

Ganges Township Planning Commission
Regular Monthly Meeting Minutes FINAL for June 22 , 2010
Ganges Township Hall
119th Avenue and 64th Street
Fennville, MI, Allegan County

I. Call to Order and Roll Call

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

Roll Call: Chair: Sally **Howard** – Present Vice Chair: Barry **Gooding**- Present
Secretary: Phil **Badra** - Present Commissioner: Jackie **DeZwaan** – Present
Commissioner: Ed **Reimink** – Present Board Trustee: Terry **Looman** - Present
Commissioner: Ross **Wightman** – Present
Zoning Administrator Tasha **Smalley** was also present.

II. Additions/Changes to Agenda and Adoption

Add as V. **Public Hearing on the Ciesla Mineral Mining**. Motion was made by **Badra** supported by **Looman**, to accept the **Agenda** with the requested change. Motion passed.

III. General Public Comments

There were no public comments.

IV. Correspondence, including upcoming meetings/seminars

~~**Badra** had several e-mails that had been sent concerning the **Martinson's** right of way issue with the **Nash** family, dated June 1-4 and 13, 2010. **Badra** received correspondence dated June 1-4 and June 13, 2010 from Mr. David Nash regarding the Martinson right of way agreement including correspondence between Mr. Nash and attorney Steve McKown. A letter dated June 1, 2010 was received from Mr. Bruce LaBrie of the Allegan County Road Commission regarding whether Sunset Lane is a private road of record in Ganges Township.~~ **Gooding** asked if we had received anything from the Township Attorney concerning the right of way/easement issue. As of now we have not.

V. Public Hearing-Ciesla Mineral Mining Site Plan/Special Use Application.

Howard opened the Public Hearing by stating that first **Mr. Ciesla** would state what he wanted to do, then the public would be able to voice their opinions for or against the operation and finally discussion by the Planning Commission.

Mr. Ciesla said that what he was asking was to continue operating as he had for the past five years.

Rob Soltysiak – 6322 113th Avenue, stated that he was in favor of the request. As a neighbor of this operation he said the **Mr. Ciesla** has run it very well, and as long as it is run by the original tenants, he saw no reason to oppose it. **Dawn Soltysiak** asked if there was a map documenting where the mining is being done. This is documented.

There were no comments made against.

Planning Commission's discussion: **Gooding** asked if the mining area will be the same as before. **DeZwaan** mentioned that **asked if** the first hill was reclaimed and **Smalley** confirmed this “has been completed.” **Reimink** asked about ownership of the land. **Mr. Ciesla** owns the land he will be mining, but his son now owns the property that would give access to the mining area. It was asked if there would be a problem getting access documented from his son. This will not be a problem. **DeZwaan** also asked about the truck traffic. It would continue to use

the same route.

The Public Hearing was closed at 7:10PM.

VI. Approval of Prior Minutes, 5/25/10

May 25, 2010 – Motion by **Badra** to approve the minutes of the March 23rd Regular Meeting with corrections. Seconded by **Looman**. Motion was approved.

VII. Old Business

A. Martinson Site Condo application

It was asked if all the information that had been requested was received. **Smalley** stated that it seemed that it had. **Howard** asked about the documents needed concerning the road issue. This had been referred to the Township Attorney. **Badra** said that the Site Plan application listed Sunset Lane as a private road, which Allegan County does not. There is still a question about ownership. **Atty. McKown** refers to it as a “private” drive. If **Nash** owns this, there are several other siblings that have not signed off. We still need to get the Attorney's opinion as to ownership. **Badra** stated he would like to table the application. **DeZwaan** felt the paperwork “from Martinson” was a little confusing also referring to the road as *an easement and* a lane ~~or drive~~.

Martinson stated that he had met with the Township Attorney in March of 2010. He had also talked to the County prior to that meeting, and was told it was a township issue, not a county issue. The history of the road was gone over again. When the property was probated the information concerning the road access was omitted. Probate can not open this issue for six years due to other issues in the will. **Martinson** stated that several other properties have access, he felt he could go to another property owner and get access that way. This will not satisfy the Ordinance which states a need for 100' “road” frontage. **Gooding** said that the survey shows an easement. He wondered if **Martinson** could get permission from another owner it may be possible to go to the ZBA and get a variance.

Howard stated with all the confusion over this road issue it did not seem that the Commission was ready to move forward.

Martinson read from the ordinance, but **Smalley** said that the road does not meet the requirements of width. **Howard** stated since this is extending the use it has to be updated to the current requirements. The Commission needs to go back to the Township Attorney for clarification re: access, inheritance questions and since Sunset has ~~been used~~ *the easement* since 1925 ~~possible ownership~~ by adverse ~~land ownership~~ *possession*.

Badra made a motion to table the **Martinson Site Condominium Application** until we have the Township Attorney's opinion as to whether **Mr. Martinson** has legal access to Parcel #2 either by virtue of a pre-existing private road or a Right of Way agreement with **Mr. Nash**. Motion was seconded by **Looman**.

