

Crockery Township

Regular Planning Commission Meeting

April 16, 2013

(Approved)

Chairman Bill Sanders called the April 16, 2013, Regular Planning Commission Meeting to order at 7:30 P.M. Roll-call was taken with Dave Meekhof, Jon Overway, Bill Sanders, Ryan Arends, Rich Suchecki, Roy Holmes, and Mike Munch present. Z/A Robert Toland was also present for this session.

Chairman Bill Sanders introduced and welcomed Roy Holmes to the Planning Commission.

Agenda Item 2. Approval of the Agenda

Approved as submitted.

Agenda Item 3. Approval of Minutes

The Commission reviewed the minutes from the March 26, 2013, Special Planning Commission Meeting. Commissioner Ryan Arends made a motion to accept the minutes as written. A 2nd was offered by Commissioner Mike Munch. The motion was unanimously approved.

Agenda Item 4. Announcements

Commissioner Rich Suchecki indicated the annual Township Clean-up Day will be May 18, 2013, from 8:00 A.M. to 3:00 P.M. Trash dumpsters will be provided at the Township's facility on 112th Avenue and the cost will be \$10 per load. Commissioner Suchecki noted some specific hazardous materials will not be accepted.

Item 5. Communications

None.

Agenda Item 6. Public Comment

None offered at this time.

Agenda Item 7. Action Items

A. Millbocker & Sons Excavating – SLU/PMR – Notice of Intent.

Millbocker & Sons Excavating have made application for a Planned Mineral Removal and Special Land Use permit to excavate fill material on parcel #70-04-27-100-001, located on the southeast corner of 120th and Arthur Street, for use in the M-231 build-out. This excavation would create a five acre pond that may be utilized for agricultural purposes. This parcel is currently owned by Mr. Mark Bos.

Commissioner Dave Meekhof recused himself from this discussion, due to a conflict of interest, and did not offer comments regarding this item.

Mr. Kyle Ellis and Mr. Ken Peters of Milbocker & Sons, Inc., were present to represent the interests of Milbocker & Sons, Inc. during this session. Mr. Ellis and Mr. Peters provided a preliminary explanation of the site plan and offered an initial overview of the proposed project.

Mr. Mark Bos, who owns and operates a dairy farm on this property, was also present and answered preliminary questions regarding his property and this proposed project.

After this preliminary discussion was complete, Commissioner Roy Holmes made **a motion** to hold a public hearing in this matter on Tuesday, April 30, 2013, at 7:30 P.M., at the Township Hall. A 2nd was offered by Commissioner Rich Suchecki. The motion was approved and supported by Commissioners Overway, Sanders, Arends, Suchecki, Holmes, and Munch. Commissioner Dave Meekhof abstained.

B. Retzlaff Pond – SLU – Notice of Intent.

Mr. Greg Retzlaff has made a request for a Special Land Use permit to construct a one acre residential pond on his property, located at 14154 Leonard Road, parcel #70-04-30-100-019.

Commissioner Ryan Arends made **a motion** to hold a public hearing in this matter on Tuesday, May 21, 2013, at 7:30 P.M., at the Township Hall. A 2nd was offered by Commissioner Mike Munch. The motion was unanimously approved by the Commission.

Agenda Item 8. Presentations.

None.

Agenda Item 9. Discussion Items

A. Master Plan.

Commissioners continue to review the first draft of the (updated) Township Master Plan. Commissioners suggested a number of changes, additions, and deletions to the language found in Chapter 7, Land Use Needs, of the draft.

Agenda Item 10. Adjournment

A **motion** to adjourn was made by Commissioner Ryan Arends at 9:52 P.M. A 2nd was offered by Commissioner Dave Meekhof. The motion was unanimously approved.

Respectfully Submitted,
Jon C. Overway, Secretary
Crockery Township Planning Commission

Next Meetings: Regular Session – May 21, 2013
 Special Session - April 30, 2013

Crockery Township

Special Planning Commission Meeting

April 30, 2013

(Approved)

Chairman Bill Sanders called the April 30, 2013, Special Planning Commission Meeting to order at 7:32 P.M. Roll-call was taken with Dave Meekhof, Jon Overway, Bill Sanders, Ryan Arends, Rich Suchecki, Mike Munch, and Roy Holmes present. Z/A Robert Toland and Attorney (for the Township) James F. Scales were also present for this session.

Agenda Item 2. Approval of the Agenda

Approved as submitted.

Agenda Item 3. Approval of Minutes

The Commission reviewed the minutes from the April 16, 2013, Regular Planning Commission Meeting. Commissioner Dave Meekhof made a motion to accept the minutes as written. A 2nd was offered by Commissioner Roy Holmes. The motion was unanimously approved.

Agenda Item 4. Announcements

Commissioner Rich Suchecki reminded everyone present that the Township's spring clean-up date is May 18. Hours will be 8:00 A.M. to 3:00 P.M. Dumpsters will be provided at the Township Fire Station. The fee is \$10 per load. Certain materials, such as paint and other hazardous chemicals, will not be accepted and additional fees for specifically defined materials, such as tires, will be charged.

Item 5. Communications

None.

Agenda Item 6. Public Comment

None offered at this time.

