

THORNAPPLE TOWNSHIP PLANNING COMMISSION

Regular Meeting, Monday, September 28, 2020

1. Call to Order:
 - a. The meeting was called to order by Chairperson Tom Kilgore at 7:01 p.m. by teleconference at (978) 990-5348 Access code: 7315428#.
 - b. Present on the call: Elaine Denton, Bryan Finkbeiner, Linda Gasper, Elizabeth Hansson, Tom Kilgore, Sandra Rairigh and Craig Wandrie. Also Present: Catherine Getty, Todd Boerman, Amy Brown, and Dan Rookus.

2. Approval of Agenda:

MOTION by Rairigh, **SUPPORT** by Gasper to approve the Agenda, as printed. **MOTION CARRIED** with 7 yes voice votes.

3. Approval of Minutes:

MOTION by Finkbeiner, **SUPPORT** by Denton to approve the July 27, 2020 minutes. **MOTION CARRIED** with 7 yes voice votes.

4. Citizen Comments: None

5. Public Hearings:
 - a. Special Use # 146/ Site Plan #119 Kathy Gaunt – Group Daycare Home
 - 1.Applicant Presentation – Getty presenting, Kathy Gaunt currently runs a home day care for less than six children. It isn't necessary for Kathy to be present on the call. She seeks approval to run a day care at her home for a group of 6 to 12 children at 4975 N. M37. This is a special use allowed in this district and she met all the standards required. Area for children to be dropped off and picked up, fenced outdoor area, yard is maintained, and the visible characteristics will remain unchanged. A site plan group met but did not go to the site.
 - 2.Staff Introduction – None.
 - 3.Public Comments –
 1. OPENED at 7:06 pm and CLOSED at 7:06 pm.
 - 4.Commission questions and deliberation – Kilgore asked about the relationship between Gaunt and the property owner. Getty replied that Gaunt rents the home from a family relation. The owner has signed the special use application as well.

5. **MOTION** by Finkbeiner, **SUPPORT** by Gasper to approve Special Use #146 at Site Plan #119. **MOTION CARRIED** with 7 yes votes.

b. Special Use #115/Site Plan #102 Janose/Oetman Excavating Mineral Extraction

1. Applicant Presentation – Boerman/Getty - Getty stated Oetman operates on the Janose property. They had a site plan meeting on September 9, 2020 at the site to review. They continue to excavate into the hillside. The Planning Commission worked with Oetman to get a better site plan. Provided a question and answer section within the plan. The site plan committee noticed some items that are also outlined in Todd Boerman's memo. First, the bottom elevation was lower than had been expected, the fence that was required around the hillside was not in place and the sign was missing at the road.

Getty asked Boerman to review his findings and add to the introduction. After years of very low activity, there has been more mining recently (in 2019 and 2020) which Oetman stated has to do with the continued development at Bradford White facility. Even though there has been more activity, there has not been any complaints from neighbors. The new barn has been present for several years and areas of reclamation has been done nicely and has opened air flow which has been nice. There is some ambiguity in where the mining limits are, they seem to be operating within the property lines are not being encroached. Also, the sign and fence are issues that need to be addressed. Finkbeiner asked if Boerman had graded the excavation? Boerman stated that it was lower than the Barn which had been given as the lowest point. Boerman stated that if the Planning Commission agrees, then he would grade the elevation and would be the new low point allowed. Oetman agreed he would be alright with this as well. Dan Rookus, who works as the site manager, stated that he would make sure the sign was back up by the end of the month. The fencing was taken down to stripe the overburden off the top. He acknowledged that the fence should have been put back up right away and that he would be sure to get it back up. Kilgore asked if he could assure them that the sign would be put back up and asked why it had been removed? Rookus stated that was the owner's action and he did not know why. Finkbeiner asked how the commission could make sure that the

rules are followed. He didn't feel the property needed to be staked but feels the fence, the sign and the grading needs to be assured in order to be comfortable with granting the special use permit. Boerman makes periodic inspections and that if the conditions aren't followed then that puts the mining operation in default of the permit.

2. Staff Introduction

3. Public Comments

1. OPEN at 7:17 pm and CLOSED at 7:17 pm

4. Commission questions and deliberation - Finkbeiner stated that he didn't feel it was necessary that the property be staked, but the other conditions need to be carried out. Rookus stated he would ensure the conditions are met, which includes the sign, the fence and no further removal of material lower than what will be graded by Todd Boerman. Getty stated that a homeowner on Bender Rd. had called Getty on the phone to say she doesn't mind the mining, but it is the condition of the site that she is concerned about and hopes the site itself be picked up. Kilgore asked if that would be a code enforcement issue? Getty agreed that it was.

5. **MOTION** by Finkbeiner, **SUPPORT** by Rairigh to approve Special Use #115 at Site Plan #102 with conditions 1 -16 from the memo from Catherine Getty to Thornapple Township Planning Commission. **MOTION CARRIED** with 7 yes votes.

6. New Business:

- a. Special Use #114 – Site Plan #101 Aggregate Industries / Lettinga Mineral Extraction – 2-month extension special use renewal to October 26, 2020 – Getty stated that Lettinga has been reviewing their operation and do plan to submit changes to their Special Use application. However, they have not completed the changes to the application yet, therefore they are seeking an extension again. Lettinga is confident they'll have it completed before the October meeting. Finkbeiner asked if Getty expected changes to the operation? Getty stated she believes they will have changes to their plan. They are getting a permit from EGLE to expand their operation. The site manager has also changed, and Getty asked for clarification on that point from Boerman. Boerman

clarified that Larry VanBerg had left but hasn't met the new manager yet. Getty stated there were no serious issues during the inspection and Boerman agreed. However, there are some items that are best discussed at the next meeting. Boerman has an inspection report that he requested Getty forward to the board for their review in preparation for the next meeting.

b. MOTION by Rairigh, **SUPPORT** by Denton to approve a two-month extension to Special Use # 114 / Site Plan # 101. **MOTION CARRIED** with 7 yes votes.

7. Unfinished Business: None

8. Committee Reports: None

- a. Ordinance Committee [Kilgore, Finkbeiner, Rairigh, Gasper (alt)]
- b. Site Plan Committee [Denton, Finkbeiner, Wandrie, Hansson(alt)]
- c. Joint Planning Committee [Denton, Gasper, Rairigh, Kilgore, Getty(alt)]

9. Administrator's Report:

- a. Zoning Activity Report –
- b. Code Enforcement Report – Finkbeiner asked if there has been an increase in complaints? Getty stated there hasn't been an increase, just the usual amount to address. The Janose property did have some issues back in 2008 and 2009 but there could be some further discussions in regard to some of the older equipment present. In the past, he had some specialty cattle and equipment had been used for feeding but this is not the case now. Wandrie stated he agreed that it is worth reviewing while ensuring all processes by the commission are followed according to code.

10. Commissioner Comments: None

11. Adjournment:

MOTION by Finkbeiner, **SUPPORT** by Gasper to adjourn the meeting at 7:39 p.m.
MOTION CARRIED with 7 yes voice votes.

Sandra Rairigh, Secretary

Amy Brown, Recording Secretary

Approved _____