

GOLDEN TOWNSHIP PLANNING COMMISSION  
MAY 28, 2002  
MINUTES

7:45 PM Meeting called to order.

PRESENT: Leo Terryn, Steve Marciniak, Avery Wilson, Anita Foster, Helen Lefler, Pete Wood, Carl Fuehring

Carl motioned to table action on the previous minutes of the April 30,2002 and May 15, 2002 meetings, motion supported by Steve, all aye.

**NEW BUSINESS:**

Amendment to the PUD granted on Polk Rd. and 56th Ave., Mears, Mi. concerning Golden Pond Estates. The PUD has been modified and fits the description of minor modifications which may be approved by the township board on the recommendation of the PC. Avery's excused from this issue, due to conflict of interest.

Dan Suman presented his proposal: 'This is a petition for a minor modification of Orchard terrace which was the existing manufactured home park on Polk Road, south on 56th Ave. It's that acreage that has the manufactured home park. This is our petition:

Attached to the site plan, and I think you all have copies of the site plan, in a miniature, because it is so big. I have the original copies for Jake and you all can take a look at, but in the back of your handout is the site plan of the existing Orchard Terrace. The name of this PUD is being converted and will be called Golden Pond Estates. The name changed is to keep the separation for accounting of the new ownership of this development. I, myself personally, have bought into this development. By the way my name is Dan Suman with Lakeside Design & Construction. Golden Estates will be a single family stick built home. We will use the same lot layout with home designs fitting lots to the current ZO. We would be interested in the future to support a zoning change that would allow multi-family (such as duplex) in this site condo development. Our plan is to stay with the current guidelines and approvals that have been obtained from Township, County, and State level Governmental units. At this time we see no problems with the conversion of this PUD to a Site Condo PUD. The State approvals were for 50 manufactured homes with a possible living area of 2000 sq. ft. Our homes will not be that large, so we won't exceed the 120 sq. ft. limit set by the major modification guidelines in the ZO. Needless to say, this development will bring more tax dollars to Golden Township and employ many of our local business and trades people in the area by going with the stick built. So, we ask for the approval of this request to have this minor modification changing Orchard Terrace to Golden Estates stick built condo site development."

**Helen**-"Jake, do you have any comments on the petition?"

**Jake**-" He meets the requirements of the minor modification."

**Carl**-" The existing homes that are there, will remain?"

**Dan**-" There's four, two have been sold, there's five there total right now. Two have been sold and two are for sale. And those four that are in that category will be moved out. They will be moved to other lots. There is one that is in there right now that is being negotiated whether we build her a stick built home or trading, our intent is to not to have any manufactured homes in that park."

**Helen**-"Are the light poles indicated on your site plan?"

**Dan**-" On that one, they are not, but I do have them all here and they are in the park or the estate right now. There's about 35 crude drawings in here that Jake has seen. That shows everything that has been in there. This is basically a composite or a condensation so that you don't have all this paper work."

**Helen**-"The changes basically are that instead of being manufactured homes on rented lots, they are going to be stick built homes on lots that which will be sold."

**Dan**-"Will be sold, right."

**Helen**-"What other significant changes ?"

**Dan**-"Basically, none."

**Helen**-"The lot layout, the plot is all the same."

**Dan**-" Right."

**Carl-** "Is there going to be an association?"

**Dan-** "When the development is 70 per cent full, the plan is to have their own association. We will start out with our own basic rules for, because there is sewer and water in there. So we will have a small fee for that in there and snow removal will be a small fee, but as it gets 70 per cent full, then they will elect their own president, their own secretaries, treasurer."

**Carl-** "Who accepts responsibility for the sewer and the water?"

**Dan-** "Sewer and water at this point, in talking to the health department, they are going to do, it's right now approved with the DEQ, state approved for manufactured homes, they are going to do what they call a conversion to site condo and the water, the wells and the septic will then be the responsibility of the association or the developer until the association takes over. They have plenty capacity to grow. The drain commission has been involved. It's pretty much totally approved, there's only been a little bit of improvement. There has to be added sewer at the one end of the park as it is right now.

It needs a small lift station to get to the septic tanks. But it has been laid out very well."

**Pete-** "Why site condos?"

**Dan-** "Why site condos? There are probably two main reasons. The manufactured homes- by the time a person would buy one, it would probably be \$60,000, pay \$250 lot rent and have something that depreciates. The market in this area was not good for that. They weren't being sold. The stick built, where it becomes their property, the land becomes their property that's what the market showed us that needed to be. We have probably five to six right now that are ready to be built, or will be as soon as we get all of our approvals. The market in this area just does not support manufactured homes. Site condo is really the way the trend is going. People 55-60 are buying things like this, they want to own. They do not want to rent it."

**Carl-** "Do we need a motion to approve this thing?"

**Helen-** "Yes, Jake."

**Jake-** "We'll need to get a copy of the final documents and all the stuff to put with the file"

**Dan-** "Sure."

**Helen-** "What approvals do you need besides ours?"

**Dan-** "The only approval I need after yours is to go before the Township Board for their approval, and then it's going to take the attorney's and the way the descriptions have to be made on all of the property sites, because they will be individual lots. So the survey is being done, the paper work is being written to do that and then as soon as we get approval I get Greg Weiss going on the State approval for turning into a Site Condo the health department. The state basically has to go back through and basically rubber stamp the approved plan and then we are ready to go. Which could take another month or two."

**Helen-** "Carl made a motion to approve the petition for a modification of an approved PUD under Sect. 11.17 paragraph, to recommend to the Township Board. Steve seconds the motion. All in favor, motion passed.

