

MINUTES  
LAKETOWN TOWNSHIP  
BOARD OF TRUSTEES  
4338 BEELINE ROAD  
ALLEGAN COUNTY  
HOLLAND, MI 49423

REGULAR MEETING  
September 9, 2015

ARTICLE I. CALL TO ORDER

Township Supervisor Terry Hofmeyer called the regular monthly Board of Trustees meeting to order at 7:00 P.M.

MEMBERS PRESENT: Terry Hofmeyer, Wendy Van Huis, Linda Howell,  
Gary Dewey, Ed Stielstra  
MEMBERS ABSENT: None  
STAFF PRESENT: Al Meshkin – Township Manager  
Diane Ybarra – Recording Secretary

ARTICLE II. INVOCATION AND PLEDGE

Supervisor Terry Hofmeyer opened the meeting with prayer and led the pledge of allegiance.

ARTICLE III. REVIEW AND APPROVAL OF MINUTES

The Board members reviewed the minutes of the August 10, 2015 meeting and the special meetings held on August 18, 2015 and August 26, 2015 **a motion was made by Gary Dewey and seconded by Wendy Van Huis to approve the minutes as submitted. Supervisor Hofmeyer called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE IV. FINANCIAL REPORT / REVIEW & APPROVE THE BILLS

Supervisor Terry Hofmeyer reviewed the bills for the month of August 2015. Following discussion, **a motion was made by Gary Dewey and seconded by Ed Stielstra to approve and pay the bills as submitted. Supervisor Hofmeyer called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE V. CORRESPONDENCE

Hofmeyer stated that all correspondence regarding the zoning amendment has been distributed to board members for review.

ARTICLE VI. REPORT OF OFFICERS

- A. STATE REPRESENTATIVE GAMRAT – No report.
- B. COUNTY COMMISSIONER KAPENGA – DEAN KAPENGA

Commissioner Kapenga reported on the \$1.2mil senior meals program and the renewal of the current contract. It is a 3-year contract and two vendors are currently being reviewed. AAA

gives \$300,000 toward the cost of the \$1.5mil program that serves all of Allegan County. The old jail is finally coming down and a request for bids has been put out to put in a new parking lot in that space. Anyone wanting bricks from the old jail is welcome to get them before they are removed from the site. The Allegan Public Health Department is reviewing a fee schedule for a new HPP9 vaccine that will address 9 virus strains versus the current vaccine for only 4 strains. The cost of the vaccine is \$173 per dose. Kapenga reported being part of a group that is looking at emergency response to hazardous chemical disasters relating to chemicals in building structures or those being transported through the county by truck or rail. The local fire departments have a book on hazardous material disaster plans. Kapenga reported visiting all seven county parks last week in an effort to identify maintenance issues. The county is considering adding that cost to the General Fund which will now include monies from the casino. West Side County Park has been renovated to include barrier free access all the way down to the beach and may be the only one in the state with that access. A new picnic area and gazebo has also been added to that park. In general, the county is doing very well. There has been an uptick in the property taxes and those funds are doing a lot of good for the residents. A citizen asked for information regarding the senior meals. Kapenga responded that anyone over 50 years old is eligible if there is a qualifying need and he will provide contact information.

C. PLANNING COMMISSION – Linda Howell

Linda Howell reported that the Planning Commission met on September 2 and the following items were discussed: BTB 146 LLC Special Use Request was approved with conditions; Steele P.U.D. Amendment Request was tabled pending the Township Attorney’s amended report and agreement; Etterbeek Site Plan to raze an existing cottage and build a new home was approved; Zoning Ordinance Amendment was tabled until the next meeting.

D. ZONING BOARD OF APPEALS – Ed Stielstra

Ed Stielstra reported that no meeting was held in August.

E. PARKS COMMISSION – No report.

F. FIRE CHIEF AND FIRE BOARD – Al Meshkin

Chief Den Bleyer was attending a training session so unable to attend. Meshkin reported the response calls for the month of August were as follows: 59 calls total, 47 calls from Laketown, consisting of 39 rescue and 8 fire, 5 calls from Fillmore, consisting of 4 rescue calls and 1 fire calls. There were 6 fire assists to other departments; 3 to Holland City and 3 to Saugatuck. There was 1 rescue assist to Holland City. Meshkin added August had a record number of calls, July being second with 55 calls.

