

ROBINSON TOWNSHIP PLANNING COMMISSION
May 28, 2019

The regular meeting of the Robinson Township Planning Commission was called to order at 7:30 PM at the Robinson Township Hall.

Present	Absent
Shawn Martinie Travis Vugteveen Bill Maschewske Lydia Brown Rich Sibley George Schippers Steve Young	None

Also present were Zoning Administrator Brian Werschem, Township Attorney Ron Bultje, Phil Johnson of Resource Planning and Design representing the S and M Gravel, Specialty Sands, and South Cedar Site Earth Change renewal applications, Mark Sloothaak of S and M Gravel, Zach Zoerhof representing the Zoerhof Class A Earth Change application, and John VanderKooi. The attendance sheet is attached.

A motion was made by Rich Sibley and seconded by Travis Vugteveen to approve the agenda. The motion carried unanimously.

There was a brief discussion regarding the distribution of minutes. Zoning Administrator Werschem requested he be included in the communication of the draft minutes to the Township Hall.

A motion was made by Rich Sibley and seconded by Lydia Brown to approve the February 26, 2019 Planning Commission minutes as written. The motion carried unanimously.

Non-Commission Member Inquiries – None

Reports and Communications

1. The Metra Act was extended to December 31, 2024.
2. Expenditures of approximately \$20,000 were approved for fire hydrants and emergency equipment.

3. The Planning Commission was directed to review public water standards for subdivisions.
4. A resignation letter effective in 90 days was accepted from IMS.
5. A motion was approved opposing the dredging of the Grand River upstream from Eastmanville.
6. A public hearing was set for two additional no-wake zones on the Grand River.

Announcements -- None

Old Business – None

New Business

As scheduled, the public hearing for the Zach Zoerhof Class A Earth Change application for parcel no. 70-08-25-300-035 was held. An introduction to the public hearing was given by Chairperson Martinie and the public hearing notice was read by Secretary Maschewske. The public hearing was declared open and the rules of procedure were reviewed by Chairperson Martinie.

The proposed project was explained by the applicant, Zach Zoerhof. The excavation is not to exceed 3811 cubic yards and the resulting pond is to be used for recreational purposes. Topsoil will remain on the site but all other excavated earth is to be removed from the property.

Chairperson Martinie – Have you done any investigation regarding wetlands? It appears that a drain runs across the property in the vicinity of the proposed pond.

Steve Young – Is concerned about wetland issues. Generally, if water is within one foot of the surface, the area could be a regulated wetland.

Zoning Administrator Werschem – He cannot tell from the maps if the subject property at the south end is a regulated wetland.

Chairperson Martinie – What is the estimated water level?

Exhibit A states that the water level is at 623ft. elevation.

Bill Maschewske – The application does not give specifics of reclamation. What will be reseeded for stabilization?

Zach Zoerhof – It will be grass seed with straw on top.

Bill Maschewske – There are several options described in the application regarding the haul route to a designated Truck Route. Which one will actually be used?

A Planning Commission discussion followed and the consensus was to recommend Winans St. to 96th Ave. since Winans St. is paved.

Lydia Brown – What is the proposed time to complete the earth change?

Zach Zoerhof – It will be completed within the 180 day duration of the permit.

Zoning Administrator Werschem – Noted there were no written or verbal opposition to the proposed project.

John VanderKooi – Are Phil Johnson and Mark Sloothaak involved in this earth change?

Chairperson Martinie – No.

John VanderKooi – NCRS on Ferris St. will check for wetlands. He suggests using Winans St. to 104th Ave. for the haul route instead of Winans St. to 96th Ave. Winans St. has just recently been paved but is not suitable for heavy truck traffic and if damaged, will be expensive to repair. His proposed route will minimize hauling on Winans St.

Following discussion, the Planning Commission revised its previous recommendation and agreed that Winans St. to 104th Ave. to M-45 was the best haul route.

John VanderKooi – If the pond is not used for irrigation, will the applicant treat to prevent algae? Mosquitos may also be a problem. This is a health issue and children are in the area.

George Schippers – Should the recommendation include treatment of the pond for algae?

John VanderKooi – An aerator would also solve the problem.

