

SAUGATUCK TOWNSHIP PLANNING COMMISSION

July 23, 2007

The Saugatuck Township Planning Commission met on July 23, 2007, at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

Present: Edris, Hanson, Jarzembowski, Milauckas, Rausch and Van Oss

Absent: Darpel

Also present: Z. A. Ellingsen, Planner Sisson, John Balmer and Dan Schaafsma for Chestnut Lane Site Condo, Dennis Reckley for Pump House Gym, and members of the general public.

Chairman Hanson called the meeting to order at 7:02 P.M. and introduced Brent Van Oss, the newly appointed member replacing Marczuk. Edris made a motion to approve the minutes of June 25 as amended as follows: Page 3, 4th paragraph, last line, add "adjacent to which" after "area;" Page 4, last paragraph, 4th sentence "depth of water" should read "depth of the property;" 6th sentence should read "...Hanson referred to the problem at 121st Ave. in Ganges Township which has been called 'recreational trespass;'" 7th sentence should read "Milauckas asked the Commission to define the purpose of regulating waterfront access." Jarzembowski seconded and the motion carried.

There being no general public comment, Hanson read a recent letter from Dayle Harrison dealing with density calculations as regards wetlands, floodplains and high water mark, requesting that the P C consider these issues in the near future. Hanson also read a letter from Howard Bouwens, which was in response to William Wester's letter advising him that conditions for his SAU for 365 Maple St. must be met by August 1. Hanson asked the Commissioners if they wanted him to conduct a finding to see if Bouwens is in violation of the conditions of the SAU, and the Commissioners concurred.

Hanson invited Dennis Reckley, Sluiter-VandenBosch, to present the landscaping plan for Pump House Gym on Blue Star Highway. He said they intend to relocate the trees which are now in the location of the footprint of the planned addition as well as adding plantings. Rausch asked if there would be a watering system as previously requested, and Reckley replied that that had not been determined. The surety bond, which lasts 13 months, has not been consummated as yet, and Ellingsen said he could have it ready in a couple of weeks. Reckley said the Pump House Gym has agreed to provide the money for the surety bond. Hanson read the conditions from the May 10 motion which did not include reference to a watering system.

Edris made a motion, supported by Jarzembowski, to accept Pump House landscape plan on condition that the final SAU not be granted until the landscape surety bond is in place. Milauckas recused himself from discussing or voting on the issue. The motion carried.

Hanson opened the public hearing on the preliminary review of Chestnut Lane Site Condo for five single-family homes or duplexes in R-3B. Secretary Rausch read the notice published in the newspaper. Hanson noted that a parcel owned by the Collins family is not part of this proposed development. He invited Schaafsma of Latitude Engineering to describe this plan which is the same as previously presented in an informal review at the last meeting. Schaafsma said the utilities would be installed underground as Sisson requested, but street lights are not planned.

Balmer maintained that lot #1 is buildable where it is located, there being no wetlands on that parcel, and he cited an MDOT letter discouraging development near interstate highways because of the noise. He pointed out that if the lots were shifted to the east, each lot could have its own septic system, resulting in much more tree clearing. He provided pictures showing the tree screening from neighboring lots. An alternate access for fire emergency was not necessary now, he thought, but could be created later if development reached more than 30 units, and Sisson asked who would pay for it then.

Attorney George Bauer explained that the Allegan County Drain Commission has specific rules governing easements and detention ponds in housing developments, that Public Act 433 provides drain commissions with the ability to expend public monies to maintain easements, that master deeds should contain minimum elevations for basements and openings and outlines of the direction of water flow on each lot for grading information. Bauer said he would prepare the Master Deed and By-laws and pass them by Sisson before they are presented to the Planning Commission. He said he did not understand the International Fire Code, and Sisson said he understood that it is the Fire Inspector's job to interpret it as regards this development. Hanson said the Fire Inspector could suggest a mitigation strategy.

