

GANGES TOWNSHIP PLANNING COMMISSION
FINAL APPROVED MEETING MINUTES
May 24th 2005

I CALL MEETING TO ORDER

Chairman **Bruursema** called the meeting to order at 7:02pm at the Ganges Township Hall located at the corner of 119th Avenue and 64th Street.

A roll call resulted in the following:

Present: Chairman **Bruursema**
Vice Chairman **Reimink**
Secretary **Birkes**
Board Representative **Looman**
Commissioner **Bellenger**
Commissioner **Earl**
Commissioner **Gooding**

II PUBLIC COMMENTS

Bob Johnson, 2295 Lakeshore Drive, commented that the prior minutes to the meetings are now available on the Township's website, and asked if it was possible to add the agenda's for the meetings as that would be a useful tool. He also expressed his appreciation for the township developing this website as a means of communication with the citizens.

Philip Badra, 2230 Lakeshore Drive, thanked the Planning Commission for adding the Lake Michigan Frontage Amendment to the agenda for tonight's meeting (Section C, Item 3c), as the original petition to have this addressed was signed and submitted to the Planning Commission in October of 2003.

Theresa Wiley, 6633 121st Avenue, asked the Commission if the "Lake Michigan Frontage Amendment" was formerly referred to as "antifunneling." She also inquired where the public can obtain a copy of the amended ordinances.

Birkes clarified that it was ~~that the issue at hand is to clarify and ensure the consistency OF~~ **LAKE MICHIGAN FRONTAGE REFERENCE WAS ADOPTED TO BE CONSISTENT WITH** Section ~~2A6 2A7~~ of the Township Ordinance, **WHICH ADDRESSES THE RESTRICTIONS ON FRONTAGE USE AT HUTCHINS LAKE.**

Bruursema stated that once the amendments are drafted and finalized, a copy may be obtained in the usual manner through the Township Clerk.

Donald Maslanka, 6711 118th Avenue, stated that currently the Michigan Supreme Court has a case consisting of antifunneling in review, and inquired if it would be prudent for Ganges Township to postpone discussion until after the State Supreme Court issues their rulings on the matter.

Bruursema stated that the matter was on the agenda for discussion, but that nothing would be passed regarding this matter.

Birkes clarified that the Supreme Court case has no bearing on the Township Ordinance Section 2A7 on the agenda; the Supreme Court case has to do with ownership ~~of access~~. The Township is addressing the issues of the number of households allowed to share ~~a pathway to the lakefront~~ **PROPERTY.**

III CORRESPONDENCE

| | | |
|--------------------|--------------|--|
| Dawn Soltysiak | date unknown | Regarding dust caused by sandmining. |
| Bridget Kammenzind | May 24, 2005 | Regarding a job description for the recording secretary. |

A APPROVAL OF THE APRIL 26th 2005 MINUTES

Minutes from the April 26th, 2005 meeting were reviewed for correction and the changes to be made are:

Page 1 – Replace “Scoot” with “Scott.”

Page 1 – Item #5, Comment by Bob Johnson, add the word “testing.”

Page 3 – Replace “15 feet” with “25 feet” in regards to the setback.

Earl motioned to approve the minutes of April 26th, 2005 with the requested corrections made. Reimink seconded. All in favor (**Bruursema** abstained), Motion carried.

B APPROVAL OF THE MAY 24th, 2005 AGENDA

Looman motioned to accept the Agenda for May 24th, 2005.

Gooding Seconded. All in favor, motion carried.

C UNFINISHED BUSINESS

1. Ciesla SUA Final Site Plan Review

Bruursema stated that the commission has new colored maps of the proposed mining areas showing hill locations and ingress and egress to the site as described in the applications for permits 1 and 2.

Reimink asked if there were any changes in the newly submitted maps from the prior maps the commission had been given.

Shamblin stated that there were no differences, save that the new maps are a more graphic illustration of the proposed activities as requested by the Planning Commission. He stated that he reviewed the site and the new application proposals with Ron Klingenberg from the Allegan County Road Commission, and that Klingenberg stated that the application adequately addressed the issues involved in his opinion. Shamblin stated that the green areas on the newly submitted maps pertained to permit# 1, and the red areas pertain to permit #2, which **WOULD COME** ~~comes~~ into effect **UPON APPROVAL.** ~~on the first of the month.~~ He stated that there was a small dust issue due to the unusual lack of rain this Spring, which resulted in a complaint being submitted to the Planning Commission by a neighbor (*noted in the correspondence section above*); Shamblin stated that Mr. Ciesla has taken actions to obliterate the problem with the dust, and the matter is no longer a factor. He stated that Mr. Ciesla has to, and intends to, post a mailbox and trip tickets for the sale of the sand. Shamblin stated that his office performed an onsite review, which was sealed and submitted to the planning Commission, which Shamblin believes fulfills the legal requirements.