Agenda Item 7. Action Items

A. Millbocker & Sons Excavating – Special Land Use/Planned Mineral Removal and Agricultural Pond – Public Hearing.

Documents provided to the Commission for this public hearing include; (1) a “Scope of Planned Mineral Removal” memo, provided by Milbocker & Sons, Inc., (2) a letter from Prein & Newhof, to Mr. Toland, dated April 26, 2013, with comments regarding this SLU/PMR/Pond, (3) five Water Well and Pump Records from nearby area residents, (4) three “Log of Boring” records, by Soils & Structures Inc., 6480 Grand Haven Road, Muskegon, Michigan, date of borings April 16, 2013, with boring data to a depth of thirty feet, (5) a Crockery Township Zoning Application, filed by Mr. Kyle Ellis of Milbocker & Sons, Inc., property owner Mr. Mark Bos, parcel #70-04-27-100-001, dated April 9, 2013, for excavation and resulting pond, (6) a color aerial map of parcel #70-04-27-100-001, high-lighting the approximate area of excavation and resulting pond, and showing surrounding properties, and (7) a site plan by Wightman & Associates, Inc., 264 Western Avenue, Allegan, Michigan, dated April 30, 2013, project #130092-01B, by Mickey E. Bittner.

Millbocker & Sons Excavating have made application for a Planned Mineral Removal, Special Land Use permit to excavate fill material and create an agricultural pond on parcel #70-04-27-100-001, located on the southeast corner of 120th and Arthur Street, for use in the M-231 build-out. This parcel is currently owned by Mark Bos.

Commissioner Dave Meekhof requested to recuse himself due to a conflict of interest and asked to leave the hearing room. This request was granted by the Chairman Sanders and Commissioner Meekhof removed himself from the room.

Chairman Bill Sanders opened the Public Hearing and welcomed public comment.

Zoning Administrator Robert Toland provided a brief over-view of this project as a lead-in to the public hearing discussion.

Mr. Kyle Ellis and Mr. Ken Peters of Milbocker & Sons, Inc., were present to represent the interests of Milbocker & Sons, Inc. during this hearing. Mr. Mark Bos, owner of the property, was also present at this hearing.

Mr. Ellis and Mr. Peters explained the site plan for this proposed project. Approximately 208,000 cubic yards of material is to be removed and used for the M-231 build-out. This will create a pond slightly less than 5 acres in size, with a water depth of approximately 25 feet.

Mr. Peters indicated the driveway across 120th Avenue will be located at the existing access drive to the affected parcel. This driveway will be approved by the Ottawa County Road Commission and bonded by Milbocker & Sons, Inc. during its use.

Mr. Ellis and Mr. Peters explained the de-watering process, indicating the majority of the water would be discharged to the northwest of the pond location, entering a drain adjacent to 120th Avenue. Some water would also be discharged to the east of the pond during the de-watering process, following a natural drain to the northeast.

Paul & Mary Schultz, who live immediately south of the proposed project, asked if the de-watering process would create run-off across their property, or affect their water well. It was noted no well records were available for the Schultz property, however, Paul Schultz indicated his water well is at a depth of 60feet. Mr. Ellis and Mr. Peters advised the de-watering process would not create run-off across the Schultz property and that it should not affect their well, as the de-watering would only occur to a depth of approximately 12 feet. Mr. Peters indicated the de-watering may temporarily affect the level of the pond on the Schultz property and if this happened they (Milbocker) could direct the de-watering discharge into their pond, to preserve the level, if the Schultz's wished to do so.

Mr. Ellis and Mr. Peters advised there would be no stock-piling of material on the site for any length of time. The top-soil excavated from the pond area would be immediately utilized to restore an area near the northeast edge of the pond, where sand is being removed, as well as, restoring the graded pond borders as the project progresses. Seeding these areas will be done as the restoration progresses to stabilize the soil.

The excavation/pond is within 500 feet of a dwelling, located to the south of the project (Paul & Mary Schultz residence). The pond itself will be approximately 100 feet from the property line, and approximately 250 feet from the Schultz's home. The Commission decided to waive the 500 foot rule and allow the excavation and pond construction to occur at the proposed location.

Mr. Bos advised the affected parcel is currently fenced with a four-strand cattle fence. No additional fencing will be required by the Commission.

Sediment and soil erosion measures have been approved, and the silt fence installed at the south edge of the project will serve as a set-back guide.

Mr. Peters advised dust control measures will be taken, to include brining if necessary.

Hours of operation were discussed and will mirror MDOT work hours of 7:00 A.M. to 6:00 P.M. on weekdays and 7:00 A.M. to 3:00 P.M. on Saturdays.

Mr. Scales suggested a number of amendments to the prepared resolution to reflect the discussion, including; (1) the number of cubic yards to be removed, (2) stating an agricultural pond would be created and pond construction standards, as required by the Township, would be met, (3) proposed use of top-soil in the reclamation process, (4) copies of required permits be received by the Township, (5) the applicants will respond to water well problems attributed to the construction, should they occur, (6) the site plan be revised based on the discussion during this hearing, (7) the applicants may work directly with the Township's Zoning Administrator regarding minor de-watering issues, (8) state fencing position, and (9) state all fees, performance bonds, and insurance requirements as required by the Township. Mr. Scales will provide the specific amended resolution language and document.

After all parties were heard and all discussion completed, Chairman Bill Sanders closed public comment.

A motion to recommend approval of the Resolution, with amendments, to the Township Board was made by Commissioner Mike Munch. A 2nd was offered by Commissioner Ryan Arends. The motion passed, approved by Commissioners Overway, Sanders, Arends, Suchecki, Munch and Holmes. Commissioner Meekhof was recused and abstained from the vote.

A break was called for by the Chair and approved from 8:45 P.M. to 8:55 P.M.

Agenda Item 8. Presentations.

None.

Agenda Item 9. Discussion Items

A. Master Plan.

Discussions continue on Chapter 8, Zoning Plan, of the 1st Draft of the updated Master Plan.

Agenda Item 10. Adjournment

A motion to adjourn was made by Commissioner Roy Holmes at 10:08 P.M. A 2nd was offered by Commissioner Ryan Arends. The motion was unanimously approved.

