

**ALPINE TOWNSHIP PLANNING COMMISSION REGULAR MEETING
Thursday, July 20, 2006**

06-37 CALL TO ORDER/ APPROVAL OF PC MINUTES

The Alpine Township Planning Commission held its regular meeting on Thursday, July 20, 2006, at 7:30 PM at the Alpine Township Center, 5255 Alpine Ave., NW, Comstock Park, MI 49321, with due notice. Present were Vice-Chair Jim Townsend, Secretary Nelda Johnson, and members Kris Cassady-Gall, Greg Madura, Jim May, and Dick Sedlecky. Excused were Chair Jason Rosenzweig and member Max Dunneback. Also in attendance were Planning Director Brendie Vega-Mkhwanazi and Recording Secretary Patricia Kolkman.

Townsend called the meeting to order at 7:30 PM with the Pledge of Allegiance. He then asked for commissioner comments and/or a motion regarding the minutes of the June 15, 2006 Regular Planning Commission meeting and the June 29, 2006 Special Planning Commission Training meeting.

Madura moved, with May's support to accept the minutes of the June 15, 2006 Regular Planning Commission meeting and the June 29, 2006 Special Training Meeting with no corrections.

Ayes: 7

Nays: 0

Motion carried.

Sedlecky and Townsend complimented the Recording Secretary on the minutes of the last PC meeting.

**06-38 POSTPONED ITEM: Public Hearing – Special Land Use Permit
Removal of Natural Resources – Sand**

4335 5 Mile Rd (formerly known as 4195 5 Mile Rd.)
PP # 41-09-30-451-007

On direction from the Chair, Vega presented her Staff report, reminding the Commission and audience this Special Land Use request was first heard at the May 18, 2006 Regular Planning Commission meeting, when a Public Hearing was held and public comment was received. The hearing remained open until the additional information the PC requested had been received. She reminded everyone that the Planning Commission alone has the authority to approve or deny Special Land Use requests.

She also stressed for those present that courts have ruled that a property owner has the right to mine sand and gravel since these natural resources exist where found, as long as there is "not a substantial negative impact on nearby properties and residents."

If the PC approves the request, it must notify first the Township Board of any Conditions of Approval, as well as the amount of any Restoration Bond, which will cover the cost to restore the site to its previous condition. The applicant has provided staff with the requested information and has also submitted a revised site plan noting most site details, although it still lacks notations for parking areas, drainage locations, and temporary structures.

The applicant states one loader and one excavator will be left on the site while actively mining. She anticipates between 12 and 13 truck trips daily if customers use a 40 yard

truck although that size can't be guaranteed. Using smaller trucks will increase the number of trips. If the mining operation is open 10 hours a day, this will generate between 1.2 and 2.4 truck trips per hour. The applicant assumes trucks will use only the approved 5 Mile Rd. driveway for both ingress and egress to the site and driving on Fruit Ridge to get to 5 Mile. Staff suggests a Condition of Approval requiring that the applicant specifies these two roads as the only route for customers noting that the driveway has been approved by the Kent County Road Commission. Ms. Westgate agreed to do this

Vega then provided ~~additional~~ *potential* Conditions of Approval, such as entering into a Site Development Agreement with the Township, providing the Township with a phasing plan, returning topsoil to the site after mining is complete, designing a storm water management system meeting standards in the Township's Storm Water Ordinance and those of the Township Engineers. The applicant is willing to meet these conditions.

Screening of adjacent properties was also addressed. Westgate stated she has used berms at other locations to protect neighbors from dust , noise and the view, and plans to do the same at the Piccard mine. Vega confirmed that a berm cannot exceed 25 feet and is typically seeded to reduce dust migration, so it isn't likely to be moved with moving of equipment and the activity. Westgate said she knows she needs to obtain a Soil and Erosion Permit from the State of Michigan to move that amount of soil and must also meet MDEQ standards.

Vega added that Chad Sosnowski of Prein and Newhof, the P.E. who reviewed the plans, has suggested the applicant provide a Restoration Bond in the amount of \$70,000, to cover final soil restoration and grading when mining is done and that the berm be seeded to limit erosion. Sosnowski also asks that all boundaries of any wetlands on the property be noted on a sealed site plan by the applicant's P.E. Westgate agreed to provide a sealed, revised plan with this information after the PC specifies all details.

