

Ganges Township Planning Commission
Regular Monthly Meeting **DRAFT** Minutes for September 23, 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 7:00 pm and explained how the SLU public hearing would be conducted and that public comments on other issues would be heard during the General Public Comments portion of the meeting.

Roll Call: Chair: 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 – 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.

III General Public Comments

Erik Pennebaker stated that the PC minutes were not on the township website. DeZwaan said she would follow up on that.

Glenn Brink who lives on Recreation Drive asked why the ZBA only gave him an eight foot side yard variance and others along that road were given five foot variances. He wants to know how he can get five feet too. DeZwaan explained that appeals of ZBA decisions cannot be heard by the PC and can only be heard by the circuit court. She also explained setbacks were adopted with input from emergency and fire responders and pertain to safety issues. Setbacks also vary by the building's use commercial, residential, etc.

Dale Scholten asks if he had a lot across from his lakeside home on Recreation Drive why he couldn't build a storage building there. DeZwaan explained accessory buildings could only be built on lots with a primary building on it.

Roger Zoet asked if a variance could allow the accessory building. DeZwaan explained that the MZEA prohibits such use variances. Badra explained that those along Recreation Drive are in a platted subdivision and do not own to the center of the road. If they did their lots would be contiguous and could be combined into one parcel which would allow the storage buildings. Only the circuit court could alter the platted subdivision and Smalley added that all residents along the road would need to agree to change the plat. Zoet also asked if adding to an existing building on his home's lot would be allowed. DeZwaan stated a variance would be needed.

Sara Cullen expressed concerns about the County Park's plan for a wedding gazebo. She

was concerned about traffic, noise, access to the beach if a wedding took up all the parking and stated that Oval Beach and South Haven beaches don't allow weddings. DeZwaan stated the gazebo was planned for phase 2 if funds were available but Jim Birkes pointed out that it was on the Site Plan being considered so would be approved if the Site Plan were approved. Mark Ridley asked if the beach walkway was permanent and Parks Coordinator Brandy Gildea said it would be seasonal and stored in the storage barn at the Park. Ridley also asked who would police the Park.

Jan Leslie asked if weddings were the gazebo's only use. DeZwaan stated that the narrative had it as a multiple use structure. There were also questions on how weddings would be handled and why the gazebo was placed in the main part of the Park.

IV Correspondence and upcoming meetings/seminars

Smalley mentioned a MTA meeting on THE ABCs of the ZBA to be held in Clyde Township. DeZwaan had a brochure on a Fix Our Roads information and Dick Hutchins mentioned a September 29 GAAMPS meeting in Allegan Township.

V Approval of the June 24, 2014 minutes – motion was made by DeZwaan seconded by Gooding to approve the minutes with corrections. Motion passed.

VI Public Hearing – Special Land Use Application for Excavating/Future Concrete Recycling from Valentine Excavating, LLC.

Mr. Carl Valentine stated that he has an excavating business that does commercial work and would use the site to store equipment in the building in the winter. He states that he has not changed the site except for the concrete he has placed there.

DeZwaan asked if anyone wanted to speak in favor of the SLU and no one responded. She then asked for those opposed to the SLU. Dortha Earl sent a letter and was mainly concerned about water drainage since the drainage ditch may be blocked as water now flows towards Blue Star Hwy. and goes to the septic field of the church and behind Kismet Bakery. She is also concerned that the site is now a dump site with possible toxic materials leaching into the surrounding wells.

Erik Pennebaker is also concerned about noise and what is being dumped on the site. He states that a stream flows from behind the Kismet bakery to the site. He also wonders if the use is Light Industrial or Commercial. Jan Leslie is also concerned about the material being dumped there and noise.

George Klein asks if permits have been obtained and states that equipment has been burying construction debris so that the meadow has been raised 6 1/2 to 8 feet. Is the material inert? Will property values be affected?

Letters received in favor of the SLU from:
Tim Erlandson Construction LLC

KLC Transport, Inc.
Blue Chip Sales

Letters received opposed to the SLU from:

Dortha Earl
Erik Pennebaker
Florence Keirnan and Joel Skok
George and Bonnie Klein

Public Hearing opened at 7:32 pm and closed at 7:41 pm.

