

GANGES TOWNSHIP PLANNING COMMISSION
Monthly Meeting Minutes – FINAL - for July 26, 2005
Ganges Township Hall
119th Avenue and 64th Street
Fennville, MI, Allegan County

Chairman Reimink called the meeting to order at 7:04 PM.

Roll Call: Chairman Ed Reimink–present
Secretary Jim Birkes–present
Commissioner Ron Bellenger–present
Commissioner Dortha Earl–present
Commissioner Barry Gooding–present
Board Trustee Terry Looman–present

PUBLIC HEARINGS

Reimink opened the public hearing to the floor for public comment.

Don Karas, 2025 Brookhill Dr., asked for clarification of the Private Road Ordinance amendment that was approved by the Planning Commission at the last meeting. Karas questioned if the Allegan County Road Commission (ACRC) reviewed the amendment, to which Reimink replied it had been sent, but he had not heard back. Looman stated that, per Scott Bruursema, it had been reviewed, with Birkes confirming this. Karas stated that Bill Nelson of the ACRC stated there are no county road standards for private roads, therefore in adopting the amendment, the Planning Commission is adopting “nothing.” Karas requested that the Commission review the amendment again.

Point of order made by Paul Shamblin, Zoning Administrator, stating no ordinance has been passed, that it needs to be reviewed by the county, then go to the Township Board in order to become an ordinance. Karas replied he understood that an ordinance had been passed by the Planning Commission last month.

~~**Reimink** closed the Private Road public hearing and opened the public hearing for other public comment.~~

Jackie DeZwaan, 2259 68th St., asked what the procedure will be for a variance if the ordinance for one lot-one home is finalized. Zoning Administrator Paul Shamblin stated he’d review the procedure with her after this evening’s meeting.

Reimink closed ~~the Private Road~~ public **COMMENTS** hearing at 7:11 PM and opened the floor for **THE CONTINUATION OF THE PUBLIC HEARING FOR** the Lake Michigan Frontage and Lot Use Restriction Amendment.

John Lohrstorfer, attorney for Ganges Township, reviewed the Lake Michigan Frontage and Lot Use Restriction Amendment prior to public comment. Lohrstorfer stated it is similar to the Hutchins Lake ordinance, it defines what an access property is and what is needed for access, and if storage is allowed. Current group access will be grandfathered in, but it may not be expanded (in numbers).

Jan Schroeder, 6944 Lakeshore Ct., contacted a zoning advisor and was told many counties have an anti-funneling ordinance. She encouraged the Planning Commission to adopt such an ordinance and commended the Commission on its hard work.

Don Karas, 2025 Brookhill Dr., disagreed with the township attorney that the prepared amendment for Lake Michigan is similar to Hutchins Lake’s ordinance. He questioned why access property, regardless of total area, cannot be used as a residential lot. He also asked what the definition of beach equipment is with respect to storage on access property, and stated it was too restrictive and unreasonable as regulated in the ordinance.

Melvin Richards, 1748 Morning Glory, asked if he’d be prevented from storing items on the beach if he had lake front property, as it relates to C.6. of Section III, Restrictions, of the Lake Michigan Frontage Amendment.
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Ken Borkovec, 1732 Morning Glory Lane, responded to Richards that item C.6. addresses access property, not egress property. He also stated he was against a large number of people being funneled to the beach as well as the storage of items on the beach if the property is not privately owned.

Curtis Kamman, 2236 Lakeshore Dr., asked that the Planning Commission approve the Lake Michigan Amendment and directed a question to Lohrstorfer, attorney, about similarities between Lake Hutchins’ ordinance and the proposed Lake Michigan Frontage Amendment re: access and storage provisions.

Dawn Soltysiak, 6322 113th Ave., clarified the difference between lake front property and anti-funneling property.

Theresa Wiley, 6633 121st Ave., stated she contacted some townships along Lake Michigan to see if they had an anti-funneling ordinance, was told this issue was not addressed. She asked how many townships do have this type of ordinance.

