



SAUGATUCK TOWNSHIP

WWW.SAUGATUCKTOWNSHIP.ORG

3461 BLUE STAR HIGHWAY
P.O. BOX 100
SAUGATUCK, MI 49453

PHONE (269) 857-7721
FAX (269) 857-4542

Saugatuck Township Regular Planning Commission Meeting December 18, 2017

AMENDED APPROVED MINUTES

The Saugatuck Township Planning Commission met on December 18, 2017 at the township hall on Blue Star Highway, Saugatuck, Michigan,

Present: Rowe, Lozano, Conklin, Prietz, Welk, Phillips
Absent: Miller-Cook
Also Present: ZA Kushion

At 7:00 pm Chairperson Conklin called the meeting to order.

Pledge of Allegiance

Review and Adopt December 18, 2017 Meeting Agenda: Rowe motioned to approve the agenda as amended; Welk seconded. Motion approved unanimously.

Review of November 27, 2017 Meeting Minutes:

First Page- Towards bottom Item B- Last part of the sentence- Changed "wanted" to "warranted" On page 2- #4 says "detention." Should this be "retention?" No, it is detention.

Motion to accept as amended on page 1 by Rowe; Prietz Seconded. Motion approved unanimously.

Public Comment –

Tammy Jacobi- 320 Blue Star Highway- ZA Kushion said attorney is going to draft a marijuana ordinance. Jacobi handed out copies of the May application and addendum that was made. No one else rose to speak. Conklin closed public comment

Public Correspondence- No Correspondence

Unfinished Business-

Public Hearing- Request for Special Approval Use to remove 125,000 cubic yards of sand and create a 4.94 acre pond at approximately 6400 133rd Ave (133rd Ave and Old Allegan Rd), Top Grade Aggregate LLC, Parcel number 03-20-012-005-20.

Ross Veltema, of Top Grade Aggregate LLC and RJ Prospects. There's been some changes to initial proposal. Three (3) hydro tests and monitoring wells completed revealed quite a bit of water down deep. To have a water table pond is healthier, so based on this, they redesigned the engineering. Paragraph in the ordinance based on sand mining reclamation and desired sloping which is 1 on 3.

APPROVED AMENDED MINUTES

Another concern last time was the stream in woods to east was too close. There was more sand to the West so they moved project further west to avoid the stream by 500 feet. Conklin clarified location of stream. Sand is deepest to the west as well so pond would be on far west edge of the property. The yardage went from 125,000 to 400,000 because they are now going into the water table.

Veltema states they are not sure what the end use of the property will be yet. Hoping it will sell as a whole piece to one buyer. If no one buys it, then they will split it into lots. They do not want to put any more resources into engineering the splitting of the property at this time.

Veltema also included some traffic data. There's 900 cars on average on Old Allegan road daily. Also submitted is the proposed haul route. Conklin inquires as to the haul route- it was to be strictly 133rd. Now the haul route calls for 133rd and Old Allegan. Is that correct? Veltema replies yes- the goal is to get to a class A road (58th and 136th). Also included is an average truck count on various sites. Average is 8 loads per day in North Holland, which is about the same size as proposed site. Highest is 13 per day in North Holland, includes double bottom or dump truck. The one in North Dorr quite a bit higher, but still averaging 16 per day, Conklin points out.

Veltema did call the DEQ. Lakeshore Environment informed them the DEQ needs to be involved if pond is over 5 acres or within 500 feet of another body of water. They did not go further with the DEQ based on the recommendation of Lakeshore Environmental. Hydro report gives you extensive reports on water tables drops. Type of excavating they are doing will affect the water table by 6 inches at the most and it will come back after a short time. The other thing that would affect the water table is evaporation and that affect is smaller yet. The only way water would escape the property is through evaporation or wet sand. The water drop is well inside what the water table is annually.

Phillips asks if elevation (finished top grade) is at 637. Is the pond top of the water is 590? Where they are doing the pond is in the lowest part of the property. Where the pond is going, the surrounding grade is actually 630 per Veltema. Pond could be between 8-15 feet is ideal for a pond, projected depth. Phillips asks if silica sand found in the boring samples? Veltema replies yes, class 2. There is clay as well in every boring sample. Prietz confirms that they will be excavating down to the clay layer and stopping. Veltema replies yes.