**Party Store and Office Space:** request for approval of site plan on Party Store-Gas Station/ Office Space

**Helen-** "Dan, you presented to us a preliminary plan and concept to us a couple of months ago. We have already reviewed that and this is your current version of that?"

**Dan-** "That's correct. In your booklets that you have, we are looking for approval of a site plan on a party store-gas station/office space complex. Attached they have a copy of the party store-gas station/ office located on the corner of Polk Road and 56th Ave., that's the main corner, in Golden Township. Attached to the package you have, there are some sketches and drawings of the building and inside contents of the building. The final drawings are being finalized by our architectural firm as we speak. The party store will be the lower section and will be 4000 sq. ft. in area. It will be leased to the existing Wilson's General Party store. That's why Avery's setting out here. The store will also be operating the gas station. At this time the gas station is still under evaluation as to its timing for start-up. The way the gas prices are, we don't know if we are going to venture into that. We have given you everything for it, that's what we are looking for if the market will bear the cost of gas. We would like to start construction as soon as possible after the required permits are obtained at the local and state level. The main entrance for the party store will be on Polk Rd. with exiting on 56th Ave. Meetings are in progress at the Township, County and State levels for studying Polk Rd. improvements. Just a note on that, Polk Rd. right now is a county road that is being looked at for improving width.

The right and left hand turn lanes, there's quite a bit of congestion. We are going to be a part of that. We are proposing in our site plans that we will have a right exit so it won't congest any of Polk Rd. Possibly Polk Rd. will be at some time coming out this way with four lanes, the county is looking at that and we are just going to be a part of it. The party store could add as many as five new employees to

their staff. Currently Wilson's Party Store is downtown Mears and he needs more room. The office space above the 4000

sq. ft. party store is going to be directly above it. So it's a two story structure. If you look at the lay of the land, the way it lays down there, 56th is flat and goes down a hill. We will be building in that hill. The party store will be in the lower level. The office complex will be coming off 56 St. We have several businesses that want to lease this. They are office type businesses and the parking lot right now is going to be off 56th St. and the parking because of the zoning requirements is estimated for 19 spaces. I think we show 20 on there. These will be 20 new people working in the area. so, I'm asking after reviewing the site plan and some of the other data that we get approval to forward to the next step, the Township."

**Helen-**"Have you been to the road commission?"

**Dan-**"We have talked to the road commission, but they have not approved anything yet. The township has seen it."

**Helen-**"Pending the larger plans of the State to widen the Polk Road?"

**Dan-**" Yes, the information two weeks ago, Golden Township wrote a letter to the County and then forwarded it to the State. Involving Polk Rd. from 64th Ave all the way to 56th Ave, basically from the overpass. So that's in the works, we have and will be involved with our part of it we will be involved. I'm not paying for the whole road, the right lane."

**Helen-**" Would there be an alteration to 56th Ave, did you say you are going to have a turning lane?"

**Dan-**"Yes, 56th Ave. will have a right turn lane coming from the corner. We see the whole corner, we see this actually widening and I don't want to say four lanes, but there should be a left turn lane going towards Mears, a right turn lane going out towards the Ridge Road. 40 per cent of the people go to the right and 60 percent go to the left. That's the way the numbers have been given. So, we will want a right turn going into the office complex, so it doesn't congest 56th Ave. Currently the Orchard Terrace or Golden Pond,

has a right turn lane going into it's entrance. We will take care of doing those right turn lanes."

**Helen-**"Will the right turn lane expansion of the lane on 56th be continuous or will it start and stop and start and stop?"

**Dan-**"I couldn't answer that for sure. The county will have to layout, I assume, if it was mine , I would have it continuous all the way across. The county engineers and they have seen that. No feed back yet, but they sent it to their engineers in Grand Rapids, hopefully they will approve that."

**Carl-**" One of the concerns I've got is that until you get the feed back from the State, how can you determine what your elevations are going to be? They threw out once the idea of extending that flat area on 56th and Polk. So if they do that, going east from the top, so if they do that and extend a turn lane. The turn lane could be possibly higher than the existing grade is now."

**Dan-**"Just in talking to the gentleman down there, if you know when the house and the barn was taken out of there, they lowered that down, but it is still above road grade right now. I think it's about, it rises up about two feet. I anticipate that they are going to have us, we don't want the road running into us, we want to be gradually run out to them.

I imagine what's going to happen, all that drainage up there on top is going to have to be drained and going off to the north to a holding pond. Or there is a county ditch that runs directly down Polk Rd. Whether that can be used, we don't know that yet until, we just don't know yet. But the site, the actual when we went through, they gave us set-backs of 35 ft. and also we are back 25 ft. at the parking lot, so we are way beyond the minimum field of restriction for vision. We went back 50 ft. off the road right of way for the parking lot so that corner is very, very open. Maybe you can see that on the larger plan. This is 50 ft. parking lot, off the road right of way. This is the minimum requirement that we have now, 35 ft."

**Carl-**"What I'm concerned about is if they do something, the hill breaks about here. If they continue this and raise this portion, you'd be lower here."

**Dan-**"That's a concern that we brought up. We don't know, honestly, what they are going to do. There's two thoughts on this and we still don't have everybody's final view. This land tends to draw right to this corner. The county may say rather than run the water off

here, to run it to a holding pond, rather than going back to a county ditch and going on down to the creek."

**Helen-**"That's about 20ft. lower than up here."

**Dan-**"It is, if you look at the site elevation. The plan is that, these are just numbers of reference, 760 up here at the top of the building, we are going to drop down 12ft. because

the building has a 12 ft. wall. Then it gradually goes off another foot over the extension of the gas station. Tremendous amount of excavation has to go on here as you can see.