Rich Sibley – Do we need to specify when an aerator should be used?

There were no more questions from the Planning Commission or the public.

A motion was made by Travis Vugteveen and seconded by Steve Young to close the public hearing.

The motion carried unanimously.

The factors in Article V, Section 3 of the Earth Change Ordinance were reviewed by the Planning Commission.

A motion was made by Rich Sibley and seconded by George Schippers to recommend to the Township Board approval of the Zach Zoerhof Class A Earth Change application for parcel no. 70-08-25-300-035 based upon meeting the standards in Article V, Section 3 of the Earth Change Ordinance and with the following conditions.

1. Compliance with all Federal, State, County, and Township ordinances.

2. Compliance with all representations made in the application and these minutes.
3. Contingent upon either receiving the applicable EGLE and/or NCRS permits or a written statement that the site does not contain regulated wetlands.
4. The pond shall be subject to perpetual treatment for algae.
5. The Planning Commission recommends that trucking be by Winans St. to 104th Ave. North to M-45.

A roll call vote was taken.

Rich Sibley – Yes
Lydia Brown – Yes
George Schippers – Yes
Bill Maschewske – Yes
Shawn Martinie – Yes
Steve Young – Yes
Travis Vugteveen – Yes
The motion carried unanimously.

At 8:50 PM., Planning Commissioner Lydia Brown stated that she is within the noticing distance of the public hearing for the South Cedar Site, the next item on the agenda, and is therefore excusing herself from the Planning Commission and joining the public.

An introduction was given by Chairperson Martinie for the public hearing for the South Cedar Site Class B Earth Change renewal and application modification. The rules of procedure were stated to be the same as the last public hearing. The public hearing notice was read by Secretary Maschewske and the public hearing was declared open.

A presentation was made by Phil Johnson stating the permitted lake is currently about 20 acres in size and is permitted to 38 acres. The proposed modification is to increase the lake size to 134 acres by conducting subaqueous mining on areas previously mined above the water table. The size of the mined area would not increase, only the size of the lake.

Mr. Johnson noted that he had contacted James Fortney of MDOT, owners of the property to the North, and they have no adverse comments.

Chairperson Martinie – Page 5 of 7 of the Hydrology Study sets the water level at 607 ft. MDOT set the alarm on their wetlands mitigation project site at 605ft. elevation. What is the correct water level?

Phil Johnson – South Cedar Site plans on the water level being at 607 ft. elevation.

Steve Young – Noted that neither of the shallow wells in the area have well data to determine the impact of the lake. He noted that the applicants could guarantee these wells.

Phil Johnson – Stated he is not adverse to a condition of installing a new well for either or both of these two residences if their wells were impacted adversely.

Steve Young – Questioned the validity of the groundwater study since he does not know all assumptions. If we put remediation as a condition for the two shallow wells, he does not need to know the assumptions.

Steve Young also inquired if wetlands and drains were included in the model.

There was additional discussion between Steve Young and Phil Johnson regarding the groundwater drawdown study.

Lydia Brown (as a member of the public)

1. Questioned the proposed hours of operation and wanted to know the current permitted hours of operation.

Phil Johnson – The current permitted hours of operation are 7:00 AM. To 5:00 PM Monday through Friday with exceptions of occasionally working later. They are proposing 6:00 AM. to 6:00 PM.

It was agreed the Planning Commission would recommend a continuation of the currently permitted hours.

2. Requested to know the groundwater effect at her residence at 12645 104th Ave.

A discussion between Steve Young and Phil Johnson followed indicating that they both felt her well was far enough away from the lake to be only marginally impacted if at all.

3. Will there be any crushing operations?

Mark Sloothaak – No.

Chairperson Martinie – What is the viable end use as required in Article VII, Section 1 (n) and Article VIII Section 1 (8)? It appears that little usable land is left after the proposed lake is created.

Phil Johnson – They have 250 ft. from the lake edge to South Cedar St. for residential lots in addition to the west end of the lake along 104th Ave.

At this time, there were no more comments from the public or the Planning Commission.

A motion was made by Travis Vugteveen and seconded by Rich Sibley to close the public hearing at 9:50 PM. The motion carried unanimously with one member excused. The public hearing was closed.

