

**Ganges Township planning Commission**  
**Monthly Meeting Minutes FINAL for June 26<sup>th</sup>, 2007**  
**Ganges Township Hall**  
**119<sup>th</sup> Avenue and 64<sup>th</sup> Street**  
**Fennville, MI, Allegan County**

Chairman **Gooding** called the meeting to order at 7:00 PM

**Roll Call:** Chairman Barry **Gooding** – Present  
Secretary: Jim **Birkes** – Present  
Commissioner: Jackie **DeZwaan** – Present  
Commissioner: Sally **Howard** – Present  
Commissioner: Ed **Reimink** – Present  
Commissioner: Dawn **Soltysiak** – Present  
Board Trustee: Terry **Looman** – Present

**Public Comments**

None

**Correspondence**

The board acknowledged receipt of the “Summary of SB206 Michigan Planning and Enabling Act” document.

**ADMINISTRATIVE UPDATE**

**Ganges Township Board**

Trustee **Looman**, reported that there was nothing to report at this time. **Birkes** asked **Looman** if the use variance and rezoning amendments were approved by the board. **Soltysiak** confirmed with **Looman** that the submitted budget request will go before the board at the Annual Meeting. The Township Board will be meeting Thursday, June 28<sup>th</sup>, 2007 to finalize the budget.

**Zoning Board of Appeals (ZBA)**

**Gooding**, liason to the **ZBA**, reported that they had 2 different items come before them:

- 1) Charles Langfield 2089 Lakeshore Drive (aka Trap Sub Division), where they requested a setback for an addition to the garage, which already had been previously granted a setback. Approval granted by ZBA.
- 2) Robert Goulette 1644 Walker Avenue requested permission for an addition of a deck, while requesting a setback of about 10' instead of the required 15' in the side yard. Approval granted by the ZBA.

**Zoning Administrator Report**

**Tasha Smalley**, zoning administrator (**ZA**) reported that she would like to table her info until the next meeting, so she has time to go over them in detail with the board at the next meeting.

**BUSINESS SESSION**

**Approval of Prior Minutes**

**4/17/07 Approval of a “Revised” set of minutes:** Motion by **Howard** that the revised set of minutes from the 4/17/07 meeting be approved. Support by **Looman**. Motion Carried.

**5/22/07 Approval of minutes: Revisions:**

- 1) Page 3 “**Annual Mineral Mining review – Don Ciesla**” 2<sup>nd</sup> Paragraph 3<sup>rd</sup> sentence reads, “She suggested that in the future, the PC advise applicants on how to have affidavits recorded and submitted to the register of deeds.” Change to “Until it was investigated by the Zoning Administrator and it has now been recorded. Small(y) suggested that in the future, the PC advise applicants on how to have affidavits recorded and submitted to the register of deeds”.
- 2) **Private Road Amendment – Suggestions from Counsel** First paragraph 3<sup>rd</sup> line correct typo from “cleaned us some” to read “cleaned up some”.

3) **Private Road Amendment – Suggestions from Counsel**, paragraph 5, sentence five ending with “provide to the ZA a copy of the county road **“standard to be utilized”**”.

**Birkes** moved that the Planning Commission approve the minutes from 5/22/07 with changes as noted, Second by **Howard**, motion approved

### **Approval of Agenda**

Motion by **Looman** to accept the Agenda from June 26<sup>th</sup>, 2007 as written, support by **DeZwaan**. Motion carried.

### **OLD BUSINESS**

#### **Dollybrook Farm – Preliminary Site Plan Review (continued) 2088 66<sup>th</sup> Street/PO Box 98, Fennville, MI 49408 (aka LG Brook property)**

Tasha **Smalley (ZA)** verified what had been included in each board members packet, Environmental study and revised site plan which delineates where the wetlands currently are as well as where they propose them to be.

Don **Karaus Jr.**, 2025 Brookhill Drive, Project Manager, representing the Jim **Keag** family, 2088 66<sup>th</sup> Street.

**Gooding** clarified that the new map dated “updated June 15, 2005” shows the setbacks as required at the previous meeting? **Karaus** replied, “Yes”. Going back to the original variation from 25’ to 6’ from the easement which it was indicated that 6’ would be sufficient at the March meeting. Note that this road has come down out of the woods, with less of a threat of a cankerous wooded area throughout Phase 3. Due to PC requirements, decreased setbacks results in less of a disturbance to the wooded area thus utilizing more of the open areas. Audio illegible.

