

GANGES TOWNSHIP PLANNING COMMISSION
Monthly Meeting Minutes FINAL for March 28, 2006
Ganges Township Hall
119th Avenue and 64th 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 Dortha **Earl** – present
Commissioner Ed **Reimink** – present
Commissioner Dawn **Soltysiak** – present
Board Trustee Terry **Looman** – present

PUBLIC COMMENTS

Michelle DeLash, 6247 122nd Ave., read a letter written by Susan Smith, dated March 28, 2006, asserting the importance and necessity of future planning to protect this township when implementing a Master Plan, giving the proposed landfill issue in Lee Township as an example. Smith's letter emphasizes that decisions and planning should be made with the community welfare in mind, not just the profit of individuals, and chastises the Planning Commission (P.C.) for disregarding the planners' information and the committee's presentation of options. Finally, she acknowledges the inevitability of development and requests that the P.C. consider overlays and/or multiple classifications for commercial areas in order to preserve the uniqueness of this area.

Al Meeusen, 2381 62nd St., stated that he thought that the politics and discussions are going well, that all are working for the common good, and he appreciates the process. Meeusen stated that he has been involved with environmental concerns, having been with the recovery resource program in the 1980s, and maintained that people do not have as much to worry about with regard to the proposed Lee Township landfill.

Kathleen Schwegel, 6385 120th Ave., asked the P.C. if they have considered different classifications of commercial use. She also requested that a mechanism be put in place to allow changing one's property from commercial to residential (or ag/res) and recording this.

Rob Soltysiak, 6322 113th Ave., stated that about two (2) years ago, Camp-It had wanted to build a large hotel complex in a spot-zoned commercial area, and that it or something similar still could happen. He questioned how some members of the P.C. could consider spot zoning to be good, stating that it destabilizes the Master Plan and zoning ordinances, and that it could allow either adjacent development or new owners to develop their property to the maximum intensity possible. Soltysiak requested that a subcommittee be formed to investigate and study specific ways the community could be protected from extensive and undesirable development and also protect existing uses. He suggested that a written report by this subcommittee be presented to the P.C. and also made available to the public to counteract misdirected and incorrect information going around the township.

Ann Gray, 1974 68th St., gave her support to the P.C. members who voted to keep the spot zoning as is. She acknowledged the uniqueness of Ganges Township, and stated that she has no problems with Camp-It, affirming its right to be in the township.

Carmen Behn, 2276 68th St., referred to the man at the last P.C. meeting who has commercial property on Blue Star Highway and stated that he believes he should be able to do anything he likes with his property regardless of the consequences. She urged the P.C. to remember this and that the township needs to be protected against this type of attitude.

Jim Keag, 2086 66th St., described receiving a 3-page description of the commercial committee's proposals and ideas after the last P.C. meeting, and stated that the township already has these, so existing businesses should be left alone. He added that new commercial should be addressed on an individual basis.

Don Karas, Sr., 1672 70th St., proclaimed that free enterprise is a God-given right, and warned that people need to be careful not to take it away from those who have been here a long time.

CORRESPONDENCE

Letter dated March 28, 2006, from Linda Wilcox to the P.C. expressing concern about plans for commercial classifications after the P.C. voted last meeting (March 15, 2006) to retain the existing commercial zones, and states that commercial overzoning will increase taxes to cover pollution problems and support infrastructure. Wilcox supports allowing owners to convert from commercial to res or res/ag and tightening restrictions on PUDs by increasing minimum lot sizes.

Letter dated March 16, 2006, from Steven Behn to **Gooding** questioning if everyone at the March 15, 2006, meeting had been treated in a fair and equitable manner, and stating that everyone has responsibilities in a community as well.

Letter dated March 16, 2006, from Carmen Behn to **Gooding** describing the decisions made at the March 15 meeting as being influenced and determined by a “Good Old Boys Club,” indicating that regardless of her 46-year residence in Ganges Township and ownership of commercial property, her rights have been ignored since she is not a member of the club.

Another letter dated March 16, 2006, from Carmen Behn to **Gooding** reminding him of her ownership of commercial property along Blue Star Highway and stating that at the March 15 meeting some citizens were given special consideration. Behn states further that she, too, wants to protect her assets, but feels it must be done with consideration of environmental factors, such as water contamination, and that in general, a deed holder does have responsibilities to the community.

Letter dated March 16, 2006, from Robert Soltysiak to **Gooding** stating that at the March 15 meeting, the P.C. had sold itself out to the special interests of a few people in Ganges Township to the detriment of the majority. He asserts that all residents should have equal coverage under township law, not just those with the loudest voices or those who have a “birthright.” Soltysiak takes issue specifically with **Earl, Gooding, Looman, and Reimink**, stating that he has lost confidence in the P.C., and poses the question of how the P.C. plans to protect the rest of the community.

