

ROBINSON TOWNSHIP PLANNING COMMISSION
April 15, 2014

The special meeting of the Robinson Township Planning Commission was called to order at 7:30 p.m. at the Robinson Township Hall.

Present

George Schippers
Shawn Martinie
Tom Tenbroeke
Sue DeRuiter
Scott Blackmer
Travis Vugteveen

Absent

Bill Maschewske

Also present were Township Attorney Ron Bultje, Zoning Administrator Kathy Kuck, Rich Bramer from Northland Farms, Timothy Bureau of Timothy Bureau Consulting LLC representing Robinson Township, Chris Swenski of MDOT, Jim VanTol of Postema Signs representing the Embassy Bar and Grill, and five additional members of the public.

A motion was made by Sue DeRuiter and seconded by George Schippers to approve the minutes of the March 18, 2014 Planning Commission meeting. The minutes were approved as written and the motion carried unanimously.

A motion was made by Tom Tenbroeke and seconded by George Schippers to approve the minutes of the March 25, 2014 Planning Commission meeting. The minutes were approved as written and the motion carried unanimously.

A motion was made by George Schippers and seconded by Sue DeRuiter to approve the minutes of the March 25, 2014 joint Planning Commission, Board meeting. The minutes were approved as written and the motion carried unanimously.

Non-Commission Inquiries – None

Reports – None

Announcements – None

Old Business

- A. The first item on the agenda was the continued review of the DJ McQuestion & Sons Class B Earth Change Applications for Johnson Street and 124th Avenue.**

Chairperson Martinie read the expectations of the Earth Change Permits to the audience. All agreed the Township Attorney should prepare a draft report, and provide it to the Planning Commission members and the applicant before the next meeting.

After reading through the expectations of the Earth Change Permit, points were reviewed that were to be addressed in the Township Attorney's report. Bill Maschewske, absent from this meeting, still communicated questions to Chairperson Martinie. The Planning Commission noted the property for both projects is in the RR District, and that the property for both districts is planned to remain there.

Chairperson Martinie noted that adequate end uses have been provided by the applicant.

He noted there is no issue concerning the character of the applicant.

He stated there is no known issue concerning the applicant's ability to comply with the Earth Change Ordinance and the conditions of an Earth Change Permit.

Chairperson Martinie noted that the size and nature of the activity, as well as its scope and duration, do not present unresolved issues.

He noted that the effects on adjoining property and on the neighborhood would be mitigated as best they can be.

He noted that the relative need for the two projects has been adequately shown.

Chairperson Martinie noted that the impact on the environment would be considered in the conditions of approval for the projects.

He stated that the health, safety, welfare, and preservation of natural and environmental resources issues were all satisfied.

The above standards were from Section 3(a) of Article V of the Earth Change Ordinance.

Chairman Martinie noted that Section 3(b) of Article V from the Earth Change Ordinance would be satisfied for both projects. He noted that pursuant to Section 3(c) of Article V of the Earth Change Ordinance, there would not be any irreparable harm to the environment.

The Planning Commission then discussed certain conditions which could be added to any approvals of the proposed earth changes.

Chairperson Martinie noted that the March 28, 2014 maps of the projects contain the cell concept and meet that requirement.

The location of the silt fence was discussed. The silt fence will be placed outside the 50 foot buffer zone for both projects. Tom Peplinski of DJ McQuestion & Sons confirmed that the silt fence will be in the upland. Tim Bureau agreed that the updated plans show that to be true.

In answer to a question about hours of operation, Tom Peplinski indicated the hours would be from 7:00 a.m. to 7:30 p.m., Monday through Friday, and 7:00 a.m. to 3:30 p.m. on Saturday. No work is expected to be done on Sunday.

What is the depth of top soil that will be put back on the borrow site? MDOT standard is 4 inches before seeding; Chris Swenski confirmed that standard would be met.