Reimink asked for clarification of the location of hills 1, 2, and 3 on the new map, which Shamblin pointed out for him.

Bruursema inquired if the 12,000 yard permit has been completed.

Shamblin stated that it has, and that the green areas of the map show the actual location of the removed sand.

Reimink asked if Ciesla ~~began with a permit to remove 37,000 yards, but only~~ **HAS** removed 12,000 **YARDS** to date **OF THE 37,000 YARDS IN THE HILL.**

Shamblin stated that was correct.

Birkes inquired how much sand remained to be removed.

Ciesla stated that he has removed slightly under 12,000 yards of sand.

Birkes stated that permit one has been fulfilled, so it is necessary for a new application and a new permit to be issued.

Reimink inquired if there was a site plan for permit two.

Shamblin stated that the final site plan was submitted for approval. He stated that the proposal consists of a quarterly visual review by himself of the mined property subsequent to his receipt of the quarterly reports to ensure accuracy, and then submission of said reports to the Planning Commission by Shamblin.

BELLENGER asked if the property would be mined all the way to the property line, causing problems with erosion on the bordering neighbor's property.

Shamblin stated that there will not be a problem with erosion, as currently the proposed mined area is 10 feet higher than the neighbors property, and that the mined edges will be even with the neighbors property along the property line, and then tapered on a slope to prevent a straight drop down

Bellenger stated that the township ordinances require a setback.

Shamblin stated that it was visually confusing to describe using the submitted map, but that the property would be level with the neighbor's from the property line to the setback, and then begin to taper in along the setback.

Ciesla stated that there are several large, old maple trees on the North side of the property that will remain there, thus contributing to preventing erosion.

Bellenger stated that the ordinance requires a setback of 100 feet from the neighboring property line, and that if the final site plan is approved as submitted, the Planning Commission should grant a variance for this in order to prevent future ramifications.

Gooding noted that Shamblin and Ciesla need to keep the above in mind as hill #3 nears the start of mining activity.

Reimink reminded Ciesla that he needs to address and solve any dust controls problems in order to get along with his neighbors.

Ciesla stated that he has addressed this matter, and has a solution in place and working.

Bruursema stated that he had a worksheet/form, and asked if prior to approval of the final site plan, should the Planning Commission go through this form and answer the questions.

Reimink said yes.

Bruursema read the questions to the Planning Commission, who formulated answers, which Bruursema wrote on the form.

2. Disposition of Ciesla SUA

Bruursema then moved to accept the Special Use Application dated June 1, 2004 for Dan Ciesla for removal of 60,000 to 65,000 yards of sand total, but less than 15,000 yards of sand per year, subject to the items written on the application.

Earl Seconded.

Birkes asked that the motion be clarified to include **IN** the "subject to" portion of the above motion, **THE ITEMS IN SECTION 7A.07 OF THE MINERAL MINING ORDINANCE**, which it was. A note was also made that the date on the application would, in most cases, require a new application, however, the Planning Commission is making an exception in this case as the Application was received but not submitted to the Planning Commission for several months due to matters within the Planning Commission, which were beyond Mr. Ciesla's control.

Birkes asked for a roll call vote of the Planning Commission, which resulted in 7 ayes, 0 nays. Motion carried.

Ciesla was asked to, and did, sign the final site plan.

3. Committee Reports

a. Private Road Ordinance, Article IIA Modification

Bruursema stated that this has been sent to the Township's attorney and been received back with changes and recommendations.

Birkes stated that it has been reviewed, and updated with the attorney's suggestions, and that unless there are new issues subsequent since the last review by the Planning Commission, he recommends scheduling a public hearing during the next regular meeting of the Ganges Township Planning Commission to address the approval vs. rejection of this.

Looman asked if this was ever presented to the Allegan County Planning Commission for their review. It was determined after discussion amongst the commission that it was another document submitted to the Allegan County Planning Commission.

Birkes stated that a Public Hearing is needed, then the Planning Commission needs to approve the modification, once this has occurred the document will be presented **TO THE ALLEGAN COUNTY PLANNING COMMISSION FOR REVIEW AND THEN** to the Ganges Township Board with recommendations **FOR ADOPTION**.

Reimink questioned item #5 on page 8.

Birkes stated the attorney specifically recommended leaving that as it is.

Looman reminded the Commission that there was at some point a question as to whether or not this would need to be sent to the Allegan County Register of Deeds for recording.

Reimink stated that the Road Maintenance Agreement must be recorded with the Allegan County Register of Deeds.

