

SAUGATUCK TOWNSHIP PLANNING COMMISSION

April 26, 2010

The Saugatuck Township Planning Commission met on April 26, 2010, at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

Present: Conklin, Darpel, Edris, Hanson, Milauckas, Rausch and Rowe

Absent: None

Also present: Planner Mark Sisson, Jack Helder and Josh Young for sand mining operation, Jason Kalajainen for OxBow, a representative of the law firm representing Singapore Dunes LLC, and members of the public.

Chair Edris called the meeting to order at 7:00 P.M. Corrections to the agenda: #6 distance of sand mining operation to take place ½ mile from 62nd St., #7 date for public hearing on zoning text amendment set for April 26, 2010 (today), add minutes from joint meeting March 22.

Minutes of the Planning Commission meeting of March 22 were approved as presented (Hanson/Rowe). Minutes of the joint meeting with the Township Board were approved as amended by correcting the date to March 22 in the heading and adding the roll call vote (Milauckas/Conklin). Minutes of the March 29 advisory public hearing were approved as amended by correcting the date to September 17 in first paragraph, page 2, and by changing impeachable to unimpeachable in the fourth paragraph, page 5 (Rowe/Conklin).

Public Comment: Larry Sybesma, 4656 66th St., stated that the unauthorized land clearing and relocation of a stream on 30 acres along I-196 south of his property off Blue Star at Exit 41 has caused Clearbrook Golf Course to fill up with sand. He said he had attended the Drain Commission meeting about the County Drain on the golf course, and he was concerned about 400 families having to pay for something caused by his neighbor. The Drain Commission has not notified the DNRE, he said. He also said he was impressed at Monday's press conference by the plan McClendon's attorney Steve Neumer presented for the former Denison property. Edris commented that Neumer asked township officials not to attend that press conference.

Dayle Harrison, 3108 62nd St., brought an aerial map of the Kalamazoo River area where the critical dunes are to be designated by the State. He said the additional 11 acres which the State asked the Township to authorize them to designate as critical dune is the steepest part, at about 400 ft. He urged the township to move on this issue. He promised to provide this map for the May 24 meeting.

Edris reopened the public hearing of Jack Helder's sand mining operation which was postponed from the March meeting at Helder's request. This hearing on SAU for the driveway accessory to the sand mining operation already given SAU is specifically to determine how Sec. 40-590 (g) and (h) apply to the driveway in a floodplain. Josh

Young, 4949 136th Ave., Hamilton, who would do the sand mining, displayed an aerial map of the area including all the parcels owned by Helder in the vicinity of 62nd St. and M-89. He read his April 16 letter in response to Z. A. Ellingsen's letter of March 5 (see attached). He maintained there are no other easements to Parcel 10 where the sand mining will take place than the one where he proposes to build the driveway from 62nd St. across the floodplain. His cost analysis showed it to be the most cost effective. He added that the DEQ representative walked the area and agreed this was the best access. One alternative route that has been suggested by the opposition is being used for agricultural activities and goes between two homes, and the other that has been suggested would need improvement and extension through another's property. In constructing the proposed driveway, the DEQ requires wetlands dedicated on either side of the 70-foot easement, where no clearing of vegetation is allowed. He discussed the increased "holding area."

Randall Schipper, attorney for Pat and Vicki LePior, neighbors to the site of the proposed driveway, presented points from his letter of April 26: The original SAU was granted without the floodplain information and so an additional SAU must be obtained for the driveway, filling the floodplain requires offsetting "cutting," the site plan submitted to the State differs from the one upon which the SAU was granted by the P. C. in that the required buffer around the mining area is absent, the driveway as proposed would be three feet below the 100-year flood level in an area which floods regularly, the proposed driveway construction is not compatible with existing development, it would present a safety hazard, and there are alternative routes through property owned by Helder. He cast doubt on the DNRE's permit because it was granted without consideration of the floodplain, and he said the DNRE did not require a buffer or have to consider the compatibility with existing development or the safety factor, listed in Sec. 40-590 (h) 7 and 9.

Motion to close public portion of the hearing by Rowe/Hanson, carried.

After some discussion, Hanson made a motion, supported by Milauckas, to table the discussion on access to the sand mining operation until the May meeting so Atty Bultje can be consulted for a choice of the most feasible access to parcel 10 and Helder can submit a revised site plan showing the buffer and proposed storm water protection with the same driveway access. Motion carried. Sisson said there would have to be another public hearing if another driveway cut is projected.