Since only one excavation was made in each borrow pit, the Seasonal High Water Table (SHWT) was actually determined for that one location. Therefore, since the standard is two feet of separation to the excavation floor, and the SHWT will likely have a slight gradient, it is recommended the Township require the following: (1) depth of excavation limit shall be two feet above the SHWT; and (2) the applicant shall contact the Township upon completion of the excavation floor. The Township shall confirm all areas in the borrow pits have adequate separation from the SHWT. Only upon final Township approval shall the floor of the excavation be topsoiled, seeded and mulched. (If four inches of topsoil are placed, the resultant grade will be 2.33 feet above the SHWT).

Photographs of the sites before, during and after the projects are complete were agreed upon. Zoning Administrator Kathy Kuck will work with appropriate representatives of either MDOT or DJ McQuestion & Sons, who will allow these photographs to be taken.

Stabilization of the soil for the projects will be maintained until June 29, 2016. During that time, turf will be reseeded and topsoil will be added if necessary to maintain stabilization.

Performance bonds will have to be maintained during this same time frame.

Township resident Pat Young was present and voiced concern over the impact of drawing water from Sterns Creek, which connects to the Beeline Drain, if water is pulled to be used as dust control for the Johnson Street project.

Tim Bureau said he agrees with Pat Young's concern. He wondered about the applicant drawing water from the Grand River or other sources, rather than a small flowing creek.

Tom Peplinski indicated that the applicant will be using off-road trucks and therefore cannot go offsite to get water. He said the applicant will be withdrawing 5,000 gallons per hour.

Tim Bureau suggested that the applicant be required to obtain a permit from the DEQ for a substantial reduction of the creek, or else obtain from the DEQ written confirmation that no such permit is needed.

Chris Swenski stated that the applicant would not be able to deplete the Beeline Drain with the contemplated withdrawals. The withdrawals would not be substantial.

Art Green stated that MDOT is held to a higher standard than any private applicant. He said MDOT already has permits from the Army Corps of Engineers and from the Environmental Protection Agency. He said that this creek will be strictly monitored. He said that MDOT would offer its staff which will already be performing all of the required monitoring tasks. He said all of the MDOT information can also be accessed by the Township.

After some discussion, the tentative consensus of the Planning Commission was to require the applicant to obtain an MDEQ permit, or written confirmation that no such permit would be required for withdrawal from the creek. Thereafter, the Township would monitor the water level

in the creek. If a significant drawdown occurs, the applicant will be required to pursue an alternative plan. If the applicant fails to do so, the Township will need to consider taking affirmative action, such as seeking relief from a Court of competent jurisdiction.

Tim Bureau indicated he would be able to help the Township identify a person who would be qualified to monitor the level of the creek.

Additional recommendations were presented by Tim Bureau identified to the Township in a letter dated March 17, 2014 but meant to read April 11, 2014.

1. Since MDOT has reserved the right to determine if additional drainage to the creek will be necessary upon completion of the earth change, and since any modifications in regard to drainage can add both environmental and erosion concerns, it is recommended any such changes require Township review and approval prior to commencement. Planning Commission consensus: add as a condition.
2. To ensure potential future uses are maintained, all road runoff must be segregated from the excavated area. The applicant concurs; Planning Commission consensus is to add as a condition.
3. Upon completion, as-built surveys should be required of the applicant, and as this is an MDOT pay item, applicant will have that information. This will ensure compliance with the site plans prior to bond release. Planning Commission consensus is to add as a condition.
4. Since only one excavation was made in each borrow pit, the SHWT was actually determined for that one location. Therefore, since the standard is two feet of separation to the excavation floor, and the SHWT will likely have a slight gradient, it is recommended the Township require the following: (1) depth of excavation limit shall be two feet above the SHWT; (2) the applicant shall contact the Township upon completion of the excavation floor. The Township shall confirm all areas in the borrow pits have adequate separation from the SHWT. Only upon final Township approval shall the floor of the excavation be top soil, seeded and mulched. (If four inches of topsoil are placed, the resultant grade will be 2.33 feet above the SHWT). Planning Commission consensus is to add as a condition.
5. There does not appear to be any temporary erosion control planned for the topsoil stockpiles. Perhaps these should be tarped or mulched and tacked to prevent wind erosion all summer. Planning Commission consensus is to add as a condition.
6. Since the formerly existing trees buffered the adjacent properties from the new highway corridor, it may be appropriate to consider replanting trees in those areas where a legitimate buffer was removed.

