

GANGES TOWNSHIP PLANNING COMMISSION
Monthly Meeting Minutes DRAFT for June 27, 2006
Ganges Township Hall
119th Avenue and 64th Street
Fennville, MI, Allegan County

Chairman **Gooding** called the meeting to order at 7:02 PM.

Roll Call: Chairman **Barry Gooding** – present
Secretary Jim **Birkes** – present
Commissioner Jackie **DeZwaan** – present
Commissioner Dortha **Earl** – present
Commissioner **Ed Reimink** – present
Commissioner Dawn **Soltysiak** – present
Board Trustee Terry **Looman** – present

PUBLIC COMMENTS

Don Karas, Jr., 2025 Brookhill Dr., requested that the Planning Commission (P.C.) keep the commercial overlay zone on M-89 and Blue Star Highway in existence.

Bob Simonds, 2318 70th St., expressed opposition to Karas, Jr., stating that the overabundance of commercial cannot be substantiated in court and that the amount of commercially zoned land is out of proportion to Ganges Township's needs. He pointed out that the P.C. has been advised both legally and professionally, and that the P.C. is not "on the right track."

Jan Schroeder, 6944 Lakeshore Dr., reported that she has been meeting with the Health Department and Department of Environmental Quality (DEQ). She was informed that due to the state funding cuts, the DEQ is no longer doing environmental protection, just some remediation. Schroeder requested that the P.C. keep this in mind when projects come before them, as there will not be the state or county oversight the township has relied on in the past.

Don Karas, Sr., 1672 70th St., stated that he owns property along Blue Star Hwy., it is his business and investment, and the township has no right to take this away from him. He reminded the P.C. that "the people have spoken."

Rob Soltysiak, 6322 113th Ave., responding to Karas, Sr., stated that whether a few have spoken or not, it does not matter in the larger scheme—commercial spot zones have no relationship to the properties surrounding them or to the designated commercial zones along M-89 or Blue Star Hwy. He further pointed out that these areas are not legal under state law and will not be recognized as such. Soltysiak stated that the township will have to do something to make them legal, whether it is with a commercial overlay or some compromise, because the state currently will not recognize them as being legal. Just voting to say they are "okay" will not work.

CORRESPONDENCE

Notice of approval of a special use application submitted by Verizon Wireless, dated May 25, 2006, was sent to Verizon Wireless by **Birkes**,

Memorandum dated June 19, 2006, from **Birkes** to the Ganges Township Board, with copies of communication that took place between **Birkes** and Roxanne Seeber, township attorney, containing questions and legal responses regarding the Master Plan.

Letter dated June 12, 2006, from Seeber, attorney, to the P.C. with a brief overview of necessary changes to the Zoning Ordinance required to be in compliance with the Michigan Zoning Enabling Act. Seeber advised that after the P.C. and Board review the letter, Hebert, township supervisor, contact her regarding drafting the required ordinance amendments.

ADMINISTRATIVE UPDATE
Ganges Township Board

Trustee **Looman**, liaison, reported that there will be a township board meeting at the township hall June 29, 2006, at 7:00 PM to close the records for the 2006 fiscal year and discuss the budget for the 2007 fiscal year.

Zoning Board of Appeals (ZBA)

Gooding, liaison, reported that the ZBA did not meet this month, and there is nothing to report. **Birkes** asked **Looman** to clarify the upcoming role of Michigan Township Services (MTS). **Looman** reported that MTS is to be the zoning

administrator and Al Ellingsen will be a deputy in the building authority, maintaining his home office hours. **Looman** further explained that there will be an enforcement officer in Ganges Township approximately twice a month, but did caution that arrangements have not been officially confirmed between the Board and MTS. Gooding then questioned who will be posting notices in Shamblin's absence prior to MTS taking over on July 1. **Birkes** offered to work with the township clerk to get notices posted, and a question arose as to the requirement of posting for a preliminary review versus a final review. After referencing the Zoning Ordinance and discussing with Ellingsen, it was determined that a preliminary review, with the intention of the P.C. to review and make recommendations only, could take place without posting a public notice.

Zoning Administrator Report

Zoning Administrator, Paul Shamblin, was not present.

BUSINESS SESSION

The following modifications were made to the June 27, 2006, agenda:

- add *Budget Review* under *Old Business*
- add *Future Priorities* under *New Business*

Earl moved to approve the June 27, 2006, regular meeting agenda with additions; **Birkes** supported; motion carried.

