

<p style="text-align: center;"> YANKEE SPRINGS TOWNSHIP BOARD OF TRUSTEES <u>Special Board Meeting</u> <u>Pine Meadow</u> <u>Saturday, September 19, 2015</u> 9:00 a.m. Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333 </p>	<p> FINAL MINUTES Page 1 of 8 YST Bd Trustees/Pine Meadow 9.19.15 Approved as presented Oct. 8, 2015 </p>
<p style="text-align: center;">MINUTES</p> <p>Meeting called to order at 7:00 PM by Supervisor Mark Englerth.</p> <p><u>PLEDGE OF ALLEGIANCE:</u></p> <p><u>Roll Call:</u> Jerkatis, J. Lippert, Englerth, Rottschafer, Campbell.</p> <p><u>Staff Present:</u> Frank Fiala, Alice Jansma</p> <p><u>Visitors:</u> 40 (not including staff present).</p>	<p>CALL TO ORDER</p> <p>PLEDGE</p> <p>ROLL CALL</p>
<p><u>ADDITIONS/CHANGES TO AGENDA:</u></p> <p>Under #4: Public Comment after discussion purpose of meeting.</p>	<p><u>ADDITIONS/CHANGES TO AGENDA</u></p>
<p>Geoff Moffat, JD, PCP – Legal Counsel to Shannon Vandenberg, owner of the Pine Meadow Project summarized their position. The July 3rd letter was written to affirm a 1991/92 stipulated agreement ... by BC circuit court. G. Moffat commented that he advised S. Vandenberg to not move forward with this project until they resolve what basically is or isn't a disagreement whether an agreement is expired or not expired. It is their position (Vandenberg's) that the agreement has not expired. They are asking the Board if they would affirm the agreement. Moffat commented that the agreement would essentially allow: (On 9.1 Acres)</p> <ul style="list-style-type: none"> • Construction of 6 (six) – 4 plex buildings (a total of 24 dwelling units) <p>Moffat commented that the property is zoned <u>Residential Multi-family</u>. Moffat added that the 9.1 acres could be developed by rights of only a site plan approval for about 18 duplexes (separate buildings) (36 units). Moffat noted that if the Board ratifies the agreement, it would be significantly less dense in terms of number of homes than what is allowed in the current zoning of the property.</p> <p>Catherine Kaufman the new YS township attorney, of Bauckham, Sparks, Thall, Seeber & Kaufman P.C. C. Kaufman introduced herself noting that she was a city planner before going to Law School and has been practicing law since 1995. A letter was written by Catherine Kaufman to the Board, subject to attorney-client privilege, dated September 18, 2015. The following motion was made to make this letter open to the public.</p> <p>Motion by Campbell with support from Rottschafer to make document (letter of September 18, 2015 from Catherine Kaufman, Twp. Attorney to the YS Twp. Board) public. All ayes. Motion Carried.</p> <p>Attorney, Catherine Kaufman, (YS Twp.) read the letter made public by motion above. ** C. Kaufman's letter of September 18, 2015 -Attached to minutes.**</p>	<p>Motion to make document (letter of September 18, 2015 from Catherine Kaufman, Twp. Attorney to the YS Twp. Board) public. MOTION CARRIED.</p>

ATTACHMENT
"A"
2 PAGES

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THIS DOCUMENT IS SUBJECT TO THE ATTORNEY CLIENT PRIVILEGE, MAY BE CONSIDERED IN A CLOSED SESSION PURSUANT TO SECTION 8(H) OF THE OPEN MEETING ACT AND IS EXEMPT FROM DISCLOSURE IN ACCORDANCE WITH §13(A) OF THE FREEDOM OF INFORMATION ACT.

