

Minutes

Cascade Charter Township
Planning Commission
Monday August 2, 2021
7:00 P.M.
2870 Jacksmith Ave SE

ARTICLE 1. Chairman Rissi called the meeting to order at 7:01 P.M.
Members Present: Noordhoek, Moxley, Noordyke, Rissi, Katsma, Rapin, Korstange, and Meurlin
Members Absent: Deering
Others Present: Planner Brian Hilbrands and those listed on the sign-in sheet

ARTICLE 2. Pledge of Allegiance

ARTICLE 3. Approve the current Agenda

Motion was made by Member Moxley to approve the current Agenda. Supported by Member Noordyke. Motion carried 8 to 0.

ARTICLE 4. Disclose any Conflicts of Interest

Member Noordyke disclosed that he plays golf at the Golf Club at Thornapple Pointe. It was decided that this wouldn't be considered a conflict of interest and he would not be excluded from the discussion.

ARTICLE 5. Approve the Minutes of the July 12, 2021 Meeting.

Member Meurlin noted that on page five, about five paragraphs down, the minutes read, "Member Meurlin asked is the fire department would have to approve any heating element that is used?" and he said it should be changed to, "Member Meurlin asked if the fire department would have to approve any heating element that is used."

On page eight, paragraph two, the minutes said, "It will then be presented to the township board." Member Meurlin said there were a few sentences left out of the minutes regarding that statement. He suggested replacing that sentence with, "After they are approved by the planning commission, they will be presented to the township board."

Motion was made by Member Katsma to approve the Minutes of July 12, 2021 with the aforementioned corrections. Supported by Member Meurlin. Motion carried 8 to 0.

ARTICLE 6. Approve the Minutes of the July 19, 2021 Meeting

Member Meurlin identified that on page six, article eight, paragraph three, it said, "Director Stevenson advised that the work plan comes from the master plan." It should say, "Director Peterson advised that the work plan comes from the master plan."

Motion was made by Member Noordyke to approve the Minutes of July 19th with the suggested correction. Supported by Member Meurlin. Motion carried 8 to 0.

ARTICLE 7. Acknowledge visitors and those wishing to speak to non-agenda items.

Mr. Ron Bly (5140 Sequoia Dr.) came forward to address the excess water that is coming from the new development across the street from the Thornapple Pointe Golf Course. Excess storm water should have been flowing into collection ponds whose overflow would lead down to 48th St. 48th St had been plugged and the water was not flowing through. He understood that it takes time for developments to be completed but this development was causing water to flow out across his yard and it flooded his septic system. He had to have a septic system technician come and pump the tank for \$300+. The storm water had also washed out the banks of the river. Mr. Bly was concerned as to who will fix the washout and all the water as he knew it will have to go through a contractor under the Road Commission because they are the department that handles soil erosion.

Chair Rissi said he had been to the location and believes they need to investigate deeper than just the visible soil erosion to find out if the water is being properly contained and routed to the collection ponds. He noted that it sounds like the water is going around the drain system that was installed there. Chair Rissi remarked that he understood why Mr. Bly would like this taken care of quickly as he is the one who had to deal with the water in his yard.

Bly is concerned there will be another rain storm and his yard will flood again.

Chair Rissi said he would continue looking into it and requested Bly submit pictures of the ineffective draining if there is another storm.

Bly was concerned that the drainage issues weren't all addressed prior to the company beginning construction.

Chair Rissi believes that the problem is rather a deviation from the plan that had been approved.

Member Meurlin noted that they need to make sure that runoff during construction isn't viewed as acceptable by owners and construction crews. He thinks that the planning commission may need to make a change in the code to address this.

Member Noordhoek believes that we are going to need to require these cul-de-sacs to have a standard curb with a couple more catch basins on it to slow the water.

Chair Rissi agreed and said he wants to see the approved cul-de-sac plans before he continues investigating the problem.

ARTICLE 8. Case #21-3652/Waugh

Property Address: 7630 Cascade Rd

Requested Action: The applicant is requesting approval of a Special Use Permit for an accessory building over 832 sq ft.

Planner Hilbrands said the applicant will be removing a 24'x24' accessory building and replacing it with a new 24'x50' accessory building for a total of 1,200 sq ft. The building will be used for hobby use and storage of vehicles. The building would have shingle roofing and siding to match the house. Legal counsel said there wasn't a problem with the staff's previous recommendations: firstly, the building is not used for living space or to run a business and secondly, any outdoor lighting meets regulations. Legal counsel said it also needs to be noted that the building must be in compliance with all applicable zoning laws.

Daniel Waugh (7630 Cascade Rd.), owner of the property in question, wanted to share that the building will be used only for hobbies and the storage of vehicles.

