

**PLANNING COMMISSION OF THE
CHARTER TOWNSHIP OF GRAND RAPIDS
Minutes March 28, 2023**

A regular meeting of the Planning Commission of Grand Rapids Charter Township was held at the Township Hall on Tuesday, March 28, 2023, starting at 7:00 P.M. EST.

Present were Chair, Wayne Harrall, Vice Chair, Scott Conners, and Secretary, David Van Dyke. Commissioners were Doug Kochneff, Dan Ophoff, Mark Prein and Steve Waalkes. Also present was Township Attorney, Ross Leisman and Recording Secretary, Laura Peters.

Motioned by Scott Conners, seconded by Dan Ophoff, to approve agenda at 7:00 P.M. EST on Tuesday, March 28, 2023.

Motion Approved: 7-0

1. Approval of minutes from January 24, 2023, regular meeting:

Motioned by David Van Dyke to table for approval to next meeting after discussed revisions have been made, Seconded by Scott Conners:

Motion Approved: 7-0

2. Reserve at Knapp Bluff: Request for a 40-unit residential condominium development on a 22.83 parcel located at 4700 Knapp St.:

Motion by David Van Dyke, seconded by Scott Conners, to take Knapp Bluff off table and begin presentation.

Motion Approved: 7-0

Pete Engles began presentation to the Planning Commission on behalf of Mountain Ridge Development by thanking the Planning Commission for its consideration of the development. Pete Engles further proceeded to address the four items tasked to be completed for today's meeting. Through EGLE and Kent County Health Department they accomplished these tasks. Pete Engles noted that their development must meet the Charter Township of Grand Rapids Zoning Ordinances, and that their development plan does not violate any Zoning Ordinance within the Charter Township of Grand Rapids. Further proceeded to explain that street width requirements, depth requirements, open space requirements, etc., are all in compliance with the Township Zoning Ordinances. Rob Cummings passed the presentation to Jason VanderKodde to present input and direction on the development.

Jason Vanderkodde continued the presentation by explaining that he will be presenting 3 of the 4 requirements that have been met on behalf of the development by Mountain Ridge

Development for parcel at Knapp Bluff. He addressed task 1 out of 4 addressing their consultant-designed drawing on June 22, 2022, of the wetland that meets USEPA Standards, and stated that they provided a more current overlay of the wetland which confirmed they are not affecting the wetlands. He further addressed task 2 out of 4 regarding their layout of the site location with aerial images provided to the Planning Commission, proof that they are making sure it would not be obstructing any existing wetlands. Finally, he addressed task 3 out of 4 regarding more information for storm sewer. A storm sewer calculation was completed and provided to the Planning Commission. Further the company can verify with provided calculations it will not negatively impact the current storm sewer system and that in the detention areas water can be retained. The letter dated March 23, 2023, from the Township Engineer, provided to the Planning Commission, is a review and approval of said plans from the Township Engineer. Jason Clark passed the presentation to Rob Cummings to provide the fourth task that needed to be satisfied for the Planning Commission.

Rob Cummings verified that he is familiar with the property in question, they are fully aware of the concern of water, storm sewer and septic systems. He further confirmed that their private septic system would be different from Blackberry to assure that they would not have the same outcome and or incidents. Further reminded everyone that their company had absolutely no involvement with Blackberry. He proceeded to explain their company started reaching out to EGLE and Kent County Health Department for their best recommendations for their plans. With this inquiry there have been site visits, diligent design planning, and reassured that they will build and maintain a private septic system successfully. Presented the definition of S.T.E.P. (Septic Tank Effluent Pumping) that is being used by the development and by EGLE and Kent County Health Department. The first stage of the S.T.E.P. system is that, all treated waste is gathered in 40 separate dual systems by gravity. Presented the diagram of the S.T.E.P. Systems and further referenced the layout diagram of septic tank system that was provided to the Planning Commission, verified the design will work, and the tanks will be maintained on a regular schedule. Further explanation of the septic system process, item number one, the collection point grinds the solids, and only allows treated effluent to pass on through the pumping system. Further explained that item number 2 on the diagram represents the gravity system including a collection tank. Dosing tank, the third tank on the diagram, is time filtered into the field with no solids, also known as sludge. The solids will be properly disposed of, never reaching the drain field. Our company has placed numerous safeguards.