TO: Yankee Springs Township Board
FROM: Catherine Kaufman, Township Attorney
RE: Review of 1991/1992 Consent Judgment –
VandenBerg v Yankee Springs Township
DATE: September 18, 2015

9-19-15
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In response to a letter received by Supervisor Englerth from Geoff Moffat, dated July 3, 2015, our firm has been asked to review and comment on the continued applicability of the 1991/1992 consent judgment between Jacob/Shannon VandenBerg and Yankee Springs Township. As you may be aware, the parties entered into a consent judgment governing the development of land in the area of Little Payne Lake in 1991. The consent judgment was amended by the parties in 1992. A copy of the consent judgment and amendment are attached hereto.

The consent judgment allowed the development of a specific site plan on designated properties. A total of 39 units was permitted, five (5) of which were to be single family dwelling units. The remaining thirty-four (34) units were to consist of five duplex units and six fourplex units. The development was also restricted to uses in the RL (certain parcels) and RM zoning districts (certain parcels), as detailed in the consent judgment. Public sewer and water were to be provided to all thirty nine units. There was to be no lakefront access across the single family properties for the duplexes and fourplexes. Several other requirements were specified in the consent judgment, with one of the most important being that the property owners were required to commence substantial construction of the single family residences within three years from the date that public water is available to the site and that the duplexes and fourplexes shall be substantially completed within 15 years from such date. The consent judgment also provided that in the event that the designated construction was not started within the three year and fifteen year time periods, the property owners may petition the Township Board for an extension of the time for construction on the property. The consent judgment was amended in 1992 to attach and incorporate a new site plan.

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to make this document public
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Mr. Moffat, in his letter of July 3, 2015, asks the Township Board to consider passing a motion to affirm the terms of the 1991/1992 consent judgment for Pine Meadows. As noted above, the consent judgment does allow the Township Board to allow an extension of the time provided for performance in the consent judgment, should the Board choose to do so. By the terms of the consent judgment, public water was available to the properties controlled by the consent judgment at some time in 1991 or 1992. Therefore, by the terms of the consent judgment, substantial construction of the single family homes would have to be started by 1995 and substantial construction of the duplexes and fourplexes would have had to be started by 2007. To the best of my knowledge, at this time, the single family homes have been built, but the duplexes and fourplexes have not been constructed. Accordingly, the terms of the consent judgment have not been satisfied and the timeline for performance of those terms has expired.

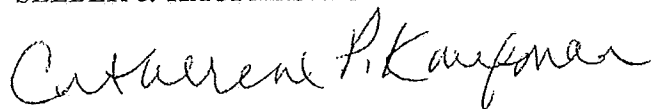
At this point, the Board has a variety of options with regards to Mr. Moffat's request. The Board may choose to extend the time period for compliance with the terms of the consent judgment, which would require amending the consent judgment to reflect such decision. In the alternative, the Board may determine that, as a function of the passage of time, the consent judgment approval for a specific site plan development has expired and the owners would be required to develop the property in conformity with existing zoning, building and all other applicable requirements. Or the Township Board may consider doing something else, i.e., amending the consent judgment to allow something other than what was permitted under the 1991/1992 consent judgment. It is in the Board's discretion how to proceed in response to Mr. Moffat's request.

After talking with Planning Consultant Rebecca Harvey, it is my understanding that the property in question is zoned RM, Residential Multi-Family zoning district. Permitted uses in this zoning district include single family and duplex dwelling units (along with other uses). Special land uses include three and four dwelling unit buildings and condominiums. Arguably, even absent the permission to develop the plan approved and contained in the consent judgment, a variety of permitted and special land uses exist for development in the RM zoning district.

I will be in attendance at the special Board meeting on September 19, 2015, if the Board has questions or would like to discuss this matter further.

Very truly yours,

BAUCKHAM, SPARKS, THALL,
SEEBER & KAUFMAN PC



Catherine P. Kaufman

Supervisor M. Englerth asked the Board if they had any questions. There were no questions.

