

PLANNING COMMISSION
Minutes for Regular Meeting of
December 5, 2024

- PRESENT** Commissioners Dave Roesler, John Warner, Paul Josephson, Chris Campeau, and Brian Butler.
- NOT PRESENT** Commissioner Mike Holman
- ALSO PRESENT** Zoning Administrator Jensen, Recording Secretary Anne Stewart and 13 interested parties.
- CALL TO ORDER** Chairman Roesler called the December 5, 2024 meeting to order at 6:00 p.m.
- AGENDA** Motion by Commissioner Warner and seconded by Commissioner Campeau, **ADOPTED to AMEND** the December 5, 2024 agenda by adding Article III, General Provisions, Section 3.35 Solar Energy Systems as item #5 to the public hearing list and accept as amended. The Solar Energy Systems article had been Published for Public Hearing for this meeting; however, it was inadvertently missed being placed on the agenda.
5 AYES
1 ABSENT
- MINUTES** Motion by Commissioner Warner and seconded by Commissioner Campeau, **ADOPTED**, to accept the November 7, 2024 Regular Meeting Minutes as written.
5 AYES
1 ABSENT
- PUBLIC COMMENT** Chairman Roesler opened the public comments at 6:05 p.m. No one addressed the Commission. No mail was received. Public comments were closed at 6:07 p.m.
- Chairman Roesler also announced that Commissioner Gloster has resigned from the Commission. Supervisor Marcinkowski has submitted some names to Chairman Roesler who will be looking into and talking to them in the future.
- PUBLIC HEARINGS**
- 1. Site Plan Review** according to Article XV Site Plan Review, for a Special Land Use Application from applicant, Thomas Bradford, 1696 Silver Creek Road, Whitehall, MI 49461 for parcel number 61-06-103-100-0001-10 for a Bed and Breakfast, to be located at 3775 White Lake Drive, in the Medium Density Residential District according to Article VI, Section 6.03 Uses Permitted by Special Land Use (C) Bed and Breakfast Establishments and Article XIV Special Land Uses, Section 14.04 Special Land use Specific Requirements, (C) Bed and Breakfast establishments.

Chairman Roesler announced after the application for the bed and breakfast was moved to Public hearing at the November meeting, (The B&B was not published in the paper, the application was withdrawn before it went to the paper.) the applicants requested to withdraw the application.

- 2. Site Plan Review** according to Article XV Site Plan Review, for a Special Lan Use Application from applicant, Q & R Farms, 249 sunset Train, Muskegon, MI 49442 for parcel number 61-06-127-400-0002-20 for Blueberry Farming to be located on a vacant lot in the Rural Residential District according to Article IV, Section 4.03 Uses Permitted by Special Lan Use (O) Blueberry Farming.

Public Hearing

The public hearing was opened at 6:07 p.m.

Applicant Jeffrey Jawor of Q & R Farms and his son Eric explained they are applying to develop a blueberry farm on the parcel in the same manner that they recently received approval for earlier this year on a neighboring parcel. They also explained they intend to divide 6 acres that contain a house from the original parcel and offer it for sale. Mr. Jawor pointed out that the submitted plan detailed the installation of deer fencing around the blueberry farm, the tiling system to manage drain run off, screening with trees and the overall design of the field. The use and application of pesticides was explained and the process of monitoring the use and application of the products being recorded, reported to, and monitored by regulating authorities. They also explained they use a 3rd party company used to monitor pest infestation and the need for applications and the amounts, etc. He stated the farm will not be organic and that no Roundup will be used.

Chairman Roesler stated that the application appears to be complete and meet the Township requirements at the time of this meeting. Zoning Administrator Jensen has also stated the application has met everything the Township requires.

Recording Secretary Anne Stewart stated that there was no correspondences received referencing this application.

Public Comment

1. Laurie & William Griswold, 4702 Duck Lake Road. They stated they were concerned about the water extraction for irrigation. They wanted to know how much water was going to be drawn from the ground. They also talked about the problem Grand Haven had previously had with over extraction of ground water.
2. John Achterhoff, 3511 Hyde Park. He is concerned that the clear cutting will cause flooding and drainage problems from runoff. He stated where would all the water go? Commissioner Campeau discussed property tiling vs. crowning. Mr. Achterhoff repeated the previous concern regarding extraction problems in Grand Haven.
3. Debbie Gianetti, 3215 Webber Road. She wanted to thank the Township for the trail. This particular property was her father's previously. She is very concerned about flooding, pesticides and how similar they are to Roundup. She read the mission statement aloud and stated it is zoned rural residential and not under agriculture overlay. She is against this request.

