

**Ganges Township Planning Commission**  
**Corrected Regular Monthly Meeting Minutes for August 23, 2016**  
**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 7:00PM.

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

Secretary: Phil **Badra** — Present

Vice-Chair: Roy **Newman** — Present

Commissioner: Charlie **Hancock** — Present

Committee Trustee: Barry **Gooding** — Present

Zoning Administrator: Tasha **Smalley** — Present

**II. Additions to the agenda and adoption**

**a. Addition under old business**

1. The maps from Virtue Farms.

Motion was made by **Badra** to accept the agenda, with the addition of the maps from Virtue Farms. Motion was seconded by **Hancock**. Motion passed.

**III. General Public Comment** — None

**IV. Correspondence and upcoming meetings/seminars**

**a.** **DeZwaan** had a letter that **Badra** had sent to **Bob Quinlan of Virtue Holdings LLC** regarding their Special Land Use (SLU) Permit.

**V. Public Hearing** — None

**VI. Approval of June 28, 2016 minutes**

**DeZwaan** – Since we have a new Recording Secretary **Badra** will be making the changes to the last month’s minutes.

A motion was made by **Badra** to approve the July 26, 2016 regular meeting minutes, with corrections. **Hancock** seconded the motion. Motion passed.

**VII. Old Business**

~~a. Deliberation continued on adjourned SLU for Virtue Farm LLC.~~

**DeZwaan**-The maps from Virtue Farms still need to be signed *by the Planning Commission*? **Bob Quinlan, Virtue Farms LLC** – Explained that their architect has been on vacation but the signed maps should be available next week. **Smalley** – Stated that **Quinlan** had been in contact with her about the delay. **DeZwaan** – Will you mail them [the ~~signed~~ *sealed* maps] to **Smalley** then? **Quinlan** – Yes. **DeZwaan** – Thank You.

**VIII. New Business**

a. Pre-Application Hearing for Conditional Rezoning from **Fenn Valley South LLC- 6131 122<sup>nd</sup> Ave.**

**Brian Lesperance** – stated that Fenn Valley had submitted the *Pre-Application* for the Conditional Rezoning from Res/Ag to Commercial (Only Brewery Use); copies of which have been provided to all of the committee members. Also commenting, we need to know if this conditional rezoning can be approved before we would want to move forward with the SLU application, since one is contingent on the other. **Lesperance** - Inquired whether the committee members had any questions or concerns about the conditional rezoning application; recognizing that he understood there were some reservations about how much of the property should be rezoned. **DeZwaan** – explained that Fenn Valley can offer conditions at which time the committee can then determine whether they are acceptable or not. **DeZwaan** – Personally thought what was presented, rezoning the entire parcel, was completely inappropriate given the requirements of the new brewery. Because, according to the material that was presented, Fenn Valley will not be expanding the facility or the parking area. **Badra** – Commented that there is a lot of commercial property in this township. It doesn’t make sense to rezone the entire parcel because the conditions of the rezoning are for one purpose, a brewery; there will be no other approved commercial uses. You will only need the 2-3 acres for that use. Additionally, to have a conditional rezoning you have to have a SLU and a site plan. A floor plan showing what part of the structure(s) will be used for the brewery will also be required. **Badra** – also commented that the Township ordinance states that this project must be completed within 18 months, and that all of the owners have to sign the