Sisson reviewed his memo of July 20 in which he conceded that lot #1 did not need to be relocated, but there should be deed restrictions on "no disturb zones" on the west and south side yards of lot #1. He recommended granting preliminary plan approval.

Upon questioning by Van Oss, Schaafsma explained the community septic system, adding that only half of the area pictured on the site plan would be cleared for the system now, and the other half would be in reserve. Balmer said footing elevations for lot #1 would be 5 to 6 feet higher than any other lots in the area, and there will be no basement for that lot, nor perhaps for lot #2.

Hanson read letters expressing concerns for erosion from drainage, increased traffic, seepage from the community septic system, destruction of flora and fauna, density of duplexes, and the necessity of a performance bond from Jim Wentzell, Allen Rutzen, Cynthia Hatfield, Tim and Deb Locker, Peter Collins, and Jim and Gini Cooper. Janik of the Fire Department said adequate water supply is the primary concern because the holding pond has been eliminated as has the secondary access road.

When Hanson opened the hearing to public comment, Deb Matthai, 6936 Hickory Lane, read a letter listing several requirements for site condominiums in the Zoning Ordinance,

calling into question the lot frontages, calculation of open space, preservation of natural areas, impact of traffic, tree protection zone near I-196, private road easement, and requesting MDEQ review of wetlands before preliminary approval is granted.

Herb Bills, 6910 Bendemeer, reiterated concern for how the existing open ditch would be affected by this development in the high water season and proposing a downstream study be done before approval.

Charlie Van Duren, 2657 Lakeshore, asked the P.C. to “just say no.”

Jerome Post, 2675 Chestnut Lane, summarized his letter focusing on fire suppression concerns since there would be more than 30 residences in the Collins Woods area.

Rausch made a motion to close the public portion of the hearing, Edris seconded and the motion carried. Sisson commented that Matthai’s question of encroachment into the tree protection zone along I-196 and the legalities involved with the private road should be examined, but that MDEQ’s review of the wetlands, which she requested, should come before the final review rather than before the preliminary approval. Milauckas said there will be traffic impacts and fire suppression impacts, depending on whether there are 5 homes or 10 duplex units, and he didn’t remember a development which was so “open-ended,” raising the possibility of someone’s coming in with a 30-lot development which might have 30, or it might have 60 dwellings. Sisson answered that it could if the developer goes for the maximum in a zone where duplexes are allowed. Edris said questions remained about the road layout, whether an alternative access will be required, whether that would alter the lots and drainage ditches and pond, and what the Fire Department may request. Milauckas asked for a report from King and MacGregor Environmental on their findings regarding wetlands, and Schaafsma said their findings are represented by flag locations in the field, whereas a former written review was done by Artemus.

Rausch made a motion to table the preliminary approval for Chestnut Lane Site Condo until the August 27 meeting. Edris supported. Hanson said this delay was for the Commissioners to review all the material presented, and Milauckas and Edris agreed that this development has the potential for great impact on neighboring properties. The motion carried.

After a brief recess during which Jarzembowski left, the meeting reconvened at 9:55 P.M., and Hanson opened the public hearing on a proposed Housing for Farm Labor Zoning Ordinance Amendment. Secretary Rausch read the notice published in the newspaper.

Public comment: Richard Runowski, 6390 126th Ave., asked if farm labor housing could be disallowed, and Sisson said the Right to Farm Act allows reasonable activity associated with farming to exist. Runowski cited a Court of Appeals case in 2002 which he interpreted as saying the township could prohibit farm labor housing, but Sisson explained that that case really established that a township could regulate it. Runowski

proposed to restrict it to 1000 acre-parcels, because a 5-acre parcel has now been allowed. Hanson said the PC would not propose something “that would not fly.”