Englerth commented that the request has gone on since July 3, 2015. The reason for the delay, was an early retirement of the previous township attorney, John Lohrstorfer. This retirement has occurred during the time period of receiving the letter. The early retirement was very unexpected and C. Kaufman was assigned Mr. Lohrstorfer's duties in addition to her own case load.

PUBLIC COMMENT:

Bob Lippert, Park Drive, Wayland, commented he would strongly urge the board not to consider an extension of time. Lippert noted the petitioner has had sufficient time to exercise his rights granted, and had not done so. Lippert also noted that there is a possibility that an additional request may come before the Board for multi-family under a special use. Lippert commented that this request would be totally out of character with the adjacent area and Lippert also felt it would be detrimental to the property values of those who've invested in single-family homes.

Deanna Ryman, Pine Meadow Drive, commented, "Give Shane another chance, change the ruling." D. Ryman also mentioned the economy in the last few years and asked the Board to give Vandenberg a break. Ryman commented that S. Vandenberg has done so much for the community. Ryman also mentioned quitting a project when money was not available at that time. Ryman added, "He has helped so many people in the area. To me it's more like a witch hunt, not on cars, not on Pine, but on Shane."

John Frigmanski, lives on Pine Meadow, owns lot #18 and #17, strongly urges Board not to approve this. Frigmanski commented that S. Vandenberg has had plenty of time. "Money is tight. I own my own business. I had to go out and find my resources. I don't believe it is the right thing to do. You can review at a later if indeed he's going to move forward. Twenty-five years is a long time. Recession hit in 2008. He had time before that to get something accomplished and he didn't do it."

Elizabeth Mauchmer, lives on Lot #18 of Pine Meadow, noted a correction in the letter and that there are also single family homes built on Lot #21 and #18.

An unidentified resident commented that Lot 21 is an empty lot.

Jim Davies commented that he lives next to Shane on Payne Lake Rd. and does not want apartments in his backyard.

An unidentified resident commented that she wondered what the impact would be on the property values of their homes.

Linda Thomas, Edge Creek Drive, heard there's a rumor...and it is not true that low income property is being built. Condos are not going up on Payne Lake. Linda Thomas commented that Shane (Vandenberg) doesn't even own property on Payne Lake. Thomas strongly feels that knowing Shane, it would be a high end condo community.

Mr. Moffat, commented that it was important to clarify, if the board affirms the current agreement that it will result in a considerable amount of open space around those six buildings. The current zoning would allow up to 18- "two-family" dwellings

PUBLIC COMMENT

on that property. “Lots more buildings and a lot less open space. So the agreement actually results in spatially a much better development than the current zoning does. The current zoning is by right subject to only site plan approval. So it’s not a discretionary thing. You need to understand that,” commented Moffat.

Unidentified resident commented, “What does it take to change the zoning of that area?” M. Englerth commented that this question could possibly be clarified by the professional planner at the end of the public comment period.

Dan Grzegorski, of Sandstone – recommended the board consider following the Michigan Zoning and Enabling Act because of the zoning that we have (in the township). D. Grzegorski commented and cited the act: “If approving the conditions under subsection, the government may establish a time period, which you haveif the conditions are not satisfied within the time specified in the subsection, the land shall revert back to its original classification.”

Don Davis, lives at the end of **Lakeridge** and commented that he has no opinion on the merits of this project and he commented that he has no knowledge of the merits of this project. D. Davis also commented, “I do know that this board, 25 years ago considered a number of factors in deciding whether or not to approve it or not approve it. Twenty-five years have passed, those factors may have changed; they may not have changed. I would urge to deny the extension and if the board can consider whether those factors have changed or not and decide whether or not the project should go forward. D. Davis also added, “And contrary to Mr. Moffat, some people do understand what the zoning is.”

C. Kaufman commented that the zoning is currently multiple-family zoning. The owner of the property could walk in today and if his site plan met the standards of the zoning ordinance it could be approved.

“We all need to understand that’s what the zoning is. Whether you like it, whether you don’t like it; that’s what the zoning is.”

