

Approved 4/20/22

Casco Township Planning Commission
Regular Meeting
March 16, 2022, 6 PM

Members Present: Chairman Andy Litts, Vice Chairman John Weaver, Secretary Greg Knisley, Board Representative Dan Fleming, ZBA Representative Sam Craig and Kelley Hecker

Absent: None

Also Present: Richard Bloem, representing Basel Aqel. Zoning Administrator Tasha Smalley, Supervisor Alan Overhiser, Clerk Cheri Brenner and Recording Secretary Janet Chambers

1. **Call to Order:** The meeting was called to order at 6:00 PM by Chairman Litts.
2. **Review / Approval of Agenda:** A motion by Hacker, supported by Knisley, to approve the agenda. Knisley asked to add something to new business. All in favor, MSC.
3. **Public Comment – items NOT on the Agenda & Correspondence Received:** Andrea Quinn, 68th Street asked to comment on an upcoming Special Use Permit. She said she chose to live in Casco because it is a zoned community. She is concerned about a special use permit requested by Kevin and Mary Whiteford on 46th and 68th Street. Whiteford has many gatherings with over 100 people. They are not following the noise ordinance and causing disturbances in the neighborhood. Quinn asked what she is supposed to do or who to report this to. She has called the police on multiple occasions. Allegan County police have been out there. The police are overburdened, and noise is not a high priority. Police are unable to respond until many times the event is over. She asked who is responsible for this. Whiteford has proven they cannot operate within the ordinance. Quinn said the noise is unbearable. She can tell you the words to the music they are playing. Her grandson cannot sleep because is afraid the noise is thunder. They cannot open their windows. The police have been there. Supervisor Overhiser has been there twice. She has eight documented events. Smalley and Overhiser have worked on six warning letters. These are not minor noises. Supervisor Overhiser let them know they are working with the attorney about this. Ellingsen sent a letter that events must cease and desist. They have not. There is already a political fund raiser scheduled for August. To get the Special Use Permit, they need to prove they can operate within the ordinance. They have proven they cannot. Quinn stated she is at her wits end and does not know where to go next to get the ordinance enforced, other than seeking legal counsel. This has affected the value of their home. The SEV has gone down. Quinn said this has been going on for 2 ½ years and she is begging the planning commission not to grant the Special Use Permit. She does not know where to turn. She is begging for peace at her home.

Smalley said Whiteford has requested a Public Hearing for a Special Use Permit next month.

Quinn said the police have told her they can't enforce the Casco Ordinance unless they are asked to by the township.

Supervisor Overhiser said they are operating under their own protocol. The Ordinance is well known to the police. Overhiser said Whiteford has been given a notice to turn the noise down, but he does not know of a citation.

Quinn said she calls the police around 7 PM and they don't respond until the event is over. Quinn added when she had guests for dinner, it is so loud they cannot eat dinner on the deck. There are 12 weekends in the summer. Six of those weekends are ruined because of the noise. Quinn said she is begging Casco not to approve the Special Use Permit. If approved, she will have no recourse.

Chairman Litts said he appreciates Quinn's comments. He stated he does not have an answer as far as the application. Litts said he was not aware the Special Use Permit was coming. He added Quinn's comments are noted and the PC will take her comments into account.

Quinn asked if the public would be heard at the Special Use hearing, or if there is any point to speaking. She said she has done everything she knows to do and not one event was stopped. She added she has even given notice that an event is going to happen weeks ahead of the event.

John Kasishke said he is in attendance because of his concern about the fire pits definition and setbacks.

Litts said the PC will cover fire pits at this meeting.

4. **Approval of Minutes from 1/19/22:** A motion by Fleming, supported by Craig to approve minutes of 2/16/22. MSC. All in favor. Minutes approved as presented.
5. **Public Hearing – Private road – Basel Aqel, 700 Blue Star, 0302-063-005-10 Sun Bluff Court to serve two parcels** (Attachment 1 Public Hearing Packet 20 pages)
 - **Open Public Hearing-** The public hearing was opened at 6:10 PM.
 - **Applicant presents:** Rich Bloem, builder representing Aqel, said he would like a private road to service two parcels. Bloem said they met with the fire chief and authorities and got their blessing on the proposed private drive. They are doing soil borings. The original plan to divide into 4 lots has changed been changed to 2 lots because of septic systems.
 - **Correspondence-** Chairman Litts went through correspondence, giving a summary of each:
 1. Joan Steck, 742 Blue Star Highway, South Haven wrote in opposition because of character and wellbeing of the neighborhood. (Attachment 2)
 2. Tom Tucker, Blue Star Highway, wrote in opposition to the project due his concern of the property possibly being wetlands. He is also concerned about septic systems on the wet property. (Attachment 3)
 3. A second correspondence from Tom Tucker also in opposition to the project due to the lack of public water and sewer, and the impact of two wells and 2 septic systems on the neighborhood. (Attachment 4)

