

DRAFT  
(April 22, 2025)

**BROOKS TOWNSHIP PLANNING COMMISSION**  
**JOINT MEETING WITH THE CROTON TOWNSHIP PLANNING COMMISSION**  
**PETTIT LAKE – PUD – PUBLIC HEARING**  
**March 20, 2025 @ 7:00 PM**

**(DRAFT)**

**Brooks Township Planning Commission Members Present:** Pat Baker, Phil Knape, Mark Pitzer, Ryan Schultz, Karl Frederiksen, Chris Wren, Bob Hance

**Croton Township Planning Commission Members Present:** John Clark, Doug Moline, Andy Fias, Cathy Westgate, Warren Passage, Norine Smulders, Carl Richards

**Members Absent:** None

**Staff Present:** Jerry Tuin, Cory Nelson, Cliff Bloom

The Joint Meeting/Public Hearing was called to order by Brooks Chairman Phil Knape at 7:06 p.m. Roll Call was taken for both Brooks and Croton and a quorum was present for both townships. The meeting was properly posted and copies of the posting were sent to individuals owning within 300 feet of the property in Brooks Township.

**Moved** by Chairman Knape, **seconded** by Ryan Schultz to select John Clark, Croton Township Planning Commission, as chairman to run the meeting. **Unanimously Approved!**

**Chairman Clark** opened the Ottawa Pointe expansion matter with a presentation by the developer Chris Ortwein. Mr. Ortwein provided a handout including copies and diagrams of the area and property affected by the proposed PUD amendment. Also included were an explanatory letter and request for amendment, a site plan review, and conceptual site plan for the development of the expansion area as a residential condominium project. The following is a synopsis of Mr. Ortwein's verbal request for the proposed amendment. He referenced Croton Township Resolution PC 2014-006, Brooks Township Resolution PC 2014-01 and Brooks Township Board Resolution 2014-03 (The "PUD").

- The Planned Unit Development (PUD) was approved by a special joint meeting of the Planning Commissions for Croton and Brooks Township on 3/13/14, for development of an overall property area of 166 acres adjacent to Pettit Lake, which included, among other things, a future expansion area of approximately 13.2 acres to be used for additional home sites.
- The PUD provides that any development of the expansion area must be approved by the townships as an amendment to the PUD.

- Based on the zoning ordinances for Croton and Brooks, a minimum of 105 sites could be developed on the water with an additional 200 off the water for a total of 300 sites inside the PUD.
- The proposed additional 37 condominium units puts the total developed at 96 total units which is less than 1/3 of the units allowable under township ordinances.
- The proposed site plan of the expansion area provides for 37 residential condominium sites and allows for 18, two and three unit buildings with each having access to Pettit Lake Drive by way of a private drive. Each building in the expansion area will be served by a private individual on site water and sewage disposal system and individual water wells as well as a private garage for each unit. Each building will be one story Craftsman style, handicap accessible, with varying square footage of 1400-1700 square feet.
- The expansion area will contain a retention area for storm water drainage based on county specifications.
- The expansion area will not have an individual recreational facility. However, owners in the expansion area will have access to walking trails within the existing designated open space areas in the Ottawa Point project. They will also have limited access to and use of the boat ramp in accordance with the conditions of the PUD.
- Limits water access to eight (8) non-motorized watercraft on any given day and the use of the open spaces is restricted to pedestrian trails only for residents of the expansion area.
- The restricted access was agreed upon at mediation by all parties and ordered by Judge Springstead to enforce the mediation settlement agreement. An appeal of Judge Springstead's order has been filed by the officers of the HOA.
- There is currently a 68-foot buffer on the northern boundary to separate the expansion area from the other home residences, which exceeds the required 50 foot buffer zone.
- Chris Ortwein also noted that John Anderson, previously the head of sanitation for Newaygo County, will be doing the design on the septic systems for the proposed project.

**Bradley Kotrba**, professional planner for the townships from William and Works, representing both Croton and Brooks Townships, reviewed details of their review of the PUD amendment request. His recommendations for the Planning Commission included consideration of standards which have been met and which have outstanding items that may be added as a condition of approval. They also recommended the following: the Township consult with an Engineer to review the private road construction plans; the Township Attorney receive a copy of the draft Master Deed before construction to review and approve that document; once the Planning Commission has considered any conditions of approval that must be attached to the review, a formal resolution of adoption is drafted placing in it the approval and exact conditions as recommended by the Planning Commission to the Township Board for formality and PUD records, similar to the previous PUD approval.

Due to the abundance of correspondence, **Cliff Bloom**, attorney for both Brooks and Croton Townships, recommended the chairman note each of the pieces of correspondence in the record. He also noted that there were some correspondence issues that are relevant to the hearing and some not.

The issues raised basically fall into the following four legal categories:

- Michigan Condominium Act – The Townships cannot enforce the statute; it is beyond their scope of review. This would be between the developer and residents.
- Ottawa Point Master Plan and its By-Laws – Private deed restriction and townships have no authority over deed restrictions.
- The Easement and Common Areas – This is a private matter between the developer and residents
- EGLE and state laws and regulations – This is a State of Michigan issue. While we understand there is an appeal, the Townships cannot wait until decisions are made by the appellate courts.

