

**THORNAPPLE TOWNSHIP PLANNING COMMISSION****Regular Meeting, Monday, November 28, 2022**

1. Call to Order:
  - a. The meeting was called to order by Chairperson Tom Kilgore at 7:02 pm at Thornapple Township, located at 200 E. Main St., Middleville, MI 49333.
  - b. Present: Elaine Denton, Bryan Finkbeiner, Linda Gasper, Sandra Rairigh, Craig Wandrie, and Tom Kilgore. Also Present: Todd Boerman, Catherine Getty, Jeff Sluggett, Glorimar Ayala, Chad Rose, Don DeGroot, Jim Dykema, Jake Welch, and the public. Elizabeth Hansson was absent.
  
2. Approval of Agenda:

**MOTION** by Rairigh, **SECONDED** by Gasper, to approve the agenda as printed. **MOTION CARRIED** with 6 yes-voice votes.
  
3. Approval of Minutes:

**MOTION** by Finkbeiner, **SECONDED** by Gasper, to approve the October 24, 2022, meeting minutes as presented. **MOTION CARRIED** with 6 yes-voice votes.
  
4. Citizen Comments: None.
  
5. Public Hearings: None.
  
6. New Business: None.
  
7. Unfinished Business:
  - a. Special Use #159/Site Plan #119 – Busch Drive Concrete Mineral Extraction
    - i. Chairperson Kilgore opened a discussion on this matter, asking if anyone wanted to talk about anything that hasn't been addressed to the Planning Commission and has new information regarding this petition.
    - ii. Township residents Danielle Hoskins, Rebecca Hoskins, and Alyssa Tape shared their concerns with this project: property value, safety, traffic, noise, speeding trucks, air quality, health, and snow trail visibility. They asked the Commissioners to deny the applicant's petition.

Commission Questions and Deliberation:

  - a) Chairperson Kilgore asked Jake Welch from the Road Commission to explain how the Commission grants a driveway permit for the gravel mine after a safety study. Jake Welch from the Barry County Road Commission explained how the Commission grants or denies driveway permits. He said that the proposed location for the driveway on Payne Lake Road and Bass Rd, both northbound and southbound, meets the sight distances.
  - b) Chairperson Kilgore also asked Welch about the concern about the turning radius. Welch replied that they compared the width of other gravel roads in the

- area that came to a paved road and determined that it complies. If the applicants create any damages, the Road Commission can go after them legally.
- c) Chairperson Kilgore asked to add to the record a letter from James Dykema regarding some concerns not addressed by the operator.
  - d) Finkbeiner asked questions regarding crushing, restoration of the pit and turning onto Bass Road. Dykema and Don DeGroot answered his questions explaining that this site would be mainly for loader/loading trucks; no crushing would be done. Finkbeiner reiterated with Dykema and DeGroot that the turn would be westbound only. Finkbeiner asked Dykema and DeGroot to explain the restoration of the pit to the audience. DeGroot explained that the property owner was satisfied with the condition of the proposed restoration. There was a discussion about the possibility of farming the property, and he mentioned that nothing in the ordinance prevents the regrading of the site closer to the property line, making the site more manageable for farming if the property owner desires.
  - e) Denton asked about the silica dust. Dykema explained the process of extraction. Denton asked him if the process released the silica dust. He said no.
  - f) Chairperson Kilgore asked if they have contacted the neighboring pit looking for the possibility of having access from this site to the existing pit on Patterson Avenue to keep traffic off of Payne Lake Rd. Dykema answered no. He mentioned that the property owner has a piece of property that fronts a public street. Trying to go in another direction will not make it feasible economically.
  - g) Rairigh asked why and Dykema answered that it was because of the cost. Rairigh asked about the snowmobile trail. Dykema answered that it is 100 feet from the property line and that he hopes that the snowmobilers don't cross it; if they do, they have 100 feet away from the area and a berm will be constructed. Rairigh mentioned to Dykema that the ordinance requires fencing. Danielle Hoskins mentioned that she contacted DNR and the original trail coordinator and mentioned that they would like to monitor this project.
  - h) Chairperson Kilgore asked how much mining they would be doing during the winter months. Dykema answered very little.
  - i) Rairigh asked about school buses.
  - j) Denton asked for the attorney's opinion on the rebuttal points made by the Commissioners.
  - k) Sluggett stated that the Commissioners had a special land use in front of them. He mentioned the sections of the ordinance to consider. According to Michigan Law, there is a recognition that mining and extraction operations can not be put anywhere, only where minerals are found. State Enabling Act establishes that the extraction should be approved if minerals are found on a site and there is a need for them. He cited the standards from the Zoning Enabling Act:
    - i. The relationship of extraction and associated activities with existing land uses.
    - ii. The impact on existing land uses in the vicinity of the property.
    - iii. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
    - iv. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.

