



**TSEGO
TOWNSHIP**
EST 1833

**OTSEGO TOWNSHIP
PLANNING COMMISSION
MEETING MINUTES
February 6th, 2023
Monday at 7:00 PM**

Planning Commission Members;

*Chair Andy Webb, Vice Chair Bill Rohr, Secretary Jeff Polonowski,
Scott Reising, Karen Burns, Mike Bosch, Tammy Hoppe, Brad Ade & Roger Rumble*

Chair Andy Webb called the meeting to order at 7:00 p.m. Chair Webb explained the process we use during the meeting to the large crowd present.

Members Present: Andy Webb, Roger Rumble, Jeff Polonowski, Mike Bosch, Bill Rohr, Brad Ade

Members Absent: Tammy Hoppe, Scott Reising, Karen Burns.

Approval / Correction of Minutes:

Motion made by Mike Bosch, support by Brad Ade, to approve the January 4th 2023 Planning Commission meeting minutes as presented. Motion carried; 6 – Yes, 0 – No, 3 – Absent.

Special Use Permit – Bryan Winn – Case 22-07:

At the November 9th 2022 Planning Commission meeting, Bryan Winn discussed his plan to build pine box caskets inside the existing building on his property. The caskets are mostly for pets, but he will build for humans if contracted to do so. There will be no employees and negligible traffic. The Special Use hearing was conducted at the November 9th 2022 meeting; however, PCI did not receive his request and therefore was not properly noticed in the papers for that meeting. The Special Use review was repeated. Because the PCI report was not available at the January 4th meeting and possibly the public hearing was not properly posted, the Special Use Permit was again reviewed and approved. Public comment period opened and closed at 7:04 with no comments being made.

Motion made by Mike Bosch, supported by Bill Rohr to recommend approval of the special use permit for PC Case 22-07 as presented to build pine box caskets for mostly pets but may build for humans if contacted about this. There are to be no employees.

Motion carried; 6 – Yes, 0 – No, 3 – Absent.

Special Use Permit and Site Plan Review – Case 23-01 for Fox Mountain Properties LLC & Michigan Materials and Aggregates / Stoneco:

A Special Use Permit and Site Plan Review was requested by Fox Mountain Properties & Michigan Materials and Aggregates/ Stoneco. Chair Webb began with an explanation of why the area is zoned “C” Commercial and why today it would have been a candidate for PUD where the underlying zoning would have remained Agriculture and consistent with the Land Use Plan. However; when the ski area was developed which involved commercial aspects, PUD’s were not in the ordinance at the time of the development and therefore Commercial zoning was the only option.

Trevor Smith and his attorney Ken Vermeulen were present to represent Fox Mountain Properties. Trevor began his presentation with an explanation of access point to the gravel pit operation. He stated they and not the county sets the location of the access point. The county does approve the curb cut. Chair Webb

gave a review of the proposed haul route which is River Road to 24th Street to 108th street to 26th Street. From there it would be south to 102nd or north to M89. The County Road Commission leaves it up to the Township to approve the haul route. Trevor stated he met with the Trowbridge Township Board and they accepted the haul route. Otsego Township Supervisor Bryan Winn also stated that was acceptable to Trowbridge Township from his communications with the board.

Roger R. asked about soil borings and how long the pit would be in operation. Trevor stated the time would be 30 to 50 years depending on need and availability of the types of gravel. He also stated that they had done numerous soil borings.

Jeff P asked if they consider a haul route from River road to Jefferson road to M89. Trevor stated they decided against that due to the number of people that would be impacted on the route.

Jeff P asked about their plan for opening and closing of 5 acre cells and how many they expected to have open at any given time. Attorney Ken Vermeulen answered the question about Cells. He explained about court cases going back to 1982. The cases resulted in a Michigan Supreme Court ruling that gravel mining can't be zoned out due to the need for gravel and the location is a matter of nature and earth deposits. The court case did allow for the doctrine of "No very serious consequences" meaning that the township would have to demonstrate that there would be very serious consequences if approved. The court case also led to the changes to the Michigan Zoning Enabling Act (Act 110 of 2006). Specifically section 125.3205. Chair Webb provided the commission members with a copy. Ken did say the township has the rights to regulate operation. He also stated that adhering to the Cell type regulations can be cumbersome because the type of gravel and community needs vary requiring a larger area to be open at one time. He also stated that the township by requiring bonding can ensure that the open area is properly remediated when closed.

