

SPECIAL SAUGATUCK TOWNSHIP ZONING BOARD OF APPEALS

Monday, October 2, 2023, 5:30 p.m.
Saugatuck Township Hall
3461 Blue Star Hwy, Saugatuck, MI 49453

~~DRAFT MINUTES~~
APPROVED

Chair Stewart called the meeting to order at 5:30 p.m. Secretary Kerr called the roll.

Members present: Patrick Stewart, Catherine Dritsas, Tammy Kerr, Denise Webster, and Alternate Rex Felker.

Members absent: None

Also present: Cindy Osman, Building Official, litigation Attorneys Straub and Semonin support staff, Morgan Arens, Norma Manheimer CER.

Review and Adopt agenda: Webster made a motion, seconded by Dritsas to approve the updated agenda as submitted by Counsel due to recent events that were discovered within the last three days. Motion carried 5-0.

Review minutes of September 11, 2023: Webster made a motion, seconded by Dritsas to approve the minutes as submitted. Motion carried 5-0.

Webster made a motion, supported by Stewart, the transcript is to be attached to the minutes with a few corrections to names in the attached transcript on pages 66, and pages 1 and 2. Motion carried 5-0.

New Business: None

Unfinished Business: Saugatuck Dunes Coastal Alliance v. Saugatuck Township and Saugatuck Township Zoning Board of Appeals. Allegan County, County Circuit Court Case Nos. 2017-058639-AA and 2018-595598-AA

The order was read into the record.

Motion by Webster, supported by Kerr to open the public hearing at 6:05 PM carried 5-0 by roll call vote.

Mr. Scott Howard on behalf of the Coastal Alliance thanked the board for their task and service. He summarized the additional information as from people, and as scientific supporting documents.

Carl Gabrieles spoke on behalf of North Shores. He characterized the new material from the Coastal Alliance as new aggrieved party claims. He asserted that new aggrieved parties cannot be considered, and suggested that the township has the right to file a motion asking for clarification.

Copies of documents submitted were provided to the township counsel.

The hearing was then open to the general public.

Matthew Bussler representing the Pokagon Band of Potawatomi Indians, and submitted an ethnographic report and other documents.

Dawn Schumann of 296 Lakeshore Drive donated over \$100,000 to the Coastal Alliance based on the premise that the township would honor the zoning laws and Tri community Comprehensive plan.

Dr. Jeff Chivis from the Nottawaseppi Huron Band of the Potawatomi spoke about the lake sturgeon and the wild rice as well as other species that were endangered or potential to be in danger.

Holly Engle is a charter boat captain, and a board member of Michigan Charter Boat Association, whose mission is to preserve natural resources and the fishery of Lake Michigan. She believes the proposed marina will be a major safety risk at the mouth of the Kalamazoo river, and unbalance the natural ecosystem.

Chris Dean, an architect that feels this decision feels this was wrongly decided in the first place. It will have a direct impact on people and can't be undone.

Nicholas Wallace stated that he thinks the board should consider his affidavit because he was a minor in 2017 and could not submit an affidavit, and there is lots of new scientific and ethnographic work that should be considered.

Elizabeth Smith is the environmental director of the Match-e-be-nash-she-wish Band of Potawatomi Indians and part of the Saugatuck Dunes Coastal Alliance. She has submitted an affidavit and supports the ethnographic Traditional Cultural Property study from December 2019 detailing the importance of the lake sturgeon to the tribes.

Dayle Harrison stated the Coastal Alliance has gone to great effort and expense to produce additional information that the Planning Commission should have had before making a decision.

David Swan stated that the changes made by North Shores prompted the new evidence. Judge Kengis did not specify a timeline for new evidence.

Lakota Hobbs, tribal Historic Preservation officer for the Match-e-be-nash-she-wish band of Potawatomi Indians a member of the Coastal Alliance since 2018. She considers that the tribe is not a new aggrieved party but have been participating in the permitting processes since October of 2017, and that the adverse effect impact the ongoing existence of the tribes traditional lifeways.

Webster made a motion to close the public hearing, Kerr supported. By voice vote the motion carried 5-0.

Felker made a motion to adjourn based on the volume of material submitted. Dritsas and Stewart felt that we should go back to the court. Felker called for a second. Motion died for lack of support.

Webster mad a motion to adopt the attached resolution, seconded by Kerr. The resolution was read into the record. There was discussion about the resolution and what is hoped that we get from the court.

Roll Call Vote:

	Aye	Nay
Stewart	<u> X </u>	<u> </u>
Dritsas	<u> X </u>	<u> </u>
Kerr	<u> X </u>	<u> </u>
Webster	<u> X </u>	<u> </u>
Felker	<u> X </u>	<u> </u>

There was no public comment or correspondence.

Next meeting TBD.

Upon motion by Felker, supported by Webster the meeting adjourned at 6:38 pm.

Respectfully submitted,

Cindy Osman, Building Official