- v. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
- vi. The overall public interest in the extraction of the specific natural resources on the property.

Commissioners need to consider these factors, along with the sections of the ordinance and the information provided by the public, applicant, and staff to make a decision.

- l) Rairigh asked the applicant if they were willing to look into the possibility of getting an easement on Patterson. Dykema stated that they could look into it.
- m) Finkbeiner suggested a independent third-party traffic study. Rairigh also suggested an environmental impact study.
- n) Todd Boerman asked Commissioners to be more specific on what they are looking for in the traffic study. Welch explained what the traffic study made by the Road Commission includes.
- o) Finkbeiner asked Welch who was responsible for grading. Welch responded that the County is responsible.
- p) Chairperson Kilgore asked for an appraisal to look into the property values issue.
- q) Sluggett recommended Commissioners identify the issues, ask staff to prepare a report on them and bring it back for the Commissioner's consideration –1) snowmobiles and the position of the DNR, 2) appropriate type of traffic study, 3) crushing vs. screening and the impact it might have, 4) Patterson connection and the applicant contacting the adjacent property to see if it's an option, and 5) appraisal on property values.
- r) Discussion between Commissioners on what type of traffic study they would like to see.

**MOTION** by Gasper, **SECONDED** by Rairigh, to postpone this item to the Planning Commission meeting on January 23, 2023. **MOTION CARRIED** with 6 yes-voice votes.

#### 8. Committee Reports:

- a. Ordinance Committee – Outdoor wood burner – proposed zoning amendment
  - i. Chairperson Kilgore asked Commissioners for questions or comments on the recommendations from the Ordinance Committee regarding the proposed zoning amendments. A letter from the applicant explaining why a zoning variance was denied because the furnace does not meet EPA's standards was distributed along the Commissioners.
  - ii. Denton asked regarding the EPA certification and how long that has it been. Rairigh and Kilgore answered the question.
  - iii. Chairperson Kilgore and Finkbeiner went over the changes to the ordinance and explained them.

**MOTION** by Denton, **SECONDED** by Finkbeiner, to set up a public hearing on January 23, 2023. **MOTION CARRIED** with 6 yes-voice votes.

#### 9. Administrator's Report:

- a. Zoning Audit – No report. Getty submitted an audit performed by Nathan Mehmed from Williams & Works regarding Zoning Ordinances updates. Ordinance Committee will set up a meeting date to go over the audit.
- b. Code Enforcement Report – Rairigh inquired about some complaints/violations on the report dated 2021. Getty provided an update on them.


10. Commissioner Comments: None.

**MOTION** by Gasper, **SECONDED** by Rairigh, to cancel the Planning Commission meeting on December 19, 2022, due to the holidays. **MOTION CARRIED** with 6 yes-voice votes.

11. Adjournment:

**MOTION** by Gasper, **SUPPORT** by Rairigh, to adjourn at 8:25 pm. **MOTION CARRIED** with 6 yes-voice votes.

  
Sandra Rairigh, Secretary

  
Glorimar Ayala, Recording Secretary  
Approved Jan. 23, 2023