

GANGES TOWNSHIP PLANNING COMMISSION

Monthly Meeting Minutes - *FINAL*

Meeting Date: June 28, 2005

**Ganges Township Hall
119th Avenue and 64th Street
Fennville, MI
Allegan County**

Chairman Bruursema called the meeting to order at 7:00 PM

Roll Call:

Chairman Scott Bruursema - Present
Vice Chairman Reimink - Present
Secretary Birkes - Present
Commissioner Bellenger – Present
Commissioner Dortha Earl – Present
Commissioner Barry Gooding – Present
Trustee Terry Looman – Present

Public Hearings

Bruursema opened the Public Hearing for the proposed Private Road Ordinance amendment and opened the floor to public comment.

Melvin Richards, 1748 Morning Glory, asked what prompted the regulations other than Emergency Services, doesn't feel we should be getting into the private road business. Bruursema responded there are more private roads going in with no standards or rules, many of which are impassable in the winter. We need to provide standards for safety.

Don Maslanka, 6711 118th, stated the original version had no Planning commission review and included penalties and variances. How can someone be made to comply when there is no civil infraction penalty. Bellenger responded a permit will be needed to put the road in; Bruursema stated the road needs to be designed properly or there would be no engineering stamp. Gooding responded for 4 or more parcels, the road needs to be at the County standard or the County will never accept or take the road over. Earl agreed stating the County will not take roads not constructed to standards.

Vern Beilfuss, 1705 Lake Michigan Dr., asked if the only reason for the 66' width was for the County to possibly accept it in the future, why would a private owner need to conform and give up 66' if they don't care.

Bruursema called the meeting back to the format of the public hearing.

Theresa Wiley, 6633 121st Ave, is opposed to the 66' width and asked if the Allegan County Road Commission had reviewed the proposed amendment in the past 2 weeks.

Jim Nye, 1725 65th St, asked for clarification regarding 4 or fewer dwellings and a later mention of 4 or more.

Diana Maslanka, 6711 118th Ave, is opposed to 66' minimum if it means more subdivisions.

Theresa Wiley, 6633 121st Ave, asked if the Planning Commission received any correspondence regarding the private road ordinance. Bruursema, the Clerk, and the Zoning Administrator all replied they had not.

Bruursema closed the Private Road public hearing at 7:17 PM, and opened the public hearing regarding the Article IIA2 amendment, and asked for public comment.

Ganges Township Planning Commission FINAL APPROVED Minutes 06/28/05

Diana Decker, Saugatuck, feels the change doesn't address farmers and migratory labor. They should be exempt.

Theresa Wiley, 6633 121st Ave, stated farmers should be allowed to put any type of housing up and that this will hurt a lot of farming. Earl responded that migrant housing is controlled by the State and other agencies like the USDA and MDA, not the township.

Don Maslanka, 6711 118th Ave, asked if this affected pole buildings for animal husbandry or fruit holding. Earl responded the other agencies control anything relevant to farming.

Jim Nye, 1725 65th St, asked where setbacks were covered. He was informed they are IN Section 2A already.

Diana Decker, Saugatuck, asked if any of the Planning Commissioners had a Zoning Book with them, (all had them), and she said the migratory section is in the ordinance. Earl answered that section is superceded by the State since you need to have approval from the USDA and MDA first.

Bruursema closed the Section IIA2 public hearing at 7:23 PM, opened the Public Hearing for the Lake Michigan Frontage amendment and asked for public comments.

Jane VanDenBerg, 1910 Lakeshore Dr, stated she noticed it says the purpose is to prevent excessive uses and asked for clarification. Birkes responded it only covers what is listed.

Phil Willson, 1840 Morning Glory Rd, thanked the Planning Commission for working on this amendment, but is concerned with the lighting issue, and concerned it may be an annoyance to the neighbors. Also inquired about no mention of penalties. Bruursema clarified this is only an amendment, the penalties are in the main body of the ordinance.

Vern Beilfuss, 1705 Lake Michigan Dr, stated the lighting may be required for liability issues and safety at night. Safety is foremost.

Jim Nye, 1725 65th St, asked if the first sentence shouldn't "excess USE issues" be access USE issues. Bellenger responded it is correct as written.

Vern Beilfuss, 1705 Lake Michigan Dr, asked on page 2 item F under Regulations, what is considered beach equipment, are chairs to be pulled up? A homeowner has the right to store them. Birkes replied this addresses commonly shared property, not an individual homeowner's rights.