**Gooding** verified that regarding the document handed out, To Whom it May Concern: “I Jean E. Beatty” ... She is the present owner correct? Jim **Keag** stated that she is his mother in law, and that the property is currently in her name.

**Soltysiak** asked in referencing the “Goshorn Lake” as an example is currently a site condo development, is that in line to what you were referencing, is it your intent to have your project be a site condo development as well? **Karaus** replied, “That the reference to Goshorn Lake is only in reference to the way it is set up, not anything to do with how they run their business.

**Soltysiak** asked how many beds they planned on having per unit, and how many people would be allowed to stay in the facility? **Keag** replied that the number of beds is unknown at this time, until the design stages for the cottages, including square footage is known. **Soltysiak** continued that it is important to know how much water usage is expected, while also knowing how many people are going to stay in the facilities and how long guests are staying has an impact on water usage. She would feel comfortable with some general number, rather than simply keeping it open.

**Soltysiak** asked if there is currently any kind of underground storage tanks currently on the property. **Keag** replied that there is 1 underground storage tank for the present well that holds 2000 gallons.

**Gooding** mentioned that the DEQ has been to the property, and they presented them with written manuals. **Karaus** noted that they had a wetlands specialist visit the site.

**Gooding** moved (**directed**) that the Planning Commission move into the “**Business Session**” of the meeting.

**Birkes** will take notes, which will assist him in drafting a response from all PC members.

**Howard** suggested that they begin with the “Big Picture Items” going through A – I, but she noted that there are some larger issues that people have that we should get out & get discussed. **Howard** noted that this project needs to require a “Performance Bond”, requiring for the completion when the Owner says it will be finished, and if it isn’t finished, the Township needs to be guaranteed that the money is there, and then they can come in and finish it. One of the most prevalent things we heard from the neighbors, is their concern for it to get completed.

Reference the Zoning Manual Section 7A.12 REQUIRED IMPROVEMENTS “B” which in part reads, “To insure compliance with the Zoning Ordinance and any conditions imposed thereunder, the PC may, in granting approval of a PUD, require a performance guarantee to consist of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements associated with the PUD be deposited with the Clerk of the Township to insure faithful completion of the improvements. This performance guarantee shall be deposited at the time of the issuance of the permit authorizing the PUD.”

**Birkes** asked the PC, “Does this application meet the intent of our current PUD Ordinance as written”?

**Gooding** agreed that it does with the exception of one flaw. Some of the parcels are ~~currently~~ owned by the children. Those will be required to be surveyed, legal description and deeded ~~back to the project, to make it read as one parcel per dwelling.~~ (accordingly)

**Birkes** noted that our PUD Ordinance says that all the other provisions apply, unless they are in conflict with the PUD Ordinance, as stated in 7A.13, only one residence per parcel, which (the plan) currently has 5 or 6 parcels (residences) which makes it non-compliant.

**Howard** asked again, does everyone agree that this is keeping with the current Ordinance?

**Soltysiak** agrees with the overall general project.

**Birkes**, we all agree that it is consistent with the PUD Ordinance. Yes.

**Birkes:** Is it consistent with the master plan? Yes

**Gooding**, referring to page 32 of the Zoning Ordinance, SECTION 7A.3 POCEDURE asked the Planning Commission the questions regarding the PUD applicant:

A. Whether the proposed PUD is consistent with and promotes the intent and purpose of this Ordinance and the considerations referenced in the last paragraph of Section 7A.1 herein before? **Yes.**

B. Whether the proposed PUD is compatible with adjacent uses of land, the natural environment and the capacities of public services and facilities affected by the PUD? **Gooding Yes, Soltysiak**, questioned the of the size and scope of the project, we don't know how many beds it's going to have and it is at a larger density than our Township currently allows for occupation. **Birkes** summarized that we are concerned about the extensive use of water and require the applicant to furnish the PC with more complete details regarding capacities due to the increased density of the project. **Birkes** feels that it is not compatible with the adjacent uses, however nor is the current zoning. Anything that can be done to make it more compatible to adjacent uses should be done. Discussion continued with **Birkes & Soltysiak** feeling that it was not compatible but our current zoning would allow it, and **Howard** disagreeing stating that she feels it is compatible. It's a gentle use of land, rural character, providing agri-tourism. **DeZwaan** stated that basically this is a residential business; much like a B&B might be making it compatible to existing use. **Howard** suggested using the words that the use is compatible with adjacent uses. By show of hands, majority agreed with **Howard's** suggestion.

