

## SAUGATUCK TOWNSHIP PLANNING COMMISSION

August 28, 2006

The Saugatuck Township Planning Commission met on August 28, 2006, at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

Present: Darpel, Edris, Hanson, Jarzembowski, Marczuk, Milauckas and Rausch  
Absent: None

Also present: Planner Sisson, Z. A. Ellingsen, Chris Clark, Nicholas and Holly Leo, Cal Becksvort and John Balmer for Jet Construction, Todd Martenson for AIS, David Calvano for RomVano, and members of the general public.

Chairman Hanson called the meeting to order at 6:05 P.M. Jarzembowski made a motion to approve the minutes of June 26 as amended as follows: Page 1, to correct the spelling of Sybesma and to rewrite the end of the last paragraph to read "Onken, and Hanson's sister, a realtor, represented the seller of the building when it was sold to the current owner. The other commissioners concurred, after Milauckas asked Hanson if he had any financial interest in the business that will use the SAU, and Hanson indicated he did not;" Page 3, 2<sup>nd</sup> paragraph, change "till" to "store;" Page 4, 3<sup>rd</sup> paragraph add "to meet the original site plan approval" to the end of the 1<sup>st</sup> sentence and delete "although the plan is contrary to the intent of the Tri-Community Plan;" and delete reference to the Denison property in the 3<sup>rd</sup> from last line. Rausch seconded and the motion carried. Milauckas made a motion to approve the minutes of July 24 as amended to correct spelling of Sybesma and Wolbrink. Edris seconded and the motion carried.

Hanson invited the public for general comment and Linda Salisbury, 6364 Silver Lake Drive, spoke about seemingly excessive tree cutting at Indian Point, presented aerial "before" photos and "after tree cutting" photos, and said she recognized Muusse's right to clear cut his own lot #8, but thought he extended the tree cutting Saturday past the septic easement into open space and possibly the DNR property. Salisbury also maintained that Muusse was advertising "water frontage," which he does not have. She asked the township to stop this excessive tree cutting on the additional lots Muusse owns. Milauckas asked what tree service Muusse used and she said "Crosscutters." Bill Atman, 6356 Silver Lake Drive, said Muusse's tree cutters also cut much more than 40 feet for the road ROW. Salisbury said she called May 15 to report this excessive cutting for the road, and Ellingsen got information from the road company that they were only clearing 40 feet. Ellingsen said he measured 40-42 feet in several places. Hanson, Ellingsen and Jarzembowski agreed to meet at the site with any neighbors who wanted to accompany them to investigate this.

Hanson listed all the correspondence he had: Hanson's response to Kay Smalley about provisions of R-4, Hanson's letter to Atty Bultje about noticing policy, Hanson sent a copy of the Blue Star Highway Corridor Study to Bill Nelson of the Allegan County Road Commission, a thank-you letter from Diane Dornan for approval of the RV project, a letter from Fire Inspector Greg Janik urging the purchase of KnoxBox for the RV, a

letter from Z. A. Ellingsen to Mike DeYoung urging him to correct encroachments, a letter from Z. A. Ellingsen to David Michele to remind him that he is still in violation of the ordinance, and a letter from the DEQ announcing a public hearing Sept. 5 for Palazzolo's application for a permit to excavate wetlands to expand his building.

Hanson invited Chris Clark to explain his proposal to build a bowling alley. Clark said he was looking into the possibility of an SAU for C-1 because he needs 2 acres to create a "family entertainment center," which would include, besides bowling, a lounge, bar, snack bar, arcade, and room for parties.

Hanson asked Nicholas Leo to describe his proposal to develop the Macatawa Bay Boat Works property at 297 Maple Street, and he introduced Michael Poris, who displayed the plans for a residential/commercial development for 19 units, 6 on Blue Star and 13 on Maple Street. These buildings would be townhouses with a residence on the upper floors and business or work space on the lower level with the garage, which would have two parking spaces. An additional 20 public parking spaces would be provided on the site. Hanson asked Sisson to comment, and he suggested it might be a competition for the downtown areas of Saugatuck or Douglas. The developer made the point that it would be more affordable than downtown. Sisson asked if these units would be purchased or rented, and Poris said they would be purchased, but the business space could be rented out, and he mentioned possible professional, artistic, exercise uses. Comments from the P.C. included: Work space seems too small for retail, limits should be put on uses, work space could be expanded into the garage, buildings are too tall for surrounding neighborhood and might require aerial equipment in the event of a fire, neighbors are concerned about too much commercial development, and access to Blue Star might encourage neighbors to cut through.

At 7:35 P.M. after a brief recess, Hanson opened the public hearing on a preliminary review of Jet Construction & Development's proposed Serenity Pines Site Condo in A-1 at 66<sup>th</sup> and 127<sup>th</sup>, containing 24.6 acres with 10 single-family residences and 12 acres in open space. Secretary Rausch read the notice published in the newspaper.