We have that in the works now. One of the other things that the county needed was a good, we are paying for that now. Hepworth is doing a good topographical of that whole area. The whole corner and the road as it lies and we will give that to the county, so that we can sit down and see what the thought's are. I really don't know if the county is going to have, they sent it to an engineer in Grand Rapids, so it might take a month or two months."

**Helen-**" Who will issue your erosion control permit?"

**Dan-**"That will be the county drain commissioner. Connie."

**Carl-**"What kind of timetable? You've got the other project. Are they separate?"

**Dan-**Separate, we know that the timetable that we have right now is that it will take a couple of months to get this road situation taken care of I'm sure. We are in no hurry, we are in a hurry, but we know we are not going to be moving the Party Store in there yet this season. Ideally it will be in the fall when Wilson's is slower, November time frame. It's not really a major project for us, well it is 4000 sq. ft. on the main level and 4000 on the lower level, but it is quite an easy building to do. I'm looking at two months before we get a final. The drain commission won't be unless the road really gets goofed up. I just really don't know. They have talked about lowering that whole thing, so we are hoping to bring it to a head so that the township will have a better road and we'll be able to venture in properly. That's what our plan is."

**Helen-**"Looking at the requirements for content of site plan, this will probably be altered. I think the only approval we can give you is a tentative approval, so subject to the grading plans showing the finished contours, since these are existing contours."

**Dan-**"That's what this cross section represents, the finished contours. Randy's working on that. More important than what we need for water drain-off is what's going to happen to this road. If they decide to raise that whole hill and give it a larger sweep to the east, we could be going down into a deep whole. We'd have to bring in more fill than what we probably have in Golden Township to fill it in. You are correct, the road is probably the biggest obstacle."

**Helen-**"What ever approval we give you will have to be subject to the final grading plan and a detailed description as to the measures you are going to take to contain soil erosion. If you don't have a copy of it, we should get you a copy of the site plan requirements."

**Dan-**"I have them, if I can get a tentative, then I can go forward and put full pressure on the county, because that has been a problem."

**Carl-**" The only problem I have with the whole thing is that once the county gets involved with that, are they going to throw this monkey back on you and have to have soil borings and all sorts of things? Is there anything coming out of that crazy hill?"

**Dan-**"No, we did soil borings from the hill all the way down concerned with potential gas tanks and it's clay in that area. We have to remove a lot of building sites, but we went down about 8 feet and in many areas and have not found any water running."

**Carl-**"Where's the water in that ditch coming from then?"

**Dan-**"If you go, if you look at the elevation where the road goes now, about 400 ft. from the corner, it drops maybe 15-16 ft. below the crest of that hill. Water just lays in there. It's just laying on clay. I don't know if there is actually water other than captured water staying there, in that one deep corner. We don't plan on being down in there anyhow.

There could be a spring that comes through there, but it's clay."

**Steve-**"What kind of approvals did you have to get for the gas station, gas pumps, gas station?"

**Dan-**"The approval from the State of Michigan. They handle all the permits. The company that we are working with for the gas station is required and bonded for tanks, minimum life on them is for 30 years and they are monitored on them unbelievably. The cost of monitoring tanks today is probably more than you can imagine. We have a lot of requests from people going to the left would rather go that way than the congestion going right. Everybody says that it would be great to have gas there, but you have to make money on it. That's what we are in business for. There's not a lot of money in gas. It will help bring more people into the store, but if you put \$300,000 into a gas station, you have to sell a lot of gas. Any other questions you have?"

**Steve-**"You are renting out the top of the building as office space? How many rooms?"

**Dan-**"Yes, we have two clients right now that would love to rent half of it. Right now we have it divided into four approximately 1000 sq. ft. units. An open office type unit."

**Helen-**"A conditional motion for a tentative approval, pending completion of the site plan after he gets word back from the drain commission and the road commission.

**Carl**- "What would happen with the project, would you go ahead with it if the road commission doesn't do anything?"

**Dan**- "I'd have to, they've talked about doing a lot of things with the road already. Ed Johnson of the Golden Township Board had a good point. This is the only state park in Michigan that doesn't have a state approved road all the way out to the state park. That's the intent also is to get the state involved. If it is a state, could be a state road that opens all kinds of doors. Now, it probably won't prolong what we want to do, but it is a road that has got to be worked on. If they said ten years before they were going to work on it, then we would probably build it and then in ten years worry about how we were going to build it back up to meet the road. That whole ditch along the north side is a dangerous intersection in the winter time, it should of been filled in along time ago."

**Carl**- "Can we do this with a tentative site plan pending on the road commission approval?"

**Helen**- "And drain commission."

**Carl**- "For what?"

**Helen**- "For erosion control."

**Carl**- "The road commission are they going to give a timetable on this?"

**Helen**- "I don't know how the developer can have a time table until the road commission decides what they are going to do."

**Leo**- "The road commission hasn't anything to do with the erosion."

**Helen**- "No the drain commissioner, but on his right turn lane and widening of Polk Road. He is unable to complete the requirements of the site plan until he gets feed back from the drain commission."

**Carl**- "It's sort of a catch twenty-two, but tentative so he can proceed with it."

**Helen**- "Where do you stand with your conversations with the drain commissioner and the road commission at this point?"

**Dan**- "I'll have to get back with them on this site plan. Probably next week. The biggest thing, I'm not worried about the county. The water we can contain either or, if they want us to go down the county ditch, what's there now, or if they want a retaining pond or both. We also have the access if we want to go into the large Golden Pond, if we needed to for the actual overflow."