Attorney Bloom concluded that relevant issues relate to the standards set by township ordinances which will be discussed separately by both Brooks and Croton Township and will be the responsibility of the contractor to meet prior to any approval.

Attorney Bloom responded to questions regarding trail and lake access issues stating these relate to legal issues that remain with the court decision. Any “adverse impact” upon property relating to these issues are relevant according to ordinance standards.

**Moved** by Cassie Westgate (Croton PC), **seconded** by Ryan Schultz (Brooks PC) to open the Public Hearing. **Unanimously Approved**

**Chairman Clark** noted the following correspondence in the record which had been submitted regarding this case. All such correspondence reflected opposition to the proposed Ottawa Point expansion:

- 3/15/25 - Homesteader's Association
- 3/17/25 - Tim and Linda Bont
- 3/17/25 – Nyal Deems Attorney for Ottawa Point
- 3/17/25 – Don and Maureen Gerke
- 3/18/25 - Robert Ferraiuolo
- 3/18/25 - Barbara Kerkstra
- 3/18/25 - Homesteader’s POA – Kenneth Stensrud
- 3/18/25 – Andy Van Vliet
- 3/19/25 - Brandon J. Cory
- 3/19/25 - Nick and Monika Vasquez

3/19/25 - David and Lynn Malson  
3/19/25 - Thomas Graff  
3/19/25 - Susan Faude  
3/20/25 - Tim Graff  
3/20/25 - Michael and Patricia Zammit  
3/20/25 – Katie and Kelley Clark

The following individuals spoke against the Ottawa Point expansion proposal:

- 1) Dan Gerke - 7838 S. Patowatami – Written protest submitted
- 2) Brandon Cory - Attorney representing Ottawa Point Association – Written protest submitted
- 3) Kelly Clark - 5131 E. Manitou Way
- 4) Cheryl Rose - 17861 Simmons Ave., Sand Lake, MI
- 5) Ken Stensrud - 4795 E 76<sup>th</sup> St. – Written protest submitted
- 6) Ron VanDyk - 7829 Island View Drive, Croton
- 7) Paul Gray - 4810 S. Pettit Lake Dr.
- 8) David Malson - 4970 Ojibewe, Croton – Written protest submitted
- 9) Brian Plaggermars - 8147 Island View
- 10) Tim Langerak - 5317 E. 80<sup>th</sup>
- 11) Jane Ferraiuolo - 8111 S. Island View Dr., Newaygo
- 12) David Mervau - 5043 Manitou Way
- 13) Bryan Toth – 4554 Tanglewood
- 14) Tamara Lamarack– 5317 E. 80<sup>th</sup>

**Moved** by Andy Fias (Croton), **seconded** by Phil Knape to close the Public Hearing.

**Unanimously Approved**

**Planning Commission Member Comments** –Questions and clarifications were discussed by Planning Commission members. Individual standards were verbally reviewed by Brad Kotrba with both Croton and Brooks Townships. Questions were answered and clarified by Brad and/or Township Attorney Cliff Bloom as they were asked. Attorney Bloom clarified that the allowable standards based on ordinance requirements and the report from Williams and Works need to take into account the impact of the expansion on neighboring properties, i.e., public safety, fire/emergency, joint agreement etc.

**Attorney Bloom** proposed two options for tonight’s meeting:

- 1) Table the issue (this can be indefinite); or
- 2) Make a tentative decision

### **Brooks Township**

**Moved** by Ryan Schultz (Brooks), to tentatively approve the PUD amendment as presented, **seconded** by Pat Baker (Brooks).

**Brooks - Yea’s (roll call vote):** Phil Knape, Pat Baker, Ryan Schultz. –

**Brooks - Nay's (roll call vote):** Karl Frederiksen, Mark Pitzer, Chris Wren – **Abstain:** Bob Hance. **The Motion failed.**

**Moved** by Bob Hance (Brooks), **seconded** by Mark Pitzer (Brooks), to table the issue indefinitely.

**Brooks - Yea's (roll call vote):** Phil Knape, Karl Frederiksen, Pat Baker, Mark Pitzer, Cris Wren, Bob Hance

**Brooks - Nay's (roll call vote):** Ryan Schultz. **The Motion passed.**

**Croton Township**

**Moved** by Andy Fias, **seconded** by Carl Richards to table the issue indefinitely.

**Yea's:** Fias, Passage, Smulders, Richards, Moline Westgate

**Nays:** Clark. **Approved by Roll-Call vote.**

**Follow-up issues**

It was established that an open file be kept for public viewing at the offices of the townships. Chris Ortwein plans to provide additional information to the townships within 30 days of the public hearing. An extension can be granted if needed. The tentative plan is to schedule a subsequent meeting on 5/1/25, provided all documentation has been received from Chris Ortwein. No Public Notice will be necessary, but notification needs to be placed on township websites.

**Adjournment: Moved** by Pat Baker, seconded by Phil Knape, to adjourn the meeting at 9:02 p.m. The Motion passed unanimously.

Respectfully Submitted,

Pat Baker: \_\_\_\_\_  
Planning Commission Secretary

Dianna Schaafsma: \_\_\_\_\_  
Recording Secretary