


<p style="text-align: center;"><b>YANKEE SPRINGS TOWNSHIP PLANNING COMMISSION Regular Meeting</b></p> <p style="text-align: center;"><b>Thursday, March 17, 2016 Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333</b></p> <p style="text-align: center;"><b>MINUTES</b></p>	<p><b>FINAL MINUTES</b> Page 1 of 9 <b>APPROVED:</b> </p>
<p>Meeting called to order at 7:00 PM by Chairman Frank Fiala.</p> <p><b><u>PLEDGE OF ALLEGIANCE</u></b></p> <p><b><u>Roll Call:</u></b> Present: Fiala, Beukema, Strickland, Campbell and T. Knowles. (All Present)</p> <p><b><u>Via telephone:</u></b> Purcell, Heystek</p> <p><b><u>Also present:</u></b> Rebecca Harvey, Professional Planner, Catherine Kaufman, Township Attorney</p> <p><b><u>Staff Present:</u></b> Zoning Administrator- Larry Knowles, Sandy Marcukaitis, Roger Rottschafer, Mark Englerth</p> <p><b><u>Visitors:</u></b> 27 (not including staff present).</p>	<p><b>PLEDGE</b> <b>CALL TO ORDER</b> <b>ROLL CALL</b></p>
<p><b><u>ADDITIONS OR CORRECTIONS TO AGENDA:</u></b> No changes</p>	<p><b><u>CHANGES TO AGENDA:</u></b> None.</p>
<p><b><u>BOARD REPORTS from REPRESENTATIVES</u></b></p> <p><b><u>ZBA-</u></b> no meeting since last report</p> <p><b><u>Board of Trustees-</u></b> Bruce Campbell, Trustee: Fire service contract with Wayland will start April 1, 2016. R. Heilman commented at Tuesday's Board meeting. This will be addressed later in this meeting.</p> <p><b><u>Zoning Administrator:</u></b> Larry Knowles, ZA: Work with Whispering Pines is ongoing.</p>	<p><b><u>BOARD REPORTS from REPRESENTATIVES</u></b></p>
<p><b><u>PUBLIC COMMENT:</u></b> None</p>	<p><b><u>PUBLIC COMMENT</u></b> None at this time.</p>
<p><b><u>APPROVAL OF MEETING MINUTES:</u></b></p> <p>Motion by Campbell with support from Beukema to accept Planning Commission minutes of February 18, 2016 meeting as presented. All ayes. MOTION CARRIED.</p>	<p><b><u>APPROVAL OF MEETING MINUTES</u></b></p> <p>Motion to accept Planning Commission minutes of February 18, 2016 meeting as presented. MOTION CARRIED.</p>
<p><b><u>NEW BUSINESS:</u></b></p> <p><b><u>SEU 16-03-01 A request by Michael Matison to construct an outbuilding located on a lot without a principal structure that is less than two acres in size.</u></b></p>	

**Opening of Public Hearing at 7:05 p.m.**

**Public Comments:**

**Mark Colvin** of Sandstone Dr. inquired as to how large the building will be. M. Matison answered 36' x 40'.

**Ellen Brewer, of Arhana Crest** inquired: "Do you have pictures of what is going to be built there? (Mike's answer: No picture at this time). E. Brewer also asked if Mike had a boat on Arhana Crest and asked if it could be moved before he is issued a SEU?

**Mike Matison** – commented that he is not familiar with this. He commented that it (his boat) is at a marina in storage right now.

**Roger Offringa – 11592 Barlow Lake Rd.**, commented that he'd like to see what was split off (previously).

**CLOSE PUBLIC HEARING at 7:12 p.m.**

**Discussion occurred regarding a sketch with dimensions.**

**Mike Matison** – commented that he has been trying to do this project for six months. He has tried to follow all requirements. He will wait but thinks it is unnecessary at this point.

R. Harvey commented on the standard process for this request.

**Mike Matison - would** like to say that the principal structure is across the street from the lot. They are connected now through the township and a permit has been applied for and received.

**Frank Fiala** commented on a need of a site plan for this.

Discussion occurred regarding the applicant obtaining survey and sketching proposed building and returning to meeting tonight with the information.