Chair Rissi asked if he knew if his septic system would come into conflict with this larger building and Waugh confirmed that he does know where it is and it will not come into conflict with the new building.

Member Noordhoek asked what the grade will be with his new building only being 10' from the lot line in regards to water runoff.

Waugh said that the 10' wouldn't affect it at all as it wouldn't cause the water to run into the neighbor's lot and he has never seen problems with water pooling in the back of his lot that leads up to a forested area.

Motion was made by Chair Rissi to open Public Hearing. Supported by Member Rapin. Motion carried 8 to 0.

Stan Pruski (7590 Kenrob Dr. SE) has lived there 37 years and backed up Waugh's assertions that they haven't ever had problems with water runoff in the area. The satellite renderings of this new building looked like they may be for an automotive garage and Pruski was concerned that there could be a business moving in near his home. He said there is someone on Buccaneer running a noisy business and he did not want another one nearby. He was also concerned that the garage wouldn't look good as they see three sides of it when they drive up their own driveway. He said Waugh's house looks good and it didn't prior to Waugh moving in, so he believes it will be presentable if Waugh intends to make it look like his house. After attending this meeting and receiving more information, he was no longer concerned.

Member Moxley disclosed that he visited the site that afternoon and Waugh showed him the garage. Member Moxley confirmed it was a hobby garage and not an automotive garage, adding that there was a moped and two motorcycles in the current building.

Motion was made by Member Meurlin to close Public Hearing. Supported by Member Noordyke. Motion carried 8 to 0.

Member Meurlin stated that the new building will match the house and wanted to verify that it was a contingency of the approval as it was in the case packet.

Chair Rissi confirmed that matching the house will be a requirement of the new building.

Motion was made by Member Moxley to approve case #21-3652 in accordance with the application, including the requirements that the building is not used for living space or to run a business, any outdoor lighting meets regulations, and the building will be in compliance with all applicable zoning laws. Supported by Member Korstange. Motion carried 8 to 0.

ARTICLE 9. Case #21-3643/Golf Club at Thornapple Pointe

Address: 7211 48th St

Requested Action: The applicant is requesting site plan approval for a 2,061 sq ft addition.

Planner Hilbrands explained that the applicant is requesting to build this addition to the existing clubhouse building, as well as an elevated deck, expansion of an existing concrete patio, and regrading of the driving range. He said that the staff are recommending approval of the plan with the condition that the applicant complies with the Township Engineer letter dated July 22, 2021 and all necessary permits are obtained before construction begins.

Member Noordhoek noted that the existing stormwater flows run into a bayou and wanted to know if that would be one of the bayous that would be filled in.

Planner Hilbrands said that he hadn't heard any concerns in that area.

Member Moxley asked how to reach the driving range as he visited to get a feel for the site and wanted to know if there will be a road added to get to the driving range as he didn't see any way of getting there. Planner Hilbrands explained that this area will be accessed by golfcart and there will not be an additional road.

Chair Rissi asked if there would be a stormwater plan submitted for this area or if it is a previously paved area that would fall under a previous plan.

Planner Hilbrands said the expansion was only a 1% increase in surface area, so they did not have to file a new stormwater plan. The way the application is written confirms that this 1% increase is a one-time allowance and the applicant cannot come back next year and request another 1% increase; they would have to file a full storm water plan.

Member Meurlin shared concerns that the golf course uses fertilizer and there is fertilizer in the storm water runoff that is already deteriorating the condition of the river. He thought that this addition may increase the fertilizer runoff and worsen river conditions.

Chair Rissi stated that he is a former board member of the Cascade-Thornapple River Association and they participated in extensive testing of the river for years. They compared testing numbers near the golf course with testing numbers upstream and the test results weren't outside of what is considered normal.

The applicant was asked if he wanted to speak on the case and the applicant declined.

Motion was made by Member Rapin to approve case #21-3643 in line with staff recommendations and the township engineering letter dated July 22, 2021 as well as obtaining all necessary permits before construction begins. Supported by Member Katsma. Motion carries 8 to 0.

ARTICLE 10. Old Business

MIOSHA Complaint – Roundhill- Chair Rissi spoke with Director Peterson who informed him that MIOSHA will not do an inspection of the location at the township's request. They have specific rules and an employee or the employer are the only ones who can issue an official complaint to MIOSHA; the township does not have standing to do so. MIOSHA won't take the complaint any further unless the employer or an employee make an official complaint.

Member Korstange asked if anyone looked into if there are state requirements for the retaining walls.

Chair Rissi spoke in detail with the building department director, Brian Wilson, about state building code and how it pertains to township building codes; the township relies on state code. Chari Rissi referenced Member Moxley's question about this at a previous meeting and stated that, unless there is a sidewalk or pedestrian area within 36" of the edge of that wall, state building code does not require a barrier. If a house is built on adjoining property and they have a patio that is within 36" of the wall, that would change the situation and a barrier may be required but if the adjacent property stays as just a lawn, it won't necessitate a change in the barrier requirement.