**Helen**- "So that could be a flood control?"

**Dan**- "The draining of that whole thing I'm not concerned about. My biggest concern is what Carl said, what if the county won't do something with that road? We may go in there and have no hassles. Pressure from the township itself by having tentative approval

based on that puts things back on them. So if you want to restrict it for the county road,

I have no problem with that. The drain I think we are in good shape."

**Carl**- "I know after our conversation at the townboard two weeks ago, consensus was that we would like to apply as much pressure as we could. My only concern is that, they get into tentative numbers and screw it up. I know what he's going to do and I don't think that there's a problem on the property. The problem's with the state."

**Connie Cargill**- "I talked to the commissioner and I mentioned this project and he said that they were going to keep a clear view corner. He was talking about turn offs and stuff. I said did you give a report to the board on this. He said yes, so I asked if he was going to study the situation and look at what we are going to ask for. He said what did you want us to do, do you want us to put in another lane. I said we want you to sit down and look at it, if that whole strip is developed, what can you do with it and what do we need to do to make it a better working road? Yes, we want you to look at widening the road. He said oh, o.k., so I think that you need to just keep pushing."

**Carl**- "If we give a tentative approval, it's going to take God and a few other people to move the county. I almost think you have a better chance with the state. If we could do this it might help."

**Helen**- "Have you had a contact with the State Transportation Dept."

**Dan**- "No"

**Leo**- "If we give a tentative approval on this, does he have to come back again? We are just giving him something with a little more leverage to push them."

**Carl**- "I'll make the motion to give him tentative approval of the site plan."

**Helen**- "Subject to the road commission and the drain commission details. Any further discussion? All in favor of a tentative approval subject to county drain commissioner and county road commission/state transportation department say aye." *All aye, motion passed*

#### ***CONFLICTS OF INTEREST: Article IV***

**Helen**- "Word has gotten back to me that there has been some concern about conflicts of interest among members of the board, the Zoning Administrator, and possibly some Township officials. To begin with, I'd like to ask you Steve,

if you and your organization

has ever been given any passive or patent indication that approval of your project is a foregone conclusion."

**Steve Bruce-**" I would say that it has been the opposite of that. I think that, although I've talked to many people and have several of you out there to show you the property. Every-

body has said to me that this is something that has to go through the process and we have to make a decision based on the facts. So I don't feel that there's anything along those lines."

**Helen-**" I mean to include not just members of the PC and the ZA, but any township official."

**Steve-**"I've have not been told that by anybody. At least the way I perceive them saying anything. I would not say that every comment that has been made to me has been negative. I certainly have not had any indication that we are going to get approval or not to get approval or anything like that."

**Helen-**"Now as to the matter of conflict of interest. The By-Laws and Procedure of the PC define conflict of interest, or talk about it as follows:' Commission members should disclose any conflict of interest which may be perceived by other commissioners, residents or other persons as influencing their decision on a particular matter. The decision on a conflict of interest is personal matter. A conflict may exist where the commission has a financial interest in the project, such as a direct relationship in a development, a professional or personal association with the applicant, or the project could be perceived as having a direct impact on the commissioner's livelihood. In order for us, and I intend to poll the commission one by one, to answer that and particularly the part where it says a professional or personal association with the applicant. I know that you are not alone in this project, Steve, and if you could tell us the names of your partners, then we will be able to answer this with full information."

**Steve-**"O.K., the partners are Dan Hallack, Jim Prince, and Don Smith and myself."

**Helen-**"Leo with that definition and that information, I ask you to tell us whether or not you have a conflict of interest." **Leo-**"No." **Steve-**"No." **Avery-**"No." **Anita-**"No."

**Carl-**"I know both of these fellows and I have done business with both of them, I don't see where I have a conflict of interest. I'll call it the way I see it. Unfortunately, that's the way I am." **Pete-**"No." **Helen-**"I do not.' Jake you are not on the commission, but as ZA you play a roll, do you feel that you have a conflict of interest?" **Jake-**" I don't see how."

#### ***BREAK- AWAY BAY:***

**Helen-**"I took a look again, Steve Bruce, at the application that you submitted to us for ' to incorporate multi-use development under this PUD regulation.' You and I talked briefly last week about what reasons there might be to lump together the campground project and the platted residential single family homes."

**Steve-**"We did have a short discussion about that."

**Helen-**"As I looked again at the ZO, Sect. 11.5, the PUD provisions indicate that all permitted and SU allowed in an underlying zoning district may be established in a PUD.

Additional uses not specifically permitted in an underlying zoning district may be authorized by the commission, if it's demonstrated that such uses will have a clearly beneficial, complimentary and functional relationship to other uses in the PUD. The underlying zoning district in this case is R/R. Uses permitted as PUD, do not include multi-use development. They do in A/R, but not in R/R. It would seem to me that we could over come that and perhaps get an easier to deal with situation if we had a petition for the campground and a petition for the platted single family residential homes.

There's no relationship between the two, there uses are different. They have different accesses and so forth. So, I suggest to you that you consider withdrawing this application and reapplying for a) a platted sub-division and b) a campground. Separately, they have different issues for us to consider. It would speed things up I think, if we were able to take a set of issues that was connected with one and then the other. I understand if you don't want to respond tonight. If you would like to think about it, or talk to your partners.

**Steve-**"This is new to me, I didn't. We had a short discussion as to why I didn't do this in the first place and I frankly am second guessing myself as to why I didn't do that myself.