application. **Badra** asked **Lesperance** if Doug Welsch was still the sole owner. **Lesperance** – affirmed that there are no other owners. **Badra** – Fenn Valley doesn't have to split the property. They just need to delineate, on the site plan, how much of the property they want to include in the conditional rezoning. As well as, providing a new legal description of the property. **Smalley** – Right, a legal property description, prepared by a surveyor, will need to be included by the Attorney when they write up the terms of the conditional rezoning. **Lesperance** – stated he had not been aware that it was possible to rezone only part of the parcel. **DeZwaan** – mentioned that limiting the amount of property being rezoned could afford Fenn Valley an opportunity to be taxed according to property use. **Badra** – explained that, rather than the whole property being rezoned and then taxed as commercial, Fenn Valley could retain the Res/Ag tax status on some of the acreage. **Lesperance** – stated that those details would be worked out with tax assessor. **DeZwaan** and **Newman** both pointed out that this situation was comparable to how residences on Blue Star Hwy and M-89, that are located on the first 500' - commercially zoned property, are taxed based on the residential use. **DeZwaan** – also remarked that she would be in favor of recommending to the Township Board that they request Fenn Valley to pay for any attorney fees incurred as part of this SLU and site plan review. **Lesperance** – and that would be for the drafting the actual conditional rezoning language? **DeZwaan** – Correct, and to review what the committee comes up with after you present it. **Badra** – explained that the planning commission has to present a very complete package to the Township Board: including the property description, notarized signature(s), the land use ~~specifications~~ *approval*, and the site plan. **DeZwaan**: and it is a three-fold process 1. Conditional rezoning 2. Site Plan Review requirements 3. SLU-Brewery. The planning commission needs to do all three parts at the same time. The rezoning and SLU each also require a paid fee. **Lesperance** – is aware there are separate fees involved, and has already paid the conditional rezoning fee. **Badra** – reiterated that the zoning act requires that the rezoning and the SLU be performed at the same time, and be voluntary on the part of the applicant. **Lesperance** - will work with **Smalley** on the site plan. **Lesperance** - Questioned if the waste water treatment field should be part of the rezoning? ...”because it is over an acre and would take up a considerable amount of the proposed 2-3 acre rezoning area”. **DeZwaan** stated that it must be included in the site plan and **Smalley** interjected that yes, it should be included and also clarified that the rezoning didn't have to be limited to only 2-3 acres but shouldn't be for the whole 40 acres. **Lesperance** – Fenn Valley has no intention of expanding the commercial footprint of the Brewery. **Newman** –So you can use whatever acreage you need to include, just less than the entire 40 acres. **Lesperance**- Yeah, which would probably be around 4 acres. **DeZwaan** – So you are thinking about a microbrewery? ...up to 60,000 barrels? **Lesperance**- Yes. **Badra**- Why limit yourself... What if you want to increase production? **Lesperance** – Fenn Valley chose the microbrewery designation in-part because of state-level requirements and conditions that must be met for the different types of facilities, and also due to the fact that the locale of their facility

limits their production capabilities due to the lack of municipal water/waste connections. Beer production requires a lot more water than wine. **Smalley**-your application will have to reflect which type of facility you are proposing. **DeZwaan**- again, we need a notarized document from all of the owners stating that they agree to the proposed conditions. **Lesperance**- So we should add the 18 month time limit to the narrative of the project? **Badra** – Yes, if you think you will require more time. The committee can give you more time. **Lesperance** – Questioned what was applicable and needed to be included on the site plan. **Smalley** – explained that both the existing and proposed structures, lighting, signage, parking, etc. must be included in the site plan. **DeZwaan**-stated that each of the 37 questions for site plan review must be addressed, if applicable. **Smalley** – stated that the application should also include floor plans delineating the square footage of the brewery, ancillary sales, tank storage area(s), etc. **DeZwaan** – if you are adding new tanks that should be reflected on the drawings as well. **Lesperance** –we already have 165 tanks but we have substantial room in the cellar for additional production capacity. **Newman** –the plan should reflect the capability of the facility to store the 60,000 barrel production capacity. **Lesperance**- I think the confusion lies in the fact that the tanks move around according to the most efficient location for each day’s production. **Badra** – Just outline in the floor plan the area where the tanks are stored, not each specific tank. **Smalley**-... designate the square footage of the “tank area”. **Lesperance**-made reference to similar federal requirements, and questioned if the appropriate level of detail for the floor plan would be to just indicate the area the equipment is located and not have to detail out each individual piece of equipment. **DeZwaan** – Yes. **Hancock** – Questioned whether the existing driveways are adequate for the rezoning. **DeZwaan** – Conditions stated that will not need any additional parking and they have a circular driveway now, that is sufficient. **Smalley** – Will you be adding an additional tasting area? **Lesperance** – we have no intentions of altering the retail area at all. We don’t have to increase the number of visitors. We just want to give the customers more options. **Smalley** - The beer that you produce, how will you sell it? Bottle it, Growlers, Tap it? **Lesperance** – Yes, all of the above; potentially distributing it, as well. **Gooding** – Will you be selling the beers in your stores in Saugatuck and Holland? **Lesperance** – There are different licenses for offsite tasting rooms, we haven’t really explored that option as of date. It is conceivable. **Hancock** – Questioned the setbacks in relation to the residence. **Lesperance** – Stated that the house is on a separate parcel. **DeZwaan** – Explained that the conditional rezoning alleviates the 200’ setback requirements to 50’. **Badra** – stated that it doesn’t matter that it is next to a house it just has to meet the 50’ side yard setback. This was done intentionally to allow breweries in commercial districts. **Gooding** – Why didn’t we suggest this to Virtue Farms? **DeZwaan** – It was not the Planning commission’s place to suggest that. Virtue Farms already had a site plan on file. That was an amendment to their site plan. **Badra** – Conditional rezoning requests have to come voluntarily from the owner. Even if Fenn Valley meets all of the requirements the planning commission can approve or deny the proposal. And even if the

