

Ganges Township Planning Commission
Regular Monthly Meeting Corrected Minutes for March 22, 2016
Ganges Township Hall
119th Avenue and 64th Street
Fennville, MI, Allegan County

I. Call to Order and Roll Call

DeZwaan called the meeting to order at 6:59 P.M. and explained when public comments would be heard.

Roll Call: Chair Jackie DeZwaan –Present, Vice-Chair Roy Newman-Absent
Secretary Phil Badra-Present, Commissioner Charlie Hancock-Present
Board Trustee Barry Gooding-Present
Zoning Administrator Tasha Smalley-Present

II. Additions to the agenda and adoption

Motion was made by Badra and seconded by Hancock to accept the agenda as presented.

Motion passed by voice vote.

III. General Public Comments

Eric Heavilin gave the Commissioners information on wineries and explained why he feels the Winery Ordinance needs amending to allow wineries on less than ten acres of land.

John Wingat representing Dr. Bastow gave the Commission two Site Plans with the surveyor's seal.

Brian Lesperanc representing Fenn Valley Winery gave the Commissioners information on breweries since the Winery would like to also produce beer and grow the needed hops.

Kathy Stanton asks about the enforcement power of the Planning Commission regarding Dr. Bastow's lack of an occupancy permit. DeZwaan explained that the Zoning Administrator and the Township Board have enforcement powers and not the Planning Commission.

Jan Woods, president of the Glenn Area Business Association, expressed concern about Dr. Bastow creating an eyesore in Glenn and its effect on visitors.

Sue Hefner echoed Jan Wood's concerns on blight and the doctor's lack of compliance with regulations.

Chuck Hefner doesn't want anything approved that would undermine how Glenn is.

Bob Ambert asks if the Township can force Dr. Barstow to comply. He does not want the Site Plan approved. DeZwaan explained if the Site Plan complies with the Ordinance we are compelled to approve it.

Kay Conklin is concerned about the aesthetics of the site and wonders if Dr. Barstow has health issues as the reason for his lack of compliance.

IV. Correspondence and upcoming meetings/seminars.

DeZwaan listed memos from Michigan Township Services to Top Grade Aggregates and Dr. Barstow and letters from MTS to Valley Market, ToDo LLC, KLC Transport, Top Grade's letter to

Smalley, attorney's letter to Dr. Barstow and email from Sue Pohlman. Next meeting dates April 26 and May 24.

V. Public Hearing – None.

VI. Approval of February 23, 2016 minutes – Motion made by Gooding seconded by Hancock to approve the minutes with corrections. Motion passed by voice vote.

VII. Old Business

DeZwaan explained that Ordinance updates would be addressed at the April meeting.

Deliberations on Ciesla Special Land Use application. DeZwaan went over the ten items discussed at the last meeting that needed to be changed, added or amended to the Site Plan and narrative. These were all complied with. Hancock asked about reclaiming the crushed concrete driveway. DeZwaan explained that keeping the driveway would be up to Mr. Ciesla and would be no different than other driveways to ag land. Smalley stated that it would give better access to the land than Mr. Ciesla's private driveway and would probably be kept. DeZwaan made a motion to approve the amended SLU request made by Top Grade Aggregates LLC on behalf of Dan Ciesla for parcel # 03-07-035-010-00 as it is in compliance with the Zoning Ordinance Section 12.03 and with Article 14 Class One Mineral Mining with the following conditions:

1. Top Grade Aggregates is responsible for the quarterly and annual reports to Michigan Township Services.
2. Top Grade Aggregates is the contact for the annual inspections of the site by MTS.
3. After the 43,464 cubic yards have been removed and the site reclamation has been completed and inspected by MTS any further sand mining will require a new Special Land Use application to be submitted to MTS.

Motion was seconded by Gooding. Roll call vote Gooding -yes, DeZwaan – yes, Hancock-yes, Badra-yes. Motion passed 4 to 0.

Gooding made the point that the site is to remain a Class 1 mineral mine with no more than 15,000 cubic yards to be removed yearly. It was also noted that a second sealed Site Plan was to be given to Smalley for the Commissioners to sign at the next meeting – only one was available at the current meeting.

