findings of facts and subject to the following conditions:

SLU  
17649 U.S. 12  
Jake’s Fireworks

**Findings/General Standards for Approval**

Based on its review and consideration of materials submitted with the SLU application, comments received in writing and made at the public hearing, and the applicable standards of the Special Land Use Chapter of the Ordinance, the

Planning Commission makes the following findings of fact:

- The proposed use **is** designed and constructed and **will** be operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, will be compatible with adjacent uses of land and **will not** change the essential character of the area in which it is proposed.
- The use **is** or **will** be as a result of the special land use permit served adequately by public services and facilities, including, but not limited to, streets, police and fire protection, drainage structures and refuse disposal. Adequate water and sanitation facilities **will** be available.
- The use **will not** be detrimental to any persons, property or the general welfare by reason of traffic, noise, smoke, fumes, glare or odors.
- The use **represents** an improvement to the character of the property under consideration (property has been vacant for some time) and the surrounding area in general and **will** be in keeping with the natural environment of the site based on previous development of the site.
- The site plan proposed for the use **demonstrates** compliance with the design standards of an Open Air Business Requirements of Section 15.7U: and is exempt from the requirements of access driveways being located at least 100 feet from the nearest right of way line of any intersecting street and 75 feet from the nearest edge of any other driveway on the same side of the street because all access drives have been in existence for a long time; lighting for parking and outdoor storage areas will be shielded to prevent light from spilling onto any residential district or use property line; and all display materials or equipment stored or displayed outside of an enclosed building will not extend into any required yard or occupy any required parking or maneuvering areas for vehicles..

The Site Plan Requirements of Section 14.1.C.2. **have** been met and additional specifications about parking and access have been added by the Planning Commission.

The Site Plan Review Standards of Section 14.1.D. **have** been met and additional specifications about parking and access have been added by the Planning Commission.

**Conditions:**

- The Applicant shall comply with all local, state, and federal ordinances, statutes or laws that apply to retail fireworks sales in the State of Michigan.
- All storm drainage will conform to the Berrien County Drain Commission **if the Drain Commissioner issues a requirement.**
- The Special Land Use shall not become effective until the Special Use Permit has been recorded with the Berrien County Register of Deeds as required by 15.6 of the Ordinance. Proof of such recording must be delivered to the Zoning Administrator when it has been received back from the Register of Deeds.
- The Permit is subject to the Owner and Tenant Applicant complying with all requirements of local, state, and federal ordinances, statutes, and laws that apply

to the activity of retail fireworks sales in the State of Michigan. The Permit is subject to the Drainage conforming to all the requirements of the Berrien Country Drain Commission.

- The correct number of parking spaces shall be noted on the Site Plan and a drawing added to the Site Plan. Parking for this use cannot conflict with the 100 feet of the southerly end of the property used for temporary truck parking.
- The ingress and egress on Rte 12 East of the stoplight shall be limited to a 50 foot entry way at the easterly end of the property with a sign at this entrance indicating “No Trucks.”
- The Ingress and egress off of Clay Street/Rte 12 southwest of the traffic light shall be limited to the space that actually enters through Clay street south of the restaurant building.
- All other access points shall be blocked off including but not limited to the entrance in front of the restaurant through old Clay Street onto Rte 12 and the space west of the 50 feet defined above and east of the grassy space near the stop light.
- No parking will be permitted north and west of the tent between the tent and the grassy area north of the old right of way. This is to provide good views for vehicles turning east on 12 and for vehicles coming west from Three Oaks toward the stop light. No parking will be permitted between.
- Appropriate temporary sanitary facilities must be installed on the premises. Such facilities shall be kept clean and neat at all times and not be allowed to cause odors that leave the property.
- During this special land use, the owners of the property shall limit all temporary truck parking to the space that extends from the southerly boundary of the property 100 feet north and require all such trucks to enter from the entrance that crosses Clay Street from Red Arrow southwest of the stop light.
- All temporary lighting installed shall not emit light rays beyond the property boundaries.
- Dust shall be controlled during the period of use.
- All signs shall conform with the sign requirements of the New Buffalo Township Zoning Ordinance and the placement and size of signs must be approved by the Zoning Administrator before installation of the signs.

The Special Land Use for outdoor sales shall be issued to the Tenant for a period of from June 29<sup>th</sup> through July 5<sup>th</sup> of 2012 after the final approval has been made by the Township Board of Trustees and the proper document has been recorded. At the end of this period, without any further action by the Township, the Special Land Use shall become null and void

Motion Carried

Rogers moved, Heit seconded to approve adding to the agenda paying SBF Enterprises \$1,369.37 for postage for summer tax bills.

SBF Payment  
Postage for  
Tax Bills

Motion Carried

Rahm moved, Heit seconded to adjourn at 6:43 p.m.

Submitted,

Paul Oselka Clerk