

Ganges Township Planning Commission
Regular Monthly Meeting Minutes DRAFT for January 28, 2014
Ganges Township Hall
119th Avenue and 64th Street
Fennville, MI, Allegan County

I. Call to Order and Roll Call

Chair **DeZwaan** called the meeting to order at 7:00PM.

Roll Call: Chairman: Jackie **DeZwaan** – Present Secretary: Phil **Badra**-Present
 Vice-Chair: Roy **Newman**-Present Commissioner: Charlie **Hancock** –Present
 Board Trustee: Barry **Gooding**-Present
 Zoning Administrator Tasha **Smalley** was not present.

II. Additions to the agenda and adoption

Motion to add a Discussion of trucks in Residential Districts under Old Business and Discussion of a Public Hearing under New Business, was made by **Badra** “**DeZwaan**”. Motion was seconded by **Newman**. Motion passed.

III. General Public Comment

Susan Munson of 1254 62nd Street, had submitted a letter asking for clarification of the definition of “large domestic animal” She stated that she would like to bring in Newfoundland ponies and asked if they would be considered large or small animals. **Mr. Munson** stated that they have obtained grazing rights from three neighbors in order to accommodate the ponies. **DeZwaan** stated that this is an item that will be discussed with a memo that **Smalley** sent under Administrative Updates.

Mari Reijimerink of 1776 68th Street, **Kismet Bakery**, stated that she thought her item was to be on the agenda. **DeZwaan** stated this item would be addressed at this time under General Public comments. **Reijimerink** stated that she wants to change from a home occupation to Cottage Industry and would like to look at concerns before proceeding with the process. She stated that she had been working with **Smalley** and felt that at the time her business was approved, under the old Ordinance in 2006, as a home-based business that the ordinance was misinterpreted. She had been approved as a wholesale business. **DeZwaan** stated that she was not sure that changing to a cottage industry would take care of the issue. **Also** If there were any corrections made to the permit later, there “would need to be records showing the corrections”. **was no indication of any changes on the permit.** Information “was” sent to the members by **Badra** from the Department of Agriculture and Rural Development “concerning the Cottage Food Law” which took effect in July 2010 **showed changes that took affect at that time concerning “cottage food operation”.** **Reijimerink** asked what the difference was between the Department of Ag rules and Township Ordinances. **DeZwaan** explained that the Township has the option of putting stricter rules in place, but can not be less than what is set by the State. **Reijimerink** stated that she has met all State requirements. **Badra** asked who licensed the bakery. **Reijimerink** stated that she is licensed under the Department of Ag and that she is involved in a pilot program under the DEQ. **Smalley** had recommended using the “Cottage Industry” in order to resolve any issues. **Reijimerink's** bakery is a licensed commercial facility. It was thought that using “Cottage Industry” would allow for growth. **Badra** stated that with the licensing from the Department of Ag, **Kismet** is a commercial bakery. **Enk Pennebaker**, friend of **Reijimerink**, stated that there seems to be two sets of rules. **Badra** stated that any State law would trump Township ordinance. State law was in place before the Township Ordinance “regulating Cottage Industries was adopted.” **would apply.** “**Kismet** should be considered” **It would be** a commercial bakery. **Reijimerink** stated to be commercial she would have to put in a commercial waste system which would be cost prohibitive and there was not room for it to be put in. She asked if a use variance could be granted. **DeZwaan** stated that use variances were **obsolete** “not allowed” and were not done. The Planning Commission asked where **Reijimerink** was not in compliance with the Township and it is with the number of employees other than family. **Reijimerink** said that if she had been told she could do retail when she started she would have done things differently. She feels that there was a misunderstanding in the interpretation of the Ordinance and she

needs a path to accommodate. There was more discussion concerning the distinction of “Cottage Industry” and “Cottage Food Industry”. **Newman** gave **Reijmerink** his copy of the information from the Department of Agriculture concerning Michigan Cottage Foods “Law” **Information**. **Badra** said since she is a licensed kitchen she can not be a “Cottage Industry”. The best advice that the Planning Commission felt that they could give was “to” operate as a commercial business. **Badra** stated since **this is part of a pilot program and** she is licensed by the “MDARD and DEQ then Ms. Reijmerink should have those agencies contact the Planning Commission with information as to what she is licensed for and allowed to do”. **State maybe it should be given back to them and let them contact the Township with information**. It was decided that **Badra** would send information to **Smalley** “regarding this discussion”.

Large Animal issue: The memo from **Smalley** went over the Ordinance requirements of five acres and the need for grazing and manure dispersal. **Badra** had sent information to the members from Nebraska and Washington state concerning how they determined what was “large animal”. **Hancock** asked if these ponies were taken to a Vet, what kind of Vet would they look for. **Munsons** stated that they would look for a large animal vet. **Mr Munson** stated that with the three neighbors that would allow grazing they would have about three more acres. **Gooding** stated they would need to get a contract with the neighbors and **Munsons** asked if this was done should they just send information to **Smalley** or would they need to come back to the Planning Commission? Giving it to **Smalley** was decided.

IV. Correspondence and upcoming meetings/seminars

DeZwaan mentioned as correspondence an email from **Badra** concerning land divisions, an opinion issued by the **Township Attorney** “on platted subdivisions”, the Annual Report, the letter from the **Munsons** concerning the Newfoundland ponies issue and information from **Supervisor Hebert** about the “Holland Parks Master Plan.” County Park grant and Master plan.

V. Public Hearing - None

VI. Approval of October 22, 2013 minutes - Motion by **Newman** to approve the October 22, 2013 Regular Meeting minutes with corrections. **Gooding** seconded the motion. Motion passed.

