

**Ganges Township planning Commission**  
**Regular Monthly Meeting Minutes FINAL for September 25th, 2007**  
**Ganges Township Hall**  
**119<sup>th</sup> Avenue and 64<sup>th</sup> Street**  
**Fennville, MI, Allegan County**

- I. Chairman **Gooding** called the meeting to order at 7:00 PM

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

Chairman **Gooding** made a motion to adjourn this meeting because there is no power tonight due to a storm earlier in the evening. The meeting is rescheduled for Wednesday, October 10<sup>th</sup> at 7:00 PM at the Township Hall. 2<sup>nd</sup> by **DeZwaan**. Motion Carries.

Meeting adjourned at 7:12

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- I. Chairman **Gooding** called the meeting to order at 7:00 PM

**Roll Call:** Chairman Barry **Gooding** – Present  
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II. **General Public Comment**

Theresa **Wiley** (6633 121<sup>st</sup> Avenue) is the property owner immediately east of the proposed LCLC project, and she expressed her opposition to the project.

Jane **Nally** (6550 122nd Avenue) expressed her concern whether there are different rules for different properties, since she was only able to split off her property into 5 acre lots. **Gooding** replied stating that the owner is utilizing the "open space act".

Donna **Kustron** (6635 Pine Hill Drive) informed the Commission that she researched the developer on the internet, and she is concerned that they are advertising HUD housing and encouraging the purchase of a duplex, living in one unit and renting the other.

Sally **Nye** (2160 66<sup>th</sup> Street) noted that their land borders the proposed development on the east side, and her concern is for the beauty and preservation of the woods, trails, and wildlife, and encouraged the developer to reconsider their proposal, and to cut back and reduce the size of the project.

III. **Correspondence**

Chairman **Gooding** noted receipt of a letter from Vance **van Wieren** (6654 122<sup>nd</sup> Avenue) which expressed his opposition to the proposed Lakeshore Community Living Condominium development by Jiten **Shah**, **Advantage Home Builder, Inc.**, developer.

**Gooding** also noted the receipt of a letter from Cal **Becksvort P.E.** of Latitude Engineering & Surveying (7885 Byron Center Avenue SW, Suite D, Byron Center, MI 49315) representing the property owner and **Advantage Home Builder, Inc.**, developer of the LCLC project. **Becksvort** requested the township to seek legal advisement and clarification from the township attorney prior to the meeting on September 25<sup>th</sup>, allowing him to make a proper request to the Planning Commission.

#### IV. Administrative Update

##### A. Township Board Update, Terry Looman, Board Trustee

**Looman** announced that the new charge for an application requesting a Special Meeting of the Planning Commission is \$1000.00, effective immediately.

**Looman** explained that at the last PC meeting, a "Special Use" permit was granted to Darrell & Kathy **Doornbos** (2337 63<sup>rd</sup> Street, Fennville, MI 49408) for a wedding chapel and the township now has a form and a an *entertainment* fee of \$100 for outdoor entertainment.

**Looman** explained that per the suggestion from the Township Attorney, the Township Supervisor is looking into making an Engineering Firm available to the Township, should it be necessary.

**Looman** advised the Commission and the attendees that the new plat maps are now available through the MSU extension at the county offices at a cost of \$35.00/each plus \$5.00 shipping & handling, colored versions are \$5.00 more.

##### B. ZBA Update by Commissioner Gooding:

**Gooding** reported that there were 5 applications at their last meeting

Emil **Tijan** (2201 Hutchins Lake Drive) request to put a second story on their home. Approved

Al **Whiteman** (1510 71<sup>st</sup> Avenue) request for relief on a 66' right of way on a road that will serve two parcels, requested 33', allowing him to have a parcel alongside, making the other lot buildable. Approved

Norman **DuVall** (2211 Hutchins Lake Drive) requesting to demolish the existing home of 1800 square feet, and proposed a 2500 square foot home (with a second story), keeping the same footprint. Approved

James & Lilly **DePree** (2207 Hutchins Lake Drive) to demolish the existing home of 1750 square feet, and build a new home of 2304 square feet, and an unattached lot *garage*. Approved

Michael **Williams** (7162 114<sup>th</sup> Avenue) request to tear down existing home, and build a new one in the same footprint. Approved

##### C. Zoning Administrator Update: Tasha Smalley

**Smalley** reported that a letter was sent to the Township Attorney requesting that they proceed with the prosecution of Ron Conklin, *builder owner* of property on ~~LaRue~~ *LaRue* Lane in Glenn, citing non-conforming complianceuse, with regards to request from ~~MTS~~ *the ZBA* to provide adequate barrier to roadway.

She also noted that the project by Ron ~~Gelesen~~ *Colson* has now been approved.