Tom Peplinski confirmed that trees were only removed from the excavation area; trees in the setback or buffer zone will remain. This could be added as a condition.

Chris Swenski offered to plant trees on the sites if desired by the Township, to buffer the sites from the highway as much as possible. Zoning Administrator Kathy Kuck agreed to work with the applicant and MDOT on the placement of the trees on the sites.

Township Attorney Ron Bultje will draft a report of the findings and topics presented above for the next Robinson Township Planning Commission scheduled for April 29, 2014.

The portion of the meeting covering this topic concluded at 9:18 p.m.

B. Northland Farms Class B Earth Change Applications.

The question was asked about what was changed on the application? Per Rich Bramer they will sell the sand pulled from the ponds to MDOT instead of stockpiling for future use as originally planned.

It was requested that a formal document be presented to the Township identifying the surrounding landowners that will be pulling water from this pond. The document will include the names, addresses, and amounts of property that this pond will irrigate to fulfill the needs of specific farms.

Motion made by George Schippers and seconded by Tom Tenbroeke to set the public hearing to review Northland Farms requests on May 13, 2014. Motion passed unanimously.

C. At 9:30 p.m. the Embassy Bar and Grill Detailed Site Plan Review for a sign began.

Chairperson Martinie asked about the location of the sign relative to the location of the power pole and lines. Jim VanTol of Postema Signs representing the Embassy Bar and Grill communicated that he is working with appropriate municipalities.

A motion was made by Sue DeRuijter and seconded by Tom Tenbroeke to recommend the site plan approval dated February 28, 2014 based upon the factors in Section 31.8 of the Robinson Township Zoning Ordinance, and subject to the following conditions:

1. Compliance with the application as submitted, dated February 28, 2014.
2. Compliance with all Federal, State, County and Township laws and ordinances and regulations.
3. Per item (D) of the application, Consumers will be asked to confirm the location of the power lines in the area.
4. Per item (E) of the application, the applicant will identify the names of the surrounding property owners, as shown on Attachment 4.

5. Per item (I) of the application, the applicant will contact Miss Dig to find the location of the utilities in the area.
6. Per item (Q) of the application, the existing freestanding sign shall be eliminated, but the existing awning may stay per the decision of the Robinson Township Zoning Board of Appeals at its April 30, 2013 meeting (meeting minutes to be attached).
7. For item (R) of the application, the required information is shown by Attachment 2, not Attachment 3. Further, the proposed sign will be internally lit, with no exterior lighting.
8. For item (V) of the application, the Township assessor has confirmed ownership of the property.
9. For item (Y) of the application, the April 30, 2013 minutes of the Robinson Township Zoning Board of Appeals will be attached.

A roll call vote was taken with the following vote recorded.

George Schippers - Yes
Shawn Martinie - Yes
Tom Tenbroeke - Yes
Sue DeRuiter - Yes
Scott Blackmer - Yes
Travis Vugteveen - Yes

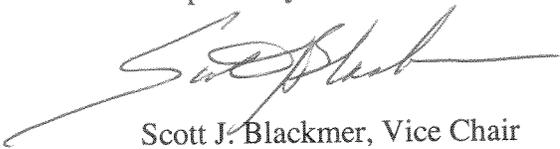
Motion carried unanimously with one member absent.

Kathy Kuck reported on future applications/issues to be considered, including Modern Cutting; Jim Russell property; and Tom Bakale's pond.

A motion was made by George Schippers and seconded by Travis Vugteveen to adjourn the Planning Commission meeting at 10:15 p.m.

The motion carried unanimously.

Respectfully submitted,



Scott J. Blackmer, Vice Chair
Robinson Township Planning Commission
Robinson 194 April 15, 2014 Planning Commission Minutes RAB 04232014