

SAUGATUCK TOWNSHIP PLANNING COMMISSION

April 24, 2006

The Saugatuck Township Planning Commission met on April 24, 2006, at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

Present: Hanson, Jarzembowski, Marczuk, Milauckas, Olendorf and Rausch
Darpel arrived at 7:45 P.M.

Absent: None

Also present: Sisson and Ellingson; Mike DeYoung and Atty Swaney for River's Edge; David Michele; Pat Paquette and Clare Ray for Spectators; Pete Palazzolo; Gorgas and Oyler for Goshorn Woods; and general public.

Chairman Hanson called the meeting to order at 6:04 P.M. and postponed minutes review for later in the meeting. There being no general public comment, he asked Z. A. Ellingsen to explain the need for a review of Mike DeYoung's River Edge development (formerly Ginger Man Woods PUD approved in 1999). Ellingsen said there was a dispute over the cutting of vegetation in the common areas, contrary to Item #7 on the site plan, which said "all existing trees and groundcover in the general common areas will be preserved." Atty Dick Swaney stated that in lot #5 DeYoung is clearing out some of the underbrush, in the unit areas some of the trees are being taken down, and building is going on in units 4 and 6. Mike Herbert, 6346 Old Allegan Rd., said "Not exactly." He proceeded to elaborate on the three times since last spring he had complained to the township office about the possibility that setbacks were being violated and foliage cutting going on, which was contrary to the site plan. Finally, he said when they undercut all the trees to his property line, he filed this complaint. DeYoung admitted he was "cleaning, but not cutting trees down" and he did not know what "groundcover" means. Hanson said he thought (1) the Planning Commission meant that "groundcover" included everything including brush and (2) it was difficult to verify Herbert's statements without the help of an engineer. Milauckas asked Ellingsen if he could determine the east lot line, and Ellingsen said he had no way of determining that, but it was pointed out that the site was staked by Holland Engineering. Milauckas said he thought a stop work order should be requested and all parties be represented at a meeting at the site to determine what violations may or may not have taken place. Atty Swaney asked to what extent the stop work order would affect the interior framing of a couple of Parade of Homes houses they were working on. In terms of recourse, Sisson said violation of a site plan is a civil infraction.

Milauckas made a motion to recommend that the township issue a stop work order on River Edge site condominium, previously approved by the township as Ginger Man Woods, for the reason that there appear to be violations of the site plan with respect to groundcover clearing and potential of homesites located inconsistent with the requirements of the site plan. Marczuk seconded. In the ensuing discussion, it was made clear that Ellingsen would make decisions about what activities could or could not continue and whether violations had occurred. The motion carried unanimously.

Milauckas suggested that the P. C. try to conduct its meetings as follows: work to 7:00 to 8:30, take a five-minute break, and continue to 10:00 P.M. If this does not take care of the business, schedule two meetings a month. Sisson suggested forming a sub-committee on site plan review, which could meet any

convenient time, not as a decision-making group, but to sort out problems to be handled by the applicant or zoning administrator before the application comes to the Planning Commission for decisions.

At 6:45 P.M. Hanson opened the public hearing on the SAU application of David Michele, 2578 62nd St. in A-1, for a home occupation in an attached garage and for a pole barn to be built in 3 to 5 years in which he would then like to conduct his vintage car restoration. Secretary Rausch read the public notice from the newspaper.

Michele told of his Bachelor's in design, specifically car design, his former position as professor at Kendall, and his hobby of restoring Alfa Romeos and Fiats and selling them on-line, which has become his current profession. Ellingsen had written Michele a letter informing him of a violation of Ordinances because of numerous motor vehicles parked on his property. Michele said of the fourteen vehicles, eight are unregistered; the other six have current registration and he and his wife use them. When it was discovered that four would fit in the attached garage, Olendorf wanted to know why they were parked outside. Ellingsen said a fence could obscure them, but the violation would continue even with the SAU. In answer to Milauckas' questioning, Ellingsen said he usually allowed two unregistered, non-working vehicles to be parked on a property, but there seemed to be no limit on the number of registered ones allowed. Michele said he has found a place to store the inoperable cars, and he would be able to move them within a couple of months. When the discussion turned to sales, Michele said he does not put a For Sale sign on the restored cars to sell on the property; he only sells to collectors on-line. He stated that he has a license from the state to repair pre-1973 vintage vehicles; however, Sisson said recent legislation requires approval from local government before one can obtain a state license to repair or sell autos.

