

## SAUGATUCK TOWNSHIP PLANNING COMMISSION

September 28, 2009

The Saugatuck Township Planning Commission met on September 28, 2009, at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

Present: Darpel, Edris, Hanson, Milauckas, Rausch and Rowe

Absent: Conklin

Also present: Zoning Administrator Ellingsen, Planner Sisson, Jason Kalajainen for OxBow, Cal Becksvoort and Ross Veltema for TopGrade, and members of the general public.

The chair Mr. Edris called the meeting to order at 7:05 P.M. Hanson added to the agenda the assignment of P.C. members to various segments of the township, the discussion of community septic systems, and the proposed Recreational PUD Ordinance, and removed Whispering Waters. Minutes of the August 24 meeting were approved (Hanson/Rowe).

There being no public comment, Milauckas thanked Hanson for all his work as chairman of the Planning Commission and for continuing the philosophy of open dialogue with the public.

Edris opened the public hearing for OxBow's application to extend the open-walled roof area on three sides of the Padnos Metal Studio. Secretary Rausch read the notice published in the newspaper. Edris verified that proper notice had been given to the neighbors, adding that there has been no written opposition. Jason Kalajainen explained that the roof extension would make the open-air-studio more usable in inclement weather but would not increase the student population. Sisson reviewed his memo of September 20, and the only public comment was from Dayle Harrison, 3108 62<sup>nd</sup> St., who said it seemed reasonable. Public comment was closed (Rowe/Rausch).

Milauckas made a motion, supported by Rowe, to approve the site plan as proposed for the addition to the Padnos Metal Studio at OxBow, including a flooring surface of permeable or impermeable material extending to the outer edge of the roofline, with the following conditions: (1) That the addition receive approval from the MDEQ; (2) that the applicant receive approval from the ZBA for the expansion of a non-conforming use under Sec. 40-1012; (3) that the applicant submit approval from the Fire Chief; and (4) that the addition comply with the previous 2004 SAU conditions for the OxBow expansion project contained in Sisson's September 20, 2009 memo. Motion carried.

Edris opened a continuation of the discussion on Top Grade's application for SAU to sand mine and crush and recycle road materials at 3514 63<sup>rd</sup> St. in the industrial zone. Becksvoort presented a revised site plan and reviewed a letter from Latitude Engineering addressing the items of concern from last meeting. He added that the pile of materials to be recycled would be about 30 feet high but only 16 feet above the level of the road from which it could be viewed and about 600 feet back from it. The applicant plans a paved

roadway of about 300 feet to enter the property. Becksvoort estimated the operation might last 15 years, with the recycling operations lasting one year after the mining operation is finished. The pond, being reduced to 4.9 acres, will not require DEQ permit; fuel will be hauled in, not stored on site; signs will be posted around the mining area and around the pond at 50-foot intervals; fencing is not proposed; and a performance bond of \$22,500 is recommended.

Milauckas asked if an acceleration/deceleration lane is required. Becksvoort said when the applicant gets a permit for the driveway, he can find out if the Road Commission recommends it.

Sisson reviewed his memo of September 25, beginning by stating that the slopes of the pond do not exceed 3:1. He pointed out that the pond would be about 40 feet deep and the water level should be monitored to determine what its depth at restoration should be, but he suggested the final grade to be at least 6 feet above an established maximum average water elevation. Sisson estimated that in the restored area between the pond and the drain, considering the wetlands, there should be room for as many as seven industrial sites. He recommended the stockpiles be only 20 feet tall, that the crushing operation take place in the spring with application for additional fall crushing to the Planning Commission; and because the restoration will occur after the mining operation is finished, the crushing operation would have to end before the restoration takes place. Sisson recommended granting SAU for the mining operation for only 5 years with extensions possible and annual revisions and updates required, and SAU for the crushing operation for 1 year with extensions. He suggested 6600 cubic yards of topsoil necessary to restore the upland areas of the site to a 5-inch depth, and more bonding should be required if less than that remains. Sisson said he thought a bond of \$2500 should be deposited for the crushing operation, and evidence of insurance should be provided.

Hanson asked if Sisson meant for the applicant to return to the Planning Commission every year for an update on the site, and Edris asked if the Planning Commission has the authority to do this, and to both questions, Sisson answered Yes. Edris asked Z. A. Ellingsen if the P. C. should view this as two separate SAU's, and Ellingsen responded that it is one application with two resolutions. Milauckas suggested spot checks during the year, and Ellingsen suggested requiring the applicant keep a log of material coming out of the site along with a 6-months' inspection.