#### V. Business Session

##### A. Approval of Minutes:

**Approval of Minutes of Prior Meeting (7/11/07)** Motion by **Howard** to approve the minutes with corrections noted for the July 11<sup>th</sup> meeting, seconded by **Looman**. Motion approved.

**Approval of Minutes of Prior Meeting (8/8/07)** Motion by **Howard** to approve the minutes with corrections noted for the August 8<sup>th</sup> meeting, seconded by **DeZwaan** Motion approved.

**Approval of Minutes of Prior Meeting (8/28/07)** Motion **Birkes** to approve the minutes with corrections noted for the August 28<sup>th</sup> meeting, seconded by **Soltysiak**. Motion approved.

**Approval of Minutes of Prior Meeting (8/30/)** Motion by **Soltysiak** to approve the minutes with corrections noted for the August 30<sup>th</sup> meeting, seconded by **Birkes**. Motion approved.

## **B. Approval of Agenda**

Motion by **Howard** to approve the Agenda for this regularly scheduled monthly meeting with changes noted, seconded by **Looman**. Motion approved.

## **C. Old Business**

### **1. Dolly Brook Farm Final Site Plan Review & Private Road Application.**

Commission Member Sally **Howard** addressed the Commission and those in attendance, stating that although the attorney representing Dolly Brook requesting her to recuse herself from participating in their application process, she feels that her business is in no conflict with the applicant, and she has no plans to do so. Her decision was supported by fellow commissioners.

Dolly Brook spokesperson Don **Karaus** addressed the Commission handing out a construction plan and sequence & order of Dolly Brook. He also issued an updated drawing, addressing some of the questions of the PC. **Karaus** explained that in past meetings when they talked about “phases”, what they intended to say was “styles” of construction.

**Karaus** referred the Commission to a letter dated August 24<sup>th</sup> from Rhoades McKee pc., attorney representing the Dolly Brook Farm PUD. **Karaus** reviewed the content of the letter, in response to the letter received from Secretary **Birkes**, dated June 27<sup>th</sup>, 2007. **Birkes** letter requested clarification or additional information in preparation for the Final Site Plan Review.

**Karaus** requested the Commission to grant the Final Site Plan approval, with contingencies of Health and Septic, and agencies outside of the PC jurisdiction.

**Gooding** confirmed with **Karaus**, that any development above 15 units goes under the jurisdiction of the DEQ rather than the Health.

**Reimink** asked if they are going to be open year around. *Jim Keag explained that they expect that some units will be open 365, but the project will be market driven, and that they want the option to open or close the units as needed.* **Reimink** expressed concern with parking at the “office/laundry” being close to the entrance and whether it may cause traffic backup. He’s also concerned that the “Emergency Exit” going through a “playground” area? *Karaus explained that exit is for emergencies only adding that there is a gate there now and it will continue to be gated.* **Reimink** questioned whether the existing vegetation being used as “screening” is sufficient. *Karaus explained that the vegetation is quite sufficient, and that there are no plans of adding a fence, adding that they are willing to post signs as the PC deems necessary.*

**Birkes** expressed concern regarding ~~Wysteria~~ Willow Lane going through the wetlands. *The reason Karaus replied, is to preserve the buffer, and not to disrupt the wooded areas.* **Birkes** asked if all property is owned by Jean **Beaty**? *Yes, with no rents paid.* **Birkes** added that in the preliminary letter sent back to the applicant, we asked them to identify the phases, with time limits on each phase. They now say that they have a 12 year plan. Also, the 4 staff houses are still primary residences, adding that per our Township Ordinance you can only have one primary residence per parcel. The public asked the Commission to determine the size of the project and expressed concern that the project be completed. And finally, **Birkes** reminded the Commission that the Private Road Ordinance does give the Commission flexibility ~~to allow private roads in setting standards~~ within a PUD.

**Soltysiak** expressed her concern that the applicant letter insinuated that there was only one more item for the Planning Commission to approve, prior to approval. She does not feel that is the case, and stated that to date the commission had not made any motions or decisions on this application. Addressing the Commission she asked if they feel the intent of the PUD ordinance is to be a creative development or to increase density. Her concerns include wetlands in private road right of ways, private roads in a commercial development, no commitment on financing, how many beds, time lines, what the dimensions are of the Church, Gazebo and Hall, and content thereof, and the potential over burden on a dirt road. Reminding the Commission of the

need to treat all applicants equally, she feels there are too many issues regarding the health, safety and welfare of the community to approve this application.

**DeZwaan** noted that this is currently proposed as a one phase project, over 12 years and that it is now 58 units instead of the original request of 54 units, due to the addition of staff/family units. She too is concerned that there are no dimensions on the plan for the proposed church, gazebo & hall, leaving the question of how these structures may affect the sewer, water, access and parking. She noted that since this is both a private road and a PUD that Chestnut Lane has 5 units proposed, and more than 4 units requires a 22' road width. Also, not knowing the capacities of the units leaving the maximum water and sewer usage unknown, she is concerned that there could potentially be a burden on the proposed sewer and water system. She also feels that the right of way needs to be moved over, away from the wetlands.