Hanson opened the hearing to public comment, and Gerry Maeder, 6383 126th Ave., said the property looks like a car boneyard and she wondered why one would build a house, knowing he was going to run a business there, and then come to the Board for approval. She also wondered what effect this would have on the property tax and what impact it would have on adjacent property values. Olendorf said that portion of the property used for business would have to be reassessed. Hanson said the four criteria in the Zoning Ordinance for SAU deals with the effect on neighbors. Donald Maeder, same address, asked if this could be fenced, and Sisson said it could be a requirement. Olendorf presented the potential pollution problem of leaking fluids.

Joliet Michele said she attended the P. C. hearing for the Sturms' Doggy Day Care across the street from her, and they were given SAU approval for a 5000 s.f. building. Hanson said that differed in that the Sturms said they were moving here and preparing to conduct the business, but awarding SAU for a pole barn in the future which may or may not be built is not something the P. C. should do.

Olendorf made a motion to close the public portion of the hearing, Rausch seconded, and the motion carried. Discussion followed about state licensing vis a vis local ordinances, and Sisson said if SAU is granted the P. C. is in effect approving sales of autos. Ellingsen related instances where auto dealerships previously not known to exist had had to obtain approval from the Zoning Administrator as well as from the Township Clerk before the state would license them. They were either grandfathered or in the Commercial or Industrial Zoning Districts.

The commissioners reviewed the four standards in Sec. 40-693 for SAU. Hanson reviewed the necessary steps to approval: Remove cars parked outside on the property, desist from storing vehicles outside,

present solutions to problems of noise, vibration, fumes, smoke, and glare (Michele said he could provide verification from the disposal site he uses for all fluids removed from autos, and he sands with a grinder, not with chemicals), and present current and planned state certification.

Marczuk made a motion to table Michele's SAU application for home occupation. Olendorf seconded and the motion carried.

After a brief recess at 7:45 P.M., Darpel arrived and the meeting resumed. Rausch made a motion to approve the March 27 minutes as amended as follows: Page 1 "Also present," Atty Bouwens spelling; and Page 4, "(1) Keep employee numbers consistent between the Health Department's understanding and the Planning Commission's site plan." Marczuk seconded and the motion carried. Milauckas made a motion to approve the April 13 minutes as amended as follows: Page 1, paragraph 3, "Milauckas said that if a sign is legal today, it will still be allowed." paragraph 4, substitute "private road permit requirements" for "construction specifications for roads;" and page 2, last sentence of last paragraph, delete "he told Quade." Rausch seconded and the motion carried.

Hanson opened discussion on Spectators Bar and Grille request for site plan approval of an outdoor patio addition. Milauckas recused himself because he owns adjacent property, and he did not want the appearance of a conflict of interest. Clair VanderZwaag, Nederveld Associates, and Clare Ray and Pat Paquette of Spectators introduced themselves. VanderZwaag explained the patio area is being added for dining during the summer. He stated that there are 190 seats in the restaurant and 124 parking spaces, more than enough for the 2 to 1 ratio. There will be no lights outside, as the patio will not be used after sunset; music will be limited to one performer with amplifier. Hours of operation for the restaurant are 11:00 A.M. to 2:00 A.M., Monday through Saturday, and 12:00 P.M. to 2:00 A.M., Sunday, as allowed by the State, but Paquette said usually Sunday through Thursday they close at 11 or 12. He added that music would be provided on this patio only on Sundays from 12:00 to 9:30 P.M. VanderZwaag explained the landscaping plan by Bosch, which includes a buffer to prevent the patrons from seeing the road. He also said there will be no more seats within the restaurant building when the thirty or so are taken out to the patio.

