

THORNAPPLE TOWNSHIP PLANNING COMMISSION

Regular Meeting, Monday, June 25, 2018

1. The meeting was called to order by Chairperson Kilgore at 7:00 p.m. at the Township Hall.
2. Present: Bryan Finkbeiner, Jim French, Linda Gasper, Tom Kilgore, Sandra Rairigh, and Craig Wandrie. Absent: Elizabeth Hansson. Also present: Catherine Getty, Stephanie Skidmore, Todd Boerman, Bill Ryszka, Jim Visser, Ethan Belden, Rob Hayes, Sandra Marcukaitis, and Dan Greene.
3. **MOTION** by French, support by Wandrie to approve the Agenda. **MOTION CARRIED** with 6 yes voice votes.
4. **MOTION** by Rairigh, support by Finkbeiner to approve the May 29, 2018 Minutes as amended. **MOTION CARRIED** with 6 yes voice votes.
5. Citizen Comments: None.
6. Public Hearings:
 - A. Special Use #139 (Parcel #08-14-012-002-35, 6736 Amber Ridge Drive) Accessory Building closer to road than the house.
 - i. Staff Introduction/Site Plan Committee Report: Getty provided an overview of the rationale for the proposed placement of the Accessory Building. Getty stated that the Accessory Building will be slightly closer to the road than the house due to a steep ravine behind the property. In addition, the Accessory Building's siding and shingles will match the house.
 - ii. Applicant Presentation: Mr. Ryszka indicated that he did not have anything further to add to Getty's overview.

Kilgore opened the Public Hearing 7:07 p.m.
 - iii. Public Comments: None.

Kilgore closed the Public Hearing at 7:07 p.m.
 - iv. Commission questions and deliberation: **MOTION** by Rairigh, support by Finkbeiner to approve Special Use #139 Accessory Building closer to road than the house. Finkbeiner stated that he felt that this proposed location was the proper placement for the Accessory Building. French stated that the applicant was very thorough and organized. Gasper inquired whether the request meet all standards in Section 19.3. Finkbeiner stated that the materials utilized will match the existing house. Roll Call Vote: Gasper,

Yes; French, Yes; Finkbeiner, Yes; Hansson, Absent; Kilgore, Yes; Rairigh, Yes; Wandrie, Yes. **MOTION CARRIED.**

B. Special Use #114 /Site Plan #101: Aggregate Industries/Lettinga Mineral Extraction

- i. Staff Introduction/Site Plan Committee Report: Getty and Boerman provided an overview of the Special Use #114 and Site Plan #101 application by Aggregate Industries/Lettinga Mineral Extraction. Boerman provided a summary of his correspondence to the Township dated June 21, 2018 which included but was not limited to the following highlighted recommendations: 1) all proper permits must be maintained; 2) demolishing of outbuildings may need to occur as a result of the mining; 3) recommendation that trees along Patterson Road be maintained; 4) fencing be continuous where applicable; 5) water depth be a minimum of 20 feet upon pond's completion; and 6) berm bordering Leeks Lake will remain. Boerman indicated that the existing performance bond of \$540,000.00 should be sufficient if reclamation by the Township is deemed necessary.
- ii. Applicant Presentation: R. Hayes, E. Belden and D. Green provided an overview of the Site Plan from the applicant's perspective and D. Green provided his thoughts on the hydro study.

Kilgore opened the Public Hearing 7:43 p.m.

- iii. Public Comments: None.

Kilgore closed the Public Hearing at 7:43 p.m.

- iv. Commission questions and deliberation: **MOTION** by Finkbeiner, support by Gasper to approve Special Use #114 /Site Plan #101: Aggregate Industries/Lettinga Mineral Extraction with the following conditions:

1. *Operations for mineral extraction must be in strict compliance of Section 19.53 of the Zoning Ordinance.*
2. *All operations associated with the mineral extraction and processing shall be limited to the properties identified as North Site and South Site on sheet C-1 (dated 6/18/18) included in the Special Use Permit Application and in strict conformance with the approved site plan materials dated June 18, 2018 prepared by Hurley and Stewart, LLC.*
3. *Except for the proposed expansion of the existing pond as indicated on the site plan, reclaimed areas must have a minimum elevation of 810 ft. on the north site and a minimum elevation of 808.5 ft. on the south site. Reclamation must be suitable*

for use by the property owner and substantial completion of the reclamation shall be completed within one year of termination of mining or excavation activity in each area per Section 19.53(1).

4. No express or implied approval of an end use or permanent use of the subject property is given by the Planning Commission or any agent of Thornapple Township. Any permanent use of the property will be subject to provisions of the township Zoning Ordinance then in effect.

5. The six existing monitoring wells (MW-2, MW-3, MW-4, MW-5, MW-7, and MW-8) must be protected and maintained over the life of active mining and until completion of the site reclamation.