C. Whether the PUD is consistent with the public health, safety and welfare of the Township? **Birkes** has concern with the septic system. Once it is in, there are no provisions for supervision, commercial laundry dumping into septic for a highly dense community. **Howard** noted that it is an identical system to what she has at her business, and because they are a campground, they are constantly monitored by the state with testing and monitoring usage rates, and she doesn't believe that it's required here so suggested that we require the applicant to hire a firm to do that, and report it. Suggested requirement being recording it monthly, and samples quarterly. **Birkes** concern regarding the wetlands. In the cursory review presented, one of the recommendations is that they do regulatory wetlands delineations, the official delineation of the wetland. **Soltysiak** noted that the wetland delineations were done on the map. **Howard** stated that if it's a recommendation included as part of their

application, then we should require it. If that has already been done, then require something confirming that.

7A.4 **Gooding** noted that all requirements had been completed. **DeZwaan** noted a typo on the "Vicinity Map" on the preliminary site plan that there are two 68<sup>th</sup> streets, and the road along "Dollybrook Farm" should read 66<sup>th</sup> street.

**Soltysiak** noted that in Section 7A.4.D.2 Method of financing and asked if we knew what their method of financing is? **Birkes** noted that he will include in the letter that the details of financing will be required for the final review.

#### 7A.5

- A. Ingress and egress to property and proposed buildings and structures thereon with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe? **Gooding** stated that he recalled seeing an access road off of 121<sup>st</sup>, and that we should require that for the use of fire and rescue purposes, not for general use.
- B. Off-street parking and loading areas where required, with particular reference to the items in subparagraph A above and the economic, noise, glare, or odor effects of each use in the proposed PUD? **DeZwaan** had asked if the final drawings would show parking for the office & saleroom. **Gooding** added that parking for the laundry facility should also be noted.
- C. Refuse and service areas, with particular reference to the items in subparagraphs A and B above? **Yes**
- D. Utilities, with reference to locations, availability, and compatibility? Yes, previously addressed.
- E. Screening and buffering, with reference to type, dimensions, and character? **Howard** noted that one of the biggest concerns she heard from the neighbors at past meetings is that the applicant show a specific buffering plan on the North and East sides (121<sup>st</sup> & 66<sup>th</sup> street frontage) on the final site plan. **DeZwaan** expressed concern about how much lighting that may be generated, noting that the buffering would help with the lighting filtering over to the neighbors.
- F. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with adjoining properties and the properties in the proposed PUD? **Birkes** noted that he would like the exterior lighting to be kept at a minimum, keeping it well lit while keeping with the rural feel of the area. **Howard** added that we would like a sign ~~that would~~ that makes the entrance obvious to their visitors. Noting that from her own experience having a sign that makes your business obvious to visitors is necessary to the public safety and welfare to the community. **Looman** noted that in the minutes dated March 27, 2007 that there would be "IN" & "OUT" signs posted at the entrance.
- G. Required yards and other open spaces? **Gooding** noted that the plan called for a blacktop trail around the perimeter of the development, which is part of the open space.
- H. General compatibility with the adjoining properties and properties in the proposed PUD? **Yes**.
- I. The purposes of this Ordinance? **Birkes** suggested that the PC may not be able to approve commercial uses that are currently identified, due to undeclared commercial uses. **Howard** clarified that the issue is that the applicant noted that the use might be one kind of business or another, but not identified, in so doing, the PC cannot approve a use that is not identified. **Birkes** suggested that the applicant not include those possible "future businesses" part of this application, but rather make the application for future businesses at a later date and ~~then~~ bring those items before the board at that time.

**Howard** suggested to the PC, that they request a timeline on phases, requiring phase 1 to be fully completed before phase 2 is begun, while also requiring the applicant to submit a performance bond in the same order as

the stated phasing. What we are trying to prevent is half done completion on each phase. **ZA Smalley** clarified that if the applicant realizes that they need to extend the timeline, which they can then come before the board requesting additional time. **Soltysiak** added that the timeline and dates are not as critical as completing phase 1 before starting phase 2, and requiring a performance bond as suggested. **Howard** proposed to the PC, “are you willing to give 20 years in perpetuity, and approval for this, that keeps pushing, and pushing and pushing, or do you want to say that this approval is good for a determined period of time, completing phase 1 before beginning phase 2 etc.