Letter dated March 16, 2006, from Phillip Badra to **Gooding** asking why the P.C. worked on the Master Plan update for the past two (2) years and spent \$8800 for the services of a professional planner only to revert to the status quo. He points out that the survey, work sessions with the planner, and many letters of support for change were all ignored for the benefit of a few. Badra also warned about the unregulated growth occurring in surrounding townships.

Letter dated March 16, 2006, from Linda Wilcox to **Birkes** expressing gratitude to him for pushing toward “total community” goals in developing the Master Plan. She hopes that workable solutions that benefit all can be reached by means of education and discussion.

Letter dated March 16, 2006, from Kim Keag to **Gooding** thanking him and the P.C. for keeping the existing zoning the same, feeling that this was the request of the commercial land owners.

Letter dated March 23, 2006, from Ann Gray to **Gooding** and the P.C. thanking them for doing the right thing by voting to leave the interior commercial areas as they are currently, protecting people’s rights to maintain their livelihoods on their own property. Gray questions why the P.C. is making changes to the land use plan, stating that the state statute requires only a review every five (5) years. She feels that changes would decrease people’s options in using their property, causing a need for greater infrastructure and subsequently an increase in taxes, resulting in greater government control.

Letter dated March 21, 2006, from Margaret Arnett to **Gooding** thanking him and the P.C. for their decisions (from March 15 meeting) on behalf of the longtime residents.

Letter dated March 20, 2006, from Jan Earl-Woods to the P.C. expressing gratitude for listening to and understanding the commercial land owners, stating that their property is the way of life they love, the way they feed their families, and their investment.

Letter dated March 18, 2006, from Jean Beaty to **Gooding** thanking him and the P.C. for acting in a professional manner.

Letter (not dated) from Nichole Keag to **Gooding** supporting the March 15 vote in favor of leaving things the way they are.

Letter (not dated) from Ashley Keag to **Gooding** thanking him for the positive turnout of votes.

Letter dated March 24, 2006, from Nathan Keag to **Gooding** and the P.C. thanking them for the recent vote maintaining the commercial status. He states that changing the land use would limit businesses and their potential growth, and that the business owners should be left alone to make their own decisions.

Letter dated March 22, 2006, from Judy Billings to the P.C. thanking them for their dedication, hard work, perseverance, and courage of their convictions. As the owner of The Little Store, she expresses relief with the March 15 vote, keeping commercial properties as they are, and feels that the previous ideas had been that commercial property was a “bad thing,” and that owners had been threatened with losing their livelihood.

Letter dated March 20, 2006, from Patricia Wright to the P.C. describing her attraction to Ganges Township, and acknowledging the changes over the years, some good and some bad, but all a part of life. She describes the difficulties she has living near industrial barns and questions who regulates them. Wright points out that not everyone is affected by the same issues and applauds the P.C. for supporting the commercial property owners. She encourages people to concentrate on good changes, not needless ones, and commends her mother, Dortha **Earl**, for her years of service to Ganges Township and for doing the right thing. Wright concludes with thanking the P.C. for donating their time and service.

A form letter addressed to **Gooding** and the P.C. was received from 51 constituents, thanking the P.C. for their recent vote to keep commercial areas intact, allowing business owners the right to decide how their property will be used, and allowing minimal government control. The following people sent this form letter:

Paula and Steve Batema	Marge Johnson	Mary Serbay
Lee Batey	Walter Johnson	C.J. Smith, Jr.
Charles Blow	Patti Kimber	Shane Smith
Carol Brooks	Cynthia Kiss	Caroline Stepka
Lisa Brooks	Joseph Kiss	Darlene Stumpf
Raymond Brooks	Tom Lavery	Joseph Stumpf
C & E Services	Josephine Morrow	Darlene Stumpf-Westfahl
(Mike and Lois Perkins)	Aaron Plummer	George Thompson
Mary Cooley	Lucille Plummer	Robert Van Dine, Jr.
Melvin Davis, Jr.	Carl Postma	Diane Walters
Lynn Haringsma	Jerry Roach	Matt Wentzell
Tom Harrington	Kathy Robinson	Melissa Wentzell
Jerry Higgins	Rafael Ruiz	Bryan Westfahl
David Hiser	Jerry Schorle	Theresa Wiley
Marlene Hiser	Carol Schultz	3 illegible signatures
Daniel Indurante	Louis and Denise Sikora, Jr.	
Linda Johnson	Louis Sikora, Sr.	

Letter dated February 23, 2006, from the Allegan County Planning Commission to the P.C. advising them of a public hearing on proposed amendments to the Allegan County Comprehensive Growth Management Plan, being held in Allegan on April 10, 2006. Public comments are to be forwarded no later than 5:00 PM April 1.