Planning Commission approves the proposal, the Township can still deny it. **Lesperance** – we already meet the setbacks as a winery, just not as a brewery. **DeZwaan** – A SLU in commercial district, which the conditional rezoning would change this property to, has to have a minimum lot size of 2 acres with a 50’ side and front yard setback and a 30’ rear yard setback. The committee has approved this language. **Lesperance** – Inquired if the site plans were public information? Was there a template available? **Smalley** –replied that they were public information that could be viewed, but any requests for copies would have to have come in the form of a FOIA request. **Lesperance** – Wanted to see how others had addressed the 37 questions for Site plan Review. **Smalley** – Stated that she could help walk him through it. **Badra** – stated that most of those 37 points would be delineated on the site plan, vs. the narrative. **DeZwaan** – Elaborated on what the narrative should include. **Badra** – remarked that the surveyor should be able to handle what was required. And reminded everyone that the proposal would have to be noticed in the paper and all of the neighbors within 300’ will need to be notified. **Smalley** – stated that there will probably not be enough time for Fenn Valley’s proposal to be ready for the September meeting. **DeZwaan** –agreed, and reminded **Lesperance** that **Smalley** needs the information 28 days before the meeting so that she can perform her review and get the packet to the Planning Commission 2 weeks in advance of the meeting. **Lesperance** –agreed that the October meeting deadline was a reasonable goal and thanked the committee for their help.

## IX. Administrative Updates

### Township Board-

- a. **Gooding** - stated that the Township Board met on August 9, 2016. They discussed the Banaszak property, which has been partially cleaned up (less than ½) at an initial cost of \$10,000. The Township Board approved additional costs, per Valentine Excavation, of \$15,000 which will all go on the tax roll. The biggest hardship being that the property is heavily wooded and difficult to get the equipment on to, so a lot of the work is being done by hand. The board told them to remove some of the trees to expedite the work. They have also found numerous weapons, some loaded, some not. It is a bad situation.
- b. **Foster settlement**: Mr. Foster offered the Township a settlement whereby the Township would take over the maintenance of the private road (Blue Goose Dr.). The Township board stated they would not be getting involved.
- c. **121<sup>st</sup> Road end**: the Township Board signed a resolution to both owners so that they can take the property over. **Gooding** - stated that the DEQ and Township have no interest in involvement with the property. **Gooding** – also stated that the Fire Department already has access to the lake (through the trailer park) and showed disappointment that the county park had not acquiesced to the Township Board’s request to leave the south road open, rather than having to use the parking lot as access.