Cal Becksvoort of Latitude Engineering and Survey, representing John Balmer, described the project, stating that it will be served by a private road which will be paved. He said they have approached the Allegan County Health Department, Drain Commission, Road Commission and the DEQ, and are developing a mitigation plan for wetlands and a community drain field. Each lot would have its own septic system, but a lift pump would transfer effluent to this drain field. Becksvoort said they are required by the state to request that the township board take over this community drain field, but the township does not even have to respond, which will be taken as a denial, whereupon the developer contracts with the DEQ. The county drain across the street and storm water management by means of ponds and ditches are issues for the Drain Commission. The Road Commission has approved the private road. Each lot will be 30,000 s.f., and there will be a condominium association, a drain field association and a private road association. Sisson wondered how sure the developers are of the size and location of the lots if they don't know the size and location of the community drain field.

Milauckas asked if Balmer had to file a law suit against the township, and Balmer said Yes, he had two meetings with the ZBA, his attorney spoke with the township attorney, and then he filed the law suit. Rausch asked if a pond on one of the lots could be filled in by the owner, and Becksvoort said it could be part of the general common element controlled by the condominium. Other questions revealed that the road will be 20 feet wide with 4-foot shoulders, and will be lighted, and that the drain field will be adequate for all the units which need to use it. An alternating dosage system will be employed to provide for future expansion needs. The DEQ reviews it first and then sends it to the Allegan County Health Department, so there is no final approval yet. Hanson said he has been told that the township board does not like to take control of community drain fields.

Hanson opened the meeting to public comment and Terry Thomas, 2748 66<sup>th</sup> St., immediately to the north, said he was not opposed to the development, but he wanted it done right. He did not want the drainage to back up onto his property, he seemed concerned about the road being built on a wetland, and he added that no one has discussed wells yet. Balmer answered by stating that he has changed engineers and Becksvoort is going in the right direction, that the road will be paved.

Dick Nagy, 2513 66<sup>th</sup> St., who manages the farm next to this project, said the water table is only 30" below the surface, and he is concerned about the number of units on the wet site. Becksvoort said the septic will be 7-1/2 to 12 feet above the ditches, and rainfall has been taken into account. Nagy said he'd like to see figures on the flow anticipated. Hanson explained that the law suit was all about how many units could be put on that parcel. Balmer said there will be berms to control the run-off. Nagy suggested they look at where the Wadsworth Canal drains into the river.

Rausch made a motion to close the public portion of the hearing. Milauckas seconded and the motion carried. When the question was brought up about the road being calculated as part of the general common element attached to the adjoining individual unit, Becksvoort said it was on advice of their attorney, but Sisson said he'd never seen a site condo done that way.

Milauckas made a motion, based on review of Secs. 40-938 and 40-939, to approve the preliminary plan dated June 6, 2006, for the Serenity Pines Site Condominium with the following conditions: (1) That there be a correct legal description of the site condominium; (2) That the community drain field remain as indicated on the June 6 plan; (3) That written permits be provided from the DEQ, Allegan County Drain Commission, Allegan County Health Department and any other local, state or federal authority necessary; (4) That the plan include required lighting; (5) That copies of the community road maintenance agreement and the site condo septic system agreement be filed with the township; (6) That the sign be located outside of the right-of-way; and (7) That the plan be revised to delete the private road easements from the individual unit descriptions. Darpel seconded, and a roll call vote indicated unanimous approval. Becksvoort promised to make himself available to the neighbors for information. A question about a standpipe on the previous plan brought the response from Balmer that he had talked to Greg Janik about a plan for fire protection.

Hanson invited the applicant for AIS to continue the hearing from the previous meeting for rezoning of A-1 to C-3 along Blue Star Highway south of I-196. Todd Martinson read from the Tri-Community Plan and showed photos of Quantum, a neighboring fabricating business property, which is a seeming eye-sore. Z. A. Ellingsen said he thought Quantum was a non-conforming property and has given no permits for it. Martinson said AIS could fit a building that would be adequate for them on the long thin parcel off Blue Star which is zoned C-3, but truck access would be difficult, and they would prefer to build farther back on the large parcel behind. Planner Sisson reviewed his memo of August 24. The Commissioners referred to the Tri-Community Plan, showing that commercial uses should not be expanded in this area, and expressed concern about rezoning such a large parcel C-3 because of all the uses that could be made of it. They suggested the applicant work with Sisson to come up with a plan using the minimum amount of land possible, restricted to a particular use, if any rezoning to C-3 were necessary. Letters from attorneys representing George Stoutin, David Heilman and Bruce R. Gould and from Tony and Terry Schippa, all opposing the rezoning, were presented. After some discussion of what procedure to follow, Darpel made a motion, at the applicant's request, to table the application for rezoning to the September 25 meeting. Rausch seconded and the motion carried. Hanson made the comment that if the applicant does nothing about this request by October, the Planning Commission will have to take some action.