Member Meurlin asked if that stopped the planning commission from making a ruling that was stricter than the state's building code.

Chair Rissi said that it did not but he had spoken with both staff and the building department and they both urged him that, if they start having different standards than what the state has, it can become more complicated on the enforcement side. There have been situations in the past where this came up, such as when there was a question about the fencing requirements around a swimming pool and the commission decided to follow the state building code as it is easily defensible as the rule of law. The commission can set their own rules but then the situation becomes more complicated.

Member Meurlin expressed concern that the state building code may not cover the risks involved, especially when there are houses and yards near large retaining walls.

Chair Rissi stated that he spoke with Mr. Wilson and let him know that he believed the planning commission would have different opinions on how the state building code should be interpreted. Chair Rissi let Mr. Wilson know that he would be included in the discussion if the planning commission decided to go down the road of making a ruling stricter than the state building code.

Member Meurlin asked about an 'Old Business' list that existed as a compilation of different discussions that had been put on the backburner to return to later. Chair Rissi stated that he was working on compiling that list. He welcomed the assistance of any other member who would be willing to help him in the compilation.

Meurlin expressed that he had an item of business he wanted added to that list. He said that the commission requested Fishbeck look at the safety of the aforementioned retaining wall. Member Meurlin printed a memo from Director Peterson that included some language from the Fishbeck report but he wanted to read the full report. Member Meurlin requested Director Peterson make the full report available for a future meeting and include the township engineer in the conversation.

Chair Rissi questioned if this information was in the email that he had forwarded to Member Meurlin containing two soil reports.

Member Meurlin said that there were two attachments with 'mime' at the end and he was unable to open and print them.

Chair Rissi stated that he was able to open them and would pass the information along to Member Meurlin. He also stated that the planning commission's committee was going to review the Roundhill information and bring any concerns to the full planning commission rather than rehash the information at multiple meetings.

Member Meurlin attested that he understood but thought that there was a current safety issue and they didn't have time to wait until the committee was done months down the road.

Chair Rissi said that there would be a committee meeting open to the public the next day, August 3rd 2021, from 2:00pm to 4:00pm, and the retaining wall would be discussed then.

Chair Rissi confirmed that the commission was still comfortable with the committee meeting to discuss Roundhill. Multiple members clarified that the meeting would be open to the public, information packets would be provided, and notes would be taken.

Chair Rissi mentioned that it was brought to his attention by quite a few people that, at the last Planning meeting where he was not present, Member Meurlin made a reference to being close friends with Mr. Rohde.

Member Korstange and Member Meurlin said that this was incorrect and clarified that he is close friends with Mr. and Mrs. Grunski who lives across the street from Mr.

Rohde. Member Meurlin also clarified that he has spoken with Mr. Rohde a few times when he was visiting the site.

Member Moxley stated that he worked with Mr. Rohde over 30 years ago on the Sentinel Pointe project but he hasn't spoken with him since.

Member Noordhoek disclosed that Mr. Rohde was one of his campaign contributors but there were also many others.

Member Katsma asked about the tv towers that were approved by 60th and M-6 over a year ago and asked if those towers were just for the apartments there or if they were a larger community wide project.

Chair Rissi said that they were only for the apartments.

ARTICLE 11. Any Other Business

Chair Rissi told the planning commission about the Thornapple development (across the street from the golf course spoken of in case #21-3643) that he visited with Trustee Noordhoek and they believe that the soil erosion makes it clear that the design of the cul-de-sac is not adequate to contain a regular rainfall. There isn't enough of a lip on the road there. Chair Rissi requested Planner Hilbrands or the Township Engineer look at the way that cul-de-sac was built to see if the curbing of the East cul-de-sac is adequate to hold the water running down the hill and if it is indeed what they approved as the lip doesn't seem to be enough. The way the cul-de-sac is shaped, the water is running around the storm drain (rather than into it) and the secondary drain is at the top of a hill, rendering it nonfunctional. He believes the soil erosion may meet code but wants to make sure that the asphalt does.

Member Meurlin asked about how the Planning Commission communicates with the Road Commission such as when the commission brings an issue to the Road Commission's attention and they'll send someone out to inspect a site. He also asked if the Road Commission communicates the results to planning commission members.

Chair Rissi stated that the Road Commission generally sends over a copy of their findings as a courtesy but there isn't an official requirement for them doing so.

ARTICLE 12. Adjournment

Motion was made by Member Meurlin to adjourn. Supported by Member Moxley. Motion carried 8 to 0. The meeting was adjourned at 7:53 p.m.

Respectfully submitted,

Brett Katsma, Secretary