

Ganges Township Planning Commission
Regular Monthly Meeting Minutes for December 11, 2023
Ganges Township Hall
119th Avenue and 64th Street
Fennville MI, Allegan County

I. Call to Order and Roll Call

Chair: Jackie **DeZwaan** called the meeting to order at 7:00 pm

Roll Call: Chair: Jackie **DeZwaan** – Present

Vice Chair: Dale **Pierson** – ~~Present~~ *Absent*

Secretary: Phil **Badra** – Present

Commissioner: Edward **Gregory** – ~~Present~~ *Absent*

Commission Trustee: Dick **Hutchins** – Present

Zoning Administrator: Tasha **Smalley** – Present

Recording Secretary: Jennifer **Goodrich** – Present

II. Additions to the Agenda and adoption

DeZwaan made a motion to amend the agenda, moving New Business to before Old Business.

Badra seconded the motion. Motion passed.

III. General Public Comment – None

IV. Correspondence and upcoming Seminars

DeZwaan has Email from **Gregory** to **PC** Re: Private Roads with a reply from MTS

Email from **Badra** to Sutherland Re: Stonebridge Road

Email from **Smalley** to the PC Re: Private Roads

Email from **DeZwaan** to the PC Re: Annual report to the Township Board

V. Public Hearing – None

VI. Approval of Prior Minutes

Gregory made a motion to approve the November 28th 2023 Regular Monthly Meeting minutes,

with corrections. **Badra** seconded the motion. Motion passed.

VII. New Business –

Samuel Kavanaugh – 1740 62ndSt. Fennville MI 03-07-023-001-01.

Proposed: convert an existing driveway into a Private Road (PR) to serve a new parcel. The driveway was constructed June 2023.

Smalley reported that the **Kavanaughs** had constructed the driveway with the intent to use it as a private road for a land division, but did not contact her prior to construction. A boundary line adjustment has already been made to provide the proper setbacks for a PR. **Smalley** informed the PC that although a PR is not allowed in the AG district it would be allowed in an open space development.

Land & Resource Engineering has certified that the private gravel drive meets the Ganges Township Private Road Requirements. The Allegan County Road Commission has approved the road name Loreto Lane. The Fire Department has inspected the driveway and confirmed that it will be adequate for even their largest apparatus.

Pierson questioned whether or not he should recuse himself from this decision because of his property's close proximity to the proposed private road. **DeZwaan** stated that as long as he has no financial ~~gain~~ *interest* from it being approved and can remain objective there should not be any problem.

The PC did a preliminary review of Site Plan Review/Special Use Application and Requirements for an Open Space Development. ~~This PUD would serve both Sam and Daniel's properties. The private road and open space requirements apply to both Kavanaugh and Rolf parcels.~~

DeZwaan reminded the applicants that they will need a staked survey. **Kavanaugh** replied that they had not seen the surveyors drawing but the stakes are in. **Badra** explained that the MI Zoning Enabling Act's definition of a dedicated open space states that it needs to remain in an undeveloped state. However this does not mean that it could not be used; you just cannot build on the required 4.89 acres. This conservation easement should be recorded on both of the property's legal descriptions. Both property's will also get new addresses ~~in the 6200 block of Loreto Ln.~~ *with driveways that open onto Loreto Lane.*

DeZwaan informed the applicants that the private road maintenance and access easement agreement will need to be reviewed by the Township attorney at the applicants expense. **Badra** added that the new parcel numbers would also need to be added to the agreement and that it would need to be signed and notarized before it is recorded. **Pierson** questioned if there was

sufficient language in regards to voting rights.

DeZwaan made a motion to postpone the deliberations until the additional information is provided. **Badra** seconded the motion. All in favor. Motion passed.

Badra and **Gregory** think the Master Plan needs to be changed to allow Private Roads in the AG district. **DeZwaan** explained that the Master Plan future plan for the AG District has recommendations that prohibit them. **Hutchins** suggested that the limit of four parcels on a private road in the AG District.

DeZwaan commented that Commercial Private Roads would need to go through the Special Land Use (SLU) and PR process and have separate parcels with their own individual uses. **Gregory** did not think they could legally defend denying a PR for commercial use. **DeZwaan** disagrees.

VIII. **Old Business** –

The PC discussed what districts they think Banquet Halls, Event Centers, and other similar Assembly uses should be allowed. Various properties in the township are hosting events that are not approved uses. The PC will ask for Bouchard’s recommendations. **Badra** stated that the Tables of Use need to be looked at.

Gregory asked why they want to prohibit events that are not hurting anyone. **DeZwaan** reminded him that Township properties are only allowed to have one use. Additionally, properties with SLU have conditions that specify the kind of uses that are allowed.

Gregory asked what the procedure was when violations occur. **Smalley** explained that violation letters are sent and if compliance does not occur the Board would have to determine what enforcement measures would be exercised. **Badra** stated that the Board cannot allow something that goes against the Zoning Ordinance.

Retail and Ancillary uses like meeting rooms were also discussed. As well as, the new House Bills 5120 and 5121. **DeZwaan** thanked the PC members for coming together to discuss some of the things they think need to be updated and changed in the Zoning Ordinance.

- ❖ The plan is to finish Article 3 and work on Articles 4-7 at the January PC meeting.

IX. **Administrative Updates**

a. **Township Board**

Hutchins had nothing to report.

b. Zoning Board of Appeals

Pierson reported that at their last meeting, on December 04th, the ZBA postponed their decision again on the Cell Tower variance requests, while the Cell tower company continues to investigate placing the Tower in a different spot on the property. The ZBA also denied the Front Yard Setback Variance request at 6915 123rd Ave.

c. Zoning Administrator

Smalley had nothing to report.

X. Future Meeting Dates – January 23rd and February 27th 2024

XI. General Public Comments –

Robert **DeZwaan** commented that he heard **Pierson** ask if the second house [~~Daniel's~~ *Rolf's*] would need to be started within one year of the approval of the site plan. *Mr. DeZwaan* does not think that should be true since the Selah Way PR did not have any condition like that. *Mr. DeZwaan* also stated that farmers are sand mining without PC approvals, for cattle bedding. *Mr. DeZwaan* also remarked that a lot of commercial properties on M-89 and Bluestar will not pass the perk test so they cannot be developed.

XII. Adjournment

DeZwaan made a motion to adjourn the meeting, **Gregory** seconded the motion. Meeting was adjourned at 8:58

Respectfully Submitted

Jennifer Goodrich

Ganges Township Recording Secretary