Other than in my mind, I'm working on one project. It's a large project for me and I put forward in a manner that it was all one project. I can definitely understand the differentiation between the two parts of this entire element. They could very easily and we had some discussion about doing that and probably should have in hindsight. I don't have partners here and I wasn't expecting to see this today. If that's something that the PC thinks would be beneficial and we can continue to move in an expeditious manner to go forward on these things when I bring them as two separate issues, I would certainly consider that."

**Helen-**"I really think that it would expedite the whole thing. There are different issues involved as I said."

**Steve-**"There's no doubt in my mind that from the resort perspective my hands are tied because I feel I need your approval to do things that really ought to be done to improve the property there. I can't do any of that at this point."

**Helen-**" You are being held up by the residential stuff."

**Steve-**"Right, I'm being held up by the concerns of many."

**Anita-**"Are you considering this a resort then and not a campground?"

**Steve-**"It is no doubt about it, the name of the thing is a resort. There's no question in my mind, it's a resort. If part of the definition of a resort is campsites."

**Anita-**"O.K., in ours it is, I'm under the impression that a resort, you offer rooms or lodgings. Lodging accommodations and campsites. That's the definition in here."

**Steve-**"That happens to be what has been and is currently done. I wouldn't consider them Taj Mahal's, but we are painting them and cleaning them up, but there's older mobile homes in there that have and are going to be rented. There has been lodging and is going

to be lodging. I would propose that we will, I guess I won't proposed that if we are going to change things here."

**Helen-**" Thanks, Steve, and we look forward to hearing back from you after you've considered"

**Steve-**"Can I just ask one more thing? By doing this do I start all over, then I have another first public hearing? Or have I already had, now two public hearings on this thing?"

**Helen-**" You've only had one public hearing."

**Steve-**"O.K. tonight isn't a public hearing?"

**Helen-**"No this is an open meetings act here."

**Steve-**"I guess I'm asking from that perspective, am I starting all over if I do this or is this an amendment to what I've already done?"

**Jake-**"The law says you have to hold one public hearing for each application. If he re-applies, he'll probably have to have another hearing, but the law also allows you to have as many public hearings as you want."

**Helen-**"I would anticipate that we would be having a couple of more."

**Steve-**"I would think that from this rooms perspective, if you didn't have another public hearing, you'd probably have an uprising. I understand that and I expect to have at least one more public hearing. I'm just hoping that we can stay on task and get the thing resolved."

**Helen-**" I don't think you will lose much time-wise because we are waiting for the health department, the DEQ, the drain commissioner, the road commission, and the people that are out there for their feed back anyway. While that's taking place, we can do this."

**Steve-**"O.K., then I guess my next question is, who do I get in touch with, you, Jake, where do I go? Get with Jake, if we actually withdraw this, I don't know, I can't make that decision."

**Helen-**"I wouldn't expect you to."

**Jake-**"Can I add something to the agenda?"

**Helen-**"Yes, Jake."

**Jake-**"Before we get done, there are a lot of people here from that neighborhood. There were a lot of problems out there and I would like to tell them some of the things that I've got started, some of the things that have happened. At some point."

**Helen-**"Is this concerning the Break-Away Bay?"

**Jake-**"No."

**Helen-**"All right, we'll finish with that. At the time of our April 30 hearing, public hearing, and that was a public hearing. There were a couple of letters on the computer that we didn't get off in time to read them at the meeting, they deserve to be read. We mentioned them at our workshop and I said that I would defer reading them until our next regular meeting which is today. Since then I have also received other, including tonight's mail. When I got home tonight at six o'clock there were five more letters in my mailbox.

So I will read those letters and let you know what was said. **(Letters are attached-** they are from Kenneth and Kathryn Phelps, Barbara and Willard Lockwood, Gary VanKempen, Dan Suman, Martha F. Collins- four letters dated: three on 5.16.02; one on 5.28.02, Kathleen Badgley, Jane C. Wattles, a letter with 15 signatures from concerned neighbors, Walter Ashley, Ron and Theresa Mack, Theodore and Mary E. Hosner, Richard and Patricia Behm, R. Allen and Kathleen B. Cox & Helen A. Mohr and Bernard A. Mohr, Dr. Marek A. Stawiski, and a very detailed letter from David and Joan Roseman with 30 signatures (we just received this today, Helen read the summary of the letter into the record.) Thank you all and thank you for that document. It will be studied

by us. At this point, for those of you who were not at previous meetings, we have not approved the site plan. We have taken public comment and have tabled the matter for further action. We have had a working meeting on this subject and we are addressing it again at this regular meeting in addition to the original public hearing that we had. In

Chapter 12 of the ZO, Site Plan Review, Article 12.4 entitled prohibitions prior to site plan approval states no grading, no removal of vegetation, filling of land, construction of buildings, building foundations, signs, driveways, roadways, walkways, or parking areas is permitted until a site plan has been approved in accordance with the provision of this chapter. When we were given a tour of your property, there were indications that some vegetation had been removed, lots had been cleared so that you could see the slope and so forth and so on."

**Steve**- "Not a lot, because we have no lots, but we definitely cut some brush."

**Helen**- "I would ask in accordance with the ZO, that until site plans are approved that no further work be done on the property that would violate that section."

**Steve**- "I guess I disagree, that clearing brush is removal of, I'm not cutting trees, but I will concede to that. I will not do that anymore."

**Helen**- "Thank you. It says removal of vegetation, not just trees, so we would appreciate that. Jake you wanted to talk about some other matters going on in the area. One of the letters talked about Lake Michigan Shores."