**Birkes** then added that perhaps we ask the developer to come forth with the final site plan for review on phase 1, and then upon completion of phase 1, submit plans for phase 2 and so forth. **Gooding** in agreement with **Birkes** & **Howard** surety bond is only required for 1 phase. The applicant then comes before the board for phase 2. Since we are re-writing the PUD Ordinance, could that require the applicant to provide more information than initially required in phase 1? **Howard** answered that it depends entirely on how the Ordinance is rewritten. They have asked us to approve the entire plan, and that’s what we need to adhere to the whole plan. **Soltysiak** added that when they come in for phase 2, that they need to have a site plan review, suggesting that the overall intent is approved, but it will still need to be approved in sections. **Birkes** asked if the PC wants to simply suggest to the applicant that the applicant submit plans only for phase 1, and then when that nears completion have them submit plans for phase 2. **DeZwaan** noted that the applicant should be referred to the section that covers the Final site Plan Submission, which is in Section 7A.7.

In review, **Birkes** listed the items of detail that will be required of the applicant, upon submittal of the final site plan:

- Require applicant to provide details’ regarding the type of financing the applicant is going to be using for the project.
- Require a performance bond or other established financial base as part of the plan.
- The PC is concerned that the applicant will be establishing 5 residences on 1 parcel, which is not consistent with the zoning Ordinance. Applicant to provide detailed information regarding a solution, and a plan for remedying this issue.
- The PC is concerned about the expansive use of water, therefore requiring additional details regarding capacities of the existing well(s), but also some definition of the anticipated usage.
- The PC has concerns about the septic system due of the anticipated high discharge, requiring some system be established for monitoring purposes.
- Require a regulatory wetlands delineation be provided.
- Require 2<sup>nd</sup> drive access as shown on plan.
- Provide office and administrative facilities parking.
- Require specific “buffering plans” for the entire perimeter of the project (360 degrees).
- Require a lighted sign at the entrance.
- Require definition of all of the proposed commercial uses (existing and potential future uses).
- Require that phases be completed in order of submittal, prior to beginning work on the subsequent phases.
- Require that the applicant provide detailed time lines for completion of phases, which will tie into the performance bond requirements.
- Suggest that they consider a Phase 1 only for the initial site plan approval.
- Everything as required in the Ordinance would apply, and additional items may be required of the applicant upon the review of the final site plan.

**Gooding** acknowledged Section 7A.11 Time Limitations on Development: Each PUD shall be under construction within one (1) year after the date a permit therefor is approved by the PC. If this requirement is not met, the PC may, in its discretion and in accordance with the provisions of this Ordinance relating to the authorization of a special use, grant an extension.

Reimink advised the applicant, that because there is a “chapel” noted on the drawing, that this would not make the applicant eligible for a tax exemption in the future.

**Smalley** added that project has to adhere to state building code.

## PUD Amendment Development

**Soltysiak** explained that she, **Birkes**, and **Howard** had worked on the recommended changes, and noted them on the right hand side of the pages, throughout the document. The board agreed that **Soltysiak** would double check the contract with McKenna Associates, Inc. and if the PC has another meeting available as part of the contract that they will save it for a future meeting if needed. **Soltysiak** will request Greg Milliken, AICP to make written comments regarding their recommended changes, and then go from there. **Howard** added that when the PC Board sent the committee out to review the application review and approval procedure that there was a general feeling that it was too long and too cumbersome. As we started working through it, if you start by looking at the big picture; that there is a pre-application conference, preliminary review, and what happens after those, before you get into the details, it's a lot easier to get through this without feeling bogged down and overwhelmed by it. **Soltysiak** added that the eye opener that they realized was that although there were items on the application that may seem redundant to some of us; it makes it much easier for the applicant to complete the application.

## Private Road Amendment

**Birkes** advised the PC Board, that the letter that he had sent to Roxanne **Seeber** regarding the Private Road Ordinance (included in PC packets for this meeting) on June 1, 2007 was held up by John Hebert, Township Supervisor, therefore the applicant (**attorney**) has not responded to our concerns in time to review at this meeting.

