

## SAUGATUCK TOWNSHIP PLANNING COMMISSION

August 24, 2009

The Saugatuck Township Planning Commission met on August 24, 2009, at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

Present: Conklin, Hanson, Milauckas, Rausch and Rowe

Absent: Darpel, Edris

Also present: Planner Sisson, Robert Geurink for Aaron and Eric Enterprises, Ross Veltema for Top Grade, Cal Becksvoort and John Balmer for Whispering Waters, and members of the general public.

Vice Chair Rowe called the meeting to order at 7:04 P.M. Minutes of the July 27 meeting were approved as presented (Milauckas/Conklin).

There being no general public comment, Rowe opened the public hearing on Top Grade's application for a new SAU to do sand mining and crushing and recycling of road materials at 3514 63<sup>rd</sup> Street in the Industrial Zone. Secretary Rausch read the notice published in the newspapers, and Hanson verified that notice had been mailed to neighboring property owners.

Cal Becksvoort, Latitude Engineering, introduced Robert Geurink, owner of the property, and Ross Veltema, operator for Top Grade, and went on to respond to items in Sisson's memo of August 21, referring to Latitude's correspondence dated August 24. He mentioned the stop order and subsequent correspondence between Z.A. Ellingsen and Latitude, representing Aaron and Eric Enterprises, of September, 2008 through July 24, 2009, and said Top Grade's purpose was to reclaim the site for sand mining. He enumerated the restorations which have been made and the corrections of violations which have occurred on the site. In answer to Sisson's question about the DEQ, Becksvoort referred to the letter included from Fairchild of the Land and Water Management Division of May 13, 2009. He explained that the current owners were not aware that the original SAU issued C&R Development in May, 2000, had expired in 2003, when they purchased the property, and for the past 18 months they have been working with the DEQ to restore the water courses. In answer to Milauckas' question, Geurink said the pole barn is used for equipment repair, and he sells vehicles from there on the east side of the property. The mining operator leases the western portion of the property, the two parts divided by the drainage ditch. Junk vehicles and equipment are proposed to be removed by the fall of 2010. Because the previous owner disregarded the requirement to maintain a 4-foot buffer to the high water table, the current owners propose to mine sand underwater, and only the slopes of the mining area are expected to be restored. Current level is 654' and they propose to go down to 610'. Crushing and mining equipment will be stored west of the drainage ditch and will not be visible from either roadway adjacent to the site. The crushing operation is expected to be "long term," or the life of the mine, and not just to process existing stockpiles of material. The life of the mine appears to be 400,000 cubic yards of sand, but there was no estimate of how

much had been mined to date. Specs on the noise level for crushing equipment were provided the Commissioners. Stockpile height of recycled road material was expected to be 30 feet. Becksvoort said a performance bond was acceptable, and Sisson said he thought \$4,000 to \$5,000 per acre was usual. In the discussion of traffic volume, Veltema said the crushing operation would probably occur once or twice a year in the spring and summer for two to three weeks at a time. Rausch asked if the barn had been taken down, and was told "No." Hanson asked about building materials along the water course, and was told it had been a building.

Rowe opened the hearing to public comment, and Randy Brink, 6090 136<sup>th</sup> Ave., asked for clarification as to the current owner and who is doing the mining. Veltema said his lease is open-ended. Brink maintained mining had been going on since 2003 and as many as 22 trucks operated from there, providing the sand for the Saugatuck High School football field.

Deb Matthai, 6936 Hickory Lane, Fennville, asked if this was an attractive nuisance that should be fenced, and Veltema said some of his operations around the state are fenced, but this site has natural barriers and there has been no trespassing.

Cal DeMaagd, 3719 64<sup>th</sup> St., asked who cut a road from 63<sup>rd</sup> to the Freeway and is selling equipment from there, is it going to stay, and would it be seen from the Freeway. Geurink said the path was already there; he uses it to rotate equipment regularly and expects to continue using it.

Rowe read a letter from the city manager of the City of Saugatuck, dated August 24, expressing the opinion that a stockpiling/crushing operation would be detrimental to development of city owned property on 63<sup>rd</sup> Street. Geurink's response was that he would welcome any suggestions for the use of his property.

Hanson made a motion to close the public portion of the hearing, Rausch seconded and the motion carried. Hanson questioned the wisdom of creating a bigger lake by mining, and Sisson explained that the township cannot forbid any more excavation because it is a resource, and lacking any standards, the township must rely on the DEQ. Sisson said it could require safeguards, such as fencing.

Milauckas asked how this property can still be used for industrial purposes according to the Township Plan. Sisson said mining is considered an industrial use, but limits could be imposed, and the township could require that the property be reclaimed after the mining is done. Milauckas said he thought regular inspections should be made every six months.

