

## SAUGATUCK TOWNSHIP PLANNING COMMISSION

June 24<sup>th</sup>, 2013

The Saugatuck Township Planning Commission held a regular meeting on June 24<sup>th</sup>, 2013 at the Saugatuck Township Hall, 3461 Blue Star Highway, Saugatuck, Michigan 49453.

**Present:** Chair Maggie Conklin, Brad Rudich, Joe Milauckas, Sandy Rausch, Ed Welk, Dayle Harrison

**Absent:** Bill Rowe

**Also Present:** Township Planner, Mark Sisson

Chair Conklin called the meeting to order at 7:02pm.

### **III. Review to Adopt the Agenda.**

Motion by Harrison to adopt agenda adding an 11<sup>th</sup> item, focusing on – Singapore Dunes, LLC. Land Division Application & Approval by Zoning Administrator. Harrison shared concern with Al Ellingsen (Township Zoning Administrator & Building Official) giving approval of land splits in the critical dune area on the shores of Lake Michigan district; Harrison felt this is a direct violation of the ordinance and that the PC should have to approve the building of the road since its in the Critical Dune Area. Rudich and Conklin felt the PC needed more time to review the details before placing on the agenda. Milauckas felt it should be placed on agenda at the end and allow Harrison to present the issue so PC can decide whether or not it should be discussed further in a future meeting.

### **IV. Approval of Minutes**

Amended the March 25, 2013 Minutes on June 24<sup>th</sup>. On page 2 paragraph 2 – changed “a” to “an” overlay. Also after requirement for R4 “south of the Kalamazoo River” was added. On page 2 paragraph 3, a comma was added after Michigan Society of Planning Officials. After adopted 2/22/99 “by Saugatuck Township Planning Commission” was added. Furthermore, after 5.2 regarding “conflict of interest” was inserted. Still in paragraph 3, “5.2 and 5.3” was added after make 5.1. Finally in this paragraph, after appearance “of conflict means” was added. On page 2 paragraph 4, following by Milauckas to “amend section 7.4 of Rules of Procedure – Tape Recordings” was added. Changes suggested by Harrison, Milauckas and Conklin. Milauckas motion to approve. Rausch 2<sup>nd</sup>. Motion passed 7-0.

### **V. Public Comments and Correspondence**

Chair Conklin opened for public comment. Jon Helmrich , 3522 64<sup>th</sup> Street, Saugatuck requested to read a letter with multiple signatories in regards to Bill Rowe. Rudich commented that this topic of discussion should be moved to another date when Bill Rowe is present. Chair Conklin did approve the reading of the letter by Helmrich. In summary the letter addressed concerned of having Rowe serve on both Zoning Board of Appeals and the Planning Commission as it could be a potential conflict of interest because of his professional relationship with Re/Max and Singapore Dunes LLC. Cynthia McKean, 3498 Riverside Drive, Saugatuck also spoke. In summary, she felt this topic was important to discuss whether or not Rowe was present. Her comment stated there was a potential conflict of interest and believed Rowe may be in a position where he should be recusing himself from the decision making process on certain projects. Milauckas requested this item be put on the agenda for the next meeting (Bill Rowe) and Chair Conklin agreed. Harrison asked that specific answers be presented during this future agenda item. He would like to know if Rowe is a member, or partner? Is there profit sharing based on sales? What is the exact business relationship between Mr. Rowe and Re/Max. Harrison requested not just answers, but that Rowe provides documentation. Chair Conklin closed this agenda item.

## **VI. Applicant – Ox Bow**

Elizabeth Chodos, 3435 Rupprecht Way, Saugatuck was present to discuss Ox Bow. Rausch read aloud the Site Plan. In summary the applicant would like to gain approval for the construction of an additional open walled, roofed over area surrounding the existing kiln. Located in the R4 zone. Chodos clarified that the extended roof would make it easier for students to load the kiln, and so that they can step back from the heat of the kiln. Zoning Board has approved expansion of a non-conforming use as stated in Section 40-1012(b), subject to PC approval of the site plan. No additional grating, cement slabs are needed and no changes to the current kiln. Norman Dean, 3463 Park Street spoke in his support of Ox-Bow. Harrison motion to approve site plan as submitted with a subject of review from the Saugatuck Township Fire Department. Welk 2<sup>nd</sup>. Marcia Perry 6248 Blue Star Highway also commented, saying she is all for it (Ox Bow extension) Motion passed 7-0