Conklin Private Road Application

Ron Conklin was present and described having purchased land and doing land divisions, only to discover that the existing road could not accommodate a fire truck, so he purchased 30 more acres along Blue Star Hwy. with the intent to add a road that would accommodate township fire services.

Soltysiak questioned if the hand-drawn map presented was drawn to scale, with **DeZwaan** stating that the Zoning Ordinance requires this. **Birkes** suggested to Conklin that the information on another map (by Michigan Survey) also be on the application map, adding more detailed information about the proposed road. **Birkes** also suggested that this proposed private road be considered a new road as opposed to an extension of the existing road. Considering that it would provide access off Blue Star Hwy. and relieve the old road of traffic, this new road would meet the intent of the ordinance; **Soltysiak** pointed out the safety issue of the new road, too.

Reimink questioned a statement in the road maintenance agreement referring to the option of the property being used as commercial and stated that, per the ordinance, commercial property is not allowed along a private road. Conklin assured the P.C. that his intent is to not have this property used as commercial.

At this time, the following needs to be submitted to the P.C. by the applicant by July 12, 2006, before a determination can be made:

- an engineer drawing to scale
- a statement in the road maintenance agreement stipulating that if the road is not maintained, the landowners can be assessed by the township accordingly
- a statement (in the bylaws) declaring that the property cannot be used as commercial
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Birkes moved to postpone approval of the Conklin private road application until the next P.C. meeting on July 12, 2006; **Looman** supported; motion carried.

Cottage Home Site Condominium Preliminary Site Plan Review

Brian Bosgraaf, owner of Cottage Home, described the difficulty in drilling adequate wells along the lakeshore, thereby changing his plans of having land divisions with a private road to developing a site condominium instead. In developing the site condominium, he described the following to the P.C:

- Two (2) wells were drilled, with the capacity to provide adequate service to four (4) residences.
- Soil samples were approved by the Health Department.
- After doing research, he chose to install a single, private septic system with an extra filtration system that would service all four (4) residences and have two (2) drain fields.
- It will be stated in the bylaws that the responsibility to maintain the well and septic systems belongs to the condominium owners.
- The requirements of the Lake Michigan frontage amendment (anti-funneling) will also be in the bylaws.
- There will be no grade changes along the Lake Michigan bluff, and old stairs and the incline boardwalk will be replaced with new stairs and boardwalk.
- Signage is planned to be the name of the condominium engraved on a rock.
- It will be a gated community, most probably using a 1x4 ft. "arm."
- The bylaws will limit the size of the areas to be mowed and irrigated, striving for a rustic environment of wildflower/meadow blend.
- The beach front will be deeded to the two (2) front properties with ownership by all four (4) residences of the limited common element of the easement to the beach.

- A small, closed pond intended as a swell for storm water will also be available as a supply for the fire dept.

Bosgraaf also provided a Notice of Intent letter to establish a condominium from his attorney (Cunningham Dalman PC) and documentation regarding his water system.

After reviewing each point of Article VIIA, Section 7A.5 of the ordinance, the P.C. determined that the following documentation is required for the final site plan review:

- state and Health Department approval of the private septic system
- a copy of a draft of the bylaws

DeZwaan also asked Bosgraaf if the DEQ required any permits, to which he responded that he will comply with a high-risk erosion set-back requirement.

Approval of Prior Minutes

Soltysiak moved to approve the May 17, 2006, special meeting minutes with one (1) modification on page five (5); **Looman** supported; motion carried.

Soltysiak moved to approve the May 23, 2006, regular meeting minutes as presented; **Earl** supported; motion carried.

Birkes moved to approve the June 14, 2006, special meeting minutes with one (1) modification on page three (3); **Soltysiak** supported; motion carried.

OLD BUSINESS

Master Plan Development

Looman moved to accept the Master Plan as printed, and **Earl** supported. **Birkes** opposed the motion, stating that there are a few typographical errors. **Earl** suggested approving the above motion and then sending the Master Plan out to the other townships for review, at which time the errors can be corrected. **Birkes** and **DeZwaan** then questioned the intent of the motion: for the P.C. not to go through and correct page-by-page, or to approve this draft Master Plan to be distributed to the townships?