C. Kaufman addressed the conditional zoning option available under the Michigan Zoning Enabling Act. “The zoning by right, he (VandenBerg) has the right to however many units per acre – Rebecca Harvey will calculate under RM zoning. So even if the Board decides to take the approach and not reaffirm this agreement made in 1991, the zoning in that case, by right, will govern, which it is right now, and they could do something that complies with the zoning.

In terms of “How can we change zoning?”- we have a Master Plan and zoning has to effectuate the Master Plan.” (Kaufman will let R. Harvey talk about what the Master Plan shows and how the zoning would relate to the Master Plan).

Kaufman also commented, “This was a consent judgement, and generally what that means is somebody sued the township, the township and the parties entered into an agreement and it was governed for a number of years by certain terms.

In my opinion, those terms have expired.

Apparently, Mr. Moffat feels that it may be read otherwise, that’s why lawyers are here. We’re going to figure that out.

However, they are asking the Board to reaffirm those terms which basically means “Bless it again” what Mr. Moffat is representing we would give you four unit buildings (six (6) of them) 24 units total which would be way less than he could get if he went on straight zoning, RM Zoning, duplex units, two units to a building; he could get more units is what he is saying. And what he is saying is, “If you allow us to

develop on the plan that was agreed to in the consent judgment, there will be more open space around the units.

There will not be taking up as much of that 9 acres in development as it would be if we go under straight zoning. There are a couple things for the Board to consider here.... But that's the framework that we are all standing in today. So the existing zoning is multiple family and it gives them by right the right to develop so many units in duplexes. ... The four-plexes or the 3 units buildings would be a special use. ... Special Use means they will come to the Planning Commission, they will present plans, and there will be a discretionary review.

However, the Mich. Enabling and Zoning Act provides on Special Use if you hit the standards, if you satisfy the standards, it shall be granted." Kaufman stressed that the zoning is multiple-family on the property right now and this gives the property owner certain number of units by right.

Kaufman commented "Conditional zoning is where you agree that I'm going to re-zone it to something and you allow a specific site plan. And then if the conditions are not complied with or they are not performed within a certain period of time the zoning reverts to back to what it was originally. We are already zoned multiple family here." Also Kaufman noted that in order to be flexible and innovative on a parcel, there's PUDS and other things that can be done. At this point, Kaufman turned the floor over to Rebecca Harvey.

Rebecca Harvey, Professional Planner commented that the Master Plan is what really guides the township's zoning. Harvey commented that the Master Plan and the Future Land Use Map identifies this particular area as Multiple Family. It is also zoned that way which is consistent with the township's plan which means the township is on the right track as far as zoning goes. Development options in RM can go with single or 2 family and thru special uses they can do 3 or 4 family. With 3 or 4 unit dwelling buildings, because it is a special land use, they also have a little bit more discretion than that and they go before the Planning Commission, but all of them require developmental plan reviews.

R. Harvey commented "Really what it comes down to is the way your ordinance is written, density almost becomes irrelevant because with the two family, because you have standards in your ordinance that say you get one dwelling per lot and then you have a minimum lot size standard of 35,000 in the RM. They could establish 11 lots, put in 11 duplexes which would be 22 units which would be comparable to 24 units that are being proposed. So it almost becomes a function of building form and design ... that's where every community likes to find themselves. Is that they can get the best design on a piece of property that you can. And certainly when you are talking about going in there and not just platting a piece of property... not just creating lots and putting buildings on it...then you (the developer and the community together) get this opportunity to do a little bit of looking at more comprehensive designs where you can locate buildings accordingly and minimize driveways and streets and create open space. That's the kind of design options that you get when you don't just go in and lay out lots and put a road back. The time is expired, here are your options, and certainly the applicant can come in with a host of design options but will probably still be looking at a comparable density.

