

Ganges Township planning Commission
Regular Monthly Meeting Minutes Final for June 24th, 2008
Ganges Township Hall
119th Avenue and 64th Street
Fennville, MI, Allegan County

I. Chairman Birkes called the meeting to order at 7:00 PM

Roll Call: Chairman: Jim **Birkes** – Present
Asst Chairman: Barry **Gooding** - Present
Secretary: Jackie **DeZwaan** – Present
Commissioner: Sally **Howard** – Present
Commissioner: Ed **Reimink** – Present
Commissioner: Dawn **Soltysiak** – Present
Board Trustee: Terry **Looman** – Present

Also present: Zoning Administrator Tasha **Smalley**

II. General Public Comment

Jim **Keag** (2086 66th Street) read and submitted a letter to the Ganges Township Planning Commission (GTPC) dated June 24th, 2008 where in part he expressed his frustration that he has fought for his rights to remain zoned Commercial; however he is unable to use his land the way he would like. Further, he expressed his opinion that Chairman **Birkes** should step down from the GTPC.

Attorney Randy **Schipper**, (representing Tom **Harrington**) in referring to the minutes from the 5/27, 2008 Regular Meeting of the GTPC, pages 3 & 4 D.1. **Lakeshore Landscape Supply** Site Plan Review, he noted the following inaccuracies: that the approval should include wholesale as well as retail, the existing Rip-Rap piles are available for sale, and that a small strip of about 14' at the west side of the property should be included as Commercial adding that all surrounding property is zoned Commercial.

Don **Karaus Jr.** (2025 Brookhill Drive) supported the reading of **Keag's** letter, adding his disapproval of language used by Planner (Brenda **Moore**), during the Special Meetings and further recommended that the language used be supportive to the residents of our township rather than work against them.

III. Correspondence

Letter regarding the Site Plan Review approval with contingencies to Joshua **Harrington, Lakeshore Landscape Supply** from GTPC Secretary Jackie **DeZwaan**, dated June 24th, 2008.

Letter dated June 17, 2008 from Tom **Harrington** requesting to have the Site Plan Approval review/application be added to the agenda for the June 24th, 2008 meeting.

Zoning Administrator **Smalley's** Monthly Report dated June 24th, 2008

Mineral Mining Special Use 2nd quarter report from Dan **Ciesla** dated June 24th, 2008

Memo from **Birkes** to Ganges Township Board (GTB) – GTPC Report for May, 2008

Summary of Committee Meeting dated June 11, 2008 from **Birkes**, Committee Chair

IV. Administrative Update

A. Township Board – Trustee Looman

The GTB will have a Budget Review Meeting Thursday, June 26th at 7:00 at the Township Hall. Any bills had to be in by June 24th.

On a personal note he expressed his appreciation to the GTPC members for taking advantage of the training that is available, adding that there are going to be a lot of new changes required by the state.

B. ZBA – Commissioner Gooding – None

C. Zoning Administrator – Administrator Smalley

A Private Road permit has been issued to Ron **Conklin** dated 6/12/08 for Foster Lane (for any additional information please see the Master Private Road file).

All quarterly reports have been submitted by Dan **Ciesla**, with a total of 9,289 yards removed. Per her site visit, all is in accordance to the approved Site Plan, and the project completion date is May, 2010.

Smalley has heard from the **Suequehanna (Cottage Home)** project, and they plan to have more information to her prior to next month's meeting.

Smalley also submitted information in preparation for next month's meeting which includes a Public Hearing for Cruz **Medrano** and a Special Use Application for **Vin Terra Winery**.

V. Business Session

A. Approval of Minutes: 5/27/08

Soltysiak noted that in the training session she just attended that she learned that if a Commissioner is absent from a meeting, they are required to vote on the minutes, basing their decision on the minutes submitted, corrections, and information provided by their colleagues prior to voting.

Motion by **Howard** to approve the Minutes for the May 27th, 2008 Regular Meeting with corrections as noted. Seconded by **Looman**. Motion carries unanimously.

B. Approval of Agenda

Motion by **Soltysiak** to approve the Agenda for the June 24th meeting with the changes as noted. Seconded by **Howard**. Motion carries unanimously.

C. Old Business

1. Gauntlett Private Road Site Plan Review

Dexter **Gauntlett** was represented by Bill **Rowe**, (6934 Bendemere Drive, Fennville) who explained to the GTPC that the proposed change to the previously approved Private Road Site Plan, would actually be for less splits of land, thus fewer homes and fewer driveways, etc. It will now be in the shape of a "Hammer Head" or a "T". The proposed site plan change has been approved by both the Fire Chief and the Zoning Administrator. Further **Rowe** requested to have the GTPC Chairman sign off on the newly proposed site plan tonight.