Rausch brought up the issue of two driveways on 64th St. Paquette said the trucks use them to deliver to the rear of the building. Milauckas, as a member of the audience, asked about parking spaces, and VanderZwaag said there are 82 striped spaces on the pavement, 12 on the concrete and 30 in the gravel area behind the building. Milauckas asked if they had thought of buffering the back parking lot. He also questioned whether more than one driveway off 64th St. had ever been approved and pointed out what tremendous access there was from Blue Star Highway. Milauckas wondered what use might be made of the vacated space within the restaurant when thirty seats are moved to the outdoor patio. He verified with VanderZwaag that improvements would be made to the site plan. There were no other comments from the audience.

Further discussion ensued involving primarily the issue of the noise level of the music and sound deadening devices, management control of amplification, setting a decibel level limit, tree and vegetation buffering, and not allowing speakers to be piped from inside. Sisson suggested requiring a performance bond to replace dead or dying trees that are transplanted.

Olendorf made a motion, supported by Rausch, to table Spectators' site plan and ask the applicants to return with more information. He withdrew the motion. When Milauckas asked if the northernmost driveway could be dealt with because it was never approved and there is a safety issue on 64th Street, Sisson said he didn't think the P.C. could hang that on this application because it is not a request for SAU.

Darpel made a motion to approve the site plan for an outside patio for Spectators Bar and Grill with the conditions that there be no outside lighting other than safety lighting, that the patio be used during daylight hours only, that the applicant return to the May Planning Commission meeting and provide the location of sound equipment and a landscape plan which provides adequate sound containment vegetation. If the Planning Commission is satisfied, it will allow outside music not to exceed ambient vehicle decibel levels ON THE BLUE STAR. Jarzembowski seconded and the motion carried unanimously.

Hanson returned the Planning Commission to the SAU for Palazzolo's building expansion in A-1. Brent DeRose, Nederveld Associates, reviewed the history of the building and use and presented the compiled packet. He said the building addition has been shifted to accommodate parking, the front elevation has been altered, landscaping buffers have been added to south and north, the front landscaping has been improved, a berm has been added to the north to control drainage, and the dumpster has been moved to the rear. He added that there will be an addition of three employees, and a method of maintaining septic system capacity has been set up. Vedovell, the landscaper, explained what changes he had made to satisfy Sisson's concerns about screening industrial uses from residential properties. In answer to questions from John Huyge, the north neighbor, there ensued a discussion of the width of the berm and the landscaping on top of it and of whether the building will actually look like the colored drawing of what is proposed. Palazzolo said the designer told him they would either build the matching roofline on the north side or create a façade so it looks like the picture. Roof drainage was the next issue, and DeRose said they would either use stone or have a downspout routing rain water to the berm and then to the detention pond in front of the building.

Palazzolo said he had scientists on the property testing the septic system and they came to the conclusion that the company only uses 2000 gallons of water a week. He said they also taught him that even if he were in a city, his dairy waste would be monitored, and it is important to keep the microbes at a DEQ level for safety. He added that risers were installed so he can check levels of solids himself, and when they get to a certain point, he will call Septic Tank Systems to pump it and haul it away. They then spread the waste on fields, plant crops, and take a soil sample of microbe levels. Palazzolo said, contrary to public opinion, his business has not "exploded."

Dana Magida, 2638 Blue Star Highway, read from her letter dated April 24 asking the Planning Commission not to approve SAU because of the inconsistencies in Palazzolo's stories, the seeming over development for the size of the property, and the changes from residential atmosphere which may come.

