



**SAUGATUCK  
TOWNSHIP**  
WWW.SAUGATUCKTOWNSHIP.ORG

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SAUGATUCK, MI 49453

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Saugatuck Township Regular Planning Commission Meeting May 22, 2017

AMENDED APPROVED MINUTES

The Saugatuck Township Planning Commission met on May 22, 2017 at the township hall on Blue Star Highway, Saugatuck, Michigan,

Present: Rudich, Prietz, Conklin, Welk, Milauckas  
Absent: Miller Cook  
Recused: Rowe  
Also Present : ZA Kushion

At 7:02 pm Vice Chairperson Conklin called the meeting to order.

**Pledge of Allegiance**

**Review and Adopt May 22, 2017 Meeting Agenda:** Milauckas asked to add 'Legal Correspondence Procedures' after item #8. Rudich motioned to adopt the agenda as amended, Welk seconded. Motion approved unanimously.

**Review of April 26, 2017 meeting minutes:** At the end of the middle paragraph on page 2, add 'Attorney Smith indicated that, in his opinion, the memorandums could be released but would have to be approved by the township board.' On page 3, change 'country' to 'county'. On page 3, add 'at the preliminary approval stage' to the end of the sentence 'None of the board members felt a performance bond should be required'. On page 6, third paragraph from the top, add punctuation. On page 7, first sentence, add 'the' to 'building of marina'. On page 7, change 'boat' to 'boats' in condition #4. Prietz motioned to approve the minutes as amended, Milauckas seconded. Motion approved unanimously.

**Agenda Change:** Move 'Public Comment & Correspondence' to Item #6. Milauckas motioned, Prietz seconded. Motion approved unanimously.

**Public Comment:**

Dayle Harrison, 3108 62<sup>nd</sup> St, Mr. Harrison is perplexed about the lack of anyone addressing the waterfront ordinance in any detail regarding the North Shores of Saugatuck development. He stated that if no one is coming up with a calculation regarding how many docks and slips would be allowed, maybe the Zoning Board of Appeals should take up the issue.

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He brought to the attention of the Planning Commission, a request from the Heron Bay condominium association to install a docking structure and pile clusters (included at the end of these meeting minutes). Mr. Harrison suggested that the township attorney separate out confidential information so that memorandums can be released without waiting for township board approval. Milauckas responded to Mr. Harrison's comment regarding the ratio of docks and slips to waterfront frontage. Milauckas explained that in the township attorney's interpretation of ordinance #40-910, all of the conditions that come after the first paragraph in ordinance #40-910 are controlled by the first paragraph. Since none of the condominiums in this PUD development have shared water access, each having their own waterfront access, the condition in paragraph h no longer applies. Discussion regarding how the township attorney interpreted ordinance #40-910 regarding shared water frontage.

Laura Judge, 6510 Oakwood Lane, Ms. Judge encourages that a proactive archaeological investigation be done to define the site of Singapore and look for Native American artifacts before beginning construction and excavation.

**Planning Consultant Update:** ZA Kushion reported that there were two potential planners that have submitted proposals. He will make phone calls to come up with more options. Rudich asked that the Planning Commission be able to have input on possible planner choices. Milauckas would like the planner chosen to be able to be used in other potential developments in the future. ZA Kushion will give a heads up to whichever planner is chosen at the July township board meeting so that they are up to speed.

Milauckas read his letter in response to Rudich's letter to the Planning Commission and a local newspaper. Milauckas takes issue with one paragraph in Rudich's letter in particular that seems to bring up financial and procedural issues stemming from the past McClendon development. He feels that those issues are not pertinent to what is going on with this development and the hiring of a planner for this development. Discussion regarding Milauckas's letter of response to Rudich's letter.

**Discussion of Potential Private Road Ordinance Amendment:** ZA Kushion stated that the township is considering changing the private road rules to add shared driveway standards that mirror the IFC and adding a stipulation in the land division rules that five or more splits require a water supply. ZA Kushion stated that multiple resident complaints have been received indicating that they were getting almost a secondary zoning review from the fire department regarding requirements that were not included in any township zoning ordinances. He said that the township is considering opting out of the IFC for one and two family homes only but take some of the major safety concerns that the fire department had that were public safety issues and add them into the private road rules which would be reviewed at the time of building permit issuance. Discussion regarding information researched and presented by ZA Kushion from nine other townships comparing their fire department reviews. Discussion regarding how these issues are different for a rural township versus municipalities that are covered by city water.