ARTICLE VII. CITIZEN’S COMMENTS ON OLD AND NEW BUSINESS

Mary Whiteford of Casco Township stated she ran for State Representative two years ago and would like to reintroduce herself along with an update of what she has been doing since that time. She is now on the County Community Health Board with focus on autism, developmentally disabled adults and those with issues in the corrections system representing the county at a regional level. She is also on the Board for the Children’s Museum; Women’s Commission and working as an advocate for the veterans. In addition she is bringing members of Allegan together with those of Ottawa County to address human trafficking. She plans to run for State Representative again when the opportunity presents itself. She is a nurse by training, a business owner and will see that tax payer money is spent efficiently and effectively. She added that her daughter is one of the new Graafschap Fire Department Fire Fighters, oldest son is an attorney and her youngest is at Grand Valley State University. She and her husband, Kevin of 29 years are here to stay in Allegan County and she would like to serve the residents as State Representative.

Lisa Cruz of 4705 Cardinal Drive asked what the differences are between R-1 and R-2 zoning. Hofmeyer responded that both are residential zone districts with R-2 zoned for higher density as it tends to have municipal water and sewer available. Cruz asked for an example of an R-2 zoned

development in Laketown. Meshkin responded where Cruz lives, The Reserve, Wolters Plat, Heritage Meadows and Clarewood Condominiums. Much of the township is R-1 with larger lot sizes. Cruz asked if 2.5 acre lots are typically zoned R-1 and if there are more restrictions for R-1 or R-2. Meshkin responded R-1 is zoned for single family dwelling and R-2 is zoned for single and two family dwelling with 12,500 sf lots with water and sewer present. Cruz asked what the benefit is to the township to keep property zoned R-1 versus R-2. Meshkin said the personal benefits are not the issues at hand. Whenever a change in zoning is considered there are three factors involved in the decision-making process; 1) Presence of municipal water and sewer; 2) conformance with the Master Plan; 3) surrounding land use. In this particular request, all three of those factors are present. The Township Board is held to the legal responsibilities and guidance of the state law and supporting court cases for proper use and rights of the landowner.

Brian Davis of 6443 147<sup>th</sup> presented the Board with a rubric comparing the proposed rezoning and development of the 9.9 acres. Highlights of his argument included drainage issues, density, traffic, woodlands, wetlands, wildlife habitat, rural atmosphere, light and noise pollution property value, aging population, character of surrounding properties and all similarly related concerns. He added that he would support the property being developed in a reasonable manner that would be compatible with its current character and use.

Al Davis of 4753 64<sup>th</sup> Street said the flyer he received noted 13 single-family and 18 double-family dwellings. By his figures that equates to 26 adults and 65 children so 91 people for the single-family dwellings; double-family dwellings would be 72 adults, 90 children for approximately 253 people total living on 9.9 acres or 25 people per acre. If it remained as R-1 zoning it would be held to approximately 8 houses on each of 2.5 acres which is a nice number and would not change the whole effect of the township. He added that he has been watching the field and recently saw filming being done for Pure Michigan ads.

Karen Wolters Knoll of 6434 147<sup>th</sup> said even though the Master Plan calls for R-2 in the future those parcels are not densely populated and most are more than 1 acre lots. Seven houses across the street and a potential 31 unit P.U.D. is too much. Other condo P.U.D.'s in the township have more depth where this is more road frontage and won't be harmonious with surrounding properties. She recommends maintaining the R-1 zoning with a variance for the developer to have 6 single-family dwellings. On 147<sup>th</sup> and 64<sup>th</sup> there is at least one accident per year, many of which have been bad. The proposed rezoning could add 64-80 more cars and would have a bigger impact on traffic. The water runoff is also a potential problem with the direction the water runs. It is a Master Plan but it is not written in concrete.

Jim Bakker of 4718 64<sup>th</sup> Street said his property is adjacent to this parcel. There have been things said about being harmonious to the neighborhood and making that many dwellings does not fit. He doesn't know how you would be able to screen the neighbors out and maintain the character with what is proposed. Bakker expressed concern with the drainage issues noting that there is a layer of clay 13 feet down infiltrating the water flow to the north which would further affect the people in Pine Hollow where there are already problems with water in the basement and some septic issues. Bakker asked that the Board consider how this will affect people within a half mile of the property.

David Guzman of 6430 147<sup>th</sup> Street stated he lives directly across from the proposed development and has witnessed an entire orchestra taking pictures of this field. He congratulated the Board for getting the 145<sup>th</sup> Street bridge repaired after it was broken for years and years. He anticipates a bus stop in his front yard and he does not want riff raff in front of his house. He mentioned a resident on 146<sup>th</sup> Street who went bankrupt because a nearby pond flowed into the lower portion of his home causing so much damage it had to be leveled. There are issues that have been going on for years and expressed concern about what is being done to address them.