Motion by Campbell with support from Beukema to wait to end of meeting to get the sketch from Michael Matison for outbuilding. All Ayes. Motion Carried.

**PRA 16-03-01 A request by Geoff Moffat for a review of a Tentative Preliminary Plat proposed for a 9 acre parcel.**

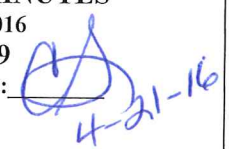
Prior to the hearing, Frank Fiala, Chairperson commented that it had been alleged that one of the people on the Planning Commission (Frank Fiala) might be biased or not objective and not be able to render an appropriate decision regarding this request.

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APPROVED:



**NEW BUSINESS**

**Motion to wait to end of meeting to get sketch from Michael Matison for outbuilding. Motion Carried.**

Township Attorney, Catherine Kaufman, asked questions of Frank Fiala to determine conflict of interest, according to the conflict of interest standards of the Planning Commission's By-Laws for clarification.

After questioning, in terms of the standards according to By-Law standards adopted by the Planning Commission, it was determined that Mr. Fiala did not have a conflict of interest. No Planning Commission members brought objections to this determination.

Fiala reviewed request presentation. Fiala commented that tonight's request is for dividing up the land/platting the land and getting approval from the Planning Commission. The Planning Commission's decision will then go to the Township Board.

Rebecca Harvey commented on process of preliminary review (procedure).

Fiala noted that the water system recommendations is a township board issue. Fiala also noted that this is not a public hearing. It was noted that a public comment will be allowed at the end.

Rebecca Harvey commented on her analysis - going through each standard and commented whether or not each standard has been met. Highlights of changes or additions - primarily in the area of infrastructure- were noted by R. Harvey.

**Geoff Moffat – Professional Planner** – noted Steve VanKooten as Project Engineer, Proprietor as Shane Vandenberg and Christian Meyer with Warner, Norcross, and Judd as Legal Counsel. (C. Meyer and S. Vandenberg being present at tonight's meeting).

G. Moffat presented steps to be taken by the applicant through the process and commented that they will amend, correct, and embellish the drawing. G. Moffat spoke to the engineer this morning after learning of Rebecca Harvey's comments. The engineer is willing to embellish and have the information that was noted in a memo (to the Planning Commission) as one of the conditions - i.e. easement widths and locations. Storm sewer easement, water main and laterals, hydrants, and private utilities in relation to formal road right-of-ways were noted as well. Storm drains, useable area on lots 10, 11, 12 to be shown as well per Moffat. Also addressed was the idea of connecting the 12 lot development to the 80 acre parcel to the west as not tenable.

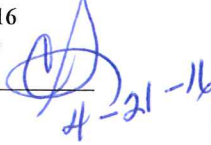
**L. Knowles, Zoning Administrator, GLASWA Director** inquired to storm line (control man-hole) flow direction. Knowles also reviewed recommendations regarding water supply- showing existing water main (via projector/screen) and possible proposed lines. It was noted that Fleis & Vandenberg did a reliability study on the water system.

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At this time, F. Fiala cited the Open Meeting Act and attorney counsel, and noted that there are two Planning commissioners that are remotely attending the meeting via phone. The attorney commented that they (Paul Heystek and Greg Purcell) are allowed to vote only if the audience/planning commission can hear both commissioners.

P. Heystek relayed his thoughts of the Planning Commission properly working with this situation. Heystek tested, and audio was clear.

G. Purcell commented, and Fiala asked Purcell to speak clearly, but audio was not clear. As a result, both commissioners in remote attendance were not allowed to vote.

Prior to comments from the Board, information requested from Heystek and Purcell was relayed them. Township Counsel advised Chair that discussion was to be shut down due to lack of clear (audio) communication via phone.