4. Abigail Mackenzie in opposition to the project because there was no public hearing about the property division. Second, narrow lots with no public sewer or water, existing vacant land available, noise and light pollution, and negative affect on the neighborhood. Third the land falls within the Casco drainage flood plain area and impact on land. (Attachment 5)
 5. A second letter from Abigail Mackenzie, also in opposition to the project, stating no public water or sewer, developed, and divided for profit, wildlife and rural character of the area. Falls within Casco drainage flood land area. (Attachment 6)
 6. Sam Rovit, 746 Blue Star Highway, South Haven, in opposition to project due to no hearing on the division of the property. He also noted at the ZBA meeting when considering a road width variance, Mr. Craig stated that the variance was only for the private road width and did not deal with lots. He also noted lack of public sewer or water, water table, narrow lot, and wet land impact on neighbors. Lack of density in neighborhood makes this incompatible with surrounding land. (Attachment 7)
- **Audience comments for / against:** No comments in person or on zoom.
 - **Any further discussion:** Bloem responded to concerns in the correspondence. He stated they will not be near the wet area. They have approval and permits for well & septic. As far as density, the project has been changed from 4 lots to 2 lots. One home will be Aqel's home.

Litts commented the hearing is just for approval of the road. Smalley said she is responsible for approving the land division, which does not require a public hearing. Smalley added the lots meet size and setback requirements. The only concern was road frontage. A private road would give road frontage needed to meet the road frontage minimum.

Bloem said the private road would be shared and lake access would be given at the end of the road. Aqel will own the road. The front house will be a separate lot. There will be an easement through that lot for the road. A road maintenance agreement will go with the property.

Craig asked what the beach easement will be. Will it be improved?

Bloem said he did not know, but it would be a way to get to the beach.

- **Close public hearing – no further public comments.** Chairman Litts closed the public hearing at 6:29 PM.

6. New Business:

a. Discuss / decision private road.

Smalley said a private road has requirements in Section 3.26E, and 3.26G is design standards. The biggest part is approval by Fire Dept. Smalley said the ordinance and the Fire Department standards are in conflict. Something the Planning Commission needs to look at.

Knisley asked if this would be a named road.

Bloem said it will be Sun Bluff Court.

Chairman Litts noted 3.26 E 3 states *The Planning Commission may request review assistance from any appropriate entity that could provide insight on the project including but not limited to the Township attorney, engineer, planning consultant or any appropriate County or State entity.*

Supervisor Overhiser said Rob Pierson is the engineer the township uses for engineering.

Smalley stated Rob Pierson is the engineer that drew the plans.

Discussion ensued about 3.26 I Performance Guarantee, options and reasons for requiring.

Smalley said it is an amount held to insure if the project was abandoned, the township could finish or put in a usable state. Smalley has the project cost.

Craig said it is his thoughts that property owners have personal rights. If you own the land, and follow the rules, you should be allowed to use the property as you wish.

Knisley said most lots were divided out from larger parcels. There are noise and light ordinances. As far as the negative impact from wells and septic, they have endorsement from the proper people who oversee them.

Hecker said the applicant has gone through the steps, got approval for septic and well, both lots fit the acreage requirements for area. If this were running along Blue Star we would not be discussing it. Hecker said the only concern is if there are wetlands along the south property line.

Chairman Litts asked Bloem where on the map the concern for wetlands exists.

Bloem said the wet area is where the natural flow of water goes toward the drainage area. Aqel will need a permit from EAGL if he is within the area that requires the permit.

Smalley said they will be moving dirt to put in the road. If there is a wetland, you will need a permit to put in the road.

Chairman Litts said there are a couple of items to include in a motion. One would be whether there should be an engineer to review the plans. The other is to have the attorney look over it.

Smalley said an engineer would review plans for the engineering compliance. An attorney would be more for the right-of-way and maintenance agreement.

Fleming said, this is not rocket science. It is flat land. Fleming did not think the township would need an engineer's oversight.

Knisley said it is a driveway for two people. As long as it satisfies the Fire Department. If there is a disagreement on the maintenance contract, it is for perpetuity.

Bloem said the attorney could review the road agreement. Rob Pierson from Midwest will seal the drawings as well.

Knisley said as far as an attorney reviewing the contract, it seems that would be something the property owner would want to do.

Hecker asked who builds the road.

Bloem said they have received 3 bids, from Compton's, Busscher's, and Jensen's Excavating.