**Jake**- "Right, as a lot of you know, the State DNR held an auction sale last fall. Sold a whole bunch of lots at Lake Michigan Shores, most of them were bought by real estate agents and they have been marketing them and they have been selling like hot cakes. Evidently, this week-end some of those new property owners have made their presence known in Golden Township, because my telephone started ringing. Saturday afternoon and Sunday afternoon and on Monday I had a visit, so I went out there with a couple of individuals. The one couple were pretty nice people, they bought a lot and wanted to build a house and went with me to look at the lot and make sure that everything was o.k. So we went out there and as we were driving in on Ridge Road, I seen a lot that had three RV trailers parked on it and a bunch of dune buggies and four wheelers and they were cutting trees and having a good old time, So I stopped and ruined their week-end by telling them they couldn't do that anymore. They weren't very happy and told me what they thought of the whole situation and they said they were going to be here, but I see they didn't show up. So, anyway, I made them aware of the fact that they can't keep their RV'S on the lot, they can't stay on the lot, unless they have a zoning permit to build a house. Our ordinance allows that during the construction of a home, you can use a RV, but I have to have name and description of it. Then we went on farther down the street

and somebody had bought a lot in there and they parked a mobile home there and then set it up and poked a hole in the ground and out a well in, they had another Rv parked there.

So I got some information off a vehicle and I'm going to try to trace, because they just bought the lot, so I don't know if it's been registered yet, so I don't know if I can find out who they are, but I called the health dept. this morning and they said they would send

somebody out there to check that well. Then we are going to try to find out who they are so we can get in touch with them and see if we can't bring a roll back to it. Evidently, there's a few other lots out there that people were camping on, but they had moved out.

We will try to keep an eye on it and try to make them all aware of what the rules and regulations are. That's a bad situation, I understand that. That sub-division was platted in 1952, the lots are there. When they come to me to get a zoning permit, the only thing

that I can tell them is you have to meet set-backs. That's what we are enforcing on them is set-backs. A lot of them did buy two lots, so they have 100' wide lots, so set-backs are not a problem. The big thing is the perk. Gregg Weiss, at the health department told me this morning that he has denied several permits in there for people that wanted wells and septic tanks because the property in there just won't perk. The best we can do is try to make them abide by the rules that we have and as the one guy told me, 'Well I bought this lot so that I can come up here and camp.' So I said go to a campground. He did not find the humor in that."

**Steve**- "I just want to make a point that no body in my office bought any of those properties. We do have a couple of properties that people have come to us with and listed, but that is our business. We did not buy any of those things."

**Jake**- "I'm aware of the situation and we will try to work on it and keep them straight. I don't know if I can stop them from cutting trees down, if they own the lot, they can cut the trees down. They can't build anything, they can't camp or that kind of stuff until they get permits."

**Ginny Seyfred**- "Is there anyway that the township can actually put up, there were actually nine trailers there this week-end with campfires. Is there signs they can put up?"

**Jake**- "If there's five or more campsites on the parcel, it's considered a campground and they need a DNR license, a health dept. license, "

**Ginny Seyfred**- "Is there any way the township can put signs there?"

**Jake**- "Can I give you another example? The township owns 40 acres south of Mears, we been having a terrible time with ATV's on it, last Friday morning at 7:30 I was out there putting up signs on it, all the roads that go in there say no ATV's. Guess what, they went right around them. So I just wasted my time."

**Duane Vernon**- "Who enforces the laws?"

**Jake**- "I try to, we don't have any cooperation from the district court."

**Duane Vernon**- "I would just like to make a comment based on what we saw there this week-end, and what some of the developments are planned, if this allowed to go through with this PUD at Timberlakes, Golden Township will no longer be Golden. I want you to think about that. Because you are fast self-destructing into a situation. Who ever is responsible, the planning, the zoning people, maybe we should elect different people if they are not going to take this job seriously to prohibit what is happening to our township and if that's what's going to happen, because I don't see enforcement, I

appreciate what you are trying to do Jake, but you can't do it enough. Something has got to be done or we are going to deteriorate into another Silver Lake. If that's what the residents here want, then that's fine, but you have got to do something, vote for different people, go to the courts, I don't know what we are going to do, but something has got to be done. Whatever we are doing is not working."

**Helen**- "Mr. Vernon, Thank you for your comments. This really isn't a public hearing."

**Duane Vernon**- "I'm sorry"

**Helen**- "I understand your enthusiasm and I thank you for it ,your lack of apathy. I was just waiting for the riot. "

**Tom Truscott**- "4784 N. Ridge Rd, I'm by Hemlock Ave. It's a road commission problem. I understand that for \$20 you can walk out with a permit to build a road. \$20

gave them ownership, I understand, for the property that's the road. Roads are supposedly dedicated to the Road Commission. So Jake the road commission is responsible for those roads. Those are county roads. Now, if one of those RV's flips, hits a tree and kills a kid at midnight when they are running around out there, with their three wheelers and four wheelers, It is very likely to happen some day, someone is liable. You are all going to be a part of the lawsuit. You've got to get that area under control. The Vandercoy's have lots with signs on lots, I call them Charlie Underwater. It's just destroying this area.

I'm also on the Michigan Historical Commission, and there was a 100 ft white pine, The state tree, standing. It now lays there, 70 feet of it. I call that a death of Lake Michigan shores, because that's what they are doing, they are killing. They advertise in the reality ads- reality connection, a quiet tree lined lots. Well, if you look at Pine St., I made two verbal requests to the road commission to find out why Pine St. was taken out 66 feet.