Memorandum dated March 1, 2006, from **Birkes** to Paul Shamblin, Zoning Administrator, with updated Mineral Mining Quarterly/Annual Report and Private Road forms to be used in the future.

Letter dated March 16, 2006, from **Birkes** to Brian Bosgraaf of Cottage Home, confirming approval of his application on March 15, 2006, for a private road construction with three (3) contingencies (refer to March 15, 2006 meeting minutes).

Letter dated March 10, 2006, from Roxanne Seeber, township attorney, to **Birkes** offering sample definitions of the word *dwelling*.

LIAISON REPORTS

Ganges Township Board

Trustee **Looman**, liaison, reported that new furniture for the town hall will be arriving tomorrow, and Al Ellingsen, Building Inspector, will be measuring the meeting room for a capacity for the fire marshall.

Zoning Board of Appeals (ZBA)

Gooding, liaison, reported that three (3) variance applications were reviewed and all were granted:

- Robert and Sally Weist, for a screened-in porch
- P.G. Walter, to change the property line between two (2) parcels he owns
- Susan and Gary Horton, to add a garage onto their house

Zoning Administrator Report

Zoning Administrator, Paul Shamblin, gave a private road application to the P.C. for preliminary review, to be discussed at next month's meeting. The applicant is Ronald E. Colsen, for 7112 114th Ave.

BUSINESS SESSION

Earl moved to approve the March 28, 2006, regular meeting agenda as presented; **DeZwaan** supported; motion carried.

Looman moved to approve the February 28, 2006, regular meeting minutes with corrections on pages one (1) and three (3), and an addition on page five (5). **Birkes** supported and motion carried.

Earl moved to approve the March 15, 2006, special meeting minutes with an addition on page one (1), corrections on pages two (2) and four (4), and an addition on page five (5). **Looman** supported and motion carried.

OLD BUSINESS

Smallegan Private Road Application

Applicant, Kurt Smallegan, was not present; Shamblin presented the application for a private road at 2079 62nd Street to the P.C. The road will provide access to two (2) lots on two (2) parcels, both owned by Smallegan.

Minimum road frontage requirements were discussed, and **DeZwaan** requested that Shamblin have street designations on the maps. **Birkes** noted that a map of the surrounding properties within a half-mile was not presented with the application, but he had checked the surrounding properties in the plat book and physically inspected the area. **Birkes** moved to accept the plat map as meeting requirements of the site location map with surrounding properties within a half-mile of the site; **Soltysiak** supported; motion carried.

Several P.C. members expressed concern regarding:

- the road maintenance agreement does not meet ordinance requirements (**Birkes** surmised that the application may have misled Smallegan)
- an Allegan County permit to attach a private road to a public road needs to be submitted
- a fire chief approval of design needs to be submitted
- the private road is on the boundary line of an adjoining parcel—it must be a minimum of 25 feet from the line

Looman moved to table the Smallegan private road application based on dimensions; **Earl** supported; motion carried.

Robert DeZwaan requested a point of order, asking if Smallegan, the applicant, needed to be present. **Gooding** replied that Shamblin was allowed to represent Smallegan. Per Shamblin, Smallegan works evenings.

Private Road Application Inconsistencies

Birkes and Shamblin pointed out the “catch-22” situation that exists between the private road application and the road maintenance agreement. Per the zoning ordinance, a road maintenance agreement must be submitted with the private road application. The maintenance agreement must have the splits incorporated into it, but the splits cannot be done until the private road is finished. And the instructions on the private road application conflict with the zoning ordinance, stating that the road maintenance agreement can be submitted to the township clerk as soon as it is completed; the zoning ordinance states that it must be submitted with the private road application. After discussing if the application or ordinance should be changed, the P.C. determined that, per the ordinance, a street maintenance agreement should be submitted to the Allegan County Register of Deeds (Section 7F.04B) with the private road application, delineating the parcels on it (labels A, B, C etc.). **Birkes** moved to amend the private road construction permit application to reflect that it should include a copy of the street maintenance agreement as specified in the ordinance; **DeZwaan** supported; motion carried.

Ciesla Mineral Mining Issues

Soltysiak recused herself at this time due to her residence location. Shamblin reported photographing the first hill, but did not bring the photo(s). He stated that the hill has been changed and that it is not quite the cliff he remembered it to be, that it is more tapered than previously thought. To level out any more of the hill, trees in Ciesla’s orchard would be lost. Regarding the trip ticket issue, Shamblin reported that it would not be feasible to work with tickets, that the sand mining hauler is keeping accurate records and giving them to Ciesla. Shamblin stated that Ciesla is doing all that he can to comply with the ordinance and is submitting forms in good faith. In response to **Looman’s** question, Shamblin stated that the first hill is complete, and the mining is on the second hill now. **Birkes** questioned how much of the first hill had been removed, and if Ciesla intends on removing the entire 36,000 cubic yards that the hill was estimated to be. Ciesla responded that he has removed approximately one third of this hill over the past two (2) years and expressed doubt if more will be taken because of the potential loss of orchard. **Birkes** then asked Shamblin if Ciesla is in compliance with the ordinance, to which Shamblin responded that he is. **Reimink** countered that Ciesla is not in full compliance until the hill is reclaimed, to which Shamblin responded that it is an ongoing process and that Ciesla should be pursuing it this spring.