Discussion returned to the performance guarantee as per Section 2.05. The amount Smalley received is \$18,375.00 for 100% of the cost.

Litts said the motion could include "submit required performance guarantee as per 3.26 I.

Smalley said it could be a letter or bond held by the township. It would be returned when final approval of the project is done.

Chairman Litts said the motion should include "All county and state permits shall be obtained."

A motion by Litts, supported by Knisley, to approve the private road as submitted, pending the applicant meet all applicable county, township, and state permit regulations as required in 3.26C. Approval also subject to completing the performance guarantees in Section 21.05. Roll call vote: Craig-yes, Fleming-yes, Weaver-yes, Knisley-yes, Litts-yes, Hecker-yes. Motion carried 6-0.

B. Any other business that may come before the commission

Knisley said he talked to Litts after the last meeting. People send in correspondence, and it is not acknowledged. If it is late or after the fact it is different, but he would like correspondence to be in a permanent place on the agenda.

Fleming agreed, if people take the time to write concerns, we should address them.

Litts said correspondence is on the agenda. He asked what Knisley would like him to do differently.

Discussion ensued about being sure public comment and correspondence is acknowledged during the public hearing before a decision is made.

Fleming recalled the board coming up with a policy that written comments need to be in prior to a meeting.

Smalley said the new policy is still being worked out. Comments must be submitted to the clerk by 5:00 the day prior to the meeting. Smalley does not always get them by the deadline when they are sent to the Clerk because she is not in the local office every day.

Clerk Brenner said sometimes both she and Smalley get the letters and they are printed out twice.

It was agreed that one point of contact would be more efficient. It was decided that Smalley would be the best person for Planning Commission correspondence.

Craig said we are going into the 3rd year since covid hit. We used zoom to allow people to attend without contact with others. Craig said it may be time to consider getting rid of the zoom attendance.

Supervisor Overhiser said it was the opinion of the Attorney General that covid is a disability. Therefore, in support of the Americans' Disabilities Act meetings were done via zoom. It is still being debated. Stay tuned.

Knisley asked if it was required that meetings be recorded?

Supervisor Overhiser said it is not required. Because meetings were on zoom, it was easy to record.

Fleming commented in response to some of the correspondence received for the Public Hearing. He disagreed with some of the presuppositions mentioned. In one letter they stated "*not one other property along Blue Star has been divided for profit*". This is not the case. At one point the property was all bought up by speculators, sold to farmers, etc. Developing for profit is not unnatural. It is reality. Life is based on that. Another statement was "*capitalizing on the land is not good stewardship*". Stewardship by whom? They are trying to put 2 houses on it. Another statement was "*the land has been cleared*". It is nice to live next to woods, but if it is not yours, it might not be woods. Fleming said he feels for these people, but that is not our (Planning Commission's) issue. Another statement, "*it is not compatible*". You don't have to go far to get to where the density is pretty high. Not compatible with what? What it was? That's not our issue. They have met the requirements and Fleming does not see a problem with it.

7. **Old Business:**

- A. **Continue campground / resort text amendment discussion:** Litts said Smalley has presented the existing definition and possible changes. Resort cabins may be allowed in campgrounds, but not allowed on licensed camp sites. If a campground is 20 acres, and has licensed sites, you can have cabins, but not on a licensed site. Litts said he called Jeremy Hoeh, Environmental Engineer for EGLE, as recommended by Clay Griffendorf, and Hoeh said the same thing. You can have a campground with tiny homes, put in a group and call it a campground, or a mixture where some sites are licensed, some not, or all licensed. Whenever you have your licensed facility, you plopp the tiny home on it, it would no longer be a licensed spot.

Smalley said campground owners are supposed to let EGLE know the number of sites that are licensed.

Discussion continued on campgrounds with licensed or unlicensed sites. With the state, less than 5 sites falls under one category, and 5 or more falls into a more traditional campground. If you have a resort structure with water or sewer, it does not have to be licensed by the state. The possibility of requiring some sites to be State Licensed was discussed as a way to get the state involved in determining things like

how many bathrooms, showers, or toilets to require. If there are any licensed sites in the campground, the state will take into account the unlicensed sites when determining bathrooms, showers or shelters required.

The option of allowing a single-family permanent home within the campground was discussed. It was the consensus of the commissioners that this could be a good thing.

Fleming said when we are trying to reconcile the regulations, let's figure out what we are protecting.

Litts said the definition of campground needs to be very clear. Currently it says a place for overnight camping. That has created confusion with some of the new campgrounds. It leaves citizens to define camping on their own. Our ordinance differs from the State's definitions.

Fleming said if we don't identify camping, people could just put a bunch of stuff up. What would be the harm in that?