Hanson invited David Calvano of RomVano LLC to bring new information about the proposed boardwalk along the Kalamazoo River at Peach Creek Ravines. Sisson said a representative for the company has revised the submittal as of August 24 to include the legal description, respond to requirements of the Floodplain Overlay District and Special Approval Use standards, answer questions about what the structure will be (two boardwalks with four removable floating finger piers), include an easement from the neighboring property owner, and include restrictions on use of the structure. He added that RomVano is asking to use motorized boats no longer than 16 feet and made a limitation of 2 kayaks or one motor boat per lot in Peach Creek Ravines. RomVano has obtained a letter from the Allegan County Road Commission allowing limited use of the right-of-way for the loading and unloading of boats provided a liability release is forthcoming. Pedestrian signs and no-trespassing signs were agreed upon.

After much discussion which included input from Dayle Harrison of the Kalamazoo River Protection Association about how this project was not harmonious with the surrounding area and from Kathy Roper, 6469 130<sup>th</sup> Ave., about how it has escalated to motorized boats when it was only going to be kayaks last month, the P. C. decided to use the list in Sisson's memo as a guide for conditions.

Marczuk made a motion to table this application because there was a lot of opposition and too many conditions to make a decision, but his motion was not supported.

Milauckas made a motion supported by Darpel to approve RomVano's request for a marina/dock facility as being in compliance with Secs. 40-693 SAU and 40-590 Floodplain Overlay, with the following conditions:

(A) The developer must grant an exclusive easement over the dock area for all of the lot owners of Peach Creek ravines and their guests and tenants to use the boardwalk for limited purposes such as walking, viewing nature, sitting in lawn chairs, and fishing;

(B) Direct fee simple conveyance of the property to the Peach Creek Ravines owners association may occur but the conveyance must include limitations and recorded stipulations which state that the described SAU area may not be conveyed independently to any other parties not having direct ownership interest in Peach Creek Ravines;

(C) The use of the docks will be governed as follows: 1. Kayaks, canoes and other similar non-motorized small craft will be allowed; 2. Any watercraft with a motor must be less than 16 feet in length with a 4-stroke motor of no more than 15 horsepower; 3. Any watercraft left overnight must be tied off; 4. No watercraft storage on the bank will be allowed; 5. One motorized craft per unit or two kayaks or canoes per unit not to exceed 24 total watercraft, may be allowed on site; 6. No personal watercraft or pontoon boats permitted;

(D) In addition to the above allowances, the following are specific restrictions: 1. No overnight camping; 2. No alcohol; 3. No campfires; 4. No loud obnoxious music or behavior; 5. Pets must be on leashes; 6. No removal of vegetation (except by the Association with approval by Saugatuck Township and any other appropriate governmental agency); 7. No fireworks; 8. No storage of items of personal property overnight or that obstructs the use of the dock by other lot owners;

(E) The Association will be responsible to insure and maintain the dock area;

(F) By-laws/restrictive covenants over the property stating the above allowances and restrictions must be recorded;

(G) The applicant shall supply the Allegan County Road Commission with a letter holding them harmless from any liability associated with dock activity occurring in the public right of way;

(H) No trespassing signs, no parking/temporary loading & unloading signs and signs indicating the dock site as private property with limited waterfront access to the Peach Creek owners shall be conspicuously displayed in at least three locations along the street frontage and on the dock itself. The size and design of such signs shall be consistent with official governmental signs having similar location and context;

(I) At least two pedestrian crossing signs shall be posted in the public right of way at locations and to the specifications approved by the Road Commission;

(J) Appropriate easements and conveyances by all involved property owners and all documentation prepared to show compliance with the above stipulations shall be submitted to the Township and reviewed for adequacy by the Township Attorney, prior to commencement of construction of the facility;

(K) That the facility is limited to and must comply fully with the MDEQ permit #06-03-007-P as presently issued. Allowance by the Township, at a later date, of any activity or any expanded activity not covered by such permit is not implied by the SAU permit;

(L) Compliance with all other applicable laws, regulations and permitting requirements of Saugatuck Township, Allegan County and the State or Federal government.

A roll call vote showed a 6-1 approval with a NO vote from Marczuk.

The meeting adjourned at 11:50 P.M. The next regular meeting is September 25 at 7:00 P.M.

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Betty A. White, Recording Secretary

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Sandy Rausch, Secretary

### **MOTIONS**

1. Motion by Jarzembowski/Rausch to approve minutes of June 26 as amended.
2. Motion by Milauckas/Edris to approve minutes of July 24 as amended.
3. Motion by Rausch/Milauckas to close public portion of hearing on Serenity Pines Site Condo.
4. Motion by Milauckas/Darpel to approve preliminary plan of June 6 for Serenity Pines Site Condo with several conditions.
5. Motion by Darpel/Rausch to table at applicant's request the SAU for AIS.
6. Motion by Milauckas/Darpel to approve marina/dock facility for RomVano at Peach Creek Ravines with many conditions.