Phil Willson, 1840 Morning Glory Rd., stated he has information on 9 different anti-funneling ordinances from lake shore area townships.

Don Karaus, 2025 Brookhill Dr., stated he could understand inland lake anti-funneling ordinances, since property is limited. He admonished the Planning Commission to be reasonable and not have different standards re: property owners' rights.

Michael O'Connor, 6635 118th Ave., stated that Lake Michigan bluffs act as a noise buffer per his own residential experience, and asked the Commission to consider this difference between Lake Michigan and Hutchins Lake communities and their respective sharing of beach access.

Jan Schroeder, 6944 Lakeshore Ct., questioned if O'Connor lived full or part-time at his Lake Michigan residences, feeling this made a difference.

Don Karaus, 2025 Brookhill Dr., agreed with O'Connor. He stated that inland lakes are smaller than Lake Michigan and he noted no overcrowding on the latter's beaches over 4th of July holiday. He also stated that the ordinance would be a barrier to the community.

Phil Badra, 2230 Lakeshore, countered Karaus, stating the lake size did not matter, but the amount of beach did.

Dawn Soltysiak, 6322 113th Ave., expressed concern that inland properties, such as mobile home parks, would be able to funnel all their residents through to the lake.

Jackie DeZwaan, 2259 68th St., requested that the Commission adopt the Lake Michigan Frontage Amendment, stating it is up to them to plan ahead in order to control the number of people funneling through to Lake Michigan.

Theresa Wiley, 6633 121st Ave., asked if those buying frontage property now will be grandfathered in. Reimink closed the Lake Michigan Frontage and Lot Use Restriction Amendment public hearing at 7:37 PM. No further public comments.

CORRESPONDENCE

The following letters, written in support of the Lake Michigan Frontage and Lot Use Restriction Amendment, are from:

Curtis Kamman, 2236 Lakeshore Dr., dated July 13, 2005.

Gregory Shaw, address not given, dated July 13, 2005.

Phil Willson, 1840 Morning Glory Rd., dated July 11, 2005.

Robert F. Williams, representing the Lakewood Beach Water Supply Co. and Lakewood Beach Association, 1820 Morning Glory Lane, dated July 11, 2005.

Rosemary Lanzendorf, address not given, dated July 12, 2005.

Phillip Badra, 2230 Lakeshore Dr., dated July 1, 2005.

Frances Poposki Van Howe and Mort Van Howe, no address given, dated July 22, 2005.

Murray F. Olsen, 2198 Lakeshore Dr., dated July 25, 2005.

Dr. Frank Alfieri III, Lake Michigan Shore Association, 2492 Lakeshore Dr., dated July 25, 2005.

Brad Field, 2344 Lakeshore Dr., dated July 26, 2005.

Jan Schroeder, 6944 Lakeshore Ct., dated

A letter from Dick Nagy of Hudson Farms, address not given, dated June 28, 2005, was introduced late at the June 26, 2005 Planning Commission meeting, stating that grandfathering does not exist as it is written in the ordinance draft, and concerned that prior rights will be revoked.

Letters from John Hebert, Ganges Township Supervisor, dated July 23, 2005, stated that questions regarding the Saugatuck Weekends settlement and Geerlings mineral mining issue should be referred to the Township Board, and that Scott Bruursema resigned his position as chairman of the Planning Commission.

BUSINESS SESSION

Reimink moved to approve the July 26, 2005 monthly meeting minutes of June 28, 2005 with 8 noted corrections; Earl supported; motion carried.

Looman moved to approve the July 26, 2005 agenda as presented; Gooding supported; motion carried.

UNFINISHED BUSINESS

Lake Michigan Frontage and Lot Use Restrictions Amendment

John Lohrstorfer, Ganges Township attorney, responded to the public's earlier questions:

Access property is strictly for access, no storage would be allowed. Cannot have a dwelling on access property by definition. If the ordinance passes, a property owner cannot give others the right of access off of his own parcelled land.