I would suggest that by virtue of your master planning efforts and by virtue of the way you have your ordinance designed that you are in a good spot for getting good design if the applicant wants to take advantage.

ATTACHMENT
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Spa Meeting
9.19.15
attach to
Minutes

SEPTEMBER 16, 2015

Dear Fellow Neighbor,

There will be a 'special' Yankee Springs Township Board meeting that has been set for this Saturday, September 19 at 9AM. The township supervisor has called this special meeting to discuss several items; an item that will impact the area where you live is the 'rezoning' of the Vandenberg & Vandenberg Pine Meadows Development. At this point there has been no public notice of this agenda item or meeting. This should be a concern for you.

Vandenberg & Vandenberg established the Pine Meadows Development in September of 1991. The zoning for that 1991 development provided for single-family housing and designated proposed multi-family (5 duplexes and 6 four-plexes) dwellings. The Pine Meadows development was to take place within a 15-year period beginning from the time water was available. The development with road construction, sewer, water and utilities continued in 1991, and today we have a cul-de-sac of lovely homes.

Because Vandenberg and Vandenberg did not complete the multi-family (5 duplexes and/or 6 four-plexes) portion of their development within the 15-year time period the multi-family zoning for that designated portion of Pine Meadows expired in 2006. In the nearly 10 years since 2006, Yankee Springs Township continues to grow and change. The invalidation of the Vandenberg & Vandenberg Pine Meadows Development multi-family R-3 zoning is only one of those changes. Since the original zoning of that 1991 Pine Meadows Development additional single-family homes have been constructed not only on Pine Meadows but also on neighboring road, Sandstone and Payne Lake Road, without the examination of potential multi-family housing being located nearby, and supplemental R-3 zoning (multi-family) localities have been added to the Yankee Springs Township Master Plan.

Reinstating the 1991 zoning for the Pine Meadows Development in 2015 does not take into consideration that Vandenberg & Vandenberg are now longer the developers, nor does it present thoughtful reflection to changes in the Yankee Springs community, including the total R-3 zoning which currently exists and a verifiable occupancy rate of the R-3 dwellings.

Of greater concern to Yankee Springs Township residents is why this issue is being deliberated at a 'special' meeting rather during a regularly scheduled meeting of the Yankee Springs Planning Commission or Yankee Springs Township Board? The fact that it is being reviewed on a Saturday morning without public notice should be a concern for tax paying residents not only in the Pine Meadows Development and neighboring roads, but for the entire township citizenry. The intent of the Yankee Springs Township Board to bypass public opinion and to show favor for their 'associates' is unacceptable. There is an appropriate organizational process to be followed, and the rearranging of this discussion when the interested public is not in attendance is unacceptable.

Please consider attending this 'special' meeting and let your voice be heard in the potential awarding of continued special favors to public official's "associates." This Saturday morning at 9AM will provide you with that opportunity. Too bad, there wasn't more notice!

G. Moffat asked a question regarding sanitation-sewer. R. Harvey commented that it is 20,000 so the calculations would be different. R. Harvey also commented about taking off 10% for infrastructure. So the figure of 18 duplexes allowed was given by R. Harvey – which would be 36 units vs. 24 units. R. Harvey stressed the importance of designing form vs. density as important options for a community.

Mark Englerth commented regarding a letter that has been circulating dated September 16, 2015. There was no signature on the letter.

C. Kaufman made comments regarding same letter. (** Referenced Letter of 9-16-15 Attached to minutes). The 9 a.m. meeting on a Saturday, today, was because of C. Kaufman's schedule. The only thing being done here today is that the board could consider the letter of Mr. Moffat. C. Kaufman apologized to Mr. Moffat for the letter sitting for two months – J. Lohrstorfer retired early. "There is no attempt to be secretive. Public meeting was noticed," added Kaufman.

Kaufman referred to her associate reviewing the entire file from 1991/1992.

"We've been doing our homework and not shooting off the hip," added Kaufman.

