

PROPOSED MINUTES
LAKETOWN TOWNSHIP
PLANNING COMMISSION
4338 BEELINE ROAD
ALLEGAN COUNTY
HOLLAND, MI 49423
(616) 335-3050

February 5, 2020

ARTICLE I. CALL TO ORDER

Vice Chair Becksvoort called the Planning Commission meeting to order at 7:00 p.m. Becksvoort expressed gratitude for retiring Chair Jim Lorence.

MEMBERS PRESENT: Randy Becksvoort, Marcia Perry, Jim Johnson
MEMBERS ABSENT: Dick Becker
STAFF PRESENT: Al Meshkin – Township Manager
Ron Bultje – Township Attorney
Diane Ybarra – Recording Secretary

ARTICLE II. APPROVAL OF MINUTES

The Commission reviewed the minutes of the November 6, 2019 meeting. **A motion was made by Johnson and seconded by Becksvoort to approve the minutes. Vice Chair Becksvoort called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE III. OLD BUSINESS - None

ARTICLE IV. NEW BUSINESS

A. JANNOTTA / PEARSALL SITE PLAN REVIEW

Edgar Jannotta Jr. and Erika Pearsall, owners of 4562 Lovers Lane, Holland, MI 49423, that being parcel #0311-460-012-00 provided a site plan for review and approval for removal of an existing residence and construction of a new residence on this site.

Zach Vandenberg of Peterson Environmental explained the proposed construction plan. The existing structure will be removed and a new single-family home will be constructed. Any disturbed areas will be restored with native plantings or mowed grass. Eight trees will be removed and 14 new native trees will be planted.

Johnson asked about governmental approvals and Vandenberg said they are pending. Perry commented that it is in a high risk erosion area. Vandenberg said it is a readily movable home meeting the EGLE regulations so it is possible to be compliant with a 30 year regulation. The septic sewer system is as far landward as possible as is the house meeting the EGLE requirements. Perry asked if the entire existing foundation will be removed and it was confirmed. Perry noted the age of the trees and purpose of stabilization expressing concern for the neighborhood. Vandenberg said the trees being removed are necessary for the size of the structure. Perry asked if the Castle Park Association is in agreement with the proposed construction. Vandenberg stated it is in compliance with the Association's requirements. Perry expressed concern regarding tree removal. Meshkin confirmed that the critical dune and high risk erosion permits are in process but not yet approved. Vandenberg stated they have not received approval at this point. Meshkin recommended the item either tabled or approved contingent on EGLE permit approval. Johnson asked if there is an estimated time for approval. Vandenberg stated it would be approximately one more month. Meshkin said if EGLE modifies the plan, it would have to be brought back before the Planning Commission. Becksvoort and Johnson stated they are comfortable approving with a contingency.

Following discussion, **a motion was made by Johnson and seconded by Becksvoort to approve the Jannotta/Pearsall site plan review, contingent upon necessary governmental approvals, specifically the EGLE approval, compliance with requirements in Sections 38.65 and 38.487, compliance with this application, compliance with the application; compliance with federal, state, county, and Township laws and ordinances; and with the written and verbal representation at this meeting and any changes brought before the Planning Commission subsequent to the EGLE approvals. Becksvoort called for a vote on the motion. Vote: 2 yes to 1 no, Perry dissenting – MOTION APPROVED**

B. MATHE SPECIAL USE REQUEST

Jon and Kathryn Mathe, owners or agents of property located at 6380 144th Avenue, Holland, MI 49423, that being tax parcel #0311-014-018-00, request a special use permit to construct a detached accessory dwelling unit (DADU) on this parcel.

Jon Mathe explained the property layout and indicated the request for an approximate 600 square foot mother-in-law suite for his wife's mother.

Perry commented that this is the exact purpose for the change in the ordinance to allow for families to stay together. Johnson confirmed the total acreage is approximately 6 acres.

Becksvoort opened for public hearing. No comments. **A motion was made by Perry and seconded by Johnson to close the public hearing. Becksvoort called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

Johnson asked for a timeframe. Mathe said construction would be late April after the septic system has been updated. Becksvoort asked if this building as an accessory would count toward accessory building square footage for a barn. Bultje said no, as it is a residential purpose and not for an

accessory building. Meshkin noted dwelling versus building. Becksvoort asked if Mathe would ever consider renting the dwelling in the future and Mathe responded that this is their forever home and has no desire to rent the accessory dwelling. Bultje stated that rental status is legal under the ordinance. Mathe asked if it would be a separate address. Becksvoort noted that the Fire Chief has asked for a drive for emergency vehicle access. Becksvoort stated it is a 20' side yard and recommended that it be surveyed so it is an accurate placement of the dwelling. Johnson asked if there are plans for the front of 64th Street that is not being utilized. Mathe said no plans right now as it is relatively low and will remain as a pasture.