4. Susan Hertel, 4317 Bard Road. She has concerns about problems selling surrounding property and values. She stated she felt the farm is a travesty. She stated that there are multiple blueberry farms already and does not think Township needs another one.
5. Patricial Whitener, 3293 Bard Road. She stated that she had concerns regarding the water table and neighboring homeowner rights.

The Public Hearing was closed at 6:43 p.m.

Commission Discussion

Chairman Roesler stated that rural residential zoning district allows for a blueberry farm as a Special Land Use. Questions were asked about Township controlling the tree clear cutting. Chairman Roesler stated the Township does not control clear cutting on private property.

Commissioner Campeau questioned the water usage and drainage. The applicant stated they are not pulling water beyond 20 feet. They have a copy of a permit for a 20 ft. well.

Commissioner Butler questioned the possibility of confirmation of the 20 ft sock well in writing

Commissioner Warner discussed neighboring water flow.

Members reviewed and discussed the rural residential district special land use section which allows for Blueberry Farms, Section 14.03, General Standards and Section 14.04 Special Land Use Specific Requirements Part D specific to blueberry farming. The consensus was the applicant had met the standards. Section 15.07, site plan review standards were reviewed by members and the consensus was the applicant met the applicable standards, and the use was consistent with the Master Plan and current zoning. Members discussed the desire to have on file letters from the Drain Commission approving the drainage plan, as well as from the Muskegon County Road Commission, White Lake Fire Authority (specific to on-site fuel storage for irrigation pump) and the Michigan Department of Environment, Great Lakes and Energy (EGLE) (specific to the permitted sock well).

The applicant agreed to add screening to the South property line, due to close proximity to the neighbors.

Commissioner Josephson talked to applicant about proper fencing he feels should be used.

Motion by Commissioner Warner, seconded by Commissioner Campeau, **ADOPTED**, to approve the site plan as submitted with the addition of screening of trees on the south property line, be sent to the Township Board for approval, with letters of approval from the Road Commission, Drain Commission, White Lake Fire Authority, and EGLE being required before permit is issued.

Chairman Roesler	AYE
Commissioner Warner	AYE
Commissioner Campeau	AYE
Commissioner Butler	NAY
Commissioner Holman	AYE
Commissioner Josephson	AYE

3. Site Plan Review according to Article XVIII Private Streets Serving Two (2) to Thirty (30) Lots and Fruitland Township Design and Construction Standards for a private street application from applicants Steve and Tracy Seeger to provide ingress/egress to lots they which to create out of parcel number 61-06-120-400-0004-00 located in Medium Density Residential District.

Chairman stated it is possible to get a building permit before road is completed, provided road requirements are met. He could get a building permit but not a Certificate of Occupancy until the road is complete.

Public Hearing

Public hearing was opened at 7:15 p.m.

Chairman Roesler stated that the application appears to be complete and meet the Township requirements at the time of this meeting.

Zoning Administrator Jensen stated there have been adjustments to the original plan and all items have been addressed and the application is complete.

Recording Secretary Anne Stewart stated there was no correspondence received in reference to this application.

Applicant stated he is applying for a private road permit to meet the requirements for access to the property he owns and intends to divide into 3 lots for his children to build homes on in the future. He stated he would provide the required amount (\$1200.00) in escrow for inspection and engineering certification required by the Township. He hired West Shore Engineering to do the design and engineered the site plan, including, water table documentation and soil borings for the proposed road. The engineered site plan was submitted with the application as well as copies of the maintenance agreement between proposed owners. He also asked that a building permit be issued before the road is completed, which is allowed by the Township upon approval. This would allow some large/heavy vehicle traffic to bring material on site before the final grade is placed on the new road and help minimize wear and tear related to construction on the final road. (The application is for the road not anything to do with the lots).

Commissioner Warner questioned whether it was a 10-inch culvert enlarged to 12 inches?

1. William Griswold, 4702 Duck Lake Road. Stated that in the last 5 – 10 years there have been multiple subdivisions built. He has concerns about neighboring property water being affected or running out of water. He stated he believes the Township should slow down on allowing subdivisions.
2. John Achterhoff, 3511 Hyde Park. He questioned the 1 to 4 ratio. He questioned if 1 to 3.79 ratio follows the set rules.
3. Gee Achterhoff, 4830 Duck Lake Road. She is across from the property. She has concerns about the water tables and three septic fields. She stated she wants her privacy not subdivisions.

Applicant Mr. Seeger stated he has been here 34 years. He stated he is planning 3 lots, 3 wells, 3 septic systems. He stated he meets the 4 to 1 ratio and meets the setback requirements. He stated he does not

want 30 lots, meets all the rules and just wishes his family to be close in the future. He wants the same as his neighbors. He asked if the building permit would still be an option?

Public Hearing was closed at 7:30 p.m.