Upon questioning by Milauckas, Runowski explained that Krupka’s asked to put single-wide mobile homes on a 5-acre plot at 126th and 62nd St, 2-3 miles from the main blueberry plantation on Blue Star Highway. He said there are no crops on the property. Subsequent to the ZBA granting of four mobile homes on 3 ½ acres, the remainder of the parcel being taken up by a home and/or “twigs,” the township attorney said the parcel should have to be actively farmed to have farm labor housing. Runowski said it was common knowledge that the workers housed there work exclusively in the processing plant. He maintained the township is opening up the opportunity for anyone to establish a 5-acre mobile home park for farm laborers anywhere.

Sisson suggested adding to subsection 7(a) the requirement that the parcel be adjacent to an active farm. Hanson added that food processing is a farm related activity, but there is still a question about the number of persons to be housed on a given parcel.

Milauckas asked what his concern about farm labor housing is, and Runowski said his property values would go down significantly because there would be used mobile homes lined up, 100 s.f. each, on rural roads. Finally, Runowski asked the Commissioners to increase the size of the parcel, require it to be adjacent to an active farm, and restrict it to the growing season, April though November, so as to prohibit year-round residence. Runowski also asked about definitions and the number of persons allowed and was told they came from the state act. When he asked how the number of mobile homes was limited, Hanson explained that was limited by the setbacks required. Runowski asked why mobile homes, why not require houses, why not require a minimum width, and was told houses could not be required, but HUD regulates the minimum standards for mobile homes. Runowski also asked the PC to restrict the presence of abandoned mobile homes.

Rausch made a motion to close the public portion of the hearing, Milauckas supported, and the motion carried. Hanson read a letter from Gerry Maeder, July 23, asking that the number of smoke/fire detectors be increased and that two exit doors be required in each dwelling. Sisson suggested a requirement that the number of dwellings for farm laborers be commensurate with the type of farming activity. Runowski suggested that there is an industry standard for the number of hands needed to do certain activities here in West Michigan.

Milauckas made a motion to table the Farm Labor Housing proposed ordinance to the next meeting August 27. Van Oss seconded and the motion carried.

Milauckas made a motion to set a public hearing for consideration of the proposed Zoning Ordinance Amendment concerning the R-4 Zoning District. Edris seconded and a roll call vote showed unanimous approval. That hearing is set for August 30 at 7:00 P.M. at the township hall.

Hanson opened the floor to nominations of Planning Commission officers. Edris nominated Hanson for Chairman, Rausch supported, and the motion carried. Milauckas nominated Edris for Vice Chairman, Van Oss seconded, and the motion carried. Milauckas nominated Rausch for Secretary, Edris seconded and the motion carried. Edris made a motion to elect this slate of officers, Rausch seconded and the motion carried.

Meeting adjourned at 11:03 P.M. The next regular meeting is August 27 at 7:00 P.M. The next public hearing is August 30 at 7:00 P.M.

Betty A. White, Recording Secretary

Sandra Rausch, Secretary

MOTIONS

1. Motion by Edris/Jarzembowski to approve amended minutes of June 25.
2. Motion by Edris/Jarzembowski to accept landscape plan for Pump House Gym with conditions.
3. Motion by Rausch/Edris to close public portion of hearing on Chestnut Lane Site Condominium.
4. Motion by Rausch/Edris to table preliminary review of Chestnut Lane Site Condo.
5. Motion by Rausch/Milauckas to close public portion of hearing on Housing for Farm Laborers proposed Zoning Ordinance Amendment.
6. Motion by Milauckas/Van Oss to table Housing for Farm Laborers Amendment.
7. Motion by Milauckas/Edris to set public hearing to reconsider R-4 Rezoning.
8. Motion by Edris/Rausch to nominate Hanson as Chairman of the P.C.
9. Motion by Milaluckas/Van Oss to nominate Edris as Vice Chairman of the P.C.
10. Motion by Milauckas/Edris to nominate Rausch as Secretary of the P.C.
11. Motion by Edris/Rausch to elect slate of officers.