Deliberations on Dr. Bastow's Site Plan for a Medical Clinic. Badra explained that he had contacted the Regional Director of the Nuclear Regulatory Commission regarding Dr. Barstow's use of nuclear materials in his practice. Dr. Barstow had voluntarily terminated his license at his former South Haven office because of violations in his role as radiation safety officer. He is still allowed to use the diagnostic materials but a new radiation safety officer has been appointed who is Mr. Ray Carlson of Mirview, Inc. located in Ann Arbor. The clinic is subject to periodic inspections by Mr. Carlson. It was also pointed out that the State does not regulate what occurs in a doctor's office unless it is a free standing outpatient surgical center. The Planning Commission's responsibility is to be sure the Site Plan complies with the Zoning Ordinance. Evidently, there has been confusion as to the address of the clinic and it was explained that

properties south of 114th in Glenn have a South Haven mailing address and those north of 114th have a Fennville mailing address. This may explain why some letters including the attorney's letter were not received with a Glenn mailing address. DeZwaan asked Mr. Wingat about Saturday hours and if the fuel tank was double walled. Mr. Wingat did not know the hours and thought the tank was double walled. DeZwaan asked Mr. Wingat to have the doctor provide the Saturday hours. Other items discussed were signage, landscaping, storm water management, parking all of which are addressed on the Site Plan. Hancock asked if the doctor could live there and Smalley replied no since it was not requested in the Site Plan. DeZwaan also spoke with the office manager and stated to the manager that patients could not be seen until an occupancy permit was granted. DeZwaan went over Article 12 of the Zoning Ordinance Section 12.03 C. item by item and found all 37 items to be in compliance with the submitted Site Plan.

DeZwaan made a motion to approve the Site Plan for a medical clinic in Glenn at 6990 114th Ave. with the following conditions:

1. The refuse area is to be screened and locked.
2. Landscaping is to be completed in 90 days.
3. All tents, carports, and non-construction vehicles are to be removed within 30 days.
4. Fuel tank is to be set where shown on the Site Plan and if is not verified to be a double walled tank a drip pan must be installed within 30 days.
5. The only signage allowed is the one shown on the Site Plan.
6. No activity is allowed other than site construction until an occupancy permit is issued by Michigan Township Services

Badra seconded the motion. Roll call vote Gooding-yes, DeZwaan – yes, Hancock-yes, Badra-yes. Motion passed 4 to 0.

VIII. New Business – None.

IX. Administrative Updates

- a. Township Board – Gooding reported at the March 9 meeting the 114th violations were discussed. Road dust control would be done twice this year and county road resurfacing guidelines were outlined. Poverty exemption guide lines were adopted.
- b. Zoning Board of Appeals. No meetings were held.
- c. Zoning Administrator – Smalley discussed the three violation letters that had been sent to Valley Market, ToDo LLC and KLC Transport.

X. Future Meeting Dates April 26 and May 24.

XI. General Public Comments.

Eric Heavilin thanked the Planning Commission for considering his request on the winery ordinance and offers to help with any questions.

Charlie Hefner asked about the NRC and the handling of nuclear materials – explained by Badra. He also asked about blight violations and the number of cars allowed at the medical clinic site, DeZwaan explained enforcements are done by the Zoning Administrator and the Township Board and stated that the parking spaces allowed are on the Site Plan.

Sue Hefner asks about a second building and was shown its location on the Site Plan. Bob Amber states that the doctor was told at the last meeting to do no business and he blatantly does not follow the PC instructions. Why do you think he will comply now? Jan Woods states it is a difficult situation for Glenn and it won't be easy having Dr. Bastow in Glenn.

Ed Reimink asks if there is a time limit for changes to a Site Plan. DeZwaan explained that the Zoning Administrator can approve minor changes but other changes have to come back to the PC.

Joe Jackson asked if the lack of an occupancy permit takes is in effect now and was told yes. He asked if he is able to make an appointment anyway who does he contact. Answer- Tasha Smalley.

Kathy Stanton Stated the office in South haven was closed by the health department and wonders if the health department can make an inspection even without an occupancy permit – told yes. Also asks about the blight at 120th and Blue Star by Ed Karaus who has not complied with a citation given years ago to clean it up. Smalley will contact the enforcement officer to inspect the site.

XII. Motion was made by Gooding seconded by Hancock to adjourn the meeting. Motion passed. Meeting adjourned at 8:55 P.M.

Respectively submitted
Phillip Badra
Planning Commission Secretary