Commission Discussion

Commissioner Campeau reviewed the water and septic requirements.

Commissioner Butler asked if property was already split? Private road application first?

Chairman Roesler stated they are only considering the private road application right now. Whether the site plan standards have been met for a private road.

Members reviewed and discussed the Private Road, Article 18, Requirements. The consensus was the applicants had met the requirements of the Article. Section 15.07, site plan review standards were reviewed by members and the consensus was the applicants meet the applicable standards associated with the application as it pertained to the development, use and maintenance of private roads in the Township.

Zoning Administrator stated independent engineering firm West Shore is on contract and the applicants would put money in escrow for their fees. There is also a land division application for the lots the road is intended to service on file and there has been no change in plans since the meeting last month.

Motion by Commissioner Josephson and seconded by Commissioner Warner, **ADOPTED**, to approve site plans as submitted and allow one (1) building permit issued prior to road completion.

5 AYES

1 ABSENT

4. Article III, General Provisions, Section 3.23 Non-conforming Building, Structures and Uses (B) Expansion and Substitution of Nonconforming Buildings or Structures (4).

Public Hearing

Public Hearing opened at 7:56 p.m.

Chairman Roesler explained the adjustments and the benefit to the community for revision. The revision corrects a formatting error that occurred in 2012, when the Section was previously amended. After researching past documents, it was found that language related to a survey being required for certain lots associated with lake front parcels, when restoring damaged non-conforming structures as allowed by the ordinance, was somehow moved to a section unrelated to the survey requirement. This amendment restores the original intent in the proper section of the ordinance.

Public Hearing was closed at 7:57 p.m.

Motion by Commissioner Butler and seconded by Commissioner Campeau, **ADOPTED**, to approve Article III, General Provisions, Section 3.23 Non-conforming Buildings, Structures and Uses (B) Expansion

and Substitution of Nonconforming Buildings or Structures (4) as written and submit to the Township Board.

5 AYES
1 ABSENT

5. Article III, General Provisions, Section 3.37 Solar Energy Systems

Chairman Roesler explained the purpose of the new ordinance language being added to Section 3.37 allowing solar energy systems to be separate from accessory buildings. The intent is to allow small solar energy system structures to be installed for private use on parcels, without the structure counting against the total lot coverage allowed for accessory uses and to establish requirements/standards for the installation of the systems.

Public Hearing

The public hearing was opened at 8:01 pm.

1. H. Hempel, 6171 Duck Lake Road. Asked about previously installed systems. She was told that previous systems would be grandfathered and would not be affected by current proposals.
2. J. Achterhoff, 3511 Hyde Park Rd. He asked what designates small and large solar projects? He was informed that all designations are in the ordinance. This has been discussed since last year.

The public hearing was closed at 8:09 p.m.

Motion by Commissioner Butler and seconded by Commissioner Warner, **ADOPTED**, to send the proposed Article III, General Provisions, Section 3.37 Solar Energy Systems to the Township Board for approval as written.

5 AYES
1 ABSENT

OLD BUSINESS

Electric car charging stations

Chairman Roesler stated he feels the best way to approach this would be to allow these types of charging stations (commercial, for profit, “pay at charging point”) in areas where a service station would be allowed by zoning. A review of those areas would give a good starting point by identifying those approved use areas. He asked members to review this for future work to move it forward to amending the required areas.

PLANNING/ZONING UPDATES

Commissioner Warner stated the Zoning Board of Appeals met on November 12, 2024 and discussed two variance requests.

COMMISSION COMMENTS

Commissioner Butler discussed the vacancy left by Commissioner Gloster. Chairman Roesler stated that Supervisor Marcinkowski has submitted some names to him for review and comment, and that the decision on an appointment is one for the Supervisor to make, it is not made by the Planning Chairperson.

Zoning Administrator Jensen stated this would be his last meeting and he is retiring from zoning. Mike Baker will be taking over and Val Jensen will continue to train and/or consult if needed.

PUBLIC COMMENT

Public comment was opened at 8:17 p.m.

1. Gee Achterhoff, 4830 Duck Lake Road. She questioned why Mr. Seeger would need a culvert for a private road. Commissioners explained the purpose.
2. D. Gianetti, 3215 Weber Road. She restated the mission statement and discussed it with Commissioners. She stated she feels the blueberry farms are tearing up the forest. Commissioners stated she should go to the Township Board meeting. Chairman Roesler stated the Commission has voted.
3. J. Achterhoff, 3511 Hyde Park stated the water usage and destroying the trees is excessive.

Public Comment was closed at 8:25 p.m.

Motion by Commissioner Warner to adjourn the meeting at 8:30 p.m.

Respectfully submitted,

Anne Stewart, Recording Secretary
Township of Fruitland