6. Topsoil and overburden stockpiles outside of the lease area must be stabilized with vegetation and silt fence must be placed between the stockpiles and the wetlands until topsoil and overburden stockpiles are stabilized by vegetation. Silt fence must be maintained, replaced, or repaired as necessary where protecting wetlands or other water bodies from exposed soil any time during the term of this permit.

7. Property corners and lease corners must be clearly marked.

8. A sign indicating times of operation must be posted at the entrance of the property on Patterson Road.

9. A reclamation bond for the property shall be in the amount of \$540,000 through the term of this permit renewal and after for a period of 180 days according to the terms specified in Section 19.53(s)(1).

10. Liability insurance through the term of the permit in the amounts and terms specified in Section 19.53(s)(2).

11. Material may be removed from the property by truck or conveyor. No topsoil may be removed from site.

12. The applicant must maintain a minimum escrow amount of \$3,750.00 for inspection fees according to Section 19.53(r) of the zoning Ordinance. Regular inspections will be made to assure:

- a. Protection of the wetlands*
 - b. Prevention of soil erosion*
 - c. Verify elevations and compliance of reclaimed areas*
 - d. Verify progressive reclamation*
 - e. Verify general compliance of the Zoning Ordinance and permit conditions*
- Inspections by a Thornapple Township official or by a hired consultant may be performed at any time with notification to the applicant.*

13. Trees along Patterson Road on the south site within the 100 foot setback must be preserved for screening purposes.

14. The final depth of the expanded portion of the pond shall be a minimum of 20 feet deep except where sloped toward shore.

15. Final pond slopes will be established by an onsite meeting between the landowner, operator, and a Township representative in order to provide a safe slope while accommodating other future uses.

16. *The existing barrier between Leeks lake and the adjacent wetland must remain intact during the duration of the permit term.*
17. *Existing berms constructed of topsoil along Patterson Avenue must remain in place while active mining is taking place. The berms may be removed as part of the final site restoration.*
18. *A 100-foot mining setback and a 50-foot activity setback must be observed from the manure storage facility on the Yankee Springs Dairy property. No activity shall result in a change of drainage characteristics in the vicinity of the manure storage facility.*
19. *Due to the unique difficulty of this site to fully enclose the mining area with a fence, the following conditions will apply to meet the fencing requirements in lieu of the requirements stated in Section 19.53(d) of the Thornapple Township Zoning Ordinance.*
 - a. *The west boundary (adjacent to Patterson Rd.) must be protected by fence from public areas. Fence does not need to be within the leased area.*
 - b. *Existing fence may be utilized if in good condition. Replacement of fence in required areas must meet the requirements stated in Section 19.53(d) unless specifically requested otherwise by landowner.*
 - c. *Maintenance of fence is the responsibility of the applicant regardless of fence ownership. If the landowner chooses to remove a fence along a boundary that requires fencing, a replacement fence is required within the leased area for mining.*
 - d. *A letter from the landowner stating that no access to the leased area will be provided for public or private use will be granted for any reason other than what is necessary for its current agricultural use during the duration of the lease.*
 - e. *A permanent metal sign reading "Danger – Mining Area" will be installed along the access road from the TV antenna property. Similar signs may be required at applicant or Township discretion at any time within the duration of this permit. The township, at the direction of the Zoning Administrator, may require full perimeter fencing around the site or any portion of the site if it becomes apparent that the existing measures are not found to be effective or if public trespassing becomes an issue.*

- v. **Wandrie** inquired when the applicant planned to begin excavating the existing pond. Applicants indicated that the proposed date is July 15, 2018. **Gasper** inquired the amount of product that the site has yielded. **Belden** indicated that at least one million tons of product has been excavated over the past two operating seasons. **Rairigh** asked what the process would be if the outbuildings were deemed to be demolished. **Belden** stated that Aggregate would have the appropriate permits issued through PCI and the Health Department. Roll Call Vote: **Gasper, Yes; French, Yes; Finkbeiner, Yes; Hansson, Absent; Kilgore, Yes; Rairigh, Yes; Wandrie, Yes. MOTION CARRIED.**

- 7. **New Business: None.**
- 8. **Unfinished Business: None.**
- 9. **Committee Reports:**
 - A. **Ordinance Committee – No report.**
 - B. **Site Plan Committee – No report.**
 - C. **Joint Planning Committee – French asked regarding the status of the Joint Planning Committee. Getty stated that she does not have an update and is waiting for guidance from the Village of Middleville.**
- 10. **Administrator’s Report:**
 - A. **Zoning Activity Report: Report included in meeting packet.**
 - B. **Enforcement Report: Getty stated that a report is not included in the meeting packet since the Enforcement Officer is currently developing the format of the report.**
- 11. **Commissioner Comments: None.**
- 12. **Adjournment: MOTION by Gasper, support by Wandrie to adjourn the meeting at 7:47 p.m. MOTION CARRIED with 6 yes voice votes.**

Sandra Rairigh, Secretary



Stephanie Skidmore, Recording Secretary

Approved 7/23/2018