VII. Old Business

a. Crawford & Old Landmark subdivision zoning

Smalley has brought to the Planning Commissions attention that there have been three variance requests that need to be dealt with in this area. When there are that many requests it is good zoning practice to review the ordinance dealing with this. It was asked if this zone should be changed to Res/Ag from Commercial, keeping in mind with this change there are some **large** parcels **and it** would lose **it's** Commercial standing. **DeZwaan** stated that this area is not practical for commercial as it will not perk, and **Badra** stated it cost residents about \$400 to go through the variance procedure. These are small lots in **an** old platted “residential subdivisions.” **area**. All members agreed that this should be rezoned “to Res”.

b. Trucks in Residential Zones - There had been a complaint from a resident along the lake shore about a commercial service truck being parked at a residence. Semi trucks are not allowed but this is a service truck. **Badra** stated it will be hard to determine size to regulate. **DeZwaan** stated she did not see any reason to revisit this area as it was dealt with in length earlier. If it was an unlicensed truck it would be dealt with, but this is a working truck. It was the consensus to leave this alone.

VIII. New Business

a. Election of Officers

Nomination for Chair- **Gooding** nominated **DeZwaan**. **Newman** 2nd. Nominations were closed. **DeZwaan** was elected **unanimously** “with DeZwaan abstaining”.

Nomination for Vice-Chair – **Badra** nominated **Newman**. **Gooding** 2nd. Nominations were closed.

Newman was elected **unanimously** “with Newman abstaining”.

Nomination for Secretary- **DeZwaan** nominated **Badra Hancock** 2nd. Nominations were closed.

Badra was elected unanimously.

b. Discussion of Public Hearing date

It was suggested that we move forward with having a Public Hearing at the March meeting. There are several changes that need to be dealt with such as: Ordinance corrections, the Table of uses, and the Subdivision issue. The Cottage Industry issue also needs to be addressed as our ordinance doesn't comply with the State. We can be stricter but not less than the State. After further discussion it was decided “to” **that we should** wait until the April meeting for the Public Hearing “allowing” **to give plenty of** time for preparation and postings that need to be done. **Badra** will work with **Yonkers** and **Smalley** to check on any more issues and getting the postings done. The meeting in March will be used to work on these items. **Hancock** asked if maybe a Vet could shed some light on determining what constitutes a “large animal”. Recording Secretary **VanDenBrink** will check with her son, **Dr. Jason VanDenBrink** who practices with the Allegan Animal Clinic to see how they determine what is a “large animal”.

IX. Administrative Updates

- a. Township Board-**Gooding** stated that the Township Board in December addressed the **Felker** situation that is now taken care of. At the January 2014 meeting **Mr. Jessups** was there discussing the new jail open house that will be held on March 8th from 10AM-4PM. He had also talked about “the State Legislature” getting rid of the land lines, but it **has been decided that** “may not pass since” there are too many uses of the land lines at this time. The Board also met with the Road commission and received news about the \$300,000 grant to be used for Phase 1 of the County Park improvements with the development of a new park at the end of 114th Avenue. It was found that there was more area available for parking than previous thought. It is hoped that this park will be ready for the 2014 summer season.

b. Zoning Board of Appeals – **Newman** stated there had been no meeting.

- c. Zoning Administrator – **Smalley** was not present but had sent a memo with items that she would like discussed, which **Dezwaan** presented.

Lake lots-Issue with accessory buildings “to be built on empty lots along platated subdivision streets. The lots need to be contiguous with the lot having a primary building and is permissible if the contiguous lots are combined to form on lot.” **being on a Platted street there is no room for an accessory building. If it is built on a vacant lot there could be an issue of it being changed to a dwelling and not be brought before the Planning Commission.**

Signs- Home occupation signs are smaller and unlit, where the directional signs are larger.

DeZwaan didn't feel there was any reason to change since this had been dealt with at length.

Dwelling Unit definition – specifically a portable dwelling. These would not meet building codes or minimum square feet regulations. **Mari Reijmerink** asked about temporary use. A temporary use is permitted but restricted to three weeks “if for visitors” “or longer” if building a **new** “replacement” home.

Large animals – this was discussed earlier in the meeting. It was asked that these minutes be forwarded to **Smalley** for her information. This will be done.

Mike Bos, representing the owner at 2219 Recreation Drive asked about putting a 30x50 garage across the road from this residence on a different lot. **Gooding** asked if this property is offset from the home, is it a Platte or just deeded property and is it adjacent? **DeZwaan** stated that if this is in a subdivision they will need to look at the subdivisions regulations. **Badra** stated that an accessory building would need to be contiguous or adjacent. If it is a separate lot this would not be allowed.

X. Future Meetings Dates

The future dates of the PC Regular meetings will be Tuesday, February 25, 2014(tentative) and Tuesday, March 25th, 2014 at which time there will be preparation for the Public Hearing in April.

XI. General Public Comment

Bob DeZwaan, 2259 68th Street, had concerns about approving the Newfoundland ponies with the grazing rights as part of the issue. If the land were to change hands there could be an issue. **Gooding** stated that if the lease is signed it would have to be allowed to continue to the end of the lease agreement, same as any easement agreement. **DeZwaan** still felt there could be a liability issue.

XII. Adjournment

Motion was made by **Newman** and supported by **Gooding** to adjourn. Motion carried unanimously. Adjourned at 8:28PM.

Respectfully Submitted,
Diana VanDenBrink
Ganges Township Recording Secretary