## Public Comment

**Duane Brown** 6983 121<sup>st</sup> Avenue & 2048 Lakeshore Drive, expressed concern regarding the Private Road Amendment, using the guidelines from the county roads. The county roads require a 66' right of way, so if you're forcing a public road for private road use, are you requiring the person to clear 66'. **Birkes** advised that the only requirements are that you have to have the 66' right of way, but the only thing they have to conform to county standards are to road surfaces themselves and the shoulder of the road. We require that it be consistent with county road standards if it serves 5 or more parcels. **Soltysiak** recommended that the ZA provide **Brown** with a copy of the already approved Ordinance. **Gooding** noted that what is required is 4' of clearing to each side of where the road bed.

## New Business

### Ryder PUD – Final Site Plan Review

Mark **Schrock** from Darpel & Associates presenting, with Steve **Darpel** (business partner) and Mary **Ryder** (property owner) in attendance as well.

We are here for a Final Site Plan Review, after submitting the Preliminary Site Plan on August 22, 2006. We received the letter from Jim, with concerns of the PC, so I would like to address them briefly. We pursued a variance, for where you come off of 121<sup>st</sup> onto the main body of the property, and received it by the Ganges Township ZBA, it was appealed, and subsequently the appeal (**variance**) was upheld.

We have reviewed this layout with the Ganges Township Fire Department. Correspondence was not forwarded from the Fire Chief to the PC. Upon the recommendation of the Fire Chief the proposed plan shows a "T" that would now allow better access for emergency vehicles. Letter read from Fire Chief Compton, advising approval for the preliminary site plan as submitted.

**Schrock** reviewed the concerns as addressed on the memo sent to the applicant dated August 22<sup>nd</sup>, 2006 as follows:

1. Even though a variance has been issued by the Zoning Board of Appeals against the 66 feet of right-of-way provision in our Private Road Ordinance, an application to construct a private road must still be submitted to the Planning Commission for consideration.
2. Since the proposed private road shall provide access to more than 4 parcels, lots, or dwellings, the road must comply with the provisions of Section 7F.03D of the Ordinance.
3. Particular attention should be given to the requirement that the improved surface of the road shall be no closer than 25 feet from any parcel not served by the road. The existing road that travels along this course, noted changes to the propose road.
4. Maintaining as much as possible of the current forested areas would be preferred to provide buffering between adjacent lots. Doing all that is possible to minimize tree removal and existing vegetation.

5. No signs or exterior lighting except on the dwellings would be preferred to maintain the current rural character. Stressed that this is a family compound not a PUD condominium association in the traditional since.
6. Leaving most of the PUD area as open space in its current condition would be preferred in order to maintain the current character. Working on this.
7. Please review all the requirements of the Final Site Plan in Section 7A.8 and all the requirements of Article VII F- Private Roads in the preparation for a final review. Their application shows bulleted response to those sections of the Ordinance in a letter dated May 4<sup>th</sup>, 2007 addressed to the ZA and the Ganges Township PC.

See Site Plan

Current plans include constructing high quality, custom wood framed 2 story home on Units 1 & 2. **Schrock** added that there are currently no plans to construct homes for unit 3 or 4.

Home at Unit 1 is proposed to be approximately 3,500 sq. ft. on the main floor. Home at Unit 2 is proposed to be approximately 2,500 sq. ft. on the main floor.

Construction of these homes will begin summer-fall 2007.

Units 3 & 4 are not planned for development at this time.

**Schrock** added that the applicant/contractor feel that this project is in keeping with other projects of this nature, and will be owner financed. Application for the driveway has not been submitted to date.

Audio inaudible, but believe that **Schrock** added that they had been approved for the septic system, based on the site plan.

**Howard**, asked the applicant to explain the split into 4 instead of 2. **Schrock** answered that you can't do a land division because of the 4:1 ratio, which would be non-conforming to the Ordinance. The PUD seemed to be the best way to address the **Ryder** family needs.