Master Plan Development

An updated land use map reflecting the changes made at the March 15, 2006, meeting (leaving commercial spot zoning as is) was sent to the P.C. by professional planner Katherine Kaufman of McKenna Associates to be reviewed. **Birkes** acknowledged, however, that the wrong base map had been used, making this updated map incorrect. The P.C. attempted to recognize each commercially zoned area in accordance with the motion made on March 15 (page 3, second to last paragraph in meeting minutes), but then determined that an updated, accurate zoning map was necessary as point of reference.

In looking at the overlays, discussion ensued as to whether it is valid to reinstate the commercial status of a parcel (currently zoned commercial) if it is in an overlay but extends outside of the overlay, with the concern being that the wording and intent of the March 15 motion be complied with. Then the question of whether the M-89 and Blue Star Highway overlays or corridors were defined as 500 feet was posed. **Earl** pointed out that another March 15 motion (page 4, paragraph 4), which addresses the designation of use for the overlays, used as point of reference a map from the February 28, 2006, meeting. This map shows the overlay as being 500 feet. After further discussion, it was decided that property currently zoned commercial that extends beyond the 500 feet of the corridors would be added back onto the land use map as commercial (not overlay). It was also deemed crucial to reference an updated, accurate zoning map. Finally, the P.C. confirmed that the southeast corner of M-89 and Blue Star Highway does lie in the corridor overlay.

The mixed village, industrial, and ag areas are accurately depicted on the updated land use map as they were approved on March 15.

Reimink questioned residential use around Hutchins Lake where there are wetlands, stating it should be ag/res. It was acknowledged that there are several wetlands around the township, and **Soltysiak** stated that the Department of Environmental Quality ultimately defines the use. **DeZwaan** further advised addressing this issue during the implementation phase of the Master Plan. **Reimink** then stated that all of the industrially zoned areas are listed in the Zoning Ordinance, to which **Earl** responded that this also needed updating.

In conclusion, **Birkes** will research the accuracy of the current commercially zoned parcels and then contact Kaufman (of McKenna Associates) to change the Master Plan map to reflect the March 15 motions.

Soltysiak presented to the other P.C. members a draft updated land use plan, to be taken home and reviewed before the next P.C. meeting. She reported that most of the statistical information is updated to 2005, and added a **definition of the wording unique farm lands** to the description of Ganges Township, **giving as an example indicating** the vineyards. She was unable to find projected growth figures for Allegan County.

After reviewing the goals and objectives, **DeZwaan** reconsidered the need to make any changes, stating that frequently used terms, such as *preserve* and *protect* serve to emphasize the P.C.'s intent and are not used redundantly. The P.C. agreed to leave the goals and objectives as they were last printed, with the revised vision statement, on January 25, 2006.

LAND DIVISIONS REVIEW

Gooding reported having received two (2) land division applications, submitted by Engel's Nursery at 2080 64th St. and Ron Bellenger at 1219 62nd St.

NEW BUSINESS

Future Meetings Schedule

The P.C. determined to have a joint meeting with the Ganges Township Board during the special meeting time on April 12, 2006, to present to them the draft Master Plan and map (with the condition that this date would comply with the Open Meetings Act). **Soltysiak** will contact the board members with the meeting date and draft updated land use plan for review.

The regular P.C. meeting is scheduled for April 25, 2006.

Upcoming Training Programs

There is a 2-day advanced Citizens Planner Program in Lansing, MI, on June 21-22, 2006, attendance being important to maintain certification. **Birkes** will write the Board requesting support for those P.C. members who want to attend.

PUBLIC COMMENTS

Tim Capps, 6580 124th Ave., expressed appreciation for the P.C.'s efforts.

Ann Gray, 1974 68th St., asked for recognition of Don Maxwell, Allegan County representative. She then asked if mobile homes with a width less than 24 feet would be allowed in a mobile home park if the proposed ordinance amendment for Section 3.2F1 is accepted. **DeZwaan** responded that they would be, and explained that the proposed amendment is for residential and residential/agricultural zoning only.

ADJOURNMENT

Looman moved to adjourn; **Earl** supported; motion carried unanimously. Meeting adjourned at 10:06 PM.

Respectfully submitted,

Elaine I. Troehler
Ganges Township Recording Secretary