The Planning Commission discussed the matter of whether or not there was sufficient time for the Township Clerk to publish the notices of public hearings for the June Regular Meeting of the Planning Commission; it was determined that there was sufficient time for publication of the notices.

Birkes moved to schedule a public hearing to address this issue and prepare it to be submitted for the review of the Township Board in order to move forward with the completion of this modification.

Reimink Seconded, all in favor, motion passed.

b. Land Use Plan Update

Looman stated that the progress on this is satisfactory, it will be submitted to the Township Planner for review, and asked the Commission if they would care to review the update. All were in favor of reviewing.

Birkes noted that the table of contents will need updating as pages are added, and that there are items on pages 7 and 16 lacking updated information, which will be added.

Looman stated the updates should be reviewed with the Township Planner prior to submission to the Township Board.

Birkes recommended submitting the updated publication as is to the Board, and then scheduling a meeting with the Commission and the Planner to prevent prolonging **THE EFFORT TOWARD A FINAL FUTURE LAND USE PLAN**. ~~the presentation of the information to the board.~~

Looman stated he will prepare this for presentation to the Board at the next regularly scheduled Board Meeting.

c. Lake Michigan Frontage Amendment

Bruursema stated this has been reviewed by the Township attorney; there is a typo in definition A2; it should read “by,” as well as in the first sentence the typo “Form” needs to be changed to “From.”

Birkes inquired if the word “ordinance” should be replaced throughout the document with the word “section,” and recommended asking the Township Attorney what word should be used – ordinance versus section versus amendment.

Earl motioned to correct the Amendment pending and per clarification from the Township Attorney, and approve the amendment for a Public Hearing for the June meeting of the Planning Commission.

Gooding Supported, all in favor, motion carried.

D. New Business

1. Annual Budget Preparation

Bruursema stated he will straighten out and clarify the funds allocation for the budget prior to submission to the Board, as well as compile information to be presented at the next regular meeting. He noted that currently the Planning Commission is well below their budget for the 2005 fiscal year.

Looman stated that he will meet with the Clerk to review the budget items.

Reimink motioned for the Planning Commission to inform the Township Board that a budget amount of \$36,000.00 per fiscal year is sufficient for the next fiscal year based on the current budget’s expenditures.

Birkes Supported, all in favor, motion carried.

Looman noted that a new copy machine has been purchased for the Township Hall, and is a vast improvement over the prior machine.

V. PUBLIC COMMENTS

Michael O’Connor congratulated the Planning Commission on the expediency of their actions, specifically with regards to scheduling three public hearings in order to move forward with concluding matters that have been in the review stage. He expressed his amazement at the smooth working mechanisms with the present commission members, and offered his congratulations for the accomplishments made during tonight’s meeting.

Looman stated that Kammenzind’s letter to the Planning Commission should be addressed.

Birkes told Kammenzind that she had the option of electing whether her correspondence was considered private, or public to be made part of the record.

Earl stated to Kammenzind that the letter was in regards to personnel matters, and had nothing to do with the Planning Commission, thereby it should not be admitted as correspondence.

Looman stated that the issue of lack of a defined job description and responsibilities for the position of Recording Secretary has been discussed for quite some time, and that this needs to be addressed and rectified. He stated that a meeting between himself, the Clerk, the Township Supervisor, and the Recording Secretary to discuss this will be planned.

Earl reiterated that the matter is a personnel matter, and should not be admitted to the public record.

Theresa Wiley, 6633 121st Avenue thanked the Planning Commission for making a decision on the Ciesla Sand Mining permit matter.

Diana Decker, 1705 Lake Michigan Drive, asked the commission to clarify the effect the Lake Michigan Frontage Amendment would have on the allowed split verbiage on warranty deeds. **Birkes** and **Bellenger** explained that it has no effect, as it does not limit the amount of splits allowed. Decker stated that was not the answer to the question she asked, and would re-ask the question at the next regular meeting of the Township Board.

The Planning Commission Recording Secretary is inserting a note to the minutes for correction and clarification of previous minutes. The Minutes from the February 24th, 2005 Regular Meeting have the erroneous date for the March Meeting of the Planning Commission. These minutes were approved with the date remaining incorrect. For future clarification, a note of this is being made.

Philip Badra, 2230 Lakeshore Drive, stated that he thinks all land split applications should be presented to the Planning Commission.

At approximately 8:45 pm **Gooding** motioned to adjourn, **Looman** seconded, all in favor, motion carried. Respectfully submitted,

Bridget E. Kammenzind
Ganges Township Recording Secretary

CORRECTIONS TO MINUTES MADE BY TOWNSHIP CLERK, CINDY YONKERS, 07/01/05.

Cindy Yonkers, Ganges Township Clerk