Westgate then addressed concerns raised by staff and its consultants. She confirmed she has no problem meeting the following requests:

- Identifying the parking area for idle equipment on the site plan
- Noting the employee parking area on the site plan
- Entering into a Development Agreement with the Township
- Obtaining all required permits and approvals
- Complying with Zoning Ordinance requirements limiting the height of any berm to 25 feet or less
- Providing a Restoration Bond in the amount required for grading to final elevations once mining is complete
- Providing a phasing plan for the initial three year period, and applying for an extension if work is not complete
- She agrees to have a registered Professional Engineer submit a sealed plan which identifies boundaries of any wetlands noted on the site.

Discussion between the applicant and commissioners addressed:

- Wetlands and wildlife impact --Westgate referred to the wetlands evaluation and wildlife assessment from Artemis Environmental, Inc. The evaluation states the proposed project will not adversely affect the wildlife or impact existing wetlands.

Sedlecky said Artemis' report did not identify any endangered species on the site, so it didn't cover wildlife impact in any depth. Westgate said she has noticed on other sites that the animals quickly become used to the mining. Mr. Piccard confirmed that the site is already being farmed with corn and wheat and any animals there haven't been disturbed. Madura added that in his experience, when he hunts on farmland, he never sees a buck, but when he working on a combine, "the animals come out and watch."

- Dust migration and air contamination –Westgate said that Raymer raised some concerns about dust migration, noise of the mining on the site, but she thinks that creating a berm and adding a hard surface for trucks on the first 150 feet of the driveway would limit that. She also said that the row of fully mature trees about 400 feet away from Mr. Raymer's property at the west will help block the view and reduce dust as well.
- Grade differences -- Westgate said she will change the grade at the north end of the parcel, as clarified by Sedlecky and required by the Planning Commission, to reach the engineers' desired grades. May said that when the mining process is complete, Mr. Piccard will also need a lesser grade to continue farming, as "no one wants to farm on a steep hill," although Mr. Piccard commented he has farmed steeper grades than those planned. Sedlecky added that a reduced grade will also lessen the storm water impact on both farming and wetlands.
- Increased traffic -- Westgate then addressed concerns of neighbors about increased truck traffic and pointed out that Fruit Ridge is already being used for truck and farm equipment traffic and that it is already high, with fast speeds. She didn't think the added truck traffic will be significant enough to substantially raise the volume, speed and noise on Fruit Ridge. Madura asked whether Westgate can really control the route customers use to pick up sand and Westgate said that generally she gets a call from a contractor needing a specific volume and they arrange a pickup time. On arrival, the customer's truck is loaded at the mining site, and the truck(s) leave. She can't control the size of trucks or their route in, but she will tell them the approved route in and out.

Townsend then addressed the audience prior to continuing the public hearing. He told those present that the purpose of a public hearing is to collect input from the public and all comments made and correspondence received at the May meeting have already been made a part of the record, and therefore do not need to be repeated. He asked the audience to only make comments if they haven't already and to not repeat what has been said, to give others the chance to speak.

Sam Raymer, 4721 Fruit Ridge Ave., said that his previous comments and letters are already on file with the Township, but he has new concerns related to moving the stockpile closer to his home. He worries about wind erosion (of the berm) and weed growth on the seeded areas, both of which he feels will devalue his home. He added that 6 loads of material daily for three years is not a lot of sand and grade levels of the site will affect future erosion. He repeated concerns about the health of other neighbors, saying he also speaks for Mrs. Dronkers, who lives to the north, and that she is elderly, has breathing difficulty, and is opposed to the project. He added that traffic on Fruit Ridge traffic is already too high.

Eric Schweinzege, 4863 Stage lives 300 yards to the east and is concerned about the impact of the project on the wildlife in the area, such as water fowl, cranes, and owls.

He hopes to retire to this home after many years of remodeling and historically restoring it. He considers himself an environmentalist and thinks farming produces less dust than mining will. He also gave the Chair a note he received after contacting the DEQ and that they recommend further study before any decision is made. Mr. Schweinzeger also thinks a 6-foot tall berm at the north end will not adequately screen neighbors from the sand mining.

Joanna Haines, 4090 Jeanola, said she has lived at that address for five years, and the noise from traffic on Fruit Ridge is already excessive, and thinks adding more trucks to that will raise it more. She said she and her children often take walks or ride their bikes along 5 Mile Rd., and she is concerned about safety of walkers and other residents.

