

SAUGATUCK TOWNSHIP PLANNING COMMISSION

February 27, 2006

The Saugatuck Township Planning Commission met on February 27, 2006, at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

Present: Darpel, Hanson, Marczuk and Olendorf

Absent: Jarzembowski, Milauckas and Rausch

Also present: Planner Sisson, Z. A. Ellingsen, Pete Palazzolo, Kathryn Sturm, Robert Muusse and Thom Carpenter for Indian Point, and various members of the general public.

At 7:08 P.M. Chairman Hanson called the meeting to order. Minutes of January 23 and 25 were approved: Marczuk/Olendorf, Olendorf/Darpel, respectively.

Public comment: Robert Nelson, an attorney from Grand Rapids representing a client who wants to purchase the Denison property, asked when he could speak with consultants or staff about the Zoning Ordinance amendment creating the R-4 zoning of that property. Hanson explained that the amendments had been approved by this Commission and were now at the Allegan County Planning Commission for review. He recommended that Nelson attend the April 5 township board meeting when these amendments will be considered, contact the office staff or write for more information to this Commission.

At 7:25 P.M. Hanson opened the public hearing on Pete Palazzolo's request for SAU for an addition to his gelato manufacturing business at 2635 Blue Star Highway in A-1. Olendorf read the public notices for this application and that of Kathryn Sturm, who wants to operate a dog kennel at 2579 62nd St., Fennville, which were published in the local newspaper.

Palazzolo was invited to explain the addition he wants. When the 1.72 acre site was purchased in the '80's, it was commercially zoned, and when it was rezoned to A-1, the use was grandfathered, making it non-conforming, Pete explained. Expansion has occurred three times and the 50% rule has been exceeded, so Palazzolo said he decided to try for SAU and request approval of a 15,000 s.f. expansion because he needs storage space, better facilities for the employees, more space in the production room for additional employees, and improvement in appearance. He said he has engaged an architect and engineer to design the addition, which will take place on the south side of the existing building.

Sisson, in reviewing his memo dated Feb. 23, said that driveways should be 100 feet apart, residences on either side should be adequately screened, parking spaces (for employees only) should be 10 feet wide, and the requirement for paving the driveway could probably be waived. Since there is no specific standard for milk-processing plants, the general standards for SAU would be applied. The Health Department should be consulted about the drainage of liquid wastes, and the Fire Department's approval is needed. Darpel asked if the business grows more and moves away, what future use could be made of this parcel, and Sisson said there are a limited range of uses. Palazzolo said he thought it would be difficult to sell this parcel the way it is, and equity in the property makes it possible for him to expand.

Hanson opened the hearing to public comment and Dana Magida, 2638 Blue Star, maintained the expansion would be so large as to change the character of the area, which has only two remaining agricultural uses. She worried that other factories would come in. She complained about Palazzolo's removal of trees, early morning noise of garbage truck, milk products floating over onto neighboring properties, and the potential depletion of water supplies in the area.

John Huyge, 2643 Blue Star, read from a letter he had prepared, dated Feb. 27, in which he made four points: There are no adjacent manufacturing facilities, it will be the largest building in the area and have no screening from the road, SAU approval based on incomplete plans negates the nonconforming status and proposed parking lot to north is atop abandoned raised septic field, water table is high and could become polluted if system fails. Olendorf asked Huyge if he knew what was next door in 2000 when he bought his property to the north, and Huyge said it was not nearly that big then. Palazzolo countered that the septic field Huyge mentioned did not fail but rather had a problem when a new water softener was installed. The parking lot will not be on it.

Marie Palazzolo, 1068 Lake Michigan Drive, Glenn, Pete's mother, said she developed the product and is very proud of her son's accomplishments. Since this is their home community, she said she hopes problems can be worked out with the neighbors.

Dave Siedel, Jennison, an employee of Palazzolo, said if the addition is not approved, they would have to go to more shifts, and that would create more traffic and change the character of the area.

Chuck Carlson, 25 Center St., the architect, said he hoped to create an attractive appearance.

Hanson observed that food processing plants were usually on public water/sewer systems, and Palazzolo replied that the batch freezer process he uses creates little waste, only coolant water.

Motion to close the public portion of the hearing by Marczuk, supported by Darpel, carried.

The ensuing discussion centered on the fact that SAU for this use encourages trend toward light industrial in an agricultural area that is going residential, how this might affect the denial of SAU for a gas station 1/4 mile away, drainage and screening issues, a 20,000 s.f. building on a 300X300' lot, whether hours of operation could be limited.

Marczuk made a motion to table the expansion until a site plan, landscape and drainage plan and Health Department approval is provided, but there was no support. Olendorf made a motion to table the plan to March 27 with the request that applicant return with a smaller addition, greater detail to landscaping, drainage and technological aspects, adherence to Sisson's memo, and accommodation to the design standards for the Commercial Zone. Darpel seconded and the motion carried.

After a brief recess, the public hearing for Kathryn Sturm's dog kennel was opened at 9:45 P.M. Sturm explained that although her address is Batavia, IL, she grew up in this area and she and her husband, Elliot, plan to live in the house on the property where she proposes the dog daycare and kennel operation at 2579 62nd St. in A-1. She said they have purchased two parcels and have first right to refusal on a third, comprising about 6 acres. They intend to erect a 75'X130' metal pole barn

for office area, indoor exercise area and 12 kennels with a 75'X20' fenced outdoor exercise area attached. Sturm said she has been working with a consultant on insulation and sound proofing.

