

Ganges Township Planning Commission
Regular Monthly Meeting Minutes *FINAL* for January 26, 2010
Ganges Township Hall
119th Avenue and 64th Street
Fennville, MI, Allegan County

I. Call to Order and Roll Call

Vice Chair **Gooding** called the meeting to order at 7:00PM.

Roll Call: Chair: Sally **Howard** – Absent Vice Chair: Barry **Gooding**- Present
Secretary: Jackie **DeZwaan** – Present Board Trustee: Terry **Looman** - Present
Commissioner: Ed **Reimink** – Present Commissioner: Phil **Badra** – Present
Commissioner: Ross **Wightman** - Present
Zoning Administrator Tasha **Smalley** was also present.

II. General Public Comment

There was no public comment.

III. Approval of prior minutes 11/17/2009

November 17, 2009 – Motion by **DeZwaan** to approve the minutes of the November 17th Regular Meeting with corrections. Seconded by **Looman**. Motion was approved.

IV. Approval of Agenda

Gooding voiced concern about the placement of the General Public Comment area of the Agenda. Things may come up later that the public may want to comment on. **Looman** agreed and will bring it up to the Township Board.

DeZwaan asked for two changes to be made to the Agenda. First to move the Correspondence (Section IX) up to the Public Hearing (Section V). Second change was to add a number 1 under VII. C. to discuss the Wetlands Restoration Map. Motion by **Badra** to accept the Agenda with the changes suggested. Motion was seconded by **DeZwaan**. Motion was approved.

V. Public Hearing – Site Condo application of Todd and Kimberly Martinson, parcel 0307-018-004-10, 1936 Lake Shore Drive

The **Martinsons** were present. **Gooding** stated we would listen to the explanations of what is involved in this application, we would then listen to those in the audience that were against and then for the application. The Public Hearing would then be closed until we reach the section in the New Business concerning the application.

Todd Martinson, 1936 Lake Shore Drive – began by handing out an updated survey and map of the property. Commission members were also given a copy of the Master Deed for Wau-ke-na **condominium**. **Martinson** said that he had been told that there were no splits available for his property until 2012. The Conservancy has 12 splits available but he did not think any of these could be bought. He stated that they are currently living in the home on the site and that adding on or moving the house was not an option. They are asking for the Site Condo so that they could build a new home, which they are currently working on plans for, and would sell the current home they are living in.

In the discussion concerning the drive into the property, **Smalley** said that she had looked at the

division and Lake Drive with the Allegan County Road Commission trying to determine if Lake Drive is a public road. **DeZwaan** stated that she had investigated this and felt it was an easement not a road. There doesn't seem to be any road sign and Lake Drive has a parcel number. There is some confusion as to what Lake Drive really is. **Martinson** stated that it was on the original sell agreement as a 20 foot easement that was to stay with the farm. Apparently when the original owner died and the property was probated the easement was omitted from the deed. It was also omitted in a subsequent second deed as well. This easement would have to be established as a road for unit two in order to have road frontage. **Steve Mulligan**, 1921/1931 Lake Shore Drive, stated that he lives across the road from **Martinsons** and that this easement has been used as a road for several homes that are there. It was stated by Commission members that those homes may have been built before the ordinance concerning Private Roads was in place, but we now have that ordinance and we need to follow those rules. **Badra** stated we need to have documentation concerning the Right of Easement. **Martinson** said that he had been working with **Atty. Orton**. To clear this up with the Deeds they would have to open up two probates and he did not feel the family was willing to do this. **DeZwaan** again read the Private Road ordinance and what was required. This issue will need to be clarified. **DeZwaan** brought up the issue of the required open space. This needs to be at the 30% minimum. This 30% can not include the building envelope, right of ways or access. There was much discussion on how to determine the amount of open space. **Reimink** felt that this Hearing be considered a Pre-application conference since there seemed to be a lot of questions. **Badra** also voiced concerns over the "Limited" Common area element, a Site Condo Plan could be difficult to establish **since the common open area is required for the condominium**. **Gooding** asked if it was felt that this hearing needed to be tabled. **DeZwaan** stated that the Commission needed to give **Martinsons** as much direction as possible and then table the hearing until next month. The two biggest issues are the road access and the open space requirements and how it is determined. Other issues included the protection of that open space, conveyance and landscape design, location of well and septic system, utilities availability and if the current home is sold how that affects the open space. **Reimink** stated it was a nice lot right now, with two houses that close maybe there were other options. The Site Condo Plan requirements will need to be met including legal description, ownership and utility placement. **Smalley** stated it seemed the consensus was that the 20 foot easement was not a road, so it would have to be determined when it was established as a private road, and that the original deed showing that access would need to be found. **Bob DeZwaan**, 2259 68th St., questioned that if this was deeded as "access to farm", when the current home is sold would that still apply? **Steve Mulligan**, 1921/1931 Lake Shore Drive – **Martinsons** care for that land, he would like to see them have their dream home, they are good neighbors. He would also like to see them have access without the 66 foot road requirement. **Jim Birkes**, 2344 70th Street – The application seems to be a reasonable request, but he questioned the Site Condo application. It was intended for a larger number of homes in an area. He wondered if there was a better way, maybe a variance. **Badra** stated there would still be the easement question. **Bob DeZwaan**, 2259 68th Street, there are a lot of easements in the township, we need to be careful how this is handled or many of them could go private roads. **The Public Hearing was closed.**

Correspondence :

Memo from **Smalley**, dated 1/11/2010 concerning the Martinson Application.