Al Davis addressed the audience asking for a vote of who wanted the development and there was no response.

Kathy De Vries stated that she no longer lives in the township but had for 32 years and is one of the trustees of the property also representing the owner Henry Wolters as one of the realtors involved in the sale. She mentioned that in the past there have been resident concerns regarding tractors on the

road, irrigation and fertilization. It is very nice that people can take pictures of the flowers and the rye but the EPA had recently changed the laws so this property is no longer able to be farmed. It will eventually be developed and Mr. Wolters wanted to make people aware of the reasons behind his decision to sell.

Jodi Colvin of 4675 Beech Street stated that she does not think anyone would have objection to single-family housing but high density will increase the traffic on a road that is already heavily traveled at high rates of speed. There are other locations in the township where this high density would better fit on a more suitable and larger parcel with more streets for traffic to come in and out of. The natural area is the appeal and to rezone it to stuff it full of condos takes away the flavor of the neighborhood.

Connie Bakker of 4718 64<sup>th</sup> Street reviewed ordinances regarding what could be built according to Section 38.443(2) and requested it be kept at R-1 allowing one house per acre.

Lisa Cruz asked upon making its decision, what will the Board discuss to do so. She expressed concern over not knowing or understanding how to make the Board understand how the residents feel about this noting that questions were not answered. Hofmeyer said in reality first of all, you have to realize we all operate under rules and regulations and zoning is one of them. He further expressed his dissatisfaction with derogatory remarks toward the Township Manager wherein he is not the one making the rules. He reiterated that the Board will consider the three factors previously mentioned noting that there will be other areas of the Township developed as water and sewer is added in more areas they are destined to be developed. With each development besides the Board making its decision, the developer must go before the Allegan County Road and Drain Commissions and if problems are identified they must be corrected before anything more is done. Hofmeyer added that the Master Plan is a guide like a budget. Cruz stated she wants to make sure the residents do not get blind sighted because it is hard to ask questions when she is unsure of what the Board will discuss. Meshkin said the question in front of this Board tonight is the zoning of this property only and they cannot look at how many houses or condos as we do not have a development plan yet. Upon receipt of a plan, it will go before the Planning Commission for review with a public hearing notification going out to all residents within 300 feet in all directions of the parcel. The scrutiny of the Planning Commission is bar none to any other and they will look extensively at drainage, street lighting, road access and all other aspects of the proposed plan. The notice to residents will be issued 15 days prior to the hearing and the plan will be available for public review in the Township Office prior to the meeting. Cruz mentioned the development behind the 100 year old home on 147<sup>th</sup> and Meshkin responded that it is not a development as a public road was put in and the lots were sold off accordingly meeting all requirements of the law.

David Guzman of 6430 147<sup>th</sup> talked about precedence and no one wanting to deal with Laketown. He asked if Ottawa County knows a mess will be made of their property in regards to the drainage issues that will occur. He also asked why residents further than 300 feet are not notified of meetings. Meshkin responded that the State law requires 300 feet for notification; all notices are published in the Holland Sentinel and also listed on the Township website. He further added that the drainage is overseen by an Inter-County 3-person Board that includes a representative from each Ottawa, Allegan Counties and the Department of Agriculture.

Biz Ter Haar of 4695 64<sup>th</sup> Street said she did not receive a notice about this meeting and felt it was a little underhanded. Hofmeyer responded that this is not a public hearing so notification is not required. If the rezoning is passed by the Board and a formal plan is submitted, the next step would be a review by the Planning Commission at which time a public hearing would be scheduled.

Jodi Colvin noted that a similar proposal came before Heath Township and that Board listened to the objections of their residents and denied the rezoning request. There are logical reasons not to develop this property and she hopes the Board is listening to the concerns of the residents.

Mark Epstein of 4795 64<sup>th</sup> Street stated when relocating here he looked at over 50 homes and the reason they bought here was because of the environment. Going west from this parcel you get into the country aspect and these roads become a very fast traffic lane for cars going well over the 45mph speed limit. He noted a fatal accident that had claimed the lives of two young men in front of his home. He asked if the development will be a 55 and over condo association or open to families

which could mean 50, 60 or 100 more people for ingress/egress of multiple drives. The point is that this is a beautiful community and not known for high density with most residents having acreage. He noted other larger parcels owned by the wealthy assuming that the potential of further development in the future. He thanked the Board for fixing the bridge on 145<sup>th</sup> Street.

Connie Bakker asked for clarification of the acreage noted on the application and Meshkin responded that the correct number is 9.9 acres noting the applicant had corrected the supporting documents from the original incorrect number noted as 11 acres.