**Legal Correspondence Procedures:** Milauckas asked why the township attorney would designate memos confidential if they do not need to be hidden from the public. He feels this creates transparency issues with the public. Conklin wondered who decides when confidential information is

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able to be released.

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Prietz suggested that before the township attorney make certain information privileged, he discuss with the board the reasons he is making that information privileged. Milauckas motioned to initiate a request from the Planning Commission to the township board to discuss with the township attorney the use of the confidential attorney/client privilege designation on communications that don't meet the confidential designation, Prietz seconded. Motion approved unanimously. Prietz motioned to ask the township board to waive the client attorney/privilege on the April 24 letter responding to Mr. McKown's letter and the March 28 memorandum concerning the recusal of Mr. Rowe, Welk seconded. Motion approved unanimously.

**Public Correspondence:** Letters received from Dick Waskin responding to Chairperson Miller Cook's letter in the local newspaper and Laura Judge regarding North Shores of Saugatuck.

**Board Discussion:** No discussion

**Township Board Updates and Planning Commission Comments:** Rudich will be bringing the private road rules and legal correspondence requests to the township board. He also stated that budget work is coming up. Conklin asked when positions on the Planning Commission are voted on. Rudich responded that it was at the July meeting.

Rudich motioned to adjourn at 8:34, Welk seconded. Motion approved unanimously.

**Next Planning Commission Meeting:** The next Planning Commission meeting will be on June 26, 2017.

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Janna Rudich, Recording Secretary

1. Motion to approve the agenda of the May 22, 2017 Planning Commission meeting. Rudich motioned, Welk seconded. Motion approved unanimously.
2. Motion to approve the amended minutes of the April 26, 2017 Planning Commission meeting. Prietz motioned, Milauckas seconded. Motion approved unanimously.
3. Motion to change the agenda by moving Public Comments & Correspondence to Item #6. Milauckas motioned, Prietz seconded. Motion approved unanimously.
4. Motion to initiate a request from the Planning Commission to the township board to discuss with the township attorney the use of the confidential attorney/client privilege designation on communications that don't meet the confidential designation. Milauckas motioned, Prietz seconded. Motion approved unanimously.
5. Motion to ask the township board to waive the client attorney/privilege on the April 24 letter responding to Mr. McKown's letter and the March 28 memorandum concerning the recusal of Mr. Rowe. Prietz motioned, Welk seconded. Motion approved unanimously.
6. Motion to adjourn at 8:34 pm. Rudich motioned, Welk seconded. Motion approved unanimously.

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DEPARTMENT OF THE ARMY  
DETROIT DISTRICT, CORPS OF ENGINEERS  
REGULATORY OFFICE  
477 MICHIGAN AVENUE  
DETROIT, MICHIGAN 48226-2550

*Pub 52  
Record*

May 1, 2017

REPLY TO  
ATTENTION OF:

Engineering & Technical Services  
Regulatory Office  
File No. LRE-2017-00194-52-S17

Dear Sir/Madam:

We are writing to inform you that the Detroit District has posted a public notice to our internet home page for the proposed project noted below.

File Number: LRE-2017-00194-52-S17

Applicant: Heron Bay Condominium Association

Location: at the road end of Heron Bay Drive, approximately 0.3 mile southeast of the Blue Star Highway/Bridge Street intersection, Allegan County, Saugatuck, Michigan

Waterway: Kalamazoo River

The applicant has requested authorization to install a docking structure and pile clusters. Please visit our website (link below) to view the complete Public Notice and for information on how to submit comments.

<http://www.lre.usace.army.mil/Missions/RegulatoryProgramandPermits/PublicNotices.aspx>

Sincerely,

Regulatory Office, Detroit District  
US Army Corps of Engineers

We would appreciate your feedback. Our National Customer Service Survey is located at <http://per2.nwp.usace.army.mil/survey.html>

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\* If you are receiving this via email:

- Click on the link above to open a browser window if the link is highlighted.
- If the link is not highlighted, open a web browser window and copy/paste the entire address into the address bar of the browser.

