

# Vergennes Township

## PLANNING COMMISSION MINUTES

February 3, 2003

A meeting of the Vergennes Township Planning Commission was held on February 3, 2003, at the Township Offices. At 7:03 PM the meeting was called to order by Chairman Jernberg. Also present were Commissioners Kropf, Mastrovito, Medendorp, and Richmond. Gillett arrived at 7:09 pm. Nauta was absent.

**APPROVAL OF JANUARY 6 MINUTES:** Motion to approve by Richmond, seconded by Medendorp. All approved.

**APPROVAL OF/CHANGES TO AGENDA:** Motion to approve as is by Medendorp, seconded by Mastrovito. All approved.

**Elect Officers: Chair:** Jernberg nominated by Richmond, seconded by Mastrovito. Nomination accepted. All approved. **Vice-Chair:** Gillett nominated by Mastrovito, seconded by Kropf. Nomination accepted. All approved. **Secretary:** Kropf nominated by Mastrovito, seconded by Medendorp. Nomination accepted. All approved.

**1. FUHR PRIVATE ROAD.** Public hearing reconvened from prior meeting at 7:08PM. David Caldon, lawyer representing the applicants, Mrs. Fuhr & her son presented. The road will serve 4 buildable lots. Will address drainage so it is not an issue. Specs are on revised site plan. Respectfully asks approval for the road based on the revised specs.

Marc Kidder, attorney for Scott & Kim Osborne, who purchased parcels 2 & 3 in the development, spoke: Width of road? 16 feet. Development was sold in 4 parcels. Original plan last August showed a road all the way to the end. Revisions into December brought a cul-de-sac to run just halfway in. A home on the back end uses an easement & burdens that road as a 5<sup>th</sup> parcel. That requires a 22-foot-wide road. Are parcels 2 & 3 a single parcel? Buy/sell agreement was for two parcels, deeds show two splits on the deeds and they are recorded on the deeds, using the Medema/VanKooten description. The issue occurred when the legal descriptions went on one deed combining lots two and three, but the two lots purchased each had two splits. Have requested a review, want a 22-foot road.

Caldon clarification: According to township records there are just the four parcels to be served by this road. Understands the other party wants to split, but that means then that they would have to pay cost of expanding the private road. They want Mr. Fuhr to have to pay that cost, due to the additional splits given to the Osborne's. Currently only four parcels are served by this proposed road. The zoning ordinance allows a 16-foot road for 3-4 buildable lots. Fuhr is not applying for a road of a larger size. Future development and the road required for that would be a separate issue for future development.

Kidder: who decides the number of parcels burdening the road? / Jernberg: that is not this Planning Commission's authority. / Kidder: How does that affect tonight's meeting? / Jernberg: the Commission faced a similar situation recently and couldn't get the participants together so the issue was put back into the hands of the people involved. A simple agreement or a court of law could make a ruling. Kidder: there is a pending lawsuit over this situation. Jernberg: then we will not make a ruling tonight.

Caldon: It is the Planning Commission's job to review and act on this application, and we'd like a ruling or finding on the propriety of this road. The job of this body is to make the determination about the situation being applied for tonight.

Scott Osborne 1560 Lincoln Lake Road: that road was originally supposed to go to the back of the property and that's part of the issue.

Jernberg: due to the situation, we will not make a finding tonight or review these documents until we get an agreement or lawsuit settlement about the differences.

Kidder: requests that the issue be tabled.

Robert Adrianse (potential buyer of the property): Can I get a building permit before that road is in if the road is bonded? / Jernberg: recommends caution; referred the speaker to the Township Zoning Administrator.

**Public hearing closed: 7:25 pm**

**Motion** by Mastrovito, seconded by Richmond, to table this application until the information needed to make a decision is available. There is not enough information. All approved.

## **2. ORDINANCE AMENDMENTS - SPECIAL EXCEPTION USE SECTION – PUBLIC HEARING.**

Presentation by Kilpatrick. This has to do with minor language adjustments, mostly related to making note of classification of Special Exception Uses. This language clarifies that and cleans up some of the language. Also includes minor amendments to the site plan process for minor adjustments. All the proposed changes are relatively technical in nature in order to make the ordinance cleaner.

**Public Hearing Opened: 7:32**

**Public Hearing Closed: 7:32**

Commissioner comments: none

**Motion** by Gillett, seconded by Mastrovito, to recommend to the Township Board to approve these housekeeping & language issues. All approved.

### **3. A) ORDINANCE AMENDMENTS - SEPTIC WASTE AND SLUDGE DISPOSAL – UPDATE DISCUSSION.**

Kilpatrick: in his presentation at the last meeting, he said this is an area well-regulated by the DEQ and any approved site would be listed in a DEQ file and we could determine if there are preapproved sites in the Township. There is not actually a comprehensive list to go to. Each solid waste generator submits a plan as overall permit where sites are designated to disposing of sludge. He'd have to pull all permits from disposal companies within a reasonable distance (50 miles). Such an effort would need

the township's OK and the Board said not to do that research. Also, the plans change frequently. There is a (minimum) 10-day notice prior to disposing of sludge in Vergennes Township. The Township would get the application package, including the site and relevant engineering, so Vergennes Township would not be without notice. If applications are received, Vergennes Township could enjoin applicants from dumping the sludge. Kilpatrick cites three options: 1) proceed to work on an ordinance absent the intelligence of knowing if there are sites in the township, 2) use the 10-day notice, 3) or go forward with a more detailed reason.

Medendorp: can we require a longer notice? / No, that would supercede state law.

Jernberg: how many applications have we had? / Jeanne: none. Baird: one person applied two separate years.

Baird/Wittenbach: The Township Board is not interested in getting into an expensive ordinance when we haven't seen anything to warrant the undertaking.

**Motion** by Gillett, seconded by Mastrovito, to drop the idea of writing an ordinance and stay with the 10-day warning. All approved.

**B) ORDINANCE AMENDMENTS - HOME BUSINESSES PROPOSED AMENDMENTS – DISCUSSION** Presentation by the Zoning Administrator: the revised version has incorporated thoughts requested by Kilpatrick and Doezema, all to their apparent satisfaction. Specifics were presented.

**Motion** by Gillett, seconded by Medendorp, to put this on the March agenda for a public hearing. All approved.

**General Public Comment Time:** Roger Bowen, 1436 Deborah, Lowell: showing his parcel split and private road for feedback. Jernberg: recommends showing what's on the other side of the road re: how it lines up with driveways, etc., there. Name for road? Bowen Ridge Court. Will be blacktopped. Topography: slightly rolling, with tile under the roadway that goes across the narrow band of wetland. County will view the proposal this week. Maintenance agreement is being drawn up. Other discussion about how best to present the plan formally.

**Motion** by Medendorp, seconded by Gillett, to put this proposal on next month's agenda for a public hearing. All approved.

Motion to adjourn by Kropf. Seconded by Medendorp. All approved.

The next meeting is March 3, 2003.

The meeting was adjourned at 7:59 PM.

Respectfully submitted,  
Kate Dernocoeur, Recorder