Following discussion, **a motion was made by Johnson and seconded by Perry to approve the Mathe Special Use Request for a detached accessory dwelling unit based upon a consideration of the special use standards in Section 38-212(20), 38.91 and 38.65; compliance with the application; compliance with federal, state, county, and Township laws and ordinances; and with the written and verbal representation at this meeting, specifically noting a separate drive and address for the building. Becksvoort called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

C. HOLLAND BPW SPECIAL USE REQUEST

The Holland Board of Public Works requests a special use request to construct above ground utility equipment, 45' aluminum poles for meter reading equipment at or near the following locations: Property line of 6697/6701 Indian Pipe Circle; property line of 6668/6670 Summit View Concourse; property line of 4617 Forest Lane/6451 Castle Avenue; property line of 4666/4670 Sailview Drive; 4635 64th Street; and 6330 147th Avenue, Holland, MI 49423.

Steve Bruinsma of Holland Board of Public Works explained the project and the purpose of the above the ground utility equipment is to gather data of the water modules attached to the homes. Automatic Meter Reading units were installed but were failing and found to be inaccurate. The water systems in Park and Laketown Townships areas need additional poles to gather this data. Electric pole access from Consumers Energy is not available in these townships.

Johnson asked if the system could work with fewer poles. Bruinsma said that accurate readings would not be possible with fewer poles. Becksvoort asked if there is alternate technology, a smart meter for example, that would be able to access the fiber optics in the township. Becksvoort has concern with poles on private property. Bruinsma said the private property locations can be altered somewhat but the locations were selected for the least disruption at the lowest cost. This system also provides water leak detection for consumers. Johnson confirmed the poles are strictly for water meter readings. Perry asked how many customers are served by each pole. Bruinsma responded it is more of a coverage area than number of customers. Perry would like to know how many residents would benefit from it or if opposing residents would agree to a higher rate versus the pole installation. Bruinsma said trees and hills impact the placement. Johnson asked how the meters are being read today. Bruinsma responded that antiquated technology provided requires routers and collectors but just different and failing due to lack of manufacturer support. Perry asked if there is a chance that this technology would become obsolete and Bruinsma responded the anticipated lifetime is up to 15 years. Meshkin stated it is conceivable for a truck to drive

through and pick up the same reading. Bruinsma said it is unknown if that is feasible and would be a greater cost.

Becksvoort opened for public hearing.

Letters and comments of opposition were submitted by the following residents: Kathy and Jeff Morrison of 6697 Indian Pipe Circle; Richard Muzzy Jr. of 6701 Audubon Road; Jim and Paulette Carr of 7783 Indian Pipe Circle; Mary and Phil Bosch of 6682 Indian Pipe Circle; Kathleen Day of 6665 Summit View Drive and on behalf of the SSCA Board Members; John and Betsy Clarke of 6701 Indian Pipe Circle; Robert Firenze of Summit View Concourse; Phillis Beattie and Francisco Gutierrez of 6676 Summit View; Mary Ellen and Steven Miller of 4661 Sailview Drive; Rubin and Mary Schmidt of 6673 Sunset Concourse. Residents expressed concern for aesthetics and noted that the Associations intentionally installed all utilities underground and the proposed special use request would be contrary to the model of the developments. It was suggested that a compromise might be to install the data collecting boxes on several willing residents' chimney versus installing the poles.

A motion was made by seconded by close the public hearing. Becksvoort called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED

Commissioners further discussed the request and asked that the Board of Public Works research other options taking into consideration the residents' concerns. Siler and Bruinsma will explore the option of placing the boxes on residents' chimneys or other high peak locations without the use of the utility poles. Siler noted that the other neighboring townships have approved the requests and Laketown is the last township to grant approval. Without the approval, a more costly alternative may be necessary which would result in a potential increase in utility costs.

Following discussion, **a motion was made by Johnson and seconded by Perry to approve placement of the poles in the two areas of public right of way that have existing above ground utilities only (near 4635 64th and near the intersection of 147th and Pony Lane), that arms are not to be used on the poles unless necessary for signal reception, and to table the request for the remaining poles until additional information is provided. The approval is based on a consideration of the factors in Section 38-65, Section 38-91, and Section 38-611(b)(2) of the Zoning Ordinance. The approval is also based upon compliance with the application; compliance with all applicable laws and ordinances; and compliance with the verbal representations of the applicant as recorded in these minutes. Becksvoort called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

D. BAUMANN BUILDING P.U.D. REQUEST

Baumann Building, owner or agent of property located at 6331 146th Avenue, Holland, MI 49423 that being tax parcel #0311-002-062-00, requests approval of an 8 unit planned unit development on this parcel.

Jack Barr of Nederveld explained the proposed PUD will consist of 8 single family lots. The

project includes a private road and 2.54 acres of open space. The intent is to clear the minimum amount of trees to get the private road homes constructed so that the PUD lots are mostly wooded with complete with construction. Each lot within the PUD will be at least 1-acre and have at least 100-feet of road frontage. Individual wells and septic systems will be provided for each lot and all private utilities will be underground. In addition, there will be four standalone lots.