Phil Willson, 1840 Morning Glory Rd, stated the Planning Commission is trying to discourage boat storage yards, etc., the adjacent homeowner shouldn't have to look at that.

Mel Richards, 1748 Morning Glory, asked how shared property is defined. Birkes stated it is defined under Definitions, item A.

Theresa Wiley, 6633 121st Ave, stated surrounding townships are not working on this type of ordinance, why is Ganges and questioned the priorities. She feels trespass laws should be enforced but Lake Michigan is for all of the residents, not just lakefront owners, and is concerned about wetlands across the township and liability issues.

Dawn Soltysiak, 6322 113th Ave, thanked the Planning Commission for the amendment and stated with her real estate background, she can see people buying back property and funneling a lot of people thru one lot.

Phil Willson, 1840 Morning Glory, stated he has worked with Attorney SCHUITMAKER Schuitmeyer in reviewing four different townships ordinances. He read and presented an article regarding Yankee Springs and a township's anti-funneling ordinance being upheld.

Don Maslanka, 6711 118th Ave, asked if this means property along the lakeshore can't be divided? Response from Planning Commission was no) and asked if this makes lakeshore property more valuable?

Marsha Maslanka, 1811 66th St, stated Gun Lake is much smaller than Lake Michigan so she doesn't see that the Yankee Springs issue applies. She is concerned why Ganges is proceeding if none of the other townships have this. Earl responded that Saugatuck Township has one.

Dan Sutherland, 2223 Lakeshore Dr, asked if existing easements are grandfathered. Birkes responded yes, this will only regulate new ones, not existing ones.

Dick Nagy, Property Manager, Hudson Farms, submitted a written letter expressing Mr. Hudson's concern with the "grandfathering" terminology in the amendment, and requests clarification/changes to explicitly state that pre-existing rights are retained and restrictions not be increased for Lakeshore Property Owners.

Phil Badra, 2230 Lakeshore Dr, submitted a written letter thanking the Planning Commission anti-funneling committee for serving and working on the amendment.

Don Maslanka, 6711 118th Ave, asked if the grandfather clause is better to be shown under non-conforming use?

Phil Willson, 1840 Morning Glory, stated two years ago he submitted 96 signatures of homeowners on and off the Lake that were in support of this amendment, and the previous Planning Commission received about 33 letters supporting it.

Diana Maslanka, 6711 118th Ave, asked if this will cut off access to the public.

Rob Soltysiak, 6322 113th Ave, agreed with Dawn in thanking the Planning Commission for these amendments to the ordinance. They will cover several critical points that should not be left up to developers.

Bruursema recessed the Lake Michigan Frontage public hearing at 7:50 PM until the next meeting on 07/26/05 and continued on with the regular meeting.

Public Comments - None

Business Session

Gooding moved to approve the regular meeting minutes of 05/25/05 with 8 noted modifications, **Looman** supported, motion carried.

A motion was made by **Earl**, supported by **Reimink**, to approve the agenda dated 06/28/05 as presented. Motion carried.

Unfinished Business

Private Road Ordinance Amendment

Looman stated the County Road Commission does not have standards but has recommendations. Gooding said the ordinance was left "loose" so our ordinance didn't have to change each time the County changes their recommendations. Reimink said he was told they should be spelled out. After considerable discussion, it was decided to leave the wording as is.

Birkes said he talked with Bob Brown of the Road Commission and the Commissioners received a written summary of his conversation. Mr. Brown was adamant on the "engineer stamp" being required. Birkes further stated that the penalties shown in the earlier version were dropped at the suggestion/request of the Township Attorney upon his review. Zoning Administrator Shamblin felt the amendment is very strong because lots cannot be sold or property developed until the road is approved. Reimink reported he had a call from Al Ellingsen, Building Official, questioning the Planning Commission's review of new private roads. Shamblin received a similar call but he reported he would be completing the initial review and determine if standards are being followed. The Planning Commission would only have additional reviews required if there is a problem.

Birkes moved, Earl seconded, to approve the Private Road Ordinance Amendment as presented and send it on to the Allegan County Planning Commission, then to the Township Board **FOR ADOPTION** ~~if approved~~. Motion carried by roll call vote as follows: Reimink – Yes; Earl – Yes; Birkes – Yes; Bellenger – Yes; Gooding – Yes; Looman – Yes; Bruursema – Yes (7/0).