Kristin Stoddard of 6060 147<sup>th</sup> Street stated that she moved here for the character of the township. She expressed concern about the added traffic noting that many years ago a cousin was hit and killed on 64<sup>th</sup> and 147<sup>th</sup>.

Alex Miller of 4680 Cottonwood Drive asked what was the reason was for changing from AG District to Residential. Meshkin said Laketown went through a zoning ordinance in the early 1980's adopted in 1981 and in that time period went from AG to Residential documented on 3/4/81. It has not been AG since that time. The property can be used as AG legally under non-conforming use if the original owner was using it as such when the zoning was changed. De Vries said the environmental laws changed due to the density of housing and pesticides can no longer be used. Miller asked about urban farming and De Vries reiterated that chemical control cannot be used in residential areas as it is too dangerous. Miller asked where that law can be found and De Vries responded with the EPA. Henry Wolters went on to explain that government regulations have been put in place mandating certain spacing of crops. He added that first water and sewer came in, and then the bike paths making it too much like a city. Miller stated that he read the Township website that boasts of parks and rolling fields noting that this does not fit with how the Township is depicted.

Epstein asked if the field on 147<sup>th</sup> and 66<sup>th</sup> Streets will be zoned for dense population and does it have water and sewer? Meshkin said there is water at the corner but not sewer so a developer would have to pay to bring that in. Epstein clarified that it could not be developed then because sewer is not available. Meshkin stated it can be developed but the fact that there is no sewer presently there would have an effect on a decision to do so. The closest sewer line is a half mile east to 147<sup>th</sup> and 65<sup>th</sup> Streets.

Al Davis stated he lives five houses down from the proposed development and thinks it is ridiculous that he does not get notices of the meetings. The State law doesn't say that you cannot notify others beyond the 300 foot rule and doesn't see why you cannot notify everyone. Hofmeyer said public notices are published in the Sentinel and also on the website. Meshkin stated that it is the Township's responsibility to look out for your rights and equally those of the property owner.

Jim Bakker asked if the Board members have a choice to vote one way or the other or is it cut and dry. Hofmeyer responded that each Board member votes on their own and how they vote is not discussed before it is taken; he doesn't ask how they are going to vote.

Brian Davis expressed his appreciation for the Board taking time to hear the residents' concerns. He particularly wants to thank Al Meshkin for the work he has done.

John Eggenschwiler of 6395 Blue Jay Lane asked that the Board consider what type of R-2 surrounds this property, that of larger parcels and single-family dwelling. He expressed concern about the sewer issues as Allegan County does not maintain the gutter runoff now and it will only get worse with more density. That is why everyone is against this. It will get harder and harder for the Board to say no to this type of development which will only bring more problems down the road. He asked Wolters if he can also no longer farm behind the Park Church. Wolters responded that he may do 2.5 acre sections this year and the same laws apply regarding the use of chemical pesticides. Eggenschwiler said he is not trying to stop someone from selling their property but this is just not a good location for the proposed use.

ARTICLE VIII. OLD BUSINESS – None

ARTICLE IX. NEW BUSINESS

A. ZONING AMENDMENT ORDINANCE #179

Supervisor Terry Hofmeyer explained the Zoning Amendment Ordinance No. 179 would rezone the said property from R-1 Rural Estate District to R-2 Low Density Residential District.

Following discussion, **a motion was made by Gary Dewey and seconded by Linda Howell to approve the Zoning Amendment Ordinance No. 179.** Hofmeyer asked for comments and questions.

Ed Stielstra said the item to be discussed and decided on is a zoning change and not a proposal for development. In spite of all the discussion regarding condos and housing, we are strictly looking at this as a zoning change and that is the only item of business before us. We must look at the requirements for each type of zoning and what the Master Plan calls for taking into consideration the zoning of the immediate surrounding area. He said he could further discuss condos but that is not the decision he is being called to make.

Wendy Van Huis supports what Stielstra said and gave praise to the Planning Commission for the due diligence they perform.

Gary Dewey said he also has taken the comments into consideration and even though he has lived here for 40 years and enjoys the rural area, he also understands that even the property behind him may be developed in the future. He appreciates everyone's comments and would also share concern regarding light pollution, drainage and the other items mentioned. The Planning Commission can dictate those types of things to make it less obtrusive. Traffic is an issue as is that of maintaining the harmonious nature. He supports Stielstra's comments that the Board is being asked to deal with the rezoning only and not what happens next. The Planning Commission is extremely, extremely serious about what they make sure is done when dealing with the developer. As elected officials it is not always easy to make some decisions but it is their responsibility to do so.