Welk asks if they will stock the pond? Veltema replies typically they come in naturally, but yes.

Conklin reads from 2nd page of Lakeshore Environmental report- Based on the MDEQ's webpage, there are 15 residences water wells within a quarter of a mile of this site and only 3 have shallow wells. Conklin wanted to point out that there are quite a few residences close to this pond. The report makes it quite clear that there should not be any unusual effect on the ground water, even on the shallow wells. Phillips inquires as to average depth of well? 80 Feet? There's no records of shallow wells; 2 in the report at 87 feet, but that's out of 12 wells in the area. Gentleman from audience- his well is 47 feet at 9 gallons per minute and he's across the street.

Conklin- You are not just going to dig a hole and sell the sand? There is going to be more coming in?
Veltema- No, just excavation with the exception of maybe top soil. He would like to put something heavier

APPROVED AMENDED MINUTES

on the 1:3 slopes to stop erosion. Conklin- So it is mainly digging a pond and selling the sand? Not a lot of back and forth with trucks? Veltema- Since the hydro test showed water, there's no reason to do a clay lining or haul clay.

Phillips- How long will the excavation take? Veltema he thinks with the demand in the economy, it could be done within 2 years, but he is requesting 5 years. They know that for sure it would be done in 5 years. There's quite a bit of the sand slated for construction by Tulip City Airport.

Conklin- Any other questions?

Conklin- A bit torn about the time frame, shorter time means more trucks per day. Longer time frame is less trucks per day. Veltema will be mainly running 40 yard trucks, so total truck count shouldn't be as much. Mostly it's a winter job as well, so it's a better environment for transportation as folks are inside.

Conklin- Time of day for transporting? Veltema- Operating times- 7-5 Sat. 7-12, no Sundays, no Holidays. That's a typical schedule. Conklin states some folks are concerned about kids after school. Can we cut it off at 3:30 or would it be a hardship? Veltema yes, it would be a hardship for the contractors. They would rather set a speed limit and have rules such as hours of operations, speed limits, no jake brake.

Route to be 133rd as primary to 60th- Veltema would impose a 25 mile an hour speed limit on the trucks on 60th. Posted speed is currently 45 mph on Old Allegan at that point.

ZA Kushion has spoken with the Allegan Co. Road Commission and was told any of the roads, 133rd, 60th or Old Allegan is fine. They are not concerned about damage to roads. However, ZA Kushion did find out that the DEQ will require a permit because excavation of the pond is within 500 feet of the stream. There was never a pre-application with the DEQ, so they have no idea what the plans are. They need to determine if a permit is needed. In ZA Kushion's memo is the basis of determination. He also states with Special Use Approval, they have to meet all four standards. If not met, conditions can be put on the approval. He does not feel it can be approved as submitted. If approved, ZA Kushion has a list of 7 conditions that need to be applied. As submitted, it has a tough time meeting the standards, 1, 2, and potentially 3.

Conklin reads the 4 conditions (**Sec. 40-693. - Basis of determination.**)

1. *The Special Approval Use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property and the surrounding area.*
2. *The Special Approval Use shall not change the essential character of the surrounding area.*
3. *The Special Approval Use shall not be hazardous to adjacent property or involve Uses, activities, materials or equipment which will be detrimental to the health, safety, or welfare of the persons or property by traffic, parking requirements, noise, vibration, smoke, fumes or glare.*
4. *The Special Approval Use shall not place demands on public services and facilities in excess of capacity.*

1 and 2 are in question, 3 is also in question and 4 is ok due to response from road commission. There is a

APPROVED AMENDED MINUTES

brief discussion of other sites that have sand mining activity going on in less populated areas. ZA Kushion confirms that point 4 is ok, but he does question if the proposal fits conditions 1, 2 and 3. Conklin goes over the two other sand mining operations in the area, (one in an industrial zone and the other in an agricultural zone) both are in much less populated areas.