Pete Engle returned to present as Rob Cumming sat back down and acknowledged that everyone on his team and in his company have worked very hard provide a well-put-together plan for the community and assured that this new development will be an asset to the community.

Scott Connors asked Pete Engle who is the designer of the Septic System in the diagram presented at today's hearing. Pete Engle responded that it was their engineer and consultant.

Wayne Harrall directed the meeting to hear a report from the Township Attorney, Ross Leisman.

Attorney Review:

Ross Leisman explained that this project has been presented three times including today's meeting. He further verified the development plan and information of the 40-unit, single family, single-step does not require any zoning amendment or PUD or special land use. Ross Leisman stated that it complies with Chapter 6 and Chapter 25 of the Charter Township Zoning Ordinance regarding unit widths and area, and layouts of streets. Further explained that Open Space in accordance with the Zoning Ordinances only requires 8.5 % to be open space. The development plan has 15% of open space planned, which is almost double the space required. Ross Leisman noted that since the meeting on January 24, 2023 the development has updated and addressed the street trees, there are more calculations regarding the storm water, and provided a letter regarding the sewer system. At this time the only concern would be the disposal of the sewage, however the ordinances do allow community and private septic systems. Ross Leisman reviewed the proposed resolution with the Planning Commission.

Wayne Harrall opened the discussion to further questions from the board.

Scott Conners proceeded to question if they are meeting the requirements of connecting to the Grand Rapids public sewer in the future. Further questioned what would happen if the private systems fails; that it is unfair to the homeowners who will pay double cost, and potentially to any community members the system tank failure would affect. Scott Conners further made a point that the Township is contracted to the City of Grand Rapids Sewer Systems for a reason.

Jason VanderKodde interjected and advised that should the private septic system fail, it falls on the homeowners not the City of Grand Rapids and not the Township, however we are more than happy to have our plans gone through and compared to the City of Grand Rapids system.

David Van Dyke affirmed that the Master Deed should be a factor upon a homeowner's decision when they buy.

Wayne Harrall proceeded to remind the audience that tonight's meeting is not a public hearing. However, the Planning Commission did receive several emails and a letter from Tara Pennington against the development and a letter from the property owners who are selling to the developer in support of the development and sell. The Planning Commission also received 633 electronic signatures for a Petition against the development. Advised to the audience anyone is welcome to stay until the end to make any public comments.

Dan Ophoff stated that the Planning Commission specifically evaluates ordinances not policy. The commissioner's job is to determine if developments as such meet the Township Zoning Ordinances, period. Further supported the development for approval.

Mark Prein advised that he still has some general concerns stated at last meeting in January; however, if the development is following the rules and regulations, also supported the development. Further proceeded to state that Scott Conners previously provided a good point earlier in tonight's meeting and that there should be terms and conditions made to minimize risk for worst-case scenario.

Scott Conners stated he is not comfortable with the private septic system. His preference would be for the development of the public system. Scott Conners advised he does not want to see homeowners double-pay and that the failures with Blackberry raise more awareness and concern. Scott Conners stated hearing a couple times from the developer representatives in tonight's meeting that the Planning Commission has no right to say "no." Scott Conners does not support and opposes the approval of the development due to concerns that come with the private septic system.

Wayne Harrall stated that he walked the entire property with approval of owner and understood if you live East of the property, you may not be wanting neighbors, but it meets zoning ordinances. Further supported the development for approval.

David Van Dyke noted the developer came back with all items and requests and thus far has provided more than most developments. The Planning Commission also gathered reports from the Township Engineer for the storm water detention system. Did state that in the end, the developer still must be within compliance; however, the overall review was very thorough, and the development is adequate for the area. The Planning Commission is here to review and deny or approve upon requirements of the Township ordinance. Further supported the development for approval and to proceed to the Township Board.

Doug Kochneff stated that this development project meets the letter of the law to ordinance and that the developer has gone above and beyond. Doug Kochneff commented that he too has concern for sanitary issues; however, believes tonight's presentation confirms and satisfies his sanitary concerns. Further supported the development for approval.

Wayne Harrall interjected and restated that there is one other item after this and the audience is welcome to stick around for public comments.

Scott Conners posed the question as to whether we can make a recommendation and/or request for further negotiations, and recommendations from the City of Grand Rapids system and involve Mike DeVries from the Township Board. Scott Conners believed these actions could cause the design of the private septic system to change, be moved to lowest possible point, and provide the cheapest solution for retired folks so they do not have to worry about the system if it fails.