**Howard** agreed that initially there were 4 units referred to as family units, and they are now referred to as staff units, she also agrees that the Commission needs to know how many beds and proof of financing before proceeding. Although we know specific dimensions of the cabins, we need to know the maximum number of occupants so we know what the applicant is asking for and can make an informed decision.

Secretary **Birkes** will send a letter to the applicant, stating the items the Commission feels do not comply with the Ordinance addressing:

- Only 1 residence is allowed per parcel, regarding the 4 units designated as family/staff units
- The right-of-way for "Willow Lane" be repositioned as to not encroach upon the wetlands
- That "Chestnut Lane" be positioned further from the edge of the property providing adequate buffering
- Proof of financing
- A surety bond assuring the completion of the public utilities (septic, wells, roads, buildings, etc)
- A more definite timeframe with a proposed listing of the phases to be developed, and the anticipated completion
- Information on the water and sewer usage, in regards to the overall density of the completed project
- Show the proposed perimeter buffer of natural setting on the map, with dimensions noted
- Anticipated estimate of total accommodations at project completion, including number of beds, kitchens, bathrooms, laundry facilities, pool, etc. as well as an estimate of the total number of people to be accommodated.

**Birkes** made a motion to postpone further discussion adding that the Commission will communicate back to the applicant the items that have been established as being major issues to the Commission, asking them to address these and cooperate with the Commission taking these things to the next step so we can all get to a final site plan that can be acceptable. Seconded by **DeZwaan**. Motion carries.

## 2. Lakeshore Community Living Condominiums (LCLC) Preliminary Site Plan

LCLC, representative Cal **Becksvoort** (Latitude Engineering & Surveying, inc.) addressed the Commission stating that there are currently 26 acres, which allows for 15 parcels being utilized in the open space preservation, and then taking into consideration what can't be counted as part of the open space, the project is reduced to 14 divisions. Duplexes are being shown, because the Ordinance allows for duplex dwellings on parcels, thus having 28 living units, 14 buildings. The intent is to start at 121<sup>st</sup>, moving north one pod at a time. The configurations were aligned for the best usage of the property as far as soils, and privacy for the neighbors as well as the residents that will be living there.

Concerns from the last meetings, centered on wells, septic, traffic, etc. The first supplemental drawings show the lot lines that meet the open space ordinance. At the August meeting, concerns included how does this development fit the community? What is it going to do to the neighboring property values? Displaying a map, with the neighboring properties located, stating that none of the properties have a SEV of more than \$250,000. The parcels that have had wells tested are specified on the plan. All tests were done at 100' or more, showing a result of 20 – 30 gallons per minute. 8,400 gallons of water per day is the anticipated usage

for 28 living units, and the existing soil conditions consist of a 40' – 50' clay layer. Standards for Allegan County are 10 gallons per minute on wells and a 10' clay layer.

Wetlands will be delineated on the final site plan. The developer is avoiding all the wetland areas, with the exception of the small non-regulated wetlands which are not controlled by the state of MI. He further added that the current zoning allows for this development.

Addressing additional questions raised by this meetings attendees, **Becksvooort** replied; it is not viable to reduce the size of the development, the open space will be managed by the association, this development has nothing to do with Mothers Trust, and the sale of this property by the sellers (Henry's) is contingent on the PC's approval. The emphasis of the sale of homes will be for retirees, and concerns regarding the road (121<sup>st</sup> Avenue) are under the jurisdiction of the Allegan County Road Commission,

**Soltysiak** asked if they were still planning 28 wells. **Becksvooort** replied that there will be 1 well per dwelling (fourteen), *potentially more depending on Health Department requirements.*

Commissioner **DeZwaan** read an email that she received that indicated the developer/development is being marketed by Mothers Trust, and the email content included reference to the possibility of the condo's being part of a time-share and that a road will connect Mothers Trust to the development. Further, there was a bus chartered to take interested parties to the manufactured home company in Indiana. **Becksvooort** had no prior knowledge to this, and could not comment. The Developer, Jiten **Shah, Advantage Home Builder, Inc.**, confirmed that Mothers Trust arranged a bus trip that he went on, in an effort to pre-market the development, however this development is not affiliated with Mothers Trust.

### **Preliminary Site Plan**

**Howard** stated that the Commission needed to address whether we will allow 28 units, and that we asked the Township Attorney for an opinion, and received guidance, and that she feels that the Commission can only approve 14 individual dwellings, not duplexes.