Consent judgment says just what Kaufman said in her memo. Which was moved to be a public document. The zoning is right now multiple family. There is no intent to change zoning. Kaufman noted that the township is controlled about the consent judgment. "By and large at the end of the day, that approval for that development layout I think has expired, but the zoning remains multiple family," commented Kaufman. Whoever is the developer now would be bound by the same terms of that consent judgement. They are also bound by whatever the zoning is on the property. It doesn't reflect changes to the YS community including total R-3 zoning which currently exists and an occupancy rate of R-3. It is on our master plan and zoning map.

If that is inaccurate and no longer reflects the conditions of this community, you've got to update your master plan and change your zoning.

The master plan drives the zoning. The zoning implements the Master Plan.

"There's a presumption of validity, just legally speaking here, if the master plan depicts that zoning category as being appropriate, it's appropriate. To find it inappropriate, there's a little bit of an uphill battle here if it were challenged.

Kaufman commented that she was not being disrespectful or dismissing of anyone's concerns, but she was telling the people of the legal framework that the township is standing in today.

Roger Rottschafer, Trustee asked what the purpose of Mr. Moffat for coming and wanting to change this since it is already zoned for what they are planning to build.

C. Kaufman commented that the four units are a special use and are approved in the consent judgement, and a particular arrangement of the four units are approved in the consent judgement. I don't know that the particular arrangement would still be allowed, and we know the four unit buildings would be a special use. So, every time you insert a discretionary review there is less certainty for the developer.

Mark Englerth asked for a five minute recess to have the attorneys privately discuss the situation.

G. Moffat commented that he would rather have the board act on the request to affirm

the agreement. Moffat also noted that there is a plan to go with the agreement. Moffat commented that the agreement gives the township less units on that property and fewer buildings creating more open space. Moffat feels the development proposed is no different than Bayview. Moffat also commented that the difference is spatial separation that there will be. Protection of neighbors... that (spatial separation) does it. Moffat added "I personally, as a planner, wouldn't want to see 18 or 19 duplexes stuck in there. I just wouldn't".

Rebecca Harvey— commented that the township has its attorney's position on the applicant's request and that is where it is taking its direction from. R. Harvey commented that the strength of a design would stand the test of a review process that would be required as part of being a new application of approval. R. Harvey felt it would be a win-win. R. Harvey commented that they were certainly in a position to propose this exact same plan and take it to the process again and the strength of that design would receive similar support if it met the township's standards and review criteria for special land uses. R. Harvey commented that it would be a good thing for community.

Mark Englerth- asked Mr. Moffat if he could achieve the same goals under existing (zoning).

Geoff Moffat commented, "There is some measure of discretion in the review even with the agreement. The end product is going to be the same. ... You are going to get a good result either way.... We'd like to get started sooner than later."

C. Kaufman commented to clarify that it is her reading of the consent judgement that the terms have expired. C. Kaufman reviewed the options for the Board of affirming it again. Also the Board has the option of saying it believes it's expired and now subject to current zoning or it has the option of trying to figure out something in the middle that the Board could work with them on and amend the consent judgement otherwise. C. Kaufman commented that she sees a range of options, but she does believe that the terms of the consent judgment have expired.

G. Moffat commented that the first and third options- they could work with.

An unidentified person of Pine Meadow Drive asked if the judgement applies if Vandenberg is not the developer any more. It was noted that the judgement applies to the property and combined successors.

The Board took this time to discuss the request with the township attorney and professional planner.

Rebecca Harvey commented the noticing requirements and the review process is not lengthy. "If they already have design plans done for this project, it is a 15 day noticing requirement and you're on the planning commission agenda in terms of state law. It's a month or two month review period," added Harvey.

G. Moffat – commented that even with the agreement, they have to file a site plan for review. "You get the same information either way" added Moffat.

M. Englerth – commented that time is of the essence to a point. "Mr. Moffat would

suggest option #3 which doesn't change the density. It is to continue to talk and possibly amend."