They denied it. I had an attorney make two requests to the road commission for freedom of information, they was denied by the road commission, I had David Meads office make two requests to the road commission under the freedom of information act on what happened to Pine St. Needless to say, the road commission mustn't have any idea, doesn't have who they permitted to or anything. Sooner or later, we are going to find out who is responsible for the destruction of Pine St. which goes right into a wetland, which is rubble. Right by where, Jake, there were 40 campers and 40 cases of beer were scattered

around, where they deposited their waste, I have no idea. The area is out of control and I don't like having there, I've owned the lots since 1977. I built in 1996. I might of made a mistake, it was a great area. But the pine tree, anytime you drive by, and do you want to know what that is, B-15, B-15 is a great place to Circle Drive, it is the path that people take to look at the Great Lakes. You have a 100 ft State tree laying there, death of Lake

Michigan shores. Someone is responsible. When someone gets killed, either a snowmobiler hitting a stump or a RVer hitting a tree, someone is liable."

**Helen**- "Thank you."

**Jake**- "The Road Commission is responsible."

**Helen**- "The next item on our agenda perhaps needs a little introduction. Before the first of December of this year, the township is required to amend the ZO to include the open space developments provisions and options. Before January 2, 2003, we are required by law to have reviewed our Master Plan. There is a new Planning Act that's been enacted and we have started to work on it, but we have gotten sidetracked with specific items, such as you have heard the last couple of meetings. We are going to need to spend time and effort to accomplish changes in the ZO and the Master Plan. Not only is this required by law, but we feel it is necessary. Having that in mind, we feel that it may be appropriate to add another member to the PC, to help share the work load. We are volunteers and we do have other things to do. So, I'm asking members of the commission to be considering possible new candidates for

the PC. in addition. We will increase our size from seven to eight."

**Anita-**" Or if there are any possible people sitting out there, your name could go on the list. Mr. Roseman."

**David Roseman-**"I'd like to go on the list."

**Anita -**"You are on the list. You guys can think about it and get back with us. We just have a lot of work to do and I don't think you can ever have enough people."

**David Roseman-**"Helen, are you going to have public comment?"

**Helen-**"Well, we had some."

**David Roseman-**" I didn't see it on the agenda and I ."

**Helen-**"I tell you what, lets have twenty minutes of public comment."

**David Roseman-**"I just had some nicely prepared comments and then this business about changing the PUD, raises some other issues, I find, but. The definition we heard of a PUD from I think, Mr. Suman, does anyone know where that came from? I've read the Master Plan and the ZO and it doesn't jive at all with the Master Plan and the ZO. So I'll

just briefly read the, about PUD's. The purpose of a PUD is to require a approval process for certain land uses that would have undesirable impacts on the public health, safety and welfare if such a process was not required.' That's far different than the description that we heard. And it say s also that the PUD should have a clearly beneficial, complimentary and comparable to other uses in the PUD. I think that's a stronger, much less broad for a PUD than the one that was described by Mr. Suman. Regarding this re-application that you are talking about, I think it is unclear about exactly what a campground is and how it fits in with any of the zoning districts. For example, it's specifically mentioned in SU in R/C, as a PUD in A/R and it is only permitted in R/R with a PUD, so I don't see how, it seems like a circular argument, unless I'm missing something serious, reading the ZO."

**Helen-**"The uses requiring approval as a PUD under R/R, are detached single and two-family condominium subdivisions, detached single and two-family platted sub-divisions, multi-family dwellings and resorts. Campgrounds are mentioned in R/C, but not in R/R."

**David Roseman-**" Yes, I'm sorry, they are not mentioned at all in R/R. They are mentioned specifically in A/R and R/C, not mentioned in R/R at all. The only excuse for a campsite, that I can see is in the definition of resort. And resort talks about lodging, Anita mentioned it, but it talks about lodgings. Lodgings are defined as buildings, it's certainly not defined as trailers that are being rented out. And then it is sort of a gratuitous mention, I think that it is very arguable, that a resort is only permitted as a PUD and that a campground isn't permitted at all in R/R. I'm not sure that solves Mr. Bruce's problem. It's already been pointed out that we distributed this document. On Sunday, in the middle of Memorial Day, we had 30 people at our home, it took a couple of hours to go over this document. You can tall that there is a lot of concern about this from the neighbors. We are concerned about the perpetuation of several non-conforming uses. One, keyholing is not allowed in any zone and is clearly non-conforming. Commercial activities are not allowed outside of Silver Lake Mears, and Polk Rd. so the store is clearly non-conforming. We would argue that the campground, in spite of this campsite mentioned in the resort definition is non-conforming. It is also a commercial activity. We are concerned about environmental issues, most of those have come up. There's no question about whether the aquifer will support hundreds of additional families. There's real concern about contaminating the aquifer with hundreds of septic systems. There's real concern about the storm water run-off from hundreds of those driveways and the roads. The ordinance calls for a plan that will contain on the site. The storm water run-off for a year event. As I look at the site, a lot of it, some of it drains towards Cranberry Lake. A lot of it drains towards the perrifery. It's very hard for me to see how this is going to be contained on the site with a 25 year rainfall. We have already seen the consequences of just the work that has been done over in this Lake Michigan Shores in terms of increased water on the other side of Ridge Rd. I think that what is being called for here really raises major drain commission issues. I'm sure you are on top of that."

**Helen-**"Let me share with you that the drain commission, the health department, and the DEQ, Steve took them around the property last Wednesday. They will be making their report and requiring borings and soil tests by a soil engineer and so forth, so we will be getting information on those concerns and they will be addressed."