Steve Waalkes questioned if the Planning Commission can legally back the suggested recommendation and/or request stated by Scott Conners.

David Van Dyke stated that Ordinance allows R-1 suburban residential to have community septic systems. Further clarified that the Planning Commission is not the body to determine

such. That responsibility would fall back on the State of Michigan, and Kent County Health Department.

Wayne Harrall reaffirmed that Blackberry is in the same situation; that owners are responsible to maintain. If that day came, minimal modifications would need to be made to get the sewage to a public system if available. Further stated that the Planning Commission cannot make a requirement but can request to have discussion with the City of Grand Rapids.

Mark Prein stated within the next 10 to 15 years the worst-case scenario with the private septic system may never happen. However, Mark did support discussion with the City of Grand Rapids to potentially help minimize cost for homeowners, in the worst case scenario.

Pete Engles responded that the developer is more than happy to have discussions with the City of Grand Rapids. Further reminded the Planning Commission that EGLE and Kent County Health Department have jurisdiction over the private system but would like to appease the public.

Mark Prein questioned Scott if he had specific verbiage in mind to add to the developer's resolution. In response, Scott stated he would need time to come up with proper verbiage.

Wayne Harrall recommended the developer to meet with the City of Grand Rapids to get feedback, suggestions, and make sure they are doing everything to minimize cost in the future if they need to hook up.

David Van Dyke addressed to add to the bottom of Page 4 of the developer's resolution to request consultation with the City of Grand Rapids to get as much similarity to the City's collection system in case of a need to connect. However, the consultation may or may not be the same as their current system or similar.

Dan Ophoff and Steve Waalkes advised to request and amend the developer's resolution to add the new standard for the consultation from the City of Grand Rapids.

David Van Dyke motioned for the approval of condominium plan, to add requested language by Township Attorney for compatibility and comparison to the City of Grand Rapids collection system on top of Page 5 at the end of the first paragraph of the resolution.

Ross Leisman proposed revised language for the resolution.

Motioned by David Van Dyke, seconded by Dan Ophoff, recommended approval to the Township Board with modification as requested:

- Complete Page 6
- Page 5, Add language for request for Compatibility to City of Grand Rapids Collection System to the top of the page, at the end of the first paragraph.

Motion Approved: 6 Ayes-1 Nay by Scott Conners

3. **Breaburn Plat Initial Review:** Request for an 8-unit residential plat on a 5.85-acre parcel located at 4739 Braeburn Street NE.

Motioned by David Van Dyke, seconded by Dan Ophoff, to start the applicant presentation.

Motion Approved: 7-0

Adam Feenstra from Feenstra and Associates and speaker for Koetje Builders and Developers, started presentation to the Planning Commission. The developer is proposing 8 single-family lots to the end of street of Braeburn Street NE. The single family lots will be accessed by a public cul-de-sac. Further stated that the lots are larger than ordinance requirements. The developer plans to keep a similar style to current homes in the neighborhood and reflect the new homes to blend and complement the subdivision and neighborhood already there. Adam Feenstra addressed that the developer talked to Kent County Drain Commission for approval for storm drainage. The developer is taking street runoff and redirecting it into a retention pond and will now be contained properly. The developer further had discussions with the road commission about cul-de-sac 60 ft to 66 ft dependent on if sidewalk is required, and with the sewer system in place. Adam Feenstra believes the plat created for this development is straightforward.

Wayne Harrall opened meeting to questions from the Planning Commission.

Steve Waalkes questioned Adam Feenstra if there are existing sidewalks.

Wayne Harrall questioned if they required a sidewalk, would the new road and cul-de-sac line up with the existing road.

Adam Feenstra confirmed there is not an existing sidewalk and that the developer would prefer to keep the 60 ft width to keep consistent with existing road that is also a 60 ft width. Adam Feenstra further explained that with no sidewalks the 60 works just fine, however; 66 feet would provide extra room between the sidewalk and street if a sidewalk is required but would not align with existing road.

Wayne Harrall proceeded to ask for Township Attorney review.

Attorney Review:

Ross Leisman summarized the written report provided to the Planning Commission. The Zoning Ordinance allow waiver on sidewalk requirements due to preexisting streets already with no sidewalks. Streetlights are optional. Ross Leisman further advised to set up public hearing for feedback next Planning Commission meeting.

Steve Waalkes commented that the sidewalk would not connect to the existing trail in the area on the west side and is not located within 500 feet and the trail is on the west side, thus there is no need for sidewalk. Recommended to Adam Feenstra to create Easements and Right of Ways for utility reasons since there will be no sidewalk at this time.

Scott Conners agreed with Steve Waalkes regarding the sidewalk and believed the cul-de-sac wouldn't be an issue if it does not extend out further than it should.

David Van Dyke questioned if the drainage plan collected existing water from existing street.

Wayne Harrall followed up with David Van Dyke's question in regards to the North East Drainage, and if they would drain the facility pond if needed as well.

Adam Feenstra responded to David Van Dyke's and Wayne Harrall's questions with "yes."

Wayne Harrall addressed that the developers would need to consider sidewalk special assessment and that these 8 lots would need to participate if residents prior to this development decide to add sidewalks to their streets. Wayne Harrall noted that the 66 foot vs. 60 foot road width for the short piece of road connection into the cul-de-sac would be the decision of the road commissioner.

Motioned by Dan Ophoff, Seconded by Mark Prein to approve Braeburn Plat to proceed to public hearing at the next Planning Commission meeting.

Motion Approved: 7-0

General Public Comment(s):

Tara Pennington of 4047 Knapp Street NE, Grand Rapids, MI 49525, expressed concern about the submitted meeting in minutes. She advised that she believes this is the only state without a sanitation code. Tara believes the land is not buildable and that no basements would survive, with further concerns about the density permitted. Advised this development needs to hook up to the city system. Believes that the density of snow removal, the wetlands, high water table, and that clay would potentially get into the filtration were not taken accounted for.

Eugene Zolotarevsky of 2121 Winding Oak Trail NE, Ada, MI 49301, presented a prepared statement: "As homeowner next to these fields, this type of drain field is a high-risk zone for ground water contamination. High-risk zone to 15 properties with wells within proximity of the drain field and these 15 properties will be affected. Blackberry is a great example. The builders themselves have not provided ground water contamination reports and risk factors. We need EGLE to weigh in on the situation. Outbreak of infections, sickness, and diseases to our community that would be compromised. Pause and think on this violates state law and is a bad idea believed to be dangerous. Please do not hurt my family, neighbors, water, and residents in our community."

Michelle of 2121 Winding Oak Trail NE, Grand Rapids MI, spoke on behalf of herself and neighbors, Paul and Lauren. Stated that most of the community is on spring break. Concerned this new development is directly behind her home and pool. Concerned for the welfare of her child, family, friends, neighbors, contamination to the wells and pools. She expressed that the community does not care about having neighbors in the area; that the concern lies solely in the private septic system within feet of their properties. Claimed she called, emailed, and left voice messages to Kent County Health Department and EGLE and their advisement to her was the private septic system is going to be bad. She claimed her well is not high enough to not be affected if this system fails and requested to put this development on city sewer. Paul and Lauren are located adjacent to the newly proposed private septic system and concerned if there is a system failure it will cause contamination of their property. Questioned the Planning Commission as to who will be responsible for monitoring septic systems and who will address the issue of well water contamination and city water connection. They also are concerned that traffic and safety issues were never addressed and feel the Planning Commission completely disregarded the community safety.

Laura J. Genovich of Foster Swift Collins & Smith PC, at 1700 East Beltline Avenue NE, Suite 200, Grand Rapids, MI 49525, an attorney representing the residents, made a statement to the Planning Commission that public comments should have happened first before the approval. The packet of the materials provided to the Planning Commission should have been available sooner for the public. Also expressed concerns that the developer has not disclosed their drainage field needs, and at this time she claimed it is double than what they have in their plans. Concerned about the resident's facing contamination, flooding, and public safety if the private septic system fails on homeowners. Believes Scott is right, and this development should be on public sewer. EGLE and Kent County Health Department reports should have been provided before these hearings. Believed the developer should have been required to contact the following agencies for comments, and approval from the Kent County Health Department and the State of Michigan. Have not been provided proof of any certificates, license, or approval regarding the private septic system. In addition, hydrology has not been completed.

Dr. Josh of 3616 Trail, an emergency physician, commented that he felt that the Planning Commission failed the community tonight.

It was moved by David Van Dyke, seconded by Dan Ophoff, to adjourn the meeting. The motion passed unanimously, and the meeting was adjourned at 8:19 P.M. EST.

Motion Approved: 7-0

David A. Van Dyke, Secretary