When Sisson asked if fueling would take place on the site, Veltema said he usually installed a 500-gallon fuel tank inside a cement septic tank, but in this case he might bring in the fuel daily by pick-up truck. Milauckas asked Veltema to limit the crushing operation to spring.

There being several issues to resolve for both the mining and crushing operations, Milauckas made a motion to table the SAU application for sand mining and stockpiling/crushing to the next meeting. Hanson supported and the motion carried. Milauckas asked that Ellingsen be present when the P. C. considers it again.

After a brief recess, the meeting resumed at 9:05 P.M. to consider the final site plan review for Whispering Waters Site Condominium. Becksvoort referred to the revised site plan dated 8/10/09, explaining that the pathway which extends from Karsen Path toward Hickory Lane shall be 5 feet wide but narrowing where it borders wetlands, the reservoir for fire suppression shall be in the roadway west of the T intersection, and the street light near the dry hydrant shall have a manual switch only. Becksvoort distributed copies of the DEQ permit for the community sewer system. He also included a letter from Fire Inspector Janik approving the fire suppression provisions and language in the Master Deed. Cost estimates were listed for the community sewer system including the pressurized force main (\$20,000), the roads and drainage including pond (\$45,000), and the water reservoir and well for fire suppression (\$21,500). The two lots using the community sewer system will have individual tanks not included in this estimate.

Becksvoort then proceeded to point out revisions or questions he had for the proposed Resolution:

- (1) Page 4, 2.A.b. references to “PUD” should be “Site Condominium Development Plan” (agreed);
- (2) Page 5, c. strike first sentence and change “Lots 3,4,5” in the second sentence to “any of the lots” and Page 9 b.3. strike (agreed after some discussion);
- (3) Page 5, F. sentence requiring performance bond with Township for community sewer system construction was disputed because the DEQ requires a bond; however, Hanson responded that the Township Attorney said the Township could require a bond to insure the proper construction, not ongoing maintenance, so this must be resolved between attorneys;
- (4) Page 6, I. Hanson understood there should be a separate agreement between the Fire Department and Whispering Waters and he would refer it to the Township Attorney. Becksvoort stated that 4 units could be built before the reservoir would be built, and no bond would be necessary until then, but Hanson disputed that, saying the performance bond should come at the time of the agreement with the P. C., otherwise the Township has no guarantee anything will happen;
- (5) Page 9, V. strike; Page 6, L “within a conservation easement’ change to “within the Master Deed” (agreed);
- (6) Page 9, Y. becomes X. and rewritten, “Fire Suppression Water Levels. The Developer shall be responsible to insure adequate water volume for fire suppression in accordance with the agreement with the Saugatuck Township Fire District.” (agreed)

In addition, Milauckas said he thought it should be clear that the pond is constructed first before roads, etc. To E., page 5, the last sentence shall be changed as follows: “Prior to the construction of any part of the Development, the pond shall be constructed and evidence of approval . . .” Page 6, H. title becomes “Private Roads, Pond Drainage”

Improvements.” K. One light at the west end of Karsen Path on a switch was agreed to by the P.C.

At 10:15 P.M. Milauckas exited the meeting.

At this point, Rowe opened the meeting to public comment, and Deb Matthai reminded the P. C. that they would not approve this development until all approvals are in, and the Health and Drain Departments’ approvals are not final. Also the Resolution allows two years to obtain approvals from several agencies, whereas Sec. 40-947 of the Zoning Ordinance gives a developer one year to begin some kind of construction before the approval expires. Becksvoort said the Health and Drain Departments do not give final approvals until the site condo has been approved. Sisson agreed that Subsection X, which becomes W, should read “The Developer has one year from this approval . . .”

John Matthai asked if the developer could park his trucks and equipment on Chestnut or Hickory Lanes, and Hanson replied “Yes, and there are no performance bonds for possible damage to existing roads.”

Jerome Post asked where the figures for the performance bonds came from, and was told that Becksvoort provided them, agreed to by Sisson.

There being no further public comments, Hanson made a motion to give final approval to Whispering Waters Site Condominium under the Resolution provided by the Township Attorney, with the changes made this evening, based on the site plan dated 8/10/09. Conklin supported and the motion carried.

Meeting adjourned at 10:40 P.M. The next regular meeting is September 28 at 7:00 P.M.

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Betty A. White, Recording Secretary

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Sandra Rausch, Secretary

### **MOTIONS**

1. Motion by Milauckas/Conklin to approve minutes of July 27.
2. Motion by Hanson/Rausch to close public portion of hearing on SAU for sand mining/stockpile crushing for Top Grade.
3. Motion by Milauckas/Hanson to table application of Top Grade to next meeting.
4. Motion by Hanson/Conklin to approve final site plan of Whispering Waters Site Condominium by Resolution.