Soltysiak made a motion to approve the new site plan for the Dexter **Gauntlett** Private Road application, as long as no other changes are made i.e. no changes to the setbacks or the way the road was going to be constructed except for the "T", which has already been approved by the Fire Chief because it is for a less intense use than what was previously approved. Seconded by **Howard**.

Roll Call Vote: Yes vote = approval to the above motion:

Looman: yes, **Gooding**: yes, **Reimink**: yes, **Birkes**: yes, **Soltysiak**: yes, **DeZwaan**: yes and **Howard**: yes. Motion carried unanimously.

As requested **Birkes** signed off on the plan provided.

2. Lakeshore Landscape Supply

The GTPC addressed the issues Attorney Randy **Schipper** (representing Tom **Harrington**) made during Public Comment. **Schipper** noted that the contingencies noted in the approval letter of the **Lakeshore Landscape Supply** dated June 24th, 2008, and the minutes from the May 27th, 2008 GTPC meeting do not state the same thing within the contingencies.

After much discussion it was determined that the best way for the minutes from May 27th, 2008 and the approval letter dated June 24th to be in alignment with one another is to have the original Motion made by **Howard** on May 27th amended in this meeting. ~~s-minutes~~.

Motion by **Howard** to amend the motion made on May 27th, 2008 regarding the Site Plan Approval for To Do LLC, Landscape Supply by changing #4 to now read, "Application to show 'Landscape Supply Materials' business, and changing #5 to read, "Business is to stay within Commercial Zone". Seconded by **Reimink**.

Roll Call Vote: Yes vote = approval to the above motion:

Looman: yes, **Gooding**: yes, **Reimink**: yes, **Birkes**: yes, **Soltysiak**: yes, **DeZwaan**: yes and **Howard**: yes. Motion carried unanimously.

3. Zoning Ordinance Update Project

The GTPC will meet and review all content (to date) and review all proposed changes at the next Special Meeting without Principal Planner **Moore** in attendance.

Howard will contact **Moore** to determine specifically where we are in the process and what remains to be reviewed. **Howard** will further request a list of items from **Moore** that she feels the need for the PC to address and review at the next Special Meeting.

It was agreed that each PC member will review the content to date, and each member will bring a list to the next meeting for additional discussion among the GTPC, in preparation of the August Special Meeting, which will include **Moore**.

DeZwaan made a motion to start the GTPC Special Meeting on **July 17th at 6:00 pm**. Seconded by **Howard**. Motion carries unanimously.

4. Zoning Map Update

The Committee of **DeZwaan**, **Looman** and **Birkes** (Committee Chair) concluded that Parcel #0307-020-031-10 in Section 20 known as the **Brandl** property is zoned Industrial (Map provided by **Reimink** dated 7/24/86) and is properly described in the Zoning Book.

The Committee also found that the property known as the **Ameco** Property (formerly Metalurgic) Parcel # 0307-029-011-10 is zoned Industrial with research and documentation provided by **Looman** showing dates of 1970, 1971, 1984 and 1988. On the small zoning map in the back of the Zoning Book it shows to the southeast of that triangular parcel another rectangular parcel that is shown Industrial. That rectangular piece is also described in the Zoning Book as being Industrial. Although there was an application made for that parcel to become Industrial, it was never adopted as such due to lack of follow-up by the applicant (documentation provided by **Reimink**).

Birkes made a motion to modify the Official Zoning Map in the Township Hall to reflect the following parcels 03-07-020-031-10 (**Brandl** Property) and 0307-029-011-10 (Elizabeth **Johnson**) to be changed to be Zoned Industrial and 0307-005-003-00 (**Baker** Property) to be changed to Commercial Zoning. Seconded by **Howard**.

Roll Call Vote: Yes vote = approval to the above motion:

Looman: yes, **Gooding**: yes, **Reimink**: yes, **Birkes**: yes, **Soltysiak**: yes, **DeZwaan**: yes and **Howard**: yes. Motion carried unanimously.

Soltysiak questioned how this can be prevented from happening again in the future? **Birkes** will verify with the Clerk **Cindy Yonkers** to see how the Board may want to make these updates as well as the procedure on how this will be tracked in the future.

Birkes requested that the minutes reflect that Section E1A be removed from Article 2 of the zoning book.

5. Future Land Use Map (FLUM) Update

Birkes did not implement changes, because he wanted to have further discussion with the PC.

- It was discussed and agreed to add a notation to the map such as, “Text of Master Plan should be referred to for final interpretation of this map”.

Birkes noted that recently at the Zoning Enabling Act seminar instructor Mark Wyckoff FAICP Professor & Director instructed that when any change is made outside of the Master Plan that you then immediately update the FLUM.