Claudia Arkestyn, 4715 Fruit Ridge, lives immediately east of Raymers' property. She has many concerns about the project, citing Westgate's lack of a plan. She is concerned about water quality, noise, and traffic, since she believes there is a "blind spot" on Fruit Ridge Ave. She also stated that if the grade is reduced, 14 acres of farmland will be removed from production.

Patty Quick, 4747 Fruit Ridge Ave., said she is concerned for health issues as she is asthmatic and suffers with a compromised respiratory system. She feels that the dirt and dust generated by this activity will affect everyone negatively.

Joyce Raymer, 4721 Fruit Ridge, expressed her support for farmers, especially in the current tough economic times, but doesn't feel that adding a sand pit will provide adequate income to the Piccards.

Mrs. Balczewski, 4788 Stage Ave., at the corner of Stage and Fruit Ridge, worries about reduced air quality from the added dust and dirt. Her son has a history of severe respiratory disease and already cannot keep her windows open, and she also thinks the noise level is too high. She urged the PC to consider the effects on both the environment and local residents before deciding to allow this.

Jim Arkestyn, 4715 Fruit Ridge, expressed his concerns for "gray areas": who will monitor compliance with all of the conditions, such as dust control, over mining, and truck traffic? *Vega said that the Township engineers, Prein and Newhof, conduct annual reviews to confirm that "over mining" does not occur. Commissioners added that local residents do monitor activity and are the best observers of activity. They call the Township's Code Enforcement Officer with complaints which are then investigated by him. Vega added that access will be controlled by the single Road Commission Permitted driveway. Staff has also told the applicant that the first 150 feet of the driveway must have a hard surface, to minimize dust migration.*

May moved, with Madura's support to close the public hearing.

Ayes: 7

Nays: 0

Motion carried.

Townsend asked commissioners for their comments on the special use request.

- May first addressed those present by taking exception to a statement that had been made earlier, which was that 14 acres will be taken from farmland. He said that the mining operation would reduce an excessive grade in one part of the Piccard farm, **returning** 14 acres to farming. May also stated that he had been

on a Township committee which addressed mining operations in Alpine and it had defined conditions of operation. The specific mining pit which was reviewed was the "Crawford Pit" on 10 Mile Rd., which is no longer in operation, with restoration now underway.

- Sedlecky summarized his observations on the special use request:
 - The sand mining is not a permanent operation
 - Any approval would only be for a three year period
 - Fruit Ridge Ave. is already highly traveled with truck traffic
 - The additional trucks for this operation won't add much traffic overall
 - The safety of children is always an issue, and the truck traffic is not constant
 - If the need for sand is reduced, the pit won't operate
 - Water levels will not be affected
 - Wildlife should not be significantly affected
 - While there will be dust generated, it will not be constant

Sedlecky said he was still ambivalent about the mining request, even though it is for a short term operation.

--- At this point a member of the audience interrupted and pointedly asked Sedlecky where he lived. Townsend asked that the audience not interrupt commissioner discussion and he reminded the audience that they had already had an opportunity to speak during the public comment portion of the meeting.

- Johnson said there may not be a lot of wildlife at the site, since the Artemis report stated "the existing habitat provides minimal foraging opportunities and coverage from predators. "

Townsend asked Vega if both she and the Township Engineer are satisfied an adequate wetlands review has been done. Vega said they were, since the applicant must also obtain a permit from the MDEQ before any work is done at the site, and that the DEQ has authority over wetlands, rather than the Township.

- Cassady-Gall said she is "in the middle" on this request. Neither the size of trucks used nor the number of daily loads can be predicted. Traffic on Fruit Ridge will increase, but it is already very high. Noise caused by the equipment will affect neighbors. She thinks increased monitoring of the site might be warranted, since this will be a new sand mine.
- Madura said he believes high traffic volume will automatically redirect traffic since the trucks are already familiar with the area. He didn't think sand would cause as much dust as topsoil and dirt, and May agreed.
- Townsend shared with the PC the memo given to him by Schweinzeger during public comment. The DEQ memo confirmed staff's statement that if pre-existing wetlands are determined to be regulated, (i.e., more than 5 acres or contiguous,) a geological survey must be done before any activity proceeds.
- Sedlecky said (in response to the earlier question from the public) that he lives in Westgate and raised 7 children in that home. His children had to learn early to

deal with heavy traffic in the area with buses and trucks traveling on 6 Mile Rd. and Alpine Ave.