Public Comment:

Larry Dickie, 6108 Old Allegan Road, Mr. Dickie states homeowners have the property rights- rights to develop their properties, a right to peace and quiet, to safety and to maintain their property values. He applauds the township for requiring the hydro-study contacting the DEQ. Sand mining should not occur in this area as it does not meet the four standards. The pond has an unappealing design and location, a steep slope, and potential chemical treatment. It may perhaps cause issues to the roads as well, all for profit of one company and at the expense of tranquility and safety. Please deny this request.

Jane Dickie, 6108 Old Allegan Road - Sand mining should not be allowed in this clearly residential area with 20 homes nearby. She is concerned about the welfare of the children and the wells in the area. There is no clay barrier to the pond as ties into the ground water source. To maintain a pond of this depth, it will require chemicals and sulfates. Ground water is interconnected unless there is a clay barrier. There are many shallow wells in the area, some with only sand above and below them with no clay barriers. There are risks of contaminated wells, and property devaluation. Please deny this request.

Daniel DeFranco, 6122 Old Allegan Road- Mr. DeFranco is very passionate about Saugatuck which is why he chose to live here. It's a special community. He is right across from the site and feels it will turn into a dump site for five years and concerned about property values as are some of the neighbors he has spoken with. This project undermines property values.

Dayle Harrison, 3108 62nd St- Mr. Harrison is an attorney representing Tom Shashaguay. He has sent a letter to the Planning Commission outlining why this request should be denied. This sand mining project will go on for five years and potentially much longer. It's a residential community- even with conditions, it will be a problem. It will change the community in terms of visual landscape, more fumes, nosier and more traffic for years. In particular the 3rd standard of the **Section 40-693** of the ordinance Mr. Shashaguay is across the street, it will interfere with his personal enjoyment of his property and Mr. Shashaguay believes he cannot sell a parcel for his retirement at a fair price being adjacent to the sand mining operation. There will be road maintenance costs involved. He asks the Planning Commission to please don't base your decision on the conditions that would be placed on this project, but base the decision it on the standards.

Mike Miles 3358 Shagway Drive. He has an 87 ft well. Believes the applicant is telling us what we want to hear and has changed the story to try and make it look like a great deal. It's one applicant vs. a whole room of people who do not want this. The hole is already about 25 deep. Now he wants to go from 100,000 yards to 400,000 yards. Where is the sand coming from? Last time he wanted to fix the land and put a few houses there. Now he wants to get the sand and sell. He questions the traffic- as few as 7 trucks, up to 60? How are the roads supposed to handle this traffic with steep hills built on a swamp? He is very confused by the developer's changing story.

Steve Hickok 6092 133rd Ave. With road hardships and noise he questions the appeal of the pond with

APPROVED AMENDED MINUTES

steep slopes. He lives across the street and has a very shallow well. 10 children live on 133rd and he's concerned about the welfare of the children. As well as safety, noise, well conditions and so many other unknowns. As a board, with all of the unknowns, why is this an appealing opportunity? Seems like an extremely high risk for the benefit of one company.

Gene Adamczyk, 6045 133rd Avenue, stated this is an emotional topic and people are scared. Mining in a residential area is not allowed. The people are upset as the turnout at the last meeting was about 75 people. This project does not meet the standards especially being "harmonious with the community." 133rd Avenue is a growing neighborhood. It's an opportunity to increase the tax base in the township with houses and should not be for the benefit of one company. If you listen to the developer, the whole conversation is sand mining. There is very little focus on property reclamation or neighborhood improvement. Mr. Adamczyk asks the Planning Commission to please follow the standards. If you do, it's an easy decision.

Conklin closes the public comment portion.

Phillips in regards to point #1- There is no longer a housing development as first proposed. Now we have an open pond and will end up with a fence around it. Lozano and Rowe agree with Phillips. It is not harmonious with the surrounding area. In regards to point #2 Phillips and Rowe point out the first two points go together with harmonious being the same as "essential character".