Additional changes discussed were:

- Strip along M89 currently that shows approximately 1,000 feet is zoned Commercial and text depicts it to be 500 feet.

Further discussion ensued regarding whether or not the current PC members recalled that there was an error made when the current Zoning Map was amended in 2004. **Howard** was not on the PC at that time, **Soltysiak**, **DeZwaan** and **Birkes** remembered it that way and **Reimink**, **Gooding** and **Looman** did not recall.

Birkes noted that the PC is on record multiple times acknowledging that the current Zoning map has inaccuracies that they are aware of. **Gooding** suggested waiting for a decision to be made until a current application for site plan review is done. **Soltysiak** expressed that we can't make zoning decisions based on pending applications. **Birkes** acknowledged that if there is a strip of about 14 feet (+ or -) on the **Harrington** property (earlier discussed), that it should be depicted as such on the FLUM therefor if the owner does apply for it to be re-zoned it can be.

Birkes thinks the question is how much to show on the FLUM as being future Commercial use. Further, he suggested it should go along with the **Baker** re-zoning which is consistent with 500 feet along Blue Star, 500 feet along M-89 and the depth of about 770 feet in that area, which he feels is consistent with the rest of the plans within the township.

~~**Howard** confirmed with~~ **Howard** ~~asked~~ **Birkes** ~~that he believes~~ **if** this is a correction on the map to reflect what's in the text? Stating that she would feel more comfortable focusing on 'we think' we're making corrections when the map disagrees with the text and that we are simply making corrections that 'we think' are correct.

Howard suggested that the PC assign a sub-committee to review FLUM, review the text in the Zoning Ordinance and review the minutes leading up to the printing of the map, creating a list of discrepancies to bring before the PC for future discussion. **Birkes** suggested further that the PC also have representation from those that feel there are no errors to serve on the committee as well. **Soltysiak** added that it is not an us vs. them decision.

Gooding added that neither map shows the stretch along M89 correctly, adding that people are getting cheated of about 17' because the zoning starts from the center of the road, and most roads are 33 feet, and M-89 is 50'.

Howard made a motion that the PC assign a sub-committee to review the Master Plan, the Future Land Use Map, and the minutes leading up to those, creating a list of discrepancies and bringing them before the PC for future discussion. Seconded by **DeZwaan**. Once this has been completed, the Chairman will put it on the agenda for the next Regular Meeting. Motion carries unanimously.

Reimink declined nomination, noting that the people that serve on that committee should feel that they are right. **Looman** concurred that you can't have all of us that think its right (whether there are errors on the current Zoning Map). **Soltysiak** reminded the Commissioners again that this is not a 'we vs. them' situation. **Looman** stated that "it is a 'we vs. they' thing" and when asked to repeat himself for clarification he stated "it is a 'we vs. they' thing, and you know it".

Committee chair will be **DeZwaan**, with **Soltysiak** and **Looman** also serving on the committee.

D. New Business

1. Zoning Enabling Act Training Update

After attending the training regarding the Zoning Enabling Act (ZEA), the Planning Commission will make recommendations regarding the ZEA updates to the Township Board as necessary.

DeZwaan noted that most of the ZEA has already been reviewed and updated however the Planning Act includes zoning which may need to be reviewed.

Soltysiak noted that the PC also needed to document when and how the Planning Commission was formed, explaining that it will depend on how the PC was formed initially, and based on that information it may be necessary for the Township Board to re-established and re-form the PC in accordance to current requirements.

DeZwaan clarified that the PC will also need to review the PC Bi-Laws, in accordance with the ZEA, and making a recommendation to the Township Board for approval upon completion.

Birkes read from the ZEA item 2G: when a member of the ZBA is also a member of the PC or legislative body may not vote on the same matter in both bodies. **Gooding** explained that if an item comes up before the PC which is denied, and then they go to the ZBA and ask for something different than what was requested at the PC, that then the member of both the PC and the ZBA can vote again. If there is no change in the request, the PC and ZBA member cannot vote on an identical request more than once.

Gooding asked if the planner (**Moore**) will make necessary changes as required by the ZEA to the current update process. **Soltysiak** added that the last time there were changes they were reviewed by the Township Attorney suggesting that the same courtesy be applied to these updates.

Smalley added that the deadline isn't until 2011. **Gooding** also noted that it reads that the Master Plan is required to be reviewed every 5 years.

Birkes will follow up with **Yonkers** to determine how and when the GTPC was formed (by resolution or ordinance) and report back to the PC at the next meeting.