Howell agrees with what has been said, before us is the rezoning request and not a site plan. Howell stated that she represents also sits on the Planning Commission and assures that Board does their due diligence scrutinizing all proposed plans before making recommendation to the Township Board. Howell also noted that the proposed truck stop never made it to the Board because the Planning Commission would not make recommendation at their level. That is how serious the Planning Commission is about the decisions they make. She reiterated the three factors of water and sewer, Master Plan and surrounding land use when it comes to making a decision on how parcels are zoned. She has heard every word and read all letters and correspondence submitted regarding this request. She added that she too, lives in the area and completely understands the water issues.

Hofmeyer stated that each of us living in the Township will be looking at change 40 acres to south and 60 to west knowing it will someday be developed even though you may not like it. He added that he lives in one of the condominiums in the Township and it is a quality development as are the others. He has no doubt that the Planning Commission will ensure the developer comes forth with a quality plan for the development. There was a tough period for economic decisions but now that times are better areas will begin to develop. Those developers that can handle the expense of putting in sewer and water will do so. Changes will happen whether we choose to embrace them or not.

Stielstra stated in regards to the love of nature, everyone on the Board and the Planning Commission share the same feelings as well. However, he does not see the rezoning of this site as a major detriment to the Township and will certainly not be an indication of the whole Township. Stielstra added that those who love the rural aspect cannot shut the door to others who want to move into the Township.

**Supervisor Hofmeyer called for a vote on the motion. UNANIMOUS DECISION - MOTION APPROVED.**

B. CONSUMERS ENERGY STREET LIGHTING CONTRACT

Meshkin advised that it is a standard contract for a period of one year with automatic renewal.

Following discussion, **a motion was made by Gary Dewey and seconded by Ed Stielstra to approve the Consumers Energy Street Lighting Contract. Supervisor Hofmeyer called for a vote on the motion. UNANIMOUS DECISION - MOTION APPROVED**

C. COMMUNITY GREEN ENERGY LEASE AGREEMENT

Meshkin explained the agreement pertains to the Solar Lease and Easement Agreement between Community Green Energy, LLC and the Township for the solar array on the grounds of the Felt Estate. He had been working through the power purchase agreement when Consumers Power selected us for the EARP (Experimental and Renewable Project) program. The Township was selected to by lottery. A lease through Community Green will result in the Township owning 100% of the power at end of the lease with the ability to buy the equipment for \$1. Residents can buy into the grid and own a portion of the array. The lease payment will be divided between those who buy into it. It will be a revenue builder for the Township potentially raising \$5-\$6,000 per year for 20 years and after that will be a savings of \$25-\$30,000 per year after year 20. There is no capital outlay. The agreement is subject to attorney and final review by Meshkin so he would ask for approval contingent upon that but must have a signed agreement to move forward.

Van Huis asked for the timeline to construct the array and Meshkin said it would be up by October or November.

Hofmeyer asked what the expected life is of the equipment and Meshkin responded it would be a minimum of 30 years but that is conservative, probably closer to 40 years. The panels may diminish slightly as they age but nothing so significant. The only other piece of equipment that may need to be replaced would be the inverters which have a 10-year warranty. There are two of them being installed and the cost to replace them should they need to be after the warranty is \$10,000 each.

Howell asked who would insure the equipment and Meshkin responded Community Green Energy as they make their money on the tax credit given at 30% and must fulfill the ownership requirements. They will lease the property from us and we will lease the equipment from them.

Stielstra asked if the lease in its final form will be in more detail and Meshkin responded yes, it would.

Following discussion, **a motion was made by Van Huis and seconded by Howell to approve the Community Green Energy Lease Agreement subject to township attorney review and manager approval. Supervisor Hofmeyer called for a vote on the motion. UNANIMOUS VOTE - MOTION APPROVED**

ARTICLE X. CITIZEN’S COMMENTS

Kelly Cavanaugh spoke on behalf of Nederveld expressing her appreciation to hear the concerns of the residents. She stated that it is refreshing to see the Board take the time. She looks forward to submitting a development to the Board and Planning Commission soon for the property located at 147<sup>th</sup> and 64<sup>th</sup> Streets.

ARTICLE XI. ADJOURN

**A motion was made by Howell and seconded by Van Huis to adjourn the meeting at 8:52 P.M. UNANIMOUS DECISION – MOTON APPROVED**

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Wendy Van Huis, Township Clerk

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Diane Ybarra, Recording Secretary