**Birkes** asked if the private road comes off of 121<sup>st</sup>2 (as to the number of parcels that use the road) **Schrock** answered 3, the **Ryders** and 2 others (audio inaudible). Upon completion, the private road will serve 7 total, with the property on the right deemed unbuildable, which ultimately it is thought that this small area will be described as common space. **Birkes** noted that on the plat map, it is a separate parcel. **Birkes** continued that the neighbor to the north is serving 2 parcels; it is part of the private road up until it splits into 2 driveways. The implication being that the applicant would be required to adhere to the private road Ordinance up until it split into 2 driveways. **Birkes** clarified that once the initial private road "Tees", and then there would be a second private road for a short distance to the north, until it splits off to 2 driveways (for unit 1 and the neighbor to the north), at that point they would only be required to have a 12' wide driveway. **Soltysiak** noted that there would then need to be 2 applications for private roads. Mrs. **Ryder** added that the neighbor to the north does have a lifetime easement that includes the small portion of the "drive/private road" on the site plan. **Gooding** clarified that as part of the recommendation of the fire department the applicant was advised to make this portion of the "Tee" part of the private road. **Gooding** officially closed the business meeting.

**Soltysiak** made a motion that the PC amend the agenda for the regular meeting dated June 26<sup>th</sup> to include a public hearing as part of the **Ryder** PUD final site plan review to read "Item D. 1. **Ryder** PUD – Final Site Plan Review & Public Hearing." Support by **Looman**. Motion carries.

Public Hearing – Negative "Cons"

Randy **Schipper** 321 Settlers Road, Holland, MI., representing the **Stege** Family, showing a tax map as part of his presentation. The approved variance that was approved under Section 7F.03.C2., which is for a private road to serving no more than 4 parcels. He raised to the ZBA at that time, that this private road would not facilitate the PUD application that had been applied for. He attached a copy of the court ruling stating, "Although the **Ryders** hope to eventually split their Parcel A, their proposed split was not before a section of a private road that services four parcels. The only issue before the ZBA was the **Ryders'** request for a right of way variance for a section of a private road that services four parcels." The easement that established this private drive, serves 5 parcels, which exceeds the limit. The Ordinance also provides that any private roads serving a PUD, needs to comply with sub section "D". The variance was under sub section "C". Therefore there is no variance for this farm link to allow (to allow us to grant the PUD therefore there is no variance) for the PUD. Under sub section D.5. it contemplates that the PUD section could provide different standards for private roads serving PUD's. As recently discussed with in connection with Glenn Oaks that authority has not been used a private road in a PUD has to comply with sub section "D", and they don't meet those requirements. Another requirement is that a private road serving a PUD has to have a private maintenance and indemnification agreement that goes beyond what common law already covers. Common law does not provide that the Township have a right to come in to improve or maintain the road and access the property owners. That's good public policy, but this road pre-dates that public policy. Under Michigan law the benefited property with an easement, can't expand or extend it, beyond what was contemplated at the time the easement was created (reference a deed dated 1953, referring to an existing easement). The **Stege** family does not feel that this PUD is harmonious with the adjoining properties, having several homes in an area with the intention of having one, like all surrounding properties. It's unclear if a private road has been approved, but

it appears the PC cannot approve the PUD, because it depends on a road that simply doesn't meet the requirements of Section 7F.03.D.

**Birkes** noted that that the 2 properties that are currently not using said easement, how are they currently accessing their property. **Schipper** lamented that he was unclear.

Mrs. **Ryder** added that there is a permanent easement from Lakeshore Drive all the way down to their (name inaudible) property. **Schipper** noted that the property owners had not relinquished the easement in question.

Duane **Brown** lives directly across the private road to the south. The road is currently 15' wide, and he is concerned that if the PC requires them to comply with the Private Road Ordinance, which would then become 40' wide, thus making it non-harmonious with current community.

Public Hearing – Positive “Pros”

Mark **Putney** with Miller Canfield 99 Monroe Avenue N.W. Suite 1200, Grand Rapids, MI, 49503, representing the **Ryder** Family. The variance that was granted was for the section of the road addressed, how many parcels it served wasn't relevant. The relevance is only if the road was serving 4 or fewer parcels, it was the governed by Township standards, for 5 or more parcels, it is governed by County standards. There is an old easement exist from years ago, 50 + years, includes a 30' wide easement, which was reserved to allow access to 121<sup>st</sup> street. In disagreement with **Schipper**, **Putney** noted that if you have an easement with ingress and egress, you have to maintain it, unless acquired by adverse possession. The only reason the **Ryder** family are increasing the size of this road, is because of improvements that they want to make to this property have triggered higher standards for the road with regards to safety in regards to the public, and emergency vehicles can traverse, etc.. The **Ryder** family has owned this property for a long time. Two brothers that have wanted to build their own residences, so they proceeded with the submittal of a site plan per all Ordinances to the best of their knowledge. It's possible that the easements have been abandoned. The Ordinance that addresses standards for roads talks about how many parcels are being served by the road as primary access to the property. The number of properties in question triggers the standards of the roads that have been set. It is not the intent of the **Ryder** family to contemplate the **Stege's** nor the Township to pay for the road improvements, they are prepared to indemnify the Township or anybody else against the cost of repairing that road to current standards. In regards to change in character & burdening of the easement; this is a residential use, it's going to continue to be residential, it has been owned by the same family for more than 50 years, it will not increase the burden of the road in any way. In continuing, **Putney** added that as far as the private road is concerned, this approval would be conditioned on getting the appropriated roadway agreements in place, which is a separate process.