Note from **Howard** concerning the **Sutherland PUD Application** that was approved by the

Board. **DeZwaan** said **made the observation that** there was discussion of the private road and width, and that the Board indicated **it may need to visit that the PC should revisit** that issue, which could affect **the open space requirements for** some applications. There was a second map from **Smalley** working with the **Martinsons** about road frontage.

VI. Old Business

Reimink asked about what concerns **Mr. Johnson** had on the **Sutherland** application.

DeZwaan stated that he needed to see how the land was going to be divided, and there was some misunderstandings in wording, but they were explained to Mr. Johnson's satisfaction.

VII. New Business

A. Martinson Site Condo Application

Many questions need to be looked at. 1. Easement-is it a road, maintenance agreement or documentation. 2. Need to go over 36 points in Site Condo requirements-information needs to be available to show those requirements are met. 3. Common open space – 30% of usable property. Again there was much discussion as to how to determine that 30%, **Jim Birkes** tried to explain by drawing example on the white board. **It was decided that DeZwaan and Gooding will** **Motion was made by DeZwaan, supported by Looman to have Vice-Chair Gooding** contact the Township Supervisor **and ask him to get an opinion from the for permission to contact** the Township Attorney **regarding calculation of the 30% open space.** Then **DeZwaan and** **made a motion, supported by Badra to have Hebert will** contact **Smalley** **with the information from the Attorney** to get that information to the **Martinsons** before they proceed. 4. Need to make sure that the lot requirements are met, need 35000 square feet with 100 foot road frontage. Motion was made by **Looman** to postpone the **Martinson Hearing** for further information until the February meeting. Seconded by **DeZwaan**. Motion approved.

B. Election of Officers

Chair: Motion by **Looman**, seconded by **Badra** to nominate **Howard**. Roll Call vote:

Looman – yes Badra - yes Reimink - yes

Gooding - yes Wightman - yes DeZwaan – yes

6 – yes Motion Approved.

Vice – Chair: **Gooding** nominated **Wightman**. **Wightman** said he appreciated it but felt he needed more experience, so declined. **Reimink** nominated **Badra** who also declined.

Motion by **Looman**, seconded by **Badra** for **Gooding** as Vice-Chair. Roll Call vote:

Looman -yes Badra - yes Reimink - yes

Gooding - yes Wightman - yes DeZwaan - yes

6-yes Motion Approved.

Secretary: **Gooding** nominated **DeZwaan** who declined. **Motion was made by DeZwaan, supported by Badra** to nominate **Reimink** who also declined. **No vote or action was taken.**

Motion by **Gooding**, seconded by **Looman** for **Badra** as Secretary. Roll Call vote:

Looman - yes Badra - yes Reimink - yes

Gooding - yes Wightman - yes DeZwaan - no

5-yes, 1-no Motion Approved.

C. Any new business that may come before the Commission

1. Map – **DeZwaan** received the Wetland Restoration map which shows what has been lost. Smaller maps show wetlands prior to settlement. There are two conservancy groups that could help with the restoration of the wetlands lost. **DeZwaan** extended our appreciation for information that we received.

VIII. Administrative Updates

- A. Township Board – **Looman** wanted to wish everyone a happy New Year.
- B. Zoning Board of Appeals – **Gooding** had nothing to report.
- C. Zoning Administrator – **Smalley** reported that she had received **Dan Ciesla's** year end report. He will be done in May 2010. **Smalley** will have the report available for the February meeting.

IX. Future Meeting Dates

February Regular Meeting will be Tuesday, February 23, 2010 at 7:00PM at the Ganges Township Hall.

Howard will be gone for the February meeting.

X. General Public Comment

Bob DeZwaan, 2259 68th Street – questioned why the **Sutherland** PUD was so easy to pass and the **Martinson** request is proving to be so difficult to determine the open space requirements. Maybe there is a need to re-look at how these requests were looked at. Commissioner **Badra** felt that there was a contradiction in how the wetlands areas are counted or not counted in the open space requirement.

Jim Birkes, 2344 70th Street – stated that the wetlands is preserved as open space but not used, counted in the calculation, needs to be in the numerator and denominator. The Township's Attorney should be able to clarify this.

Smalley asked where we stand at this point with the Ordinance updates. It was stated that the Township Board and the Attorney are still reviewing.

DeZwaan said that she will be with **Badra** to give him the disk with the ordinance updates and other information he will need as Secretary.

XI. Adjournment

Motion was made by **Looman** and supported by **Wightman** to adjourn. Motion carries unanimously. Adjourned at 9:40PM.

Respectfully Submitted,
Diana VanDenBrink
Ganges Township Recording Secretary