Becksvoort asked if the four stand alone lots would part of the PUD and Barr responded no.

Johnson asked about the size of the homes and cost value. Barr said it would be similar to Arbor Trail, more custom homes.

Meshkin said the area is master planned R-2 with potential for four road cuts instead of the one road cut proposed. The open space concept will preserve the rural feel even though there is an increase in density.

Becksvoort asked if the perk issues have been resolved and Barr confirmed that the land evaluation was done and perk was completed. Becksvoort asked for more details, such as lighting, landscape, water discharge.

Jack Barr said no street lighting or landscaping will be done to keep the natural feel but a development sign may be placed. Barr reviewed the drainage on 3-acre parcels saying the water will find its way; the site condo will go to drain commission; the grade naturally falls to the north and will empty into the pond and will go thru a water course; easements will be put over the storm water plan to be approved by drain commission. Becksvoort asked about the septic/well placements. Meshkin confirmed that this is the preliminary site plan review and details would be forthcoming. Perry reviewed the requirements and asked that consideration for plantings be native plants and green infrastructure be considered for the water infrastructure. Building envelopes should be detailed on the site plan. Johnson noted that the roads and access should be approved by the Fire Chief.

Becksvoort opened the public hearing.

Ed Menken of 144th Avenue represented a neighbor and asked if the lots on 146th are part of the PUD. Are they getting sold and the owner gets to do whatever they want? Or does the builder dictate? How does that work?

Don Lamar of 4598 Arlene Lane said we have problems with water and well already, we are not in favor of increasing density for water and sewer issues. Ground water is high and lends itself to contaminates and the more people not always the merrier. Some of the neighbors may be interested in running water in that area. Wasn't there a clause for increasing development some services had to be provided to develop more density? Meshkin said it is in the subdivision control ordinance but not for PUD. We require the develop to sign a water and sewer special assessment district which binds property buyers as an automatic yes vote if we get enough interest in the area to run public water. Bultje said we could make it a condition of the PUD and potentially the additional four lots.

Ross Lamar stated the he owns property across from the entrance and has no problem with the design but would be interested if you decide to run municipal water. His only concern with the proposed development is drainage.

There was one letter of correspondent from Bob Ter Haar of 6300 146th Avenue stating that he is in opposition due to significantly more traffic.

Johnson asked if a request can be made of the developer to estimate the cost of bringing water.

Busscher of 6353 146th Avenue asked how deep the lots will be going off to the west and Barr said 280 feet. Busscher said septic could be an issue.

Following discussion, **a motion was made by Johnson and seconded by Perry to close the public hearing. Becksvoort called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

Perry commented it would be great if municipal water were an option. She would like more specific information and referred to Section 38.62 specifically regarding natural characteristics asking to know more about the topography of the building envelopes. Johnson supports the preliminary and looks forward to more detailed information. Becksvoort is also in favor but will be interested in the water drainage plan and asked to explore with the neighbors interest in pursuing public water. Bultje suggested it be put in with as a requirement to get more information on public water.

Jack Barr asked how to explore the interest of public water with the neighbors. Bultje said the special assessment process is done by the township. It can be done if the developer fronts the money but a Special Assessment District is recommended.

Following discussion, **a motion was made by Johnson and seconded by Perry to give preliminary site plan approval and table Baumann Building P.U.D. Request until further detailed information is provided including site building envelopes, information on public water and storm water drainage. Becksvoort called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE V. CITIZEN COMMENTS

Matthew ODonnell of 6091 146th Avenue spoke in regards to the letter of concern that he submitted and had been signed by others in the area pertaining to the log house next to his property. He understood the construction was to be completed in January 2020 and is far from being done. The owners have taken parts of a log cabin from the north side of Holland and trying to reconstruct it on this lot. There is no cement in the basement floor, it has flooded several times with water running onto neighboring properties and he would like the issue addressed. He has attempted to speak to the property owner and believes there may be financial issues as he has not been there to

work on it for the last two months. What will happen if he cannot finish the project? There are also unlicensed vehicles on the property.

Meshkin said the property owner can ask to renew the permit for one more year. The current permit allows for completion in June 2020 so he is not yet in violation. Bultje said violation of zoning ordinance is a civil infraction and can be taken to court and be asked for affirmative relief to fix the problem, potentially authorizing the township to contract with a company and assess the cost to the taxes. The property owner would have to pay those infractions.

Ed Bouws of 4617 61st Street said his property adjoins this person's property and he voiced his concern that it looks like a dump site. The lot was supposed to be cleaned up as part of the approval and there is still stuff that was never cleaned up. At one time he was pumping water onto my property and I put a stop to that. Bouws feels there should be more follow up in the township as there are several neighboring properties where the yards are filled with junk and the aesthetic value is zero with all of this.

ARTICLE VI. ADJOURNMENT

A motion was made by Perry and seconded by Johnson to adjourn the meeting at 9:48p.m. Becksvoort called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED