

ROBINSON TOWNSHIP SPECIAL BOARD MEETING
March 28, 2011

The special joint meeting of the Robinson Township Board and Planning Commission was called to order at 7:00 PM at the Robinson Township Hall.

Township Board

Present	Absent
John Kuyers Bernice Berens Tracy Mulligan Bonnie Hayward Jackie Frye	None

Planning Commission

Present	Absent
Travis Vugteveen Bill Maschewske George Schippers Shawn Martinie Sue DeRuiter	Scott Blackmer

Representing MDOT in attendance were Chris VanNorwick, Devin Kalmbach, Mike Smith, Dennis Kent, Leighann Mikesell, and Vicki Weerstra. Also, present were Attorney Scott Sewick from Scholten Fant filling in for Township Attorney Ron Bultje, and approximately 50 members of the public, including all members of the Zoning Board of Appeals as members of the public.

The purpose of this meeting was to be an informational session in which MDOT representatives were to update the Robinson Township Board and Planning Commission regarding the construction of M-231.

Supervisor Mulligan – Gave an introduction to the meeting and requested a presentation from the MDOT representatives.

MDOT representatives – No formal presentation prepared.

Dennis Kent – Gave a brief summary of activities regarding M-231. In April of 2010, funding was approved for the project. Offers on real estate have been made. Construction of the bridge over the Grand River and across Little Robinson Creek will begin in the fall of 2011.

Mike Smith – Stated some properties have been purchased. Acquisitions from Sleeper St. south are beginning. The right-of-way will be 315 ft. wide. They have identified where there are total takes of property and these people have been notified. Design plans are not finalized at this time, so they cannot say exactly how much of a parcel will be taken. Appraisers have been contacted for known total takes and Sleeper St. to the North is the first property to be acquired.

Chris VanNorwick – Gave a brief update on the design process which he stated is not complete.

George Schippers – Does not understand why the bypass is being constructed. He does not feel it will be used since it would add approximately 17 miles to the trip from Holland to Muskegon.

Dennis Kent – Stated the purpose is to establish a new river crossing. MDOT feels the bypass will attract traffic from US-31 and 68th Ave.

George Schippers – Stated that only the bridge was needed, not the road.

Dennis Kent – Stated MDOT studies indicated that 120th Ave. could not support the anticipated traffic, therefore a new roadway was needed.

Bonnie Hayward – She is concerned about partial takes and the setbacks.

Mike Smith – Noted that the purpose of the meeting was to discuss if concessions were to be given regarding variances.

Bonnie Hayward – Wants to know how the variance process will be handled.

Mike Smith – We don't want to have to pay \$300,000 for an entire piece of property when we are only taking 20 ft. off the parcel, but it is up to the Township.

Township Attorney Scott Sewick – That is not necessarily the case.

Bernice Berens -- If the right-of-way goes through a parcel, it requires 150 ft. setback because it is a road and requires front yard setbacks.

Mike Smith – They are trying to minimize the cost of constructing the road, since it is tax dollars involved. They will do due diligence and if 60 –70% or more of a parcel is destroyed by the ROW (right-of-way), they would do a total take.

Travis Vugteveen – When will the design drawings be finalized? It is difficult for the Township to make decisions with the limited information available today.

Chris VanNorwick – Stated that March 2013 is the date for acquisition. At the end of 2012, design plans will be determined.

Mike Smith – Once the survey is complete, they may be able to decide how to deal with partial takes.

Shawn Martinie – Do we know which parcels are total takes?

Supervisor Mulligan – No.

Mike Smith – If all or most of a parcel is within the ROW or the parcel is landlocked, it is a total take. MDOT will not release information about property purchase negotiations.

Shawn Martinie – Wants to know the list of total takes.

Mike Smith – If the majority of a parcel is within the ROW, it is a total take. If the house and only part of the property is within the ROW, it is probably only a partial take. They ignore setbacks at this part of the process.

Travis Vugteveen – Setbacks cannot be ignored.

Mike Smith – Setbacks are only relevant to the partial takes.

George Schippers – Can a neighbor buy the remainder of a parcel.

Mike Smith – If the adjoining property is the only access, then the remainder will be offered to them. They will offer sale to the Township first, then neighbors.

Travis Vugteveen – Are borrow pits identified in the design plans?

Chris VanNorwick – They don't identify borrow pits. The fill comes from offsite.

Mike Smith – There are two types of variances for non-conformities.

1. A normal variance in which the building may remain, but cannot be replaced.
2. A “supervariance” in which if the building is destroyed, it can be rebuilt. Most of the ROW variances for M-6 were done with supervariations.

Mike Smith -- The “supervariance” is a negotiated situation in which the Supervisor and the Zoning Administrator are given the authority to negotiate and grant variances. Most of the ROW variances for M-6 were done with supervariations. MDOT can apply for and negotiate variances on behalf of the property owner.

Bill Maschewske – Does not understand how the “supervariance” concept works. A variance is a judicial process of appeal from the Zoning Ordinance. The next level of appeal is Circuit Court. This process is established by State law. If this process is not followed, such as the

process you described in which the Zoning Administrator and Supervisor grant variances, it would not seem to be a legal process.

Mike Smith – He does not know the law, but that is the process that Byron Township followed regarding variances for the construction of M-6.

Township Attorney Scott Sewick – He would not recommend the Township use the “supervariance” concept.

Kevin Kalmbach – Described how the appraisal process works and noted it represents the highest price someone would pay. The appraiser has to establish highest and best use, which depends upon zoning laws and the nature of the property. All this is included in the highest and best use. The timing is critical to MDOT to meet deadlines and they want to research issues in advance.

Travis Vugteveen – If a parcel is zoned Agriculture and is farmed, can the property in the setback be farmed?

Chris VanNorwick – It depends on your Zoning Ordinance.

Tracy Mulligan – Noted that there is no hunting or trespassing on MDOT land, unlike other State land.

Chris VanNorwick – You also cannot cut wood on MDOT land.

Louis Main – Will the road be constructed as a two lane first?

Chris VanNorwick – Only the South bound lanes will be built now and we do not know when the North bound lanes might be built.

Louis Main – The market is currently down for housing. Does that establish the price you pay for properties?

Kevin Kalmbach – They go back at least 1 year to establish prices.

Ray Clover – He is inquiring as a school bus driver. What effect will construction have on bus routes?

Chris VanNorwick – Probably little impact on bus routes. Most road closures will be at night and weekends. Johnson St. will have a cul-de-sac. This will all be done in 2013.

Bob Boyer – Referenced the flyer that was posted at Spinner’s Store. He is concerned about the traffic noise. He wants the process done right. He requested the Township to stick to the current Zoning Ordinance. Do not make variances in advance.

Bill Easterling Jr. – Who pays for the variance costs? There is a \$250 application fee plus \$1000 in escrow fund.

Mike Smith – He feels that MDOT will pay for variances. He will verify the answer.

Mike Murphy – He is from Crockery Township. He stated Mike Smith already knows which properties are total and which are partial takes. He knows this from telephone conversations with Mike Smith.

Chris VanNorwick – We don't discuss private negotiations with other landowners.

Mike Murphy – Feels they should ask for variances on a case by case basis. Do not revise the ordinance.

Chris VanNorwick – Variances are asked for when the owner wants to keep his house. They are not asking for ordinance changes.

Mark Bohn – The ROW is 315 ft. and only the Southbound two lanes are being built now. Does the 315 ft. ROW include the proposed Northbound lanes also?

A discussion followed about corner lots and through lots as defined in the Zoning Ordinance. Clarification with Township Attorney Bultje will be needed to resolve if the limited access ROW creates corner and through lots as defined in the Zoning Ordinance with corresponding required front yard setbacks.

Chris VanNorwick – In response to Mike Bohn question – Yes. There are 115 ft. between the centerlines of the two roadways and 100 ft. from each centerline to the edge of the ROW.

Township Attorney Scott Sewick – Partial takings will probably be handled on a case-by-case basis with MDOT.

Mary Bohn – They have stakes in their yard. How long do they have to leave them there?

Chris VanNorwick – Until the surveying is complete. There may be more surveying yet.

Mary Bohn – What if we want to do improvements to our property?

Mike Smith – Go ahead and do them if you want. You will be compensated by the increased value of your property.

Mary Bohn – Could you take 6 of her 10 acres and they are stuck with 4 acres.

Mike Smith – It will be determined on a case-by-case basis. The remainder could be conforming or non-conforming.

Pat Young – Has concerns about variances. If you end up with less than 10 acres, the Subdivision Control Act has implications and limits splits.

Mike Smith – It gets taken into account with the highest and best use determination.

Ron Stillson – Is the price of real estate the driving force for the timing of this project? He can buy houses in Robinson for about half of what they are worth.

Chris VanNorwick – No, the timing is driven by when the environmental approvals and money were available.

Vicki Weerstra – Individual questions about parcels will be answered if the landowners call MDOT.

Bill Maschewske – If the design is not complete, how do you know where to put the survey stakes? If you are putting survey stakes in the ground, you must know exactly where the ROW is going to be.

Chris VanNorwick – When the stakes go in the ground, the path is known. The process starts with aerial photos and GIS coordinates, then come the survey and stakes, and then the design matches what they have created.

Supervisor Mulligan noted that written comments will be received by the Township for one month following this meeting and everyone was thanked for their participation.

A motion was made by George Schippers and seconded by Shawn Martinie to adjourn the joint meeting at 8:15 PM.

The motion carried unanimously.

Respectfully submitted
Jackie S. Frye
Robinson Township Clerk