Point #3- Hazardous to adjacent properties- Conklin states there are recommendations that can be put on it to make it less hazardous. Rowe comments he is conflicted on #3 as 133rd is a major road way with a lot of traffic whether this happens or not. Does this raise the bar significantly because of the traffic? Probably not as any 40 yard truck can travel down that road right now whether it's going to that property or not.

There's a potential issue with the ground water. We do have well issues in this township. Great study, very comprehensive, not doubting that, but if it was his well next to this, he would be concerned.

Rowe returns to points one and two which are similar and the general standards "*Special Approval Use only upon a finding of compliance with each of the following standards*", "with each", being key not one or the other, but all. Rowe does not feel like neither one or two meets the standards.

Point #4- Road Commission is not concerned. Rowe and Conklin agree it's a non issue, but again, it's all the conditions, not just some.

Rowe motions- To deny the application based specifically on points 1 and 2 as it is not harmonious with a residential neighborhood and it will change the essential character of the surrounding area which is residential.

Discussion- Prietz- Do we need to state why it's not harmonious? Rowe- Basically it's a residential neighborhood.

Mr. Welk seconds this motion. Conklin asks for any further discussion.

APPROVED AMENDED MINUTES

Veltema- Please be specific on what standards this vote is based on. He would like clarification that's basing it on 1 and 2. The way the standard is written it has to comply with each standard. Conklin- # 3 could be addressed with a number of conditions, but that's another discussion that we haven't had tonight.

Role call for the vote:

Rowe- Votes with his motion to deny the application

Welk- Votes to deny the application

Lozano- Votes to deny the application

Conklin- Votes to deny the application

Prietz- Votes to deny the application

Welk- Votes to deny the application

Phillips- Votes to deny the application

Unanimously denied.

Veltema- asks for the minutes to be posted and Conklin says they will be.

ZA Kushion- We should look at our mining rules in the January or February meeting

Question from the audience- What is Veltema's recourse- Would he come back to you with a lawyer? No, he would go to ZBA (Zoning Board of Appeals) which could send it back to the Planning Commission to look at it again, but it's probably hard to do being a unanimous decision though. A discussion ensues on point 3, and some issues that could be brought as well, like a pond with a fence around it. The increased yardage as well 400,000 instead of 125,000 which are the numbers that the Road Commission did not have when they said all roads would be fine. The yardage increase happened tonight in this meeting.

Discussion- ZA Kushion & Phillips- ZA Kushion went to Laketown's planning commission last night re: the Darby issue- doesn't sound like it will happen. One other thing- four houses in industrial zoning are having issues are having with obtaining a 2nd Mortgage or Home Equity loans. They want to know who can they be bumped out of that and be blended in? ZA Kushion wanted them to come to the meeting, but they didn't act on it. There was no application made. May be brought up at a later date

New Business- Approval of the Planning Commission dates. Conklin wants to know why that's on there is something changing?- Kushion- No, it's the 4th Monday it's the same.

Public Comment- None

Township Board Updates and Planning Commission Comment- None

Next Planning Commission Meeting- January 22, 2018- Conklin & Rowe won't be here and PC can't meet without a Chair, Vice Chair. Need to cancel that meeting. Conklin can meet week prior if something is pressing.

Motion to Adjourn by Rowe with Prietz seconding is unanimously approved. Adjourned 8:21 PM

APPROVED AMENDED MINUTES

Brenda Williams, Recording Secretary

1. Motion to approve the agenda of the November 27, 2017 Planning Commission meeting. Rowe motioned, Welk seconded. Motion approved unanimously.
2. Motion to approve the amended minutes of the April 26, 2017 Planning Commission meeting. Prietz Rowe motioned, Prietz seconded. Motion approved unanimously.
3. Rowe motions- To deny the application of Special Approval Use to remove 125,000 cubic yards of sand and create a 4.94 acre pond at approximately 6400 133rd Ave (133rd Ave and Old Allegan Rd), Top Grade Aggregate LLC, parcel number 03-20-012-005-20 based specifically on points 1 and 2. As it is not harmonious with a residential neighborhood and it will change the essential character of the surrounding area which is residential. Motion approved unanimously.
4. Motion to adjourn at 8:21 pm. Rowe motioned, Prietz seconded. Motion approved unanimously.