Bryan Winn, township supervisor spoke about gravel pits and types of gravel the township uses for roads.

Brad A. asked if there is a plan for opening mining areas (cells). It will be developed when they begin the operation and see the types of gravel available and needs at that time.

Lori Castello from PCI provided further explanation of state statues concerning mining and the use of cell method of controlling the gravel mining operation. It appears that cell management has dropped in usage as a control method.

Chair Webb opened the public hearing at 8:14.

Bruce Muller, 2195 Brinn Vista Drive. Reviewed the letter that he sent to the township Planning Commission. In the letter, he was concerned about property erosion causing damage to his property due to the level change of 300 feet between properties. He was concerned about the impact to A1 Disposal site that the state has been remediating for years. He was also concerned about loss of ground water due to pumping out of the aquifer to wash the stone etc.

Paul Klein, 488 22nd Street. Discussed the A1 Disposal site being archived as a superfund site but still open by the state (EGLE).

Diana Reed, 2252 River Road. Questioned the impact to the A1 Disposal site. Chair Webb will be following up with EGLE to see what the impact will be.

John Rutkowski, 2144 Fox Mountain Drive. He asked about plans for noise abatement once the trees are removed near the Fox Mountain development. No plans offered.

Connie Leatherman, 2133 Fox Mountain Dr. She expressed the need for a second hearing and that they should be able to submit letters to the commission. Chair Webb state it was OK to do so.

Sandy Foster, 695 River Rd. She was concerned about the truck traffic.

Craig Overbeek, 2290 Fox Mountain Dr. Concerned about the impact to the roads.

Craig Golden, 2108 Fox Mountain Dr. Concerned about truck traffic.

Devon Leatherman, 2133 Fox Mountain Dr. He asked how to send letters to the planning commission. Chair Webb explained.

Melissa Hernandez, 2252 River Road. She had questions about the access point and the impact it will have on school bus traffic.

Denise Atwood, 2225 105th Ave. She was concerned about water quality being affected by the gravel pit operation. Both the pit and use of well water for the operation.

Michael Healey, 2203 Brinn Vista Dr. & 2209 105th Ave. He will be putting in wells and wanted to know the location and how much water the operation will be using. Trevor stated an intermittent draw or use with a 3000 gpm maximum. They will be recycling the wash water.

Laura Weaver, 2143 Fox Mountain Dr. Concern regarding Phase II of Fox Mountain not being developed as originally planned, as she had purchased her lot on the representation of there being houses or trees behind her lot.

Michael Newell, 2159 Brinn Vista Dr. Concerned how the operation was going to impact his well.

Jim Foster, 695 River Rd. He discussed that Bittersweet ski area was looking into using Kalamazoo River water to support the ice making machines. He was also concerned with noise from the operation especially the backup warning noises. There was a discussion about the noise and it is possible to change the back warning signal that is less noisy and don't carry for long distances.

Diana Reed (again). She was concerned about vibration that may damage her home because it is located near the road and on sandy soil.

Devin McKinnon was concerned about road maintenance costs. Bryan Winn, township supervisor, stated it runs about \$20,000 a mile to re-gravel a road.

Kim Bowe, 2209 Fox Mountain Dr. Concerned about the light coming from the ski area now and is concerned that cutting of the trees will only make it worse. She was also concerned about school buses being adversely impacted.

Chair Webb closed the public hearing at 9:30 and bringing discussion back to the planning commission.

Discussion continued with Lori of PCI and attorney Ken about the possibility of doing a Geo Survey and also the impact to and from the A1 disposal site.

Chair Webb will reach out to EGLE for an update on the ongoing remediation at the site and also if there are ground water surveys available.

Chair Webb asked Planning Commission members to provide any other suggestions, inquiries and any other concerns with the proposed operation by Monday February 13, 2023.

Motion by Roger R, support Bill R, to postpone further discussion to the regularly scheduled March 6, 2023 Planning Commission meeting. Motion carried; 6 – Yes, 0 – No, 3 – Absent.

Motion made by Roger Rumble, support by Mike Bosch, to adjourn the meeting at 9:55 p.m. Motion carried; 6 – Yes, 0 – No, 3 – Absent.

Respectfully submitted,

Jeff Polonowski
Planning Commission Secretary

Date

APPROVED