- Townsend said that he considers himself an environmentalist and originally hoped to pursue the law on environmental issues. He stressed for the public that the Commission recognizes that this is a sensitive and important issue to the neighbors. But he stated that because he is an attorney he also must consider previous legal decisions relevant to this request. He recalled that the courts have ruled that landowners may mine natural resources where they are found, "so long as there are no *substantial negative impacts on nearby properties and residents*", but not that there aren't *any* negative impacts. He added that perhaps increased monitoring of the site could limit complaints.

In response to questions from the PC, Mr. Piccard said he thought there was about a foot of topsoil. If less topsoil than expected is removed, the berm size may be reduced. Commissioners agreed that a berm must be at least 6 feet tall to effectively screen dust migration, and that if the mining is phased, multiple phases would be needed. Madura asked if the berm could be moved as mining progresses to other areas in the site, but commissioners concluded that since the berm would be seeded, movement of the berm will disturb the soil enough to generate more, not less, dust migration.

Commissioners agreed that until the MDEQ report is complete, and Prein and Newhof has an opportunity to review it, further discussion of the mining should be delayed. Townsend commented that he hasn't seen any evidence to support amending the Zoning Ordinance requirements regarding grade limits. May added that sand pits mined in the past have never been restored to agricultural use as this one will be. Johnson said that all mining operations that she has seen have been planned for future residential use. Townsend asked if a representative from Prein & Newhof could attend the August PC meeting to answer some of these engineering questions, and Vega said that Chad Sosnowski will already be attending the August meeting regarding the Wal-Mart plans.

May moved, with support from Madura, to postpone further discussion on the Westgate Special Land Use request until the August, 2006 Regular PC meeting, when the Township Engineer is available to attend.

Ayes: 7

Nays: 0

Motion carried.

**06-39 PUBLIC COMMENT/COMMISSIONER COMMENT/STAFF UPDATE/
ADJOURNMENT**

Phil Brunger, 4647 Fruit Ridge Ave., lives adjacent to the proposed sand mining project but prefers to remain neutral on the request since he thinks the neighbors are good people.

May commented that he was very pleased to have the training session that was run at the end of June by the Township attorney.

Sedlecky agreed about the June training session and encourages commissioners to take advantage of the many training opportunities given by the Township. Two members of the Planning Commission, Johnson and himself, have achieved Master Citizen Planner status after the classes they have attended.

Johnson said there was no ZBA meeting in June. She asked Vega if she could create a class for commissioners covering how to read site plans and Vega agreed to do so.

Vega said the Site Plan Review Committee met on two projects:

- Southland Auto Wash—approved to add lanes for reducing stacking area, and adding free vacuum lanes.
- Auto Zone was conditionally approved for the site between Fire Mountain and the Marathon station at 4 Mile Rd. There are still storm water issues to be resolved, with the possibility of an SAD being established for it. The Township Board will meet August 14, 2006 to address the issue.

Madura asked whether those portions of the mining site that won't be mined would still be farmed, to aid in controlling dust migration.

Vega stated that the August Regular Planning Commission meeting will be full.

- The Wal-Mart Site Plan will be the agenda. Staff and Township consultants will meet the last week of July to address those issues already raised, and a revised site plan will be submitted during the first week of August. Wal-Mart is also asking for two Special Land Uses, one for an exception to the ordinance regulating walls and screens, and one requesting an approximate 20,000 square foot outdoor garden sales area.
- A rezoning will also be heard for the Annis, Annis, and Visser site at 4280 Alpine Ave., now zoned OS- Office Service. Culver's Restaurant wishes to rezone it to C-2, in compliance with the 1998 Alpine Township Master Plan. A Special Land Use to add a drive through to the restaurant will also be requested.

Johnson moved, with Madura's support, to set a public hearing for a rezoning request at 4280 Alpine Ave., (PP # 41-09-36-101-046) from OS- Office Service, to C-2 Commercial, in compliance with the 1998 Master Plan, and to review its request for a Special Land Use at that address for a drive-through.

Ayes: 7

Nays: 0

Motion carried.

Cassady-Gall moved, with May's support, to adjourn at 9:15 PM.

Ayes: 7

Nays: 0

Motion carried

Nelda Johnson, Secretary

Patricia Kolkman, Recording Secretary