2. ZBA Appeal Process

Reimink requested that the PC discuss the recently approved change to the Zoning Ordinance to not allow appeals to go to the ZBA for Site Plan Review. **Reimink** reminded the PC that in the past that process of Site Plan Review has been helpful to some applicants and help to expedite the approval process, as well as not require the applicant to have the additional cost of going to court. He requested that this be reviewed further at the next Special Meeting. **Gooding** added that several members of the community have approached him regarding that decision, and people don't understand that it was done to try to help them in the process. **Soltysiak** agreed that it was done to try to expedite the process for the applicant. **DeZwaan** reminded them that these are things that need to be discussed at the next meeting, or everyone will want to express their opinions tonight.

3. Other business that may come before the Commission - None

VI. Work Summary & Future Meeting Dates

The next GTPC Special Meeting will be **Thursday, July 17th at 6:00 PM.**

The next GTPC Regular Meeting will be **Tuesday, July 22nd at 7:00 PM.**

There will not be a joint Meeting with the Township Board scheduled for 26th.

VII. General Public Comment

Don **Karaus**, Jr. (2025 Brookhill Drive) agrees with **Looman** on the we vs. they issue, he feels when **Gooding** and **Reimink** tried to express their view of the recent vote to deny Site Plan Reviews to be allowed to go to the ZBA that DeZwann told them it will be discussed at the next Special Meeting otherwise she would express her opinion also. Further he expressed that he feels that **Birkes** continuously tries to convince other members of the PC of his way of thinking. He suggested that an independent committee be contracted to review the minutes and the motions to get to the truth of things.

Tim **Capps** (6580 124th Avenue) Thanked the Commission for not making the changes automatic or “Rubber Stamping”, and he really appreciates the PC doing the research first.

Walt **Johnson** (2122 62nd Street) asked ~~when the changes are complete~~ **which ordinances are being rewritten** and ~~updated~~ how long will the public have to digest the proposed changes prior to the Public Hearing? **Birkes** replied saying 15 days. **Johnson** then asked how many ~~changes~~ **ordinances** would be made. **Birkes** explained that there ~~will~~ **would** be one **ordinance** change to the current ~~but it's to the~~ Zoning Ordinance. **Johnson** expressed his frustration asking if it is necessary to make a bunch of changes, adding that the PC says there aren't sides, and a special group is trying to get certain things into the Ordinance. **Birkes** replied that there is more than one special group. Further, **Birkes** stated for the record “that all this talk about special groups, etc. should be handled by ~~take~~ **taking** all of those complaints and ~~give~~ **giving** them to **Looman** (who is on the Board) and the Board can convene a hearing about this. If they feel things aren't being done properly, you (the resident in attendance that feel this way) need to take those things to the board. It doesn't do any good for residents to come to the PC meetings to complain, that the PC can't vote somebody off; the Board is the one to make those decisions.

Further **Johnson** asked why when the application was made to approve the request to allow for Commercial Zoning for the **Baker** Request, why did you (**Birkes**) ask for the denial of the request, instead of the approval?

Tim **Capps** (6580 124th Avenue) clarified Mr. **Johnson's** comment by explaining the motion that was made was to deny the request; where Mr. **Johnson's** question is why wasn't the motion to approve the request, and then then you can vote no if that's your vote.

Birkes noted that he has a right to his opinion, and he's going to do all he can to represent all of the people of this township, further, he is going to do it with all of the data; he would like to see the residents of this township go to the Board and request a hearing regarding what you think is improper procedure and have a public debate about this issue to review all of the data and who's behind all of this.

Soltysiak reminded those in attendance that it's the job of the Chairman to re-read the motions that are on the floor, and that does not necessarily reflect his personal view or opinion of the Chairman!

Don **Karaus**, JR. (2025 Brookhill Drive) clarified that **Birkes** did not make the motion to deny, the motion was made by **Soltysiak**.

Shirley **Newman** (6221 121st Avenue) explained that the reporter from the Local Observer did not come to her family. Knowing what she knows now about you (**Birkes**) as Chairman adding that **Birkes** should have recused himself from the vote.

Roy **Newman** (6221 121st) noted that the PC just agreed to allow the request by **Harrington's** attorney to extend the Commercial Zone by 14'. **Soltysiak** explained that the PC changed the contingency to allow them to operate within the existing Commercial Zone. He further stated that the lawyers advised the Township Board to vote the way they did after their appeal was made to Allegan (audio inaudible). He's glad to see the committee was formed to review the facts. He also made the point that the Planner (**Moore**) has stated that maps are what are referred to determine zoning.

VIII. Adjournment

Motion by **Looman** to adjourn this regularly scheduled PC meeting at 9:40. Support by **Howard**. Motion carries.

Respectfully submitted,
Ronda J. Hall
Ganges Township Recording Secretary