A Roll Call vote was requested and was as follows:

Looman – Yes **Badra** – Yes **Reimink** – Yes **DeZwaan** – Yes

Gooding – Yes **Howard** – Yes **Wightman** – Yes

Motion carries. **Howard Badra** will forward the information to the Township Attorney.

B. Ciesla Mineral Mining Site Plan Review/Special Use Application.

Smalley submitted a Memo that mentioned a concern over the parcel number, but this number is correct. The Memo also had information about acreage, the mining area and how much has been mined in the past. **Smalley** has a file that has all the information in it on the past mining. The Site Plan will need to show 100' from the property line. **DeZwaan** asked **Mr. Ciesla** to get an access agreement from his son since he now owns the property that would be used for access to the mining area. **Mr. Ciesla** will get written documentation of

access. **Badra** asked about the time frame- open ended or specific years for the Special Land Use. **DeZwaan** said that to take the total yardage requested at the past rate would take approximately eight years, what if this land was sold? **Smalley** stated since it needs to be reviewed yearly as written in the Ordinance, revocation is allowed if the review is not approved. **Gooding** also asked about the 15,000 cubic yards per year, but previously the most taken was 12,000 cubic yards.

Howard led the Commission through the Site Plan Review using a list prepared by **Smalley** covering the requirements for Article 8.5 Special Land Uses. All items were covered and the issues that need to be addressed were:

Section 7D.06 #12- Mr. Ciesla will get the access agreement needed.

#14- existing lines on plan has been corrected on subsequent information.

#19- Agreed to no time limit as Ordinance will protect this.

#20 – No additional requested.

Section 7E.05 #6- Corrected to show 15 acres.

Section 7E.07 #A.- New Special Land Use will need to be recorded with the County.

There were no other issues or conditions imposed.

Gooding asked if there were any issues with being 24” below grade. **Smalley** had pictures that were taken in 2007, but she stated that the area looks pretty much the same.

Looman asked about 7E.08 concerning the requirement of a bond as deemed necessary, this was waived previously.

Bob DeZwaan asked if this property is sold will the Special Land Use go with the land.

Howard stated that the Ordinance allows for immediate revocation of the SLU if in the yearly review it is felt it is not being run properly.

Motion was made by **Howard** to approve the **Ciesla** request for Special Land Use with written agreement for access, that the Special Land Use be recorded with Allegan County, that there will not be a time limit on the SLU, that the acreage be changed from 40 to 15 acres and that the Planning Commission wave the requirement of a Performance Bond.

Badra seconded the motion. It was stated that if there were any problems Mr. Ciesla can be asked to come in. It was also stated that **Smalley** has done a very good job of monitoring this in the past. A Roll Call vote was requested and was as follows:

Looman – yes **Badra** – yes **Reimink** - yes **Howard** - yes

Wightman – yes **Gooding** – yes **DeZwaan** – yes

Motion passed.

C. Preparation for Public Hearings on Zoning Ordinance updates

Howard asked for input as to how many copies of the Ordinance Draft that will be needed for the Public Hearings. It was agreed to ask for 50 copies (25 copies/night). Other needs will be legal pads for public questions to be submitted, **Howard** will see to getting maps of the Township, and copies of the changes which **Smalley** had provided previously. There will be two documents of changes, one of the original changes and one of changes since that have been discussed. **Howard** reminded everyone that the Public Hearings are for public input, not to discuss changes at that time, but to take those suggestions to look at more closely at subsequent meetings.

Tuesday, June 29, 2010 the Public Hearing will be concerning the introduction to the Districts, Other Districts, Special Use Permits.

Wednesday, June 30, 2010 will concentrate on the Commercial District Draft.

Time limit: It was decided to set a time of 10:00PM to finish each night.

Jane VandenBerg - 1910 Lakeshore, suggested that a time limit be used as how long the public can talk. Also that a gavel be used if necessary. She also asked if there was a target date as to when this would be completed. Howard said that the Commission

will go through all the information gotten in the Public Hearings as expeditiously as possible, but not an exact date.

VIII. New Business

There was no New Business.

IX. Administrative Updates

A. Township Board – **Looman** reported that the Township Board will meet on Thursday, June 24, 2010 at 6:30 to finalize the 2011 Budget.

B. Zoning Board of Appeals – **Gooding** had nothing to report.

62nd C. Zoning Administrator – **Smalley** had nothing to report. **Reimink** asked about an area on street concerning the amount of dirt being removed from that property. It was decided that **Smalley** should watch and see if this looks like more than 2,000 cubic feet steps will need to be taken.

X. Future Meeting Dates

Public Hearing Meetings will be on Tuesday, June 29, 2010 for general changes that are proposed and Wednesday, June 30, 2010 concerning the Commercial portion, at 7:00PM at the Glenn Hall.

July Regular Meeting will be Tuesday, July 27, 2010 at 7:00PM at the Ganges Township Hall.

XI. General Public Comment

There were no public comments.

XII. Adjournment

Motion was made by **Looman** and supported by **Howard** to adjourn. Motion carries unanimously. Adjourned at 8:42PM.

Respectfully Submitted,
Diana VanDenBrink
Ganges Township Recording Secretary