- d. **Dr. Bastow's office:** The cleanup deadline was August 12, 2016. **Gooding-** read a compliance letter which stated the Township's intent to remedy the violations in accordance with the terms of the court order. **Smalley** and **Gooding** agreed that there has been considerable improvement in regards to the blight issues. **Smalley** - stated that updated photos were taken, which were sent to the attorney. **Gooding-** reminded everyone that there are not just blight issues, but also site plan requirements that must be met as well as building code issues that must be addressed before a certificate of occupancy can be issued. **Smalley-** also updated the committee as to the progress of the Building, Electrical, Mechanical, and Plumbing inspections and approvals. She also informed the committee that Dr. Bastow intends to appear before the committee to request an amendment to the site plan, to enlarge the proposed pole barn. **Gooding-** questioned if there was room for a bigger Accessory Building. **Smalley** –shared Bastow's plan to remove the reserve septic systems, thereby increasing the buildable space on the lot, and reiterated that Doctor Bastow was indeed making progress. **DeZwaan** –than stated that she would recommend not entertaining a site plan amendment until Bastow complies with the originally approved plan. **Smalley-** went on to explain the purported need for the bigger building was to facilitate with cleanup requirements and **Gooding** interjected that the Doctor's personal belongings could be stored offsite. **Hancock-** inquired if the landscaping was still at the bottom of the Doctor's list of priorities. **Smalley-** has not confirmed if the landscaping requirements have been met but assured the committee that the landscaping must be done before he will receive his full approval.
- e. **Hancock and DeZwaan** complimented the resurfacing of 122<sup>nd</sup> Ave. **Gooding** stated that it was totally funded by a surety bond.
- f. Zoning Board of Appeals-**Newman** stated that the ZBA has not had any issues since their last meeting.
- g. Zoning Administrator — **Smalley** had nothing to report:
- h. **DeZwaan** – Mr. Craycraft is still not in compliance. **Smalley** – replied that she had already sent two letters and wondered if she should send another or just proceed with the township taking action. **DeZwaan** stated that Mr. Craycraft had responded in writing, stating that the fence around the building had been installed but had been damaged during snow removal. **Smalley-** queried if the revised site plan, that was previously requested, had ever been submitted; or could be submitted now. **DeZwaan** – Said that fence(s) were required to be installed around the building and the pond because of the multiple businesses. **Smalley-** thinks the next step would be a ticket. **Badra-** didn't think it was appropriate for Craycraft to come to the planning commission and ask for a site plan amendment when he is still in violation of the initial site plan. **Smalley** –doesn't think Craycraft wants to, or thinks he needs to, comply. **Badra-** asked if the 2 previous letters mentioned legal action. **Smalley-** affirmed that the second letter clearly stated that he had 10 days to comply and that if he didn't the township would take legal action against him.

**DeZwaan** commented that it's obvious Craycraft doesn't want to comply and that we should be consistent with our enforcement. **Smalley** will send it to the Township Board and thanked the Committee.

#### **X. Future Meetings Dates**

The future dates of the PC Regular meetings will be Tuesday, September 27, 2016 and October 25, 2016.

#### **XI. General Public Comment**

**a. Robert DeZwaan, 2259 68<sup>th</sup> St. :**

Remarked that the lack of consistent and timely enforcement encourages non-compliance. Chairperson **DeZwaan** -disagreed and retorted that the Board should follow through with legal action. **Badra**- then restated that the Township Board handles the enforcement issues, not the Planning Commission and that **Smalley** should automatically be sending these kinds of violations to the Township Board. **R. DeZwaan**- agreed that these kinds of violations shouldn't be sent back to the Planning Commission but directly to the Township Board for prosecution.

- b. Gooding**- The next person who wants to build a storage building... we should not require them to install a fence. There is nothing in our ordinance that requires it. **DeZwaan**- the Planning Commission has the authority to make it a condition of site plan approval, for the safety and health of the community. In regards to the KLC Storage fence issue, **Smalley** sent the letter stating that he had 10 days to comply or the Board would take legal action. That is the step that is now going to be done, as part of an effort to ensure that everybody is made to comply with the same standard in every situation the Planning Commission has jurisdiction over. Once they don't comply with the rules or conditions the Planning Commission has laid forward, and been given an opportunity to correct, and continue to be in non-compliance, then it becomes an enforcement issue; and that is the step we are now taking.

#### **XII. Adjournment**

Motion was made by **Gooding** and supported by **Badra** to adjourn. Motion carried unanimously. Adjourned at 8:15PM.

**Respectfully Submitted**

**Jennifer Goodrich**

**Ganges Township Recording Secretary**