Article IIA2 Amendment

DORTHA Earl moved, Gooding seconded, to approve the Article IIA2 Amendment as presented and send it on to the Allegan County Planning Commission, then to the Township Board **FOR ADOPTION** ~~if approved~~. Motion carried by roll call vote as follows: Looman – Yes; Gooding – Yes; Bellenger – Yes; Birkes – Yes; Earl – Yes; Reimink – Yes; Bruursema – Yes (7/0).

Article IIA7 Amendment – Lake Michigan Frontage

Discussion took place regarding the wording in the proposed amendment, “such access shall retain historic uses” versus the term grandfather, and whether they had the same meaning or not. Bruursema stated he prefers to send this back to the attorney before approval .

Earl moved, Looman seconded, to forward the proposed Section IIA7 amendment, Lake Michigan Frontage and Lot Use Regulations, to the attorney for clarification on historic use/grandfathering and continue the Public Hearing on this item to the next meeting on 07/26/05 ~~08/23/05~~. Motion carried with 5 ayes, 2 nays.

Land Use Plan

Looman reported the draft Land Use Plan was sent to the Township Board for feedback. So far has heard back from the Clerk who stated it looks good so far. Now the future land use needs to be done. Looman suggested a meeting with the planner available from the Township’s law firm for guidance. The Planning Commission will meet with the planner in a special meeting to be scheduled.

New Business

The Planning Commission received a copy of the Watson Township Mineral Mining Ordinance from the Attorney with a request to review the Ganges one regarding pure agricultural situations and the Michigan Department of Agriculture. Bruursema suggested a committee be formed. Shamblin suggested any changes should wait and see how the Michigan Attorney General rules on the Geerlings case.

A committee was formed consisting of Commissioners Gooding, Reimink and Earl to review the two ordinances.

Other Communications

Bruursema has received communication from the Supervisor that all issues relevant to the Campit Campground should be directed to the Township Board. Bellenger asked about additional parcels on the south side of 118th. Looman responded only the two parcels referred to in the settlement are to go before the Township Board.

Susan Pierson, 6944 Lakeshore Ct, submitted a letter dated 06/14/05, voicing concerns with Community Septic Systems.

Bruursema received a copy of the proposed Clyde Township Land Use Plan with a deadline of 07/19/05 to respond. Looman will review first then pass on to other members.

Looman announced that Bridget Kammenzind, Planning Commission Recording Secretary, resigned. He and the Clerk will interview two applicants on 06/29/05.

Birkes requested Looman set up a special work meeting with no agenda items other than the Land Use Plan for all Planning Commissioners to attend.

The next regular Planning Commission meeting will be 07/26/05.

Public Comments

Dawn Soltysiak, 6322 113th Ave, asked for clarification that the planner to be met with is the one that is part of our attorney firm, not an additional contracted person. Looman responded yes, it's another service the attorney firm provides.

Mel Richards, 1748 Morning Glory, asked why the attorney didn't review the Lake Michigan Frontage amendment already. Birkes explained he has reviewed it but clarification as to terminology will be asked for regarding grandfathering.

Theresa Wiley, 6633 121st Ave, is concerned that the Planning Commission is not involved in future Campit Campground projects. Everybody else in the Township goes through the Planning Commission, why not them. She also asked why 24 hours notice is required before an on-site inspection can be done. Shamblin responded the Zoning Administrator can go on the premises any time with just cause.

Diana Decker, Saugatuck, thanked Earl for the motion to send the Lake Michigan Frontage amendment to the attorney.

Dianna Maslanka, 6711 118th Ave, asked if the Geerlings situation is a lawsuit. Shamblin responded Geerlings chose to have it decided under the Right to Farm act. Maslanka also stated according to the settlement agreement, Campit isn't liable for ordinance compliance.

Don Maslanka, 6711 118th Ave, asked who sued whom on the Geerlings case. It was explained the Township issued a Civil Infraction ticket based on an ordinance violation, but the Judge didn't uphold the injunction to stop the mining. Shamblin stated Geerlings requested it go before the State Attorney General for a decision.

Rob Soltysiak, 6322 113th Ave, stated that people should understand that not everything that goes to court is a lawsuit.

Adjournment – **Gooding** moved to adjourn, **Looman** supported the motion, which was carried unanimously. Meeting adjourned at 9:12 PM.

Respectfully submitted,

Cindy Yonkers
Ganges Township Clerk