John Huyge, 2643 Blue Star Highway, also read from his letter dated April 24, in which he pointed out seeming inconsistencies with the Zoning Ordinance requirements for driveway spacing, decorative siding on the building front facing the street, lot coverage limits, and the sale of "cafes," an appliance, in an agricultural zone. He also questioned Palazzolo's report on water usage because the test was made in the winter. He said when he bought his property, he thought because Palazzolo's plant was a non-conforming use, it would not be allowed to expand. Sisson agreed the driveways do not conform to the Commercial

Zone requirements, the decorative front façade is required in Industrial, but these standards are not applied to A-1, and there is no limit on lot coverage in A-1.

At this point it became obvious that the P.C. would not get to the last item on the agenda, and Hanson asked Gorgas and Oyler of Goshorn Woods to tentatively reschedule to Tuesday, May 2 at 7:00 P.M.

Returning to Palazzolo's expansion, Alice Jones, 2638 Blue Star Highway, said she wanted to testify that Dana Magida conducted herself in a proper manner when she took the petitions around to the neighbors.

Stacy Aldrich, 3437 64th St., and Courtney Aldrich, 6474 Wintergreen, declared their support for Palazzolo's expansion.

Milauckas said he thought the driveways could be consolidated to one, and DeRose suggested how, utilizing the southern drive. Milauckas said although he was not here for the other discussions of this project, he had studied all these issues and decided that this is not a nonconforming use because "milk processing" is, and has been, allowed by SAU in A-1, and the neighbors' complaints must deal with issues treated in the four standards for SAU. He added that he did not know how this got labeled "non-conforming."

Rausch made a motion to approve the SAU for Palazzolo's building expansion as in compliance with the four standards for SAU, with the following conditions: (1) That this building maximizes the use of this lot; **AND NO MORE BUILDING EXPANSION CAN TAKE PLACE** (2) That the resultant building be as pictured ~~on the plan~~ **IN THE WEST ELEVATION SHOWN AT THE APRIL 24 MEETING**; (3) That the planted berms be the buffers; (4) That the Health Department approve of the septic system, the plan for its management, the number of employees allowable and the level of production; (5) That the driveway be consolidated to one cut; (6) That the project conform to all other local, state and federal regulations; and (7) That a final site plan be submitted to the township showing revisions in the landscaping, following landscaper Vedovell's description, and showing the north berm with a minimum width of five feet. Jarzembowski seconded. Rausch amended the above motion to add the condition that Palazzolo return as soon as possible with a final site plan of landscaping for the front and both side boundaries and for a final decision on the consolidation of the driveway. Jarzembowski seconded the amendment. Roll call vote on the amended motion: unanimously affirmative.

Milauckas referred to a letter from Al Ellingsen, dated April 17, stating that all amendments were approved by the County Planning Commission, "except for the proposed R-4 zone which was tabled after my conversation with the County Planning Commissioner who reviews Saugatuck Township amendments." No one knew the content of that "conversation." Jarzembowski said he has asked for a joint meeting of the Township Board, the Planning Commission and Ellingsen to settle communication problems, and he would make sure that notice is sent to the Commissioners.

The meeting adjourned at 12:00 A.M. The next regular meeting is May 22 at 7:00 P.M.

Betty A. White, Recording Secretary

Sandy Rausch, Secretary

MOTIONS

1. Motion by Milauckas/Marczuk to recommend a stop work order on River's Edge, formerly approved as Ginger Man Woods, because of possible violations of the site plan.
2. Motion by Olendorf/Rausch to close public portion of hearing on David Michele's application for SAU for a home occupation in an attached garage in A-1.
3. Motion by Marczuk/Olendorf to table SAU for David Michele's home occupation.
4. Motion by Rausch/Marczuk to approve minutes of March 27 as amended.
5. Motion by Milauckas/Rausch to approve minutes of April 13 as amended.
6. Motion by Olendorf/Rausch to table Spectators Bar and Grill site plan for patio, withdrawn.
7. Motion by Darpel/Jarzembowski to approve site plan for Spectators' patio addition, with conditions.
8. Motion by Rausch/Jarzembowski to approve SAU for Palazzolo's building expansion with conditions.