VII Old Business

Green Fire Studio – request for two businesses in one building has been withdrawn.
Kismet Bakery lease has been received.
Cranes SLU corrected map and copy of the recorded SLU document have been received.
Cruz Medrano SLU complaints. Repeated violations of the provisions of his SLU have been noted and he has received two letters concerning those violations. The options of how to deal with the problem were discussed and Badra suggested that a registered letter be sent to Mr. Medrano noting what he agreed to abide by in his SLU and that if any further violations are noted or complaints are received a public hearing would be held to revoke the SLU. All agreed that the Zoning Administrator would send the letter to Mr. Medrano with a copy to the PC.

VIII New Business

Valentine Excavating/ Concrete Crushing Special Land Use

Gooding states that the ditch drains to the north into a federally designated trout stream. Badra asked Mr. Valentine if he has buried demolition material there and he said no but he has found stuff there. Hancock stated that he saw shingles and conduits protruding from the ground. DeZwaan stated that the grade of the land is increased and material is under the clay. Valentine stated that he has hauled dirt and clay to the site. Badra noted that the DEQ has regulatory authority over waste piles and landfills under the Natural Resources and Environmental Protection Act PA 451 of 1994. Badra also asked if he had commercial septic approval and Valentine stated John Johnson approved it.

Mr. Valentine plans to crush concrete in the future when he accumulates three to four thousand tons of it and would hire a crusher for one week per year. DeZwaan wanted to know how he would prevent overflow to the Rea/Ag portion of the property and also noted that the north end of the site abuts federal wet lands. Hancock asks how many vehicles there are, Valentine stated 4 pieces of heavy equipment, 3 semi tractors and 4 trailers. Badra felt that more information was needed before a decision on the request could be made. He proposed that the deliberation and decision process be adjourned until the November 25, 2014 PC meeting so that Mr. Valentine had time to:
Consult the DEQ to determine if the material on site is inert or toxic, have the DEQ determine how the site affects the wetlands and to obtain the permits needed including a soil erosion permit.

Obtain input from the Allegan County Drain Commissioner to evaluate the county drain on site.

Obtain from the Allegan County Health Department verification that a pump and haul septic system is approved for this type of commercial use.

If the DEQ cannot do soil borings to test for toxic materials then a private firm be employed by the applicant to do the testing.

Copies of these & any other permits be provided to the Zoning Administrator and the Planning Commission. All Planning Commissioners were in agreement on the adjournment proposal.

Site Plan Review – West Side County Park parcel # 0307-008-040-00

Gooding asks with one exit and one entrance will the toll booth return. Ms. Brandy Gildea Allegan County Parks Coordinator stated that the plan is for no tolls. Gooding also asked about the location of the slides – too hot in the sun, lack of a ball diamond, slope of the ramps to the beach. Gildea answered ramps will be built under ADA requirements. Gooding suggested creating a path at the south side of the Park for emergency vehicle access to the beach. Hancock asked if the walkway paths' hand rails would be wood or metal Gildea was not sure. The number of additional parking spaces would be 28 regular and 4 barrier free. Badra informed Ms. Gildea that the Park is zoned residential and not commercial or mixed use. Ms. Gildea stated that storage would be in the barn by the rest rooms, that the gazebo was not only for weddings and that tents would not be allowed for weddings. She has experience in the permitting process as she comes to the County from South Haven where she was the summer parks supervisor. Badra noted that Township Ordinance #1 requires a permit from the Township Board for outdoor entertainment and Township Ordinance #20 regulates noise.

Hancock asks if the project could be done by Memorial Day and Gildea responded weather permitting it could be done. The Site Plan Review Requirements in Section 12.03 C. were gone over item by item and found to be met. A motion was made by Newman, seconded by Gooding to approve the Site Plan for the West Side Park as presented. Motion was passed by a roll call vote of 5 to 0. DeZwaan requested that all permits that are necessary be supplied to the Zoning Administrator.

IX Administrative Updates

Township Board – Gooding reported that at the June meeting the budget was passed, two PA 116 agricultural exemptions for Geerlings were approved and the Felker dangerous building issue was settled.

Zoning Board of Appeals – Newman reported no meetings were held.

Zoning Administrator- Smalley had nothing to report.

X Future Meeting Dates – October 28 possible if there is business to discuss, November 25 meeting will be held.

XI General Public Comments

Mr. Hutchins asks if the November meeting will be another public hearing. DeZwaan said no since the public meeting was held tonight and only the deliberation and the decision process was adjourned.

Robert DeZwaan stated in his experience with construction and demolition, barriers are needed as long as debris is hauled into a site.

XII Adjournment – A motion was made by Gooding seconded by Badra to adjourn the meeting. Motion passed. Meeting adjourned at 9:12 pm.

Respectively submitted

Phillip Badra

Secretary

Ganges Township Planning commission