**Comments from the Board:**

**Cathy Strickland** – had a procedural comment that was a bit disappointing to her noting that the report of R. Harvey was dated March 9<sup>th</sup>, and today is the 17<sup>th</sup>. Strickland noted G. Moffat’s cover letter noting “should members have any questions regarding this proposed plat, we will be available to meet administratively as the township may request.” C. Strickland felt that the meeting should have been requested earlier this week or later last week to get “little issues” taken care of. C. Strickland inquired and it was noted that R. Harvey’s letter got to Geoff Moffat this morning according to G. Moffat. C. Strickland commented, “It would seem to me that if we were trying to be as transparent as possible, and as easy to work with as we could be, we should copy them on these issues, so that we can get these little nit nats taken care of, get them out of the way, keep this project moving.”

**PUBLIC COMMENT:**

**Linda Thomas, 793 Edgecreek Dr.** – commented that she agrees with Cathy Strickland and is disappointed with the board - that things weren’t addressed previously. She feels that Shane, Mr. Moffat and Chris have done a great job in complying with everything the board has asked previously. L. Thomas feels that Shane’s project would be a benefit to the community, and would like to see it move forward as quickly as possible.

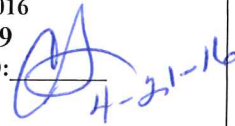
**Catherine Kaufman, Township Counsel-** The planner’s report was a courtesy to Mr. Moffat. (It doesn’t have to go to the applicant). The report would go the client generally first. C. Kaufman gave credit to R. Harvey for getting to the report earlier. C. Kaufman noted places that the report was “thrown at her” as she walked into a meeting. C. Kaufman clarified that the Planning Commission has 30 days to act and Day 29 is tonight. Kaufman commented she was pretty sure something will happen.

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**PUBLIC COMMENT**

**John Frigmanski –of Pine Meadows Dr.** – commented that the plat was proposed today for single and 2 family homes and inquired if it is possible the applicant could apply for 4-family homes via special exemption use.

**Kaufman** commented that the 4-family request was not being requested this evening. Kaufman commented that if it was requested for apartments or something other than a single-family or duplex (in the future), Frigmanski would be noticed just as he was for tonight.

**Keagan Thomas** – commented that he can't see why this (project) wouldn't be approved adding that it will bring money and jobs to the community.

**Dee Ryman, Pine Meadow Dr.** commented that the project would bring new enterprises in here (township). "I've lived here almost 11 years and there have been 9 businesses that have gone out of here. Why can't a business keep going in this area? Is it from the people, the committee up here?" D. Ryman commented that she is ready to move herself. "Twelve lots and all these people have to come in here for this? It's stupid....Why aren't two people on the phone here? Why aren't they here, we're here. They are vacationing."

**Scott Havens, Payne Lake Rd.** commented that the economy has turned around and he would like to see the approval for Shane. "One house has been built in there (Pine Meadow Dr.) already," commented S. Havens. Havens added a recommendation for a laser pointer for the screen.

**Donna Watson, Pine Meadows Drive** – commented that there are several lots that are empty – and "What's to say that these aren't going to sit there stagnant?... There's a lot of area out there that doesn't have anything." Ms. Watson raised a question as to the boundary of plat (just to the North).

**Mike Boysen, Payne Lake Rd.,** commented Shane (VandenBerg) does beautiful and meticulous work and Mr. Moffat does his homework as well. Boysen voiced approval for the project.

**Mark Colvin, Sandstone Dr.,** commented he owns property directly north of project and added, "I personally do not see a problem with it (proposed project)".

**No further comment.**

**FOLLOWING PUBLIC COMMENT:**

Fiala asked for clarification regarding the 30 day window and four options available to the Planning Commission: The following options were verified by C. Kaufman as correct:

- Do nothing
- Approve as is
- Approve with conditions
- Deny it

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APPROVED:

Handwritten signature and date: 4-21-16

Motion by C. Strickland with support from R. Beukema to recommend to the Yankee Springs Township Board of Trustees for approval of the preliminary plot application, PRA 16-03-01 made on Feb. 18, 2016 by Geoffrey Moffat on behalf of S.J. VandenBerg Construction Parcel ID# 08-16-019-022-00 providing that the storm drainage issues are resolved and provided to the township board before their April meeting.