Chairman **Gooding** restated the motion: It has been moved and supported that the P.C. send this draft of the Master Plan as printed with any corrections that can be made later. **Birkes** opposed, stating that there is one serious flaw—the commercial spot zones. He stated that it is mixing planning with zoning and wanted the following reasons listed for the record:

- The current zoning is not a good reason to change our vision for the future, that there are other ways to protect the zoning without keeping the commercial spot zones on the land use map.
- Keeping the commercial spot zones on the land use map will complicate the implementation of the plan, having to consider them with everything the P.C. does.
- It will create difficulty for the P.C. when making future zoning decisions.
- The planner and attorneys have recommended opposing the commercial spot zones on the land use map.
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There was no further discussion and the chairman returned the motion to the floor. Motion was supported by roll call vote: **Looman**—yes; **Reimink**—yes; **Soltysiak**—no; **Birkes**—no; **Gooding**—yes; **Earl**—yes; **DeZwaan**—no (4/3).

Birkes will send a letter to the Board indicating that the P.C. has approved the draft Master Plan and request approval from the Board to distribute it to the neighboring five (5) townships. **Birkes** will also contact Greg Milliken, the planner, to confirm that he (planner) will distribute the Master Plan to the townships. **Birkes** then reported that he had contacted Milliken regarding the wording in the cover letter accompanying the draft. In the letter, Milliken had instructed the P.C. to send the Master Plan to the Board after the public hearing *with recommendations for adoption*. Per **Birkes**, the Planning Act states that the P.C. *approve* the Master Plan after the public hearing, then send it to the Board for *final approval*. Milliken agreed and recommended that the P.C. follow the wording of the statute when making the motion to send the Master Plan to the Board for final approval.

Budget Review

Gooding read off the different expenditure categories with their corresponding requested budget amounts. He pointed out that this P.C. came under budget by approximately \$6,900 for the 2006 fiscal year, but is requesting that the Board consider a budget of \$36,000 for the 2007 fiscal year, the same amount that had been budgeted for 2006. Despite coming in under budget in 2006, it is anticipated that the additional funding will be needed for the major task of implementing the updated Master Plan.

Reimink then recommended that the P.C. secretary receive an increase in compensation per meeting, noting the amount of work and time that **Birkes** contributes. **Birkes** then recommended that the recording secretary's compensation also increase. **Soltysiak** moved that the P.C. request the township board to increase the compensation for the secretary and recording secretary positions by \$25 per meeting; **Reimink** supported; motion carried (noted that **Birkes** abstained from

this vote). **Reimink** further recommended that **Soltysiak** be compensated for her work on updating the Master Plan. **Looman** advised that **Soltysiak** submit an invoice for her additional work.

LAND DIVISIONS REVIEW

Acknowledging that Shamblin is not present this evening, and his services have been discontinued, the issue arose as to who will continue to update the new land divisions. Ellingsen offered to pass along copies of applications to the P.C., but it still remains to:

- draw the land divisions in the plat book
- maintain the folder containing the applications
- record the parcel number and date of division on the map

The book is presently in Shamblin's possession, and **Gooding** will contact him regarding obtaining it.

NEW BUSINESS

Future Meetings Schedule

The P.C. special meeting is scheduled for Wednesday, July 12, 2006.

The P.C. regular meeting is scheduled for Tuesday, July 25, 2006.

Future Priorities

The following issues to consider addressing in the near future were offered:

- review the Michigan Zoning Enabling Act, effective July 1, 2006
- look at the commercial codes and establish different intensities
- update/modify the PUD ordinance
- establish a site condominium ordinance
- review the mobile home park and migrant housing ordinances, considering township jurisdiction
- refer to Ellingsen's earlier list of township priorities
- update the zoning map

Other Business

DeZwaan suggested requiring a better locator on the private road application.

Reimink reminded the P.C. that a quarterly report from the Ciesla mining operation is overdue (due in April). **Earl** suggested sending a letter to Ciesla and, if there is no response, pull the permit; **Looman** concurred. **Birkes** questioned if it were appropriate to enforce compliance, to which **DeZwaan** replied that it is appropriate to send a letter stating he is not in compliance and suggested that the letter be sent by certified mail.

Birkes will post a notice for a public hearing for the Cottage Home condominium final site plan review on July 25, 2006.

PUBLIC COMMENTS—none

ADJOURNMENT

Looman moved to adjourn; **Earl** supported; motion carried unanimously. Meeting adjourned at 9:15 PM.

Respectfully submitted,
Elaine I. Troehler
Ganges Township Recording Secretary