Smalley said when the Ordinance specifically spells it out, it is easier to tell people what it says. Yes, we would like to have those temporary structures. When it spells it out specifically it is easier to tell people this is exactly what it says.

Knisley said we have put glamping with water, sewer, and air conditioning, right next to an established B&B and one must perform to a certain level and others are on their own.

Knisley said he could get 50 used school buses. Put in a pot belly stove in each to heat them. People say it doesn't matter to me, but not next door to me.

Fleming said if we are going to talk about how much to pay people to give up their property rights. If they willingly sold their development rights for compensation, that would be ok. But for compensation.

Smalley said she wrote the draft specifically to include non-licensed sites. From conversations at previous meetings commissioners did not feel all sites must be licensed.

Fleming asked if there were enough state licensed sites on a campground, would that settle all the issues with the building inspector.

Issues with building permits for a deck were discussed. If you have a permit for a deck, you need footings. You can't have footings because you can't have a permanent structure. The codes conflict with each other.

Hecker asked how permanent buildings (cabins) would differ from a hotel. They are for the purpose of temporary living quarters.

Litts said he would like to go over the proposed draft. Commissioners had comments on the following:

1. Three acres is pretty small. With only 3 acres required, campgrounds might end up in more dense areas. A three-acre minimum would limit the number of sites. You will need to fit in green spaces and other requirements.
2. Commissioners agreed it would be ok to allow a dwelling occupied by the owner or manager.
3. Setbacks between sites and/or structures was discussed. Site size was discussed. 1,500 sq ft is in the current ordinance. After discussion it was decided to look at existing campgrounds and consider the sizes and distance between sites. Smalley will see what site plans she can find from existing campgrounds.

Weaver volunteered to sketch what a 3-acre campground might look like with setbacks and green space.

Discussion ensued about potable water, flush toilets and showers, including how many and what to require.

Smalley used the state requirements for numbers needed.

Discussion included whether showers and /or shelters are required.

6. Numbers 3 & 4 are basically the same.
7. Changed the word enterprise to use.
8. Commissioners were good with this one.
9. Discussion about allowing 1200' if not parking on the site.
11. 1500 with cars parked on site, 1200 if separate parking.
12. Ok as written. The language exists in another part of the ordinance. If there is a change, it would need to be changed in both places, or not. Does not specify where green belt is. Should be around perimeter of the campground.
13. ok

B. If time alots, go over other amendments to work on.

Chairman Litts said discussion on campgrounds should be tabled until next meeting to allow time to discuss fire pits. John Kasishke has been present at several meetings and has been waiting to hear discussion on fire pits.

Litts said the question is the definition of fire pits. Does it include potbelly stoves, outdoor fireplaces? Is it considered an open burning type thing?

Smalley said SHAES has two different categories: Recreational burn and Bon-fire. A recreational burn is defined as burning in an open thing on the ground 3 ft. high and 2 ft. high.

John Kasishke said any of these should not be on a property line. An outdoor fireplace would have 3 sides surrounded and a chimney. If it is gas burning it's not so bad.

Knisley asked what the setback is for a permanent structure. A fireplace would be a permanent structure. A 10' setback should be required for any type of fire. It was suggested the ordinance could define it as fire burning. Commissioners discussed having an A fire pit and B fireplace.

C. Any other business that may come before the commission

8. Administrative Reports:

- a. **Zoning Administrator:** (Report Attachment 8) Smalley said she has an application for Special Events Venue.
- b. **Township Board representative:**
- c. **Report from ZBA representative**
- d. **Water / Sewer representative:**

9 **General Public Comment:** Ryan Jaskiewicz, said clarity is important. He said he is the property owner where Kasishke is concerned about the fire pit. He said they created a plan and are trying to develop it. The definition of fire pit is not clear. They are spending a lot of money on it. Actually, building at this point. We want to go with a gas fire pit. Does not burn actual wood. No smoke. He asked that Casco be clear about the definition.

10 **Adjourn:** A motion by Litts, supported by Craig to adjourn. The meeting was adjourned at 9:05 PM.

Attachment 1: Public Hearing Packet (20 pages)

Attachment 2: Email Joan Steck, 3/15/22, in opposition to the private road

Attachment 3: Email Tom Tucker, 3/15/22, in opposition to the private road

Attachment 4: Email Tom Tucker, 3/14/22, in opposition to the private road

Attachment 5: Abigail Mackenzie, 3/15/22, in opposition to the private road

Attachment 6: Abigail Mackenzie, 3/15/22, in opposition to the private road

Attachment 7: Zoning Administrator's monthly report

Minutes prepared by Janet Chambers, Recording Secretary

Next meeting date Wednesday April 20, 2022, 6 PM