**David Roseman-**" Will that happen even if the PUD is withdrawn and this other approach is taken?"

**Helen-**"Yes."

**David Roseman-**"OK, great, great. A few more concerns, there are concerns about how many lots by chance that do not meet R/R requirements and we are especially concerned about the request to divide the Lake Michigan property. Not into two lots as been described into two 80ft lots, but into four lots. That would be the two 80 ft. lots, the 40 ft. lot and then the lot that is out in front on Ridge Rd. And clearly the two 80's and the 40 are not 100ft wide, so I think that poses a real problem. In summary, we think that the proposed PUD has a very dense use of an area that will not tolerate this use. This is an important issue, not just for us, but we think for the township. This has been brought out, either this gets contained now or the township, I think the dam breaks and the townships subject to many, many

more requests for commercial activities where they are not zoned and for the other things that we have mentioned here. We urge that the PC reject this proposal. Thank you very much.."

**Helen**-"There are seven minutes left, if anybody else would like to speak."

**Ginny Seyferd**-"I just have a question of Jake, if you could help us understand if District Court the opportunity, we have a situation where we have already had theft in the neighborhood and we know they have never been enforced, there's been fires in the neighborhood. They are spilling out of Timberlake and camping north of the campgrounds. I totally respect the fact that we do not have a police department there to manage that area. What rights do we have in the community? Is it going to the District Court and having them prosecute, what rights do we have to prevent these things from happening. They are literally disposing everything from their trailers, there's environmental issues there as well."

**Jake**-"I tell you what I've run into. If I write a citation, I take it to District Court, go down to the magistrate. He listens to my problem. I tell him the part of the ordinance they have violated. He says, well I can fine them, but that is all I can do to them to make them stop. I've been in front of the District Judge twice on zoning issues, I lost one, the other time I won. The time I lost, the judge was out in left field. The District judge is not going to run for re-election, so we have an opportunity to elect somebody new. If

you want to talk to me after the meeting, I'll tell you who to vote for. Our building inspector will tell you the same thing. Our county prosecutor will not act on violations that he sends to him on building code stuff. The health department, when you bring violations to them, they say, well, we'll see what we can do, but nothing ever happens. They say they don't have the money. We can write all the tickets we want and you can talk to them, but we need to put pressure in Hart. We are not getting cooperation, Connie can tell you what we have run in to."

**Ginny Seyfred**-"If you can help us help you. I think that we are looking for ways to try to manage that area."

**Jake**-" We need to put pressure on the District Court, the magistrate, and the prosecutor. The County Planning Commission has gone to great detail to write a new county health ordinance, but our prosecutor won't enforce it. He wouldn't enforce the last one and this one is a lot more strict than the old one. So that's what we are up against."

**Duane Vernon**-"Jake, how do we put pressure on them? How do we are going to do that?"

**Jake** -"The first thing is to elect the right guy to District Court, that'll help. I've talked to a fellow and I'll tell you about it later. The County Board of Commissioners, and I'm not doing this because I'm running for county commission, this is a fact that needs to be addressed. Because we don't get any enforcement from them."

**Duane Vernon**-"When is the next election?"

**Jake**-"August 6, the prosecutor is not up now. Our prosecutor is running for District Court, if he gets elected, then I think the county board will probably appoint somebody to take his place. And that's where you really need to stamp your feet, because we don't want the assistant."

**Helen**-"Mr. Vernon, if you want to put pressure on them, letters to the editor sometimes get word around."

**Duane Vernon**-"What about a recall petition?"

**Jake**-"That's a very difficult thing to do."

**Helen**-"It's a negative approach rather than a positive approach."

**Duane Vernon**-"We are trying to stop what's happening. So many people have expressed here tonight."

**Helen**-"I understand. Yes, sir, your name?"

**Joe Nemath**-"I wanted to know how many of those officials, we are new to the area, I wanted to know how many of those officials were elected, but I think you answered that question. Thank you."

**David Roseman**-"He's not the real Joe Namath."

**Tom Truscott**-"Any officials or any institution that receives state funding or federal funding, I believe they have to follow state law. So the ordinances are law, so sooner or later the people must have to obey. I'm probably really naive, because I think it's not the wild west, that you obey the laws."

**Jake**-"When a man from Otto Township was dragged into court on a junk violation and the District Court Judge fined him \$50 and told him that if he got it cleaned up in a couple of weeks, that he wouldn't make him pay the fine."

**Steve Bruce**-"At the risk of sounding flip, I don't mean to , but Mr. Roseman or Dr. Roseman indicated that they had 30 people at their house the other night and obviously they are in opposition to my developing this real estate out there. I guess one of the points that I would like to make is that this real estate is for sale. I'm not hung up on developing it, if there's 30 people that own Lake Michigan property out there that think it ought to stay the same, talk to me after the meeting. I don't have any desire to like Lake Michigan Shores, I hope that I'm not competing with that. "

**Ginny Seyfred**- "When is the next meeting that will pertain to this issue?"

**Helen**- "Our meetings are the last Tuesday of every month, unless we were to call a special working session in between time. If we were to do that it would be published in the paper."

**Duane Vernon**- "Where do you get the reports from the agencies that visited the site at Timberlakes. When will that report, is it possible to have a public meeting after that report comes in?"

**Helen**- "I would expect that there will be several different reports, several different agencies. I don't know what their timetable is. The reports will be given to Steve and he will bring them to our attention. They will be discussed at an open meeting. They will be part of the consideration for looking at the site plan and re-zoning. As well as the concerns that you have mentioned and the various articles the ZO and the general thrust of the Master Plan. I'll entertain a motion to adjourn." Steve supported the motion

***Meeting adjourned at 9:35 PM***