**Gooding** stated that his interpretation of the attorney letter is that you can have 14 duplexes. **Birkes, DeZwaan, Howard, Looman, and Soltysiak** all disagreed with **Gooding** with **Birkes** stating that he believes that if that's the case it would double the density throughout the township. If you build a single family dwelling it requires 1-1/2 acres, if you are going to build a duplex, it requires 3 acres. **Howard** concurred adding that she feels that was the intent of the ordinance when written.

**Birkes** noted that he will send the applicant a letter, with a summary of the concerns that the Commission discussed while conducting the Preliminary Site Plan review for the LCLC development.

- The existing zoning would allow for 15 individual dwellings, not the proposed 14 duplexes
- Concern regarding the increase of traffic on 121<sup>st</sup> Avenue
- Turnarounds are needed at the ends of the roads
- Since some dwellings may not have garages, parking areas must be designated.
- Minimal lighting and signage would be required, due to the rural community of the development
- Each individual dwelling needs to be a minimum of 960 square feet, with a minimum width of 24'

**DeZwaan** asked the builder/developer if the process of a factory built home is done so it meets the State of MI building code. *Shah replied stating that the process of inspections is done at the factory, with the manufacturer assuring that the proper codes are met, for the state the home is being delivered to.*

### 3. Zoning Ordinance Amendments

a.) Planned Unit Developments (PUD's) b.) Site Condominiums c.) Mobile Home Parks d.) Private Roads e.) Section 3.2G of the Zoning Ordinance f.) Sections 7D.04 and 7D.06 of the Zoning Ordinance.

**Birkes** explained that although the Commission has previously reviewed all of the proposed documents in preparation of the upcoming public hearing, requesting that his fellow Commissioners review the amendments one last time prior to the meeting.

#### D. New Business

1. Other business that may come before the Commission

None

2. Request for Proposals (RFP)

**DeZwaan** noted that 2 of the firms that were sent a RFP have contacted her regarding the number of meetings that will be required of the "Planner" to attend. Once the interview process begins, that will have to be addressed. She also wants to make sure that our current Planner, McKenna & Associates received the RFP, and that their bid was for the current RFP. **Howard** will call McKenna to make sure they are aware.

#### VI. Land Divisions Review

**Gooding** reported that there were 5 Land Divisions: Sam Squires, Rex Felker, John Kolean, Daniel Ciesla, and Ted Broe, and ~~Rex Felker~~.

#### VII. Future meeting Dates and Committee Work Summary

The next regular meeting is Tuesday, October 23<sup>rd</sup> at 7:00 PM at the Township Hall.

The next special meeting is Wednesday, November 14<sup>th</sup> at 7:00 PM at the Township Hall.

The November regularly scheduled meeting will be on Tuesday, November 27<sup>th</sup> at 7:00 PM at the Township Hall.

**Birkes** advised the Commission, that at the end of this term, he will be resigning as the Planning Commission Secretary.

#### VIII. General Public Comment

Theresa **Wiley** (6633 121<sup>st</sup> Avenue) asked the PC for confirmation that the LCLC representative went from 14 duplexes to 7, adding that she is still concerned that the development is still affiliated with Mothers Trust, and asked if the Commission will verify financing on that project. **Looman** stated that they would verify funding.

Karen **Laird** (6780 121<sup>st</sup>) commented that she doesn't want to see 121<sup>st</sup> paved because they don't want load limits, which could prohibit them from getting their crops out.

Jane **Nally** (6550 122<sup>nd</sup> Avenue) commented that a few years ago there were a couple of new homes built about ½ mile from her, which resulted in her, and a neighbor having to have new wells drilled.

David **Nye** (2160 66<sup>th</sup> Street) expressed concern regarding the water issue, stating that every time they irrigate the blueberry bushes near him, the water in the pond goes down considerably.

Roy **Newman** (6621 121<sup>st</sup> Avenue) also expressed concern about the water table. On 66<sup>th</sup> street a large pond was dug, and they had just finished putting in their irrigation for the blueberry bushes on 121<sup>st</sup> & 120<sup>th</sup> adding once they started using the irrigation, the ponds in the area all go down drastically. The density being proposed in this area by both the Dolly Brook project and LCLC will have a great impact on the water availability in the immediate area. He expressed concern regarding the private roads and road easements in the immediate area of 121<sup>st</sup> and 66<sup>th</sup> street. In addition, he added that the gated easement road for the Dolly Brook project is open continually, and is used daily for business.

Darcy **Lloyd** (2110 66<sup>th</sup> Street) her neighbor dug a pond, and her pond went dry. She too is concerned that she may lose her water, causing her to put in a new well.

#### IX. Adjournment

Motion to adjourn by **Looman**, and seconded by **Howard**. Meeting adjourned at 10:08 PM.

**Respectfully submitted,**  
**Ronda J. Hall**  
**Ganges Township Recording Secretary**