Discussion: Fiala commented that he didn't hear mention of the utilities, the useable lot area (9,10,11), and diagraming in relation to ordinance of residential single housing that might be needed. C. Strickland noted what her understanding was of Mr. Moffat's March 17, 2016 letter addressing these items.

R. Harvey recommended referencing G. Moffat's memo (dated 3/17/16) in the motion after the parcel ID #.

Motion by C. Strickland with support from R. Beukema to recommend to the Yankee Springs Township Board of Trustees for approval of the preliminary plot application, PRA 16-03-01 made on Feb. 18, 2016 by Geoffrey Moffat on behalf of S.J. VandenBerg Construction Parcel ID# 08-16-019-022-00 **taking into consideration the Geoff Moffat memo of March 17, 2016 which responds to R. Harvey's review of the application dated March 9, 2016.**

Roll Call was taken on this **amendment (directly above)**: Roll Call: Beukema: yes, T. Knowles: yes, Strickland: yes, Campbell: yes, Fiala: yes. YES: 5, NO: 0, Absent: 2. MOTION CARRIED.

Fiala reiterated to the remote attendees the requirements for voting and being heard in the meeting.

Discussion took place on voting on the amended motion vs. first voting on the amendment.

C. Strickland again stated the motion as amended:

I move (C. Strickland) with support from R. Beukema to recommend to the township Board of Trustees of Yankee Springs approval of the preliminary plot application PRA 16-03-01 made February 18, 2016 by Geoffrey Moffat on behalf of S.J. VandenBerg Construction for parcel #08-16-019-022-00 taking into consideration the Geoff Moffat Memo of March 17, 2016 which responds to Rebecca Harvey's review of the application dated March 9, 2016. **Roll Call:** Beukema: yes, T. Knowles: yes, Strickland: yes, Campbell: yes, Fiala: yes. YES: 5, NO: 0, Absent: 2. MOTION CARRIED.

**Note: Thursday, April 14, 2016** will be the next regular meeting of the Township Board of Trustees.

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APPROVED:

Motion to vote on amendment to original motion. MOTION CARRIED.

Motion to recommend approval of PRA 16-03-01 to Township Board. MOTION CARRIED.

Chairman Fiala directed the meeting to the SEU request of Michael Matison:

L. Knowles, ZA commented that outbuilding setbacks met all requirements.

16 ft. height easement was noted (as maximum height). Matison commented that they will do 14' sidewalls. Permit has been accepted and approved.

It was noted that the neighborhood had at least a dozen garages opposite of the principal building, fitting the character of area.

Motion by Beukema with support from T. Knowles for approval of request of Michael Matison SEU #16-03-01 permit and site plan approval consistent with Section 12.7 Outbuildings and based on findings referenced in this discussion. All Ayes. MOTION CARRIED.

**Final Public Comment:**

**Todd Delamar** commented in regard to the lot on corner of Patterson and Cobb Lake, street address: 491 S. Patterson. Delamar commented that four acres have been adjusted from C-3 down to rural- back from a meeting in 2004. T. Delamar would like to address for clarification as to when it was changed and who changed it.

**C. Kaufman** commented – an ordinance would have to be enacted to rezone it. It has to be rezoned by ordinance – there should have been an ordinance that specified the re-zoning. Also, the ordinance has to be published/noticed for public hearing.

**R. Harvey** commented to look through the ordinances.

Delamar felt that there was a clerical error involved; there were more acres originally. Delamar commented that property has been slowly sold off.

**F. Fiala** commented that they (PC and ZA) will need to look at the maps and minutes and will keep in touch with Mr. Delamar or Mr. Delamar can contact the office in the next few days.

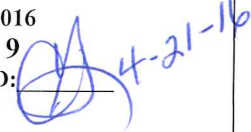
**John Frigmanski – Pine Meadows Dr.-** inquired as to Pine Meadow being zoned as residential. Frigmanski asked if there is a document that shows what is allowed on property. Frigmanski also commented that Shane's equipment and piles of stone and rock and trash can be found on or near the road near a home he (S. VandenBerg) has built. "If you go look at it, it is not brush," commented J. Frigmanski. Frigmanski inquired "What are you allowed to have on residential?... He's had a dumpster there for a year."