Lohrstorfer recommends that the Planning Commission look at sizes of existing access properties to determine a reasonable standard (ratio). He stated that presently the ratio is 1 dwelling for 50 ft. of access property, with an additional 25 ft. for each additional dwelling.

Lohrstorfer stated there are a couple of similar ordinances that have been challenged in court. They went to the Court of Appeals and were recognized as constitutional and reasonable. The decision was published, thereby making it binding for other state courts. He reassured the Commission that this amendment could be adjusted after adoption if it were too restrictive.

Birkes asked if land could be split off and designated as access property. Shamblin stated this could not be done after the amendment passed.

Birkes moved that the Planning Commission accept the amendment (Lake Michigan Frontage and Lot Use Restrictions Amendment, Section 2A.7) as written and approve it for sending to the Allegan County Planning Commission for review, then forward it to the (Ganges) Township Board with the recommendation that it be adopted. Gooding supported, motion carried by roll call vote: Earl–yes; Birkes–yes; Bellenger–yes; Gooding–yes; Looman–yes; Reimink–yes (6/0).

COMMITTEE REPORTS

Land Use Plan Update

Looman reported a delay, caused by the resignation of the chairman (Bruursema) and the law firm planner, Katie Kauffman, changing firms. Looman recommended using Ms. Kauffman, as she had reviewed the past land use plan. Looman moved that the Planning Commission go with a professional planner, Katie Kauffman of McKenna Associates, Kalamazoo, to assist the Commission with the land use update for future planning. Earl supported, and motion carried. Looman to contact Ms. Kaufman, attempting to schedule a special Planning Commission meeting the second Wednesday in August, 2005.

Looman raised the issue of updating the Township hall, stating much work needs to be done (roof repair, concrete work behind building, etc.). Gooding questioned if it would not be better to find another dwelling, possibly look at land in Glenn near the community center or fire hall. Shamblin reported that there is land available in Glenn, but there may be a space issue. Looman recommended that the Planning Commission send correspondence to the Township Board to pursue this further, and stated the need to have contractors brought in.

Mineral Mining Ordinance Review

Reimink stated he was advised by the Township Board at the June 30, 2005 meeting to hold on this business, pending advice from the Attorney General.

Other

Reimink reported that Bruursema received the quarterly review from Dan Ciesla regarding his sand mining project. Shamblin reported he had not received it yet.

NEW BUSINESS

Review and Election of Officer(s)

Reimink questioned the replacement of Chairman Bruursema, expressing a preference not to chair. Birkes replied that the bylaws stipulate if the chairman departs, the vice-chairman replaces him/her, and a new vice-chairman is elected.

Looman moved that the election of officers be tabled until the Township Board selects someone to fill Bruursema's position; Birkes supported; motion carried.

PUBLIC COMMENTS

Dawn Soltysiak, 6322 113th Ave., stated that Dan is doing a good job with dust control.

Theresa Wiley, 6633 121st Ave., requested a copy of the June 28, 2005 minutes.

Mel Richards, 1748 Morning Glory, stated he felt that riparian rights made the Lake Michigan Frontage Amendment an irrelevant issue, since everyone has the right to go to the water's edge. He also asked Lohrstorfer, attorney, about egress/ingress on 121st Ave.: who grants it and how one acquires it. Reimink replied that this is a Township Board issue. Lohrstorfer stated that 121st Ave. is a public road and under the jurisdiction of the Allegan County Road Commission.

Frank Alfieri, 2394 Lakeshore Dr., thanked all the Commissioners for their hard work and for passing the Lake Michigan Frontage Amendment.

Looman reported he has the Clyde Township land use update for anyone's interest.

ADJOURNMENT

Looman moved to adjourn; Earl supported; motion carried unanimously. Meeting adjourned at 8:25 PM.

Respectfully submitted,

Elaine I. Troehler
Ganges Township Recording Secretary