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\* If you are receiving this via standard mail:

- You have the option to request that a copy of the Public Notice be mailed to you. Please contact April Champion at the above address, by e-mail at [april.r.champion@usace.army.mil](mailto:april.r.champion@usace.army.mil), or by telephone at (313) 226-5380 to make your request.
  - Be sure to indicate File Number LRE-2017-00194-52-S17 when you make your request.
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**State of Michigan  
Department of Environmental Quality**

Water Resources Division  
Kalamazoo District Office  
7953 Adobe Road, Kalamazoo, MI, 49009-5025  
269-567-3500

Site Name: 03-Heron Bay Condominium Association at Heron Bay Drive- Saugatuck  
Submission Number: 2PR-RF5T-E31A  
Date: April 20, 2017

**PUBLIC NOTICE**

The Heron Bay Condominium Association, P.O. Box 705, Douglass, MI 49406, has applied to this office for a permit under authority of Part 301, Inland Lakes and Streams, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). The applicant proposes to construct a permanent marina on bottomlands of the Kalamazoo River/Kalamazoo Lake for the use of condominium owners. A seasonal marina consisting of 5-15 slips and seasonal docks shall be replaced with a permanent lead dock measuring 6-feet wide by 60-feet long, a head dock measuring 6-foot wide by 289-feet long, 17 finger piers each measuring 5-feet wide by 30-feet long, and 4 323-inch diameter piling clusters for mooring. The marina will have a total of 17 slips. The project is located in T03N, R16W, Section 15, Saugatuck Township, Allegan County, Michigan, in accordance with plans attached to this notice.

**THIS NOTICE IS NOT A PERMIT**

The proposed project may also be regulated by one or more additional parts of the NREPA that are administered by the Department of Environmental Quality (DEQ), Water Resources Division (WRD). The requirements of all applicable parts are considered in determining if a permit can be issued. When a permit application is received requesting authorization to work in or over the inland waters of the State of Michigan, pursuant to Part 301 of the NREPA, the NREPA provides that the DEQ submit copies for review to the department of public health; the city, village, or township and county where the project is to be located; the local soil conservation district; and any local watershed council organized under Part 311, Local River Management, of the NREPA. Additional notification is provided to certain persons as required by statute or determined by the DEQ.

Those persons wanting to make comments on the proposed project shall furnish this office with their written comments no later than 20 days from the date of this notice. Written comments will be made part of the record and should reference the above application number. Objections must be factual, specific, and fully describe the reasons upon which any objection is founded. Unless a written request is filed with the DEQ within the 20-day public comment period, the DEQ may make a decision on the application without a public hearing. The determination as to whether a permit will be issued or a public hearing held will be based on an evaluation of all relevant factors, including the public comments received and the effect of the proposed work on the public trust or interest, including navigation, fish, wildlife, and pollution. The specific permit decision criteria can be found in the parts of the NREPA applicable to this application and listed above. Copies of these parts of the NREPA are available on the public notice Web site. Public comments received will also be considered.

*269-567-3500  
Permit # 2PR-RF5T-E31A*

The entire copy of the public notice package may be viewed at the WRD's district office listed on the top of this public notice or online at:

<https://miwaters.deq.state.mi.us/miwaters/#/external/publicnotice/search>. To access the public notice page online, search for the public notice by location or applicant name, and view by clicking on the "Documents" tab. Comments may be sent electronically by clicking on the "Add Comment" tab. A hard copy of the public notice may be requested by calling the above number.

cc:

Heron Bay Condominium Association , Applicant

Mark Sargent, DNR Wildlife Division

Matt Diana, DNR Fisheries Division

Allegan County Clerk

Saugatuck Township Clerk

Allegan County Drain Commissioner

Allegan County Health Department

Allegan County Conservation District

Local Postmaster

Allegan CEA

April Champion, USACE Detroit District

Michigan Department of Transportation

Lewis Alexander, DK Construction

Dayle Harrison, Adjoining Property Owner

City of Douglas, Adjoining Property Owner