After a brief recess, the meeting reconvened at 9:35 P.M. Edris opened the public hearing on possible zoning text amendments to allow private docks in R-4. Secretary Rausch read the notice published in the newspaper. Edris read into the record a letter from Ken and Vicki Denison requesting amendment to the R-4 zoning to allow them to build a dock. This is the only correspondence on the subject, he said.

Jason Kalajainen, 3435 Ruprecht Way, said OxBow has two docks which need to be replaced, one for students and the other for the Deam family to access their Lake Michigan property. He said Z. A. Ellingsen has told him they cannot even be up-dated without an ordinance amendment.

Sisson offered his alternatives for adjusting the Table of Uses in Sec. 40-1046, whether to allow by right or with SAU the construction of docks, piers or wharves (non-commercial and not defined as marinas) in Zoning Districts R-3, R-3B and R-4, and his amendments to Sec. 40-342 to allow docks and piers in accordance with the provisions of Article XII, and to Sec. 40-351 to delete the prohibition for boathouses, marinas, docks, wharves and piers in R-4.

Kalajainen asked if there were any designation for public or private bodies of water, and was told No.

Larry Dickie, 6108 Old Allegan Rd., said he thought docks in R-4 should require SAU.

Discussion ensued on riparian rights vs. township ordinances, what difference there is between R-2, R-3 and R-4 and why docks are allowed only through SAU in some places and not others, and how the Water Access chapter applies when so much frontage is involved.

Harrison read from a letter he had written earlier in reference to water access in which he pointed out that excessive and indiscriminate development could occur along the 800 feet of water frontage owned by Singapore LLC and that this area of the River deserves even more protection than the Natural Rivers Overlay District. He asked for a special meeting with the P. C. before a decision is made to present the "Application to the Michigan Department of Environmental Quality for an Environmental Area Designation under Michigan's Shorelands Protection and Management Act for the Lower Kalamazoo River and adjacent Lake Michigan Coastal Shoreline including Saugatuck's Oval Beach, Ox-Bow Lagoon, and Tallmadge Woods and Marsh," prepared for the Kalamazoo River Protection Association and the Saugatuck Dunes Coastal Alliance. It was mentioned that this information should be for the public, and Harrison was reminded that he could present this at any meeting if he got it on the agenda.

Jane Dickie, 6108 Old Allegan Rd., suggested the P. C. should find out as much as possible about the micro systems at work in this area and keep the right to deliberate, not give a blanket approval to development. Hanson replied that the criteria for docks should be expanded to account for effects on dunes and the natural species.

SheldonWettack, 2933 Lakeshore Dr., asked the reason for not making it SAU when R-3B became R-4, and Milauckas replied that it was an oversight, that the P. C. was thinking of commercial marinas. Wettack further asked if McClendon built docks for residents, it would not be a marina? Sisson replied that docks don't happen without a PUD being approved.

Harrison suggested increasing the water frontage required in R-4 to 200 feet per dock and requiring clustering. Wettack suggested limiting boat size.

Motion to close public portion of the hearing (Rausch/Rowe) carried. There was discussion of the fact that with Footnote #7 there could be lots with access to the water but on which there could be no dock unless SAU, that the statement in the proposed amendment to Sec. 40-342 "Docks and piers in accordance with the provisions of Article XII" does not appear in the R-2 Zoning District language, that SAU will require a lot of specific requirements to protect the ecology. Sisson was given the job of finding such requirements listed in other townships' ordinances. Rowe wanted to know who decides whether an application fits these criteria, and was told "The Planning Commission."

Motion to table to the May meeting the discussion on zoning text amendments to R-4 to allow docks (Rausch/Rowe) carried.

It was decided to schedule a public hearing on Wind Energy for the June meeting.

Meeting adjourned at 11:20 P.M. The next regular meeting is May 24 at 7:00 P.M.

Betty A. White, Recording Secretary

Sandra Rausch, Secretary

MOTIONS

1. Motion by Hanson/Rowe to approve minutes of March 22.
2. Motion by Milauckas/Conklin to approve minutes of joint meeting March 22 with Township Board as amended.
3. Motion by Rowe/Conklin to approve minutes of advisory public hearing on March 29 as amended.
4. Motion by Rowe/Hanson to close the public portion of the hearing on Helder's driveway to his sand mining operation.
5. Motion by Hanson/Milauckas to table to May meeting Helder's driveway issue.
6. Motion by Rausch/Rowe to close public portion of hearing on zoning text amendments to allow docks in R-4.
7. Motion by Rausch/Rowe to table zoning text amendments to allow docks in R-4 to May meeting.