C. Kaufman commented that Option #3 generally removes public noticing.

Mark Englerth commented "We can make that part of it. We want the community to be as much excited about it as much as the developer. I want this a win-win."

C. Kaufman commented that a developer wants certainty. "Time is money and certainty is money." Kaufman commented that she could only guess but that's probably part of what is driving this. "They are property owners too." Kaufman reiterated that the third option would reduce the possibility of public notification. She is aware that the township would try to notify residents. Kaufman noted that litigation costs money. "We are going to subject ourselves to re-opening a lawsuit that has been, by my opinion, over. Anytime we go into litigation, crazy things can happen. Maybe it won't; maybe everything will be perfectly fine, but maybe something will happen.... I want you to factor that into your consideration."

Motion by Rottschafer with support from Campbell to not affirm the terms of the consent judgment in order to allow YS Twp. Board, Planning Commission and people of the township the most flexibility and potential savings on attorney costs.

Motion to not affirm the terms of the consent judgment. MOTION CARRIED.

Call for discussion came from John Jerkatis, Treasurer. Discussion occurred.

ROLL CALL: Jerkatis: No, Lippert: Yes, Campbell: Yes, Rottschafer: Yes, Englerth: Yes. Yes: 4, No: 1. MOTION CARRIED.

FINAL PUBLIC COMMENT:

FINAL PUBLIC COMMENT

An unidentified resident commented to Ms. Kaufman that it was not her fault at all. "You kept saying it was your fault (earlier) deferring and whatever, it kept getting put back...Another thing that I have to say is, it is kind of disappointing that he wouldn't take five minutes after 25 years to talk to you guys in private. (It was clarified that the speaker was talking about Mr. Moffat).

Deanna Ryman commented that she wondered, "What is the reason? Cars? Is it the buildings that are going to be put up?Do people down at the end of the whole thing, do they think, "Oh these people are going to drive out of here, drive down to our street down to the end just to harass them, and it is stupid."

Mark Englerth commented that he hoped what the Board represented today is that it does want a "win-win". "That peoples' property rights mean something to them. That they've invested hundreds of thousands of dollars of water and sewer that you're all benefiting from with promise and the commitment something will happen there whether it's 24 – two units or 14- four units or 28 –three units, ... there's going to be some kind of development there. How we can gracefully move forward together as a community is everybody's obligation, both the neighbors, the community and the developer," commented Englerth. Englerth also commented that his neighborhood (Edwin Drive) went thru the same emotional uproar. "It is a wonderful community. As you're saying what you don't want, look at what you do want and how you can fashion a community to where we want to live; where you want to live," commented Englerth.

Roger Rottschafer, Trustee – commented, "I'm not saying to stop Shane from doing

something; and it didn't stop Shane from doing anything. I'm saying it moved it back so that the people, the Board, the Planning Commission have the greatest opportunity to look at the thing. It has nothing against Shane.... It is zoned for doing something back there as multi-family."

Deanna Ryman, of **Pine Meadow Drive**, asked "What is the meeting for?"

Catherine Kaufman, **YS Legal Counsel**, commented the meeting is in response to a letter from Mr. Moffat asking would the Board affirm or basically "bless again" the terms of the consent judgement.

R. Rottschafer commented "We're not saying no to Shane Vandenberg."

Rottschafer commented that the Board wants its best opportunity to proceed from here with Shane Vandenberg and Mr. Moffat to look at what is available.

ADJOURNMENT:

Motion by Rottschafer with support from Lippert to adjourn at 10:05 a.m. Approved by all. MOTION CARRIED.

Respectfully submitted:
Deb Mousseau
Recording Secretary 9.19.15

Date: October 8, 2015
Total 8 pages of minutes document/plus 3 pages attachments
Approved : _____
Janice C. Lippert, Township Clerk

ADJOURNMENT