Bill Maschewske – How does the lake floor level elevation requested compare with the level currently approved?

Phil Johnson – The approved floor level today is from 2007 and is 588 ft. elevation. The new proposed floor level is requested at 592 ft. The higher elevation is reflecting the higher water levels than previously predicted.

Bill Maschewske – Do more than three cells have active mining? It is difficult to tell from the aerial photographs.

Zoning Administrator Werschem – Only three cells are active.

Bill Maschewske – Per Article IV, Section 2, C, 4, please better describe the reclamation and reseeded.

Mark Sloothaak – They use no fertilizer. Drought tolerant perennial rye grass is used for seed on top of about 6 inches of topsoil.

A motion was made by Rich Sibley and seconded by Travis Vugteveen to table the South Cedar Site Class B Earth Change permit renewal and modification pending the continuation of the public hearing following additional notices.

The motion carried unanimously with one member excused.

Note of explanation – The motion to table was required since the public hearing was mistakenly noticed 300 ft. from the perimeter of the subject property instead of the required 1320 ft. as stated in the Earth Change Ordinance. Another noticing will be made including owners of properties within 1320 ft. of the South Cedar Site Earth Change not already noticed and the public hearing will be continued at the next meeting.

At this time, Lydia Brown rejoined the Planning Commission as a member.

At 10:15 PM., the Specialty Sands Class B Earth Change permit renewal was discussed.

A verbal report from Zoning Administrator Werschem stated the site is in conformance with the current permit. Cells 1 and 10 are where mining is active and Cell 7 is also in active status but not currently being mined. He visited the site in April of 2019.

A motion was made by Travis Vugteveen and seconded by Rich Sibley to recommend approval of the renewal of the Specialty Sands Class B Earth Change permit based upon compliance with Article VII, Section 2 (e) of the Earth Change Ordinance and the verbal report from the Zoning Administrator subject to the same conditions as previously in place.

A roll call vote was taken.

Rich Sibley – Yes

Lydia Brown – Yes

George Schippers – Yes

Bill Maschewske – Yes

Shawn Martinie – Yes
Steve Young – Yes
Travis Vugteveen – Yes
The motion carried unanimously.

At 10:30 PM., the S and M Gravel Earth Change permit renewal was considered. Zoning Administrator Werschem reported that Cells 3, 6, and 7 are active and the only actual mining activity since the last renewal three years ago is in Cell 7. There have been no complaints or issues in the last 3 years.

A motion was made by Travis Vugteveen and seconded by George Schippers to recommend to the Township Board approval of the renewal of the S and M Gravel Class B Earth Change permit based upon compliance with Article VII, Section 2 (e) of the Earth Change Ordinance and the verbal report from the Zoning Administrator subject to the same conditions as previously in place.

A roll call vote was taken.

Rich Sibley – Yes
Lydia Brown – Yes
George Schippers – Yes
Bill Maschewske – Yes
Shawn Martinie – Yes
Steve Young – Yes
Travis Vugteveen – Yes
The motion carried unanimously.

A brief discussion was held regarding the Township Board request that the Planning Commission investigate the requirement of public water for residential subdivisions.

The previously discussed Zoning Ordinance amendment prepared in March by Township Attorney Bultje at the request of the Planning Commission to address site condominiums in the Agricultural District was discussed. Travis Vugteveen will discuss this issue with the Township Board prior to the next Planning Commission meeting.

A motion was made by George Schippers and seconded by Lydia Brown to pay Planning Commission salaries for the month of May 2019 (one meeting, all present).
The motion carried unanimously.

A motion was made by Rich Sibley and seconded by Travis Vugteveen to adjourn the Planning Commission meeting at 10:55 PM.
The motion carried unanimously.

The next meeting is scheduled for June 25, 2019.

Respectfully submitted,

Bill Maschewske, Secretary
Robinson Township Planning Commission

Attachments: Attendance Sheet



SIGN IN SHEET
Meeting of the
Planning Commission
May 28, 2019 at 7:30 pm

PRINT NAME

SIGNATURE

John Vander

John Vanderboon

Zach Zoenthof

Zach Zoenthof

Phil Johnson

Phil Johnson

Mar Sloothack

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