

Matt Wieber, Chair  
Bruce Wildie, secretary  
Jason Barnard, Zoning Administrator

Robb Bollenberg, Vice Chair  
Tim Flynn, Member  
Jim Sheets, member

## **WEST BENZIE JOINT PLANNING COMMISSION**

### **BENZONIA TOWNSHIP HALL**

#### **SPECIAL MEETING**

**March 15, 2023**

**6pm**

**CALL TO ORDER-** Call to order at 6:00 p.m. by Chairman Wieber

**ROLL CALL-** In attendance: Flynn, Wildie, Sheets, Wieber and Bollenberg. Also in attendance:

Zoning Administrator Barnard.

-Tom Kucera- Crystal Lake Watershed

- John Gallagher- Sunkissed Hills

#### **PUBLIC PRESENT-**

**AGENDA-** A **Motion** by Sheets, **Support** by Wildie to accept agenda as presented; Motion carried, all ayes.

**MINUTES- MOTION** by Flynn, **SUPPORT** by Wildie to accept minutes as presented from the March 2, 2023 meeting; motion carried, all ayes.

Sunkissed Hills private road site plan review continued from March 2, 2023

#### **PUBLIC INPUT**

Tom Kucera- Forest Ave. Frankfort- Stated he has spoken many times to this commission; the Crystal Watershed is for Responsible development. The Sunkissed developer is not in compliance with the zoning ordinances and watershed requirements. Passed out a Matrix to all members listing concerns and expected action.

Eric VanDussen- walked the site earlier today and queried that the advertised signage at the site eliminating the cedar buffer at the lakeside.

Recording Secretary states 7 letters received and copies have been given to members. Copies are available with minutes.

## **Deliberation/discussion**

Chairman Wieber states the commission has had consultation with legal counsel; states a list of conditions to address the storm runoff, erosion control and septic requirements is necessary if the application is approved. Wildie would like to see the current prints of the road. Flynn states conditions are necessary. Bollenberg asked developer how long to have the stormwater calculations and erosion control measures enacted, and requests a timeline from developer. Wildie states the commission should not approve without seeing the engineered road plans. Sunkissed representative Jonathon Gallagher states no plans are available. Gallagher presented to the commission a personal sworn affidavit affirming compliance with all requirements with this project. ZA Barnard states the deeds to the Sunkissed property reflect the lots extend to the water's edge and the DNR easement for the trail.

A **MOTION** by Sheets to approve with conditions; Support by Flynn. Discussion: Wieber says a short-term stabilization plan is necessary, compliance with the zoning ordinances, copies of road maintenance agreement, Engineered Road plans should be a component of the conditions; Flynn states a timeline is needed for all the conditions required. Six weeks for compliance (May 1). Bollenberg states Erosion control and slope stabilization needs to start immediately. An amended **MOTION** by Sheets, support by Flynn to approve with conditions:

1. Submission of stamped engineered drawings showing proposed grades of stormwater retention and location of detention/collection basins
2. Submission of stamped engineered drawings showing road surface drainage flow
3. Submission of erosion control plan showing reinforcement of the hillside slope
4. Submission of landscape plan showing revegetation of all locations where applicable
5. Calculations of peak stormwater flow volumes

6. Wetland delineation survey completed
7. Signed private road maintenance agreement
8. Affidavit of compliance in reference to section 14.7.3 ( A thru S ) of the West Benzie Joint Zoning Ordinance;  
(short term erosion control immediately, full compliance to zoning ordinance, copy of weekly soil erosion control reports; civil engineered stamped drawings; revegetation, signed maintenance agreement);

**MOTION** Carried Sheets- aye, Flynn-aye, Wildie- nay, Bollenberg-aye, Wieber-aye.

## **PUBLIC INPUT**

Ed Hoogterp- showed all a picture of another slope with vegetation removed, slope needs stabilization immediately;

Rhonda Nye- concerned that the developers advertising is misleading and the commission should make potential buyers and the general public aware.

Dave Wynn- suggests amending motion to include establishing an escrow account or requiring a performance bond from the developer to ensure remediation costs are provided.

Jane Wilde- queried how much money the developer has to repair the current and future damage done to the property.

Steven Stephens- concerned how enforcement of zoning ordinance will be applied for violations current and future.

Barry Hahn- Reminds all that Linda Lee Lane is the road of record and can be improved-that will result in more tree removal/erosion.

Gary Sauer- Benzie County Commissioner/ Betsie Valley Trail- states that the DNR has jurisdiction over the Betsie Valley Trail easement and that an agreement needs to be in place with the landowners.

Eric VanDussen- asked how the road was approved with no plans- and that the developer is misleading potential buyers by advertising a sandy beach onsite and website (artist rendering), that currently is cedar and Birch trees.

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Tom Kucera- asked that the Commission amend the conditional approval to reflect the following: approval of road does not include approval of well location; revegetation plan is approved by The Benzie Conservation District; developer must obtain SESSC permit for road; landscape plan addresses the development of wetlands south of the Betsie Valley Trail.

A **MOTION** to adjourn by Flynn, SUPPORT by Sheets at 7:20 pm

Respectfully submitted,

Alison Michalak, recording secretary.