When Hanson opened the hearing to public comment, Juliet Michele, 2578 62nd St., said she was happy the long-vacant house would be occupied and approved of the kennel.

Bob Herweyer, 6187 126th Ave., asked where the buildings and outdoor runs would be located because he lives around the corner. Sturm described the set-up and said the kennels would be kept away from him and hours for pick-up would be limited. Plantings were suggested to screen and help sound proof the kennel from the neighbors. Olendorf reviewed the limits placed on the most recently approved kennel in the township. Sturm further explained that Johnson from the Health Department has picked two spots for septic and recommended another well. When Marczuk asked if grooming would be performed at the site, Sturm replied, "Not now." Marczuk asked about provisions for 90-degree weather, and Sturm replied there would be intake/exhaust fans and heavy-duty pools of water for the dogs' comfort.

After some discussion and the review of Sec. 40-693 standards for SAU in the Zoning Ordinance, Olendorf made a motion to approve the SAU for Sturm's dog daycare and kennel with the following conditions: (1) That there be a yearly review of the operation, (2) that there be a limit of 20 dogs on site and 70% pick-up rate with a 10% variance of these limits, (3) that adequate sound proofing be installed in the building and adequate vegetative screening for external sound buffering be provided, (4) that parcels B and C on plat can no longer be separated, (5) that the owner must live on the premises, (6) that the driveway be moved 200-250 feet from the intersection of 126th and 62nd or as far south as possible, and (7) that the outdoor runs be located on the south side of the property. Marczuk seconded and the motion carried.

Hanson invited Thom Carpenter to present the latest (Feb. 3, 2006) plan for Indian Point Site Condominiums for final site plan approval. Carpenter, representing Robert Muusse the developer, said they had dealt with the 11 issues brought up at the preliminary site plan approval: (1) The relocation of the septic systems to the top of the bluff would be achieved with the approval of the Master Deed; (2) Separation of wells from septic systems would be accomplished by Drain Commission approval of the Master Deed; (3) The Fire Department decided not to require interior sprinkling systems, but Muusse would provide a 100,000 gallon underground reservoir for fighting fires in the area; (4) Purchasers must agree to special assessment district, as note #17 on site plan; (5) Fire Marshall approved as of Feb. 10 the underground reservoir to be near Silver Lake and Red Oak Drives; (6) Road maintenance agreement for Silver Lake Drive will be in Master Deed; (7) Path has been provided between lots #13 and 14; (8) A restriction is included on deeds to preserve open space; (9) A maintenance agreement will be provided for the private road; (10) A quit claim deed will be provided the DNR based on the new legal description; (11) Maximum of 40-foot width for Red Oak Drive included. With that statement, Carpenter maintained the points in Sisson's memo have been addressed and the plan is in agreement with Sisson's resolution, as amended by the attorney and with the new legal description included. This must be reviewed by the attorney after these revisions. Darpel clarified that the quit claim happens with purchase of the property.

Jeff Van Opynen, 6309 Silver Lake Drive, wondered who pays to rebuild Silver Lake Drive after all the heavy equipment for construction, and Muusse said he would enter into a bond to provide for

that, if need be. It was pointed out that association membership would draw the new purchasers into a common agreement to maintain the road. Van Opynen also was concerned about what he thought was a proposal to require larger lots in the area, but Hanson said that had not as yet been proposed.

Linda Salisbury, 6364 Silver Lake Drive, said Bill Atman, 6356 Silver Lake Drive, left a note that he agreed with her arguments on the private road provisions. She launched into four points she was concerned about: (1) Exactly who owns what property, because she maintains none of the descriptions are correct, and Carpenter said they had a description to which the DNR agreed; therefore, Salisbury suggested that the township attorney review all of this before final approval; (2) Fire Chief's letter does not approve the project, but instead "does not object" to it, returning it to the township's responsibility, and the land to be the reservoir is in question as to whether it might be in the open space; (3) Amendment to deed presented tonight makes it imperative that the Master Deed be finalized before it is approved; (4) Master Deed provide legal maintenance agreement for Silver Lake Drive. Hanson said he would consult the Fire Department about the letter.

Fred Shupkegle, an attorney for an unknown client, said he thought the applicant was admitting he had not satisfied all the requirements set forth in the preliminary approval, the Master Deed has not been supplied as requested, the sprinkler system required by the township attorney cannot be waived by suggestion of reservoir and the IFC requirement for alternate access is not addressed, no agreement on the road maintenance is on file, open space requirements should be inviolate, etc.

Olendorf made a motion to table this issue and Marczuk seconded. The motion carried.

Meeting adjourned at 11:50 P.M. The next regular meeting is March 27, 2006, at 7:00 P.M.

Betty A. White, Recording Secretary

Sandy Rausch, Secretary

MOTIONS

1. Motion by Marczuk/Olendorf to approve minutes of January 23.
2. Motion by Olendorf/Darpel to approve minutes of January 25.
3. Motion by Marczuk/Darpel to close public portion of hearing on Palazollo's SAU for milk processing plant.
4. Motion by Olendorf/Darpel to table Palazzolo's SAU application to March 27 with request for changes in plan.
5. Motion by Olendorf/Marczuk to close public portion of hearing on Kathryn Sturm's SAU for dog daycare and kennel.
6. Motion by Olendorf/Marczuk to approve SAU for Sturm's dog daycare and kennel with several conditions.
7. Motion by Olendorf/Marczuk to table Muusse's request for final approval of Indian Point Site Condo.