Hanson asked Ellingsen if the current owner is living up to the requirements of the "stop work" order, and Ellingsen said he only had issues with the sign which is still there. Hanson asked who is paying the performance bond, and Veltema said Top Grade is, not Geurink, owner of the property. Hanson said he wished the two were joined as far as the bond goes, so if something is not restored one can't blame the other, with the result that nothing is resolved. He asked about the sign on I-196, and Geurink said the sign was there when he bought the property, but he does not use it. Hanson said he hoped the trees would be preserved along I-196 in the SAU, and he wondered who decides what kind of materials could be dumped in the recycling pile. Veltema said he sells mostly to MDOT, which is very strict as to what is in the recycled material. Hanson wondered why fencing

is not required by the Township for mining areas; for instance, a movable one as was recently required of a sand mining operation. Hanson asked about monitoring water quality on the property, and Sisson suggested requiring the applicant to keep logs on testing water quality.

Edris announced that the issue of contaminants on the property came up after the last meeting, and the applicant says they have been removed. Edris reported consulting Atty Bultje, who said the liability rests on those doing the mining.

Edris opened the meeting to public comment, and Dayle Harrison, 3108 62<sup>nd</sup> St., said he didn't see how this operation could be considered "industrial," thought 15 years was a long time for mining to go on, wondered how long materials could be kept on the property, complained about advertising along I-196, was concerned about the depth of the pond and about natural habitat along 63<sup>rd</sup> St. being destroyed. To which Becksvort said there would be a letter from the DEQ saying the operation would not affect the wetlands.

A 50-foot buffer zone along the ROW of 63<sup>rd</sup> St. was required in the 2000 SAU for Ray Gould's sand mining on the same property, according to the minutes from that hearing. The \$10,000 performance bond required of Gould was brought up, and no one knew what became of it, since it apparently was not returned to Gould when he requested it in 2007. The current owner, Geurink, bought the property from the Valteau Trust; Gould leased the property. Geurink's business does not need SAU, and the 1000-foot addition to the building did not have to come before the Planning Commission, according to Ellingsen. Hanson asked if anyone knew about the burial of any materials on this property, that they report it to the township.

Rowe made a motion, supported by Rausch, to table the SAU application. Motion carried. Sisson distributed proposed resolutions for the two operations.

After a brief recess, the meeting reconvened at 9:13 P.M. to discuss wind energy, and Hanson said he preferred starting with the Ottawa County Ordinance, admitting that the P. C. members are not technical experts and asking the P. C. to study it, prior to asking Sisson to draft an ordinance which can then be reviewed by Atty Bultje, before having a hearing.

Hanson provided a list of proposed assignments representing segments of the township given the Planning Commission members, pursuant to Ordinance Sec. 26-8: Agriculture – Hanson; Natural Resources – Edris; Recreation and Tourism – Milauckas; Education – Rausch; Transportation and Government – Rowe; Industry and Public Health – Conklin; and Commerce – Darpel.

There was some discussion of Steven Neumer's proposed Recreational PUD Ordinance for McClendon's property in what is now the R-4 Residential Zone. Hanson said the Cooperation Agreement with McClendon has expired, and the township must now consider change. Edris pointed out that this proposed ordinance will not be before the Planning Commission unless the Township Board refers it.

Hanson reported that in his discussions with the Township Board on the possibility of having the township take responsibility for community septic systems, the Board has always thought it was too much liability. He read directions from the Health Department on how this might be done, rather than turning it over to the DEQ.

Meeting adjourned at 9:45 P.M. The next regular meeting is October 26 at 7:00 P.M.

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Betty A. White, Recording Secretary

Sandra Rausch, Secretary

### **MOTIONS**

1. Motion by Hanson/Rowe to approve minutes of August 24 as presented.
2. Motion by Rowe/Rausch to close public portion of hearing on site plan for extension of roof on Padnos Metal Studio for OxBow.
3. Motion by Milauckas/Rowe to approve site plan for extension of roof on Padnos Metal Studio for OxBow with conditions.
4. Motion by Rowe/Rausch to table discussion of SAU for Top Grade's sand mining and road material crushing operation in I-1 Zone.