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APPROVED:

 4-21-16

Motion for approval of request of Michael Matison SEU #16-03-01 permit and site plan approval consistent with Section 12.7 Outbuildings and based on findings referenced in this discussion. MOTION CARRIED.

**Final Public Comment**

**R. Harvey** commented to go online and to the zoning district and the RR (Rural Residential) district tells uses that are permitted.

**Donna Watson, Pine Meadows Dr.** – commented that it (complaint) has been called in years before. D. Watson added, “He starts to do something and goes back. If you took a ride down our road. .... Everything looks nice but that first entrance. He’s proposing to do this....It just looks bad.”

**J. Frigmanski** – commented that it is not enhancing the values of his property.

**R. Harvey** – commented the PC is not an enforcement body, but the township has an enforcement officer - Rocky Adams. A formal complaint form needs to be filled out. Forms are available in township office.

**J. Frigmanski** commented he owns 2 ½ lots (#17,18, and half of #19) and feels that Shane’s work would be a disaster and he (Frigmanski) lives across from it.

**C. Kaufman** commented that the only conditions can be making sure conditions are satisfied. With plat approval there is no discretion. Kaufman added “You meet standards or not.... in the meanwhile the enforcement office will go out if you file complaints and take action. Enforcement matters are not related, but they are still in the same universe. There really is no discretion to plat approval.... If he hits the standards, basically it will be approved -which we’ve done tonight.”

Fiala reiterated the procedure is to fill out a complaint form.

**OTHER BUSINESS:**

**L. Knowles, ZA** gave history (including a stop work order) regarding a recent ZBA variance request that was granted on Hazel Dr. This item was brought before the township board on 3/15/16. The neighbors are not pleased with the situation, and would like to make sure that this situation doesn’t happen again. The township board has referred it to the Planning Commission. As Zoning Administrator, L. Knowles would like to know for the future how far he can go; what is a repair, and what is not.

**Fiala** commented on the requirements involving non-conformity in the ordinance including that if a building is not taken down it retains that non-conformity.

**C. Kaufman** commented as to what direction the Planning Commission could take in addressing non-conformities in the future. C. Kaufman commented on reviewing Texas Township’s ordinance regarding non-conformity.

**R. Harvey** was familiar with the ZBA request and commented the whole question was whether or not the change that was made to the house altered its non-conformity status. R. Harvey made recommendations to the Planning Commission regarding working with this situation referred to them (PC) by the Township Board. R. Harvey commented on getting this item on the next meeting’s agenda as tonight’s meeting agenda is already full.

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APPROVED:

*4-21-16*

**OTHER BUSINESS**



**OLD BUSINESS**

**Master Plan Update:** Rebecca Harvey has been making progress on the Master Plan and was waiting on information that she has recently received. R. Harvey commented on and handed out recommendations on density standards for multi-family units, and also Article 7- Open Space Zoning.

Brief discussion occurred on term "cluster housing".

**For the next meeting:**

Fiala asked Rebecca Harvey to supply a list for items needed for the Master Plan.

Discussion took place regarding the right time to talk about utility plans to Pine Meadows/Shangri-La. R. Harvey commented that the timing involves the Township Board. Both R. Harvey and C. Kaufman commented that it can't be tied to the plat approval. C. Kaufman commented on possible recommendations that can be taken up by the Board.

**L. Knowles** commented that regarding water – it sounds like it is not tied to the plat approval. S. VandenBerg will come and address it when he does utilities in the coming year or when he is at that point in the project.

**MEMBER COMMENT:**

**Rich Beukema** commented suggesting the development (Pine Meadows/Shangri-La) not pay for something that affects the whole water system, that they simply pay for what they take from the system and not be billed for something as being recognized for the benefit of the whole system.

**ADJOURNMENT:**

Chairman Fiala brought the meeting to a close at 9:33 p.m.

Approved by: Cathy Strickland 4/21/2016  
Cathy Strickland, Planning Commission Secretary Date

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APPROVED:

*[Handwritten signature]* 4-21-16

**ADJOURNMENT**

Deb Mousseau  
Recording Secretary  
March 17, 2016