Mary **Ryder**, 2080 Lakeshore Drive. In all the years of owning this property, the **Ryder** family has been the ones to maintain the easement, never extending any cost to others. The number of people using the road now will remain the same once this PUD is granted including both families' children and grandchildren who use it now and will continue to use it.

**Schippers** response: The Michigan court ruling that an easement can't be expanded or improved does not involve a case in adverse possession with existing conceptual easement. Also, realizing that the requirements under “C” & “D” are similar, they are very different the practice with “C” is pretty low impact; rather “D” has to follow county road standards of 22' clear cut through an area that is currently about 12'. Michigan law states that you cannot abandon a property right unless you are physically cut off for 15 years openly and notoriously, which is not the case here. The **Stege** family continues to have easement rights, the fact that they have another way into their property doesn't mean that they wouldn't at some point use this easement.

**Gooding** closed the public hearing.

Reimink clarified that the ZBA went to **(decision)** court, and they approved the variance **(was upheld)**. **Soltysiak** clarified that they approved the variance. The variance request was to narrow the road **(right of way)** **Gooding** noted that the variance was for the right of way, where it made the curve. **Howard** clarified, that the decision of the ZBA to allow the variance on the road **width (right of way)** did not in any way suggesting approval, disapproval or anything else in regards to the properties. Birk(e)s added that whether the ZBA stated C or D the right of way requirements are the same. Furthermore **Bu(i)rk(e)s** noted that there are 2 applications before the PC, 1 for the final site plan for the PUD, and 1 for the road.

**Looman** advised that we address the 2 applications separately. **Gooding** and **Soltysiak** concurred.

**Soltysiak** recommended doing the PUD first, because if there is no approval for a PUD, there is no need to approve a private road.

**Gooding** reviewed the PUD application referred to Section 7A.3 Procedures of the Ganges Township Ordinances: PUD's shall be approved in accordance with the procedures and requirements hereinafter specified. Any lot or parcel of land of ~~two~~ **(two)** (2) acres or more is eligible for PUD approval. The PC in granting or denying approval of the PUD as provided hereinafter shall consider the following standards:

- A. Whether the proposed PUD is consistent with and promotes the intent and purpose of this Ordinance ant the considerations referenced in the last paragraph of Section 7A.1 herein before; Unanimous Yes.

- B. Whether the proposed PUD is compatible with adjacent uses of land, the natural environment and the capacities of public services and facilities affected by the PUD; Unanimous Yes
- C. Whether the PUD is consistent with the public health, safety and welfare of the Township: Unanimous Yes

Section 7A.8 Final Site Plan Review

- A. A plot plan based on an accurate certified land survey showing:
  - 1. Location, size and type of present buildings or structures to be retained or removed; Yes
  - 2. Location of proposed buildings, structures, or other improvements; Yes
  - 3. Location of existing and proposed streets, drives, and parking lots; Yes
  - 4. Location of water and sewer lines; Yes
  - 5. Storm drainage; Yes
  - 6. Topographical features including contour intervals no greater than five (5) feet; Yes
  - 7. Ditches and water courses; Yes
  - 8. Trees over twelve (12) inches in diameter measured at a point five (5) feet off the ground; N/A
  - 9. Proposed landscaping; N/A
  - 10. Location of existing improvements; Yes
  - 11. Location of lot or condominium unit lines; Yes
  - 12. Loading and unloading facilities; N/A
  - 13. Exterior lighting and signs; N/A
- B. Preliminary architectural sketches and/or a general statement as to the type of construction and materials to be used in the proposed buildings or structures; Yes
- C. Description of the height and area of proposed buildings and structures; Yes
- D. The period of time within which the development will be completed; Yes
- E. Proposed staging for the development, if any: N/A
- F. Gross area in buildings and parking ratios; N/A
- G. Delineation of the one hundred (100) year flood plain and any proposed uses therein; N/A
- H. A description of ownership of aspects of such plan which might have an adverse effect on public health, safety and welfare; Yes
- I. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land such as an option or purchase contract; Yes
- J. Method of financing and commitments, or other proof of ability to obtain financing; Yes
- K. Additional information which the PC may request is reasonably necessary to evaluate the proposed PUD and its effect on the surrounding neighborhood and the Township in general; None required