## **VII. Adoption – Committee to Study Hydraulic Fracturing or “Fracking” Possible Ordinance**

Chair Conklin would like to set up a committee to study fracking focusing on the pros and cons. PC asked Larry Dickie, 6108 Old Allegan Road to talk for 10-15 minutes his knowledge of fracking. Marcia Perry, 6248 Blue Star Highway, Saugatuck, also spoke on her concerns with the threat to the land. Committee was put together consisting of Harrison, Rudich and Rausch. Harrison will focus on cons, Rausch on pro’s and Rudich on communication. A 3-month deadline has been to set to decide on the PC’s recommendation to the public. By July 8<sup>th</sup>, Chair Conklin would like information from committee as to how this topic will be handled at the July 22<sup>nd</sup> meeting.

## **VIII. Discussion – Singapore Dunes lawsuit re: Critical Dune Overlay**

Harrison discussed his concerns in regards Section 40-337 (Management and regulation of Uses and developments in the designated critical sand dune). He wants to ensure that there are safeguards in place and would like to review the township lawsuit. Harrison has requested a meeting between the township board and the PC. It was also brought up as to whether or not the 1989 ordinance with approved by the state. Welk has suggested contacting the granting authority (DEQ) of the ordinance to get a copy of the records; Rudich will follow up on getting copies of the ’89 ordinance and suggested that members of the PC attend the next Township Board Meeting. Rudich will also ask the Township Board if they are willing to interface with the PC and attorneys in regards to this discussion.

## **IX. Discussion – Reverting R-4 area to R-3B**

Letter ready by Katherine (Kay) Sualley 3423 ½ Park Street, Saugatuck stating her concerns with her property being converted to the R-4 Zone. Norm Deam, 3463 Park Street, Saugatuck also spoke on his concerns with being re-zoned into R-4. Tracey Shafroth, 1015 Park Street, Saugatuck read a letter stating her concern with the changes to R-4 zoning since the lawsuit, requesting a 6-month moratorium on new construction, while zoning questions are worked to be resolved. The Township Board in last meeting w/attorneys voted that Rudich bring recommendation to PC that this specific section of R-4 be removed and go back to R-3B. Although, R-2 was not mentioned (which was an issue for Kay Sualley, as that was her previous zoning). Marcia Perry 6248 Blue Star Highway requested that individual parcels not reverted back to previous zones, but determine what changes need to be made R-4 zoning. Mark Sisson will put together three different options to these zoning issues and present them to the PC and public at which time they can review and comment. It should be another 30-60 days before a motion is put on the table. A requested moratorium would have to be presented to the Township Board.

## **X. Continuation of Discussion – Sign Ordinance and definition of “sign”**

Chair Conklin suggested this to moved to next meeting. No opposition.

**XI. Discussion: Singapore Dunes, LLC. Land Division Application & Approval by Zoning Administrator**

Harrison stressed concern with current ordinance and the new private road being built without the PC approval. Sisson stated that the current ordinance says PC does not have the authority to review private roads except for when they are part of a site condominium. Harrison feels it's in violation of the Critical Dune Overlay ordinance as the road is going thru wetlands. Chair Conklin wants to know if this change in road is better or worse than what was presented before. Harrison believes this violates zoning section 40-337. Rausch asked why the first plan had to be presented by PC, but the second did not. Milauckas brought up the reason this second plan did not need to be approved by PC is because this was a land division versus a site condominium they did not need PC approval. Sission then mentioned there may be a provision in the consent judgment that requires them to bring it in before the planning commission. Harrison would like to know if there is an ordinance violation on the building of the road and whether Bill (Supervisor Wester) or Al (Ellingsen, Township Zoning Administrator & Building Official) were legally able to sign off on. Milauckas mentioned perhaps the PC needs to bring back the review of private roads to the PC when Land Divisions exceed a certain amount of units. Sisson said, an issue could be that the Land Division Act was specifically created to avoid lengthy delays. Sheldon Wettack, 2933 Lakeshore Dr asked for a bit of clarification from Sission. Milauckas asked that we put on the next agenda a discussion of the approval jurisdiction of the PC in regards to access roads to site condominiums, PUDS and large land divisions.

Chair Conklin adjourned meeting at 10:03pm.

Elizabeth "Birdie" Holley, Recording Secretary