**Gooding** noted that the applicant met all of the requirements on the PUD, approval is contingent to the approval of the private road application, which is being reviewed next.

**Howard** made a motion to approve the **Ryder** Family Final PUD Site Plan as proposed, contingent to the approval of the private road application approval 2<sup>nd</sup> by **Birkes**. Motion approved unanimously.

**Gooding** clarified to those present that the requirement is for the road to be 22' of surfacing, requiring 4' clearing on each side of that with a total of 30' for public safety.

Private Road

**Reimink** clarified that we are going to base our decision on 5 or more parcels. Suggesting that we use item D.5 of page 108 modifying the standards in a PUD, as has been done in the past, most recently at Glenn Oaks.

**Soltysiak** asked if everyone has had a chance to review the application packet, and feel that they adjudicated on the Ordinance for the right of way?

**Birkes** noted the procedure for application review; permit application, and a list of things that need to come with the application including the road maintenance agreement, access easement agreement and deed restrictions as described in Section 7F.04 where there is a lengthy description of what's required.

**ZA Smalley** confirmed that these items were not submitted with the application.

Planning Commission agreed that they cannot approve the application without that information.

~~Motion by to require the maintenance agreement~~

Public Comment by Bob **DeZwaan** 2259 68<sup>th</sup> Street, Fennville noted that the PC does not have a copy of the letter from the fire chief that the attorney referred to, and questioned why it wasn't provided. **ZA Smalley** noted that she regretfully missed including it in the packets. Mr. **DeZwaan** further noted that he was not opposed to the project, but that the Fire Chief made recommended changes from a cul-de-sac to what's being presented.

**Gooding** added that his concern is for the health, safety and welfare of the Township. If you have a fire in there, you not only have fire & rescue, but you have Consumers Energy, Ambulance, etc., and he feels strongly that the PC should adhere to the standards as they have been set forth.

**DeZwaan** noted her concern is in case this road is ever taken over by the county, that it meets county standards, which she explained was one of the reasons for the standards as set forth. In addition, she feels that making changes to the Ordinance sets a bad precedence.

**Birkes** suggested that they make it clear to the applicant that there are two ways to make the private road applications; First, is that they can make application for two private roads as earlier discussed, and second is that they can use the other drive that is already there for the neighbor to the north, thus requiring a maintenance agreement.

**Gooding** noted that they need to include the letter from the fire chief, and they need to have a road application from Allegan County to connect to the county road.

After further discussion by the PC, a motion was made by **Soltysiak** to table the application for the right of a private road waiting for more info to follow including the joint maintenance agreement, access driveway permit, and the submittal of the letter from the fire chief. Second by **Howard**. Motion Carries.

#### **Site Plan Review Procedure amendment**

**Memorandum dated June 15<sup>th</sup> 2007** from PC Secretary **Birkes** reference Zoning Ordinance Amendments.

**Howard** made a motion to recommend approval of the language, until the next time we have a public hearing on amendments to the Ordinance. Support by **Looman**. Motion approved.

#### **Other business that may come before the Commission**

The PC reviewed the current roster for the PC, making corrections as needed.

#### **Land Divisions Review**

**Gooding** asked ZA **Smalley** why we aren't getting the information on Land Divisions, and she noted that she wasn't getting them either. **Gooding** agreed that he will contact AI **Ellingson**, Building Inspector, and report back to the PC.

#### **Future Meeting Dates**

July 11<sup>th</sup> at 7:00 Special Meeting

July 24<sup>th</sup> at 7:00 Regular Meeting

#### **Public comment**

None

#### **Adjournment**

Motion to adjourn by **Looman** at 10:03, support by **Howard**. Motion approved!

Respectfully submitted,

Ronda J. Hall

Ganges Township Recording Secretary