

NELSON TOWNSHIP
Special Planning Commission Meeting
Nelson Township Municipal Building
2 Maple Street
Sand Lake, Michigan 49343

Wednesday, October 24, 2018
6:30 pm

The Special Planning Commission meeting was called to order at 6:30 pm by Chairman McKown.

Commissioners Present: McKown, Stolk, Mahoney, Wier, Litwinchuck, Covell.

Commissioners Absent: Wall

Also, Present: Zoning Administrator Jerry Gross, Supervisor Britton, Township Attorney Ron Redick, and the Township residents who signed the attendance sheet attached to these minutes.

Approval of the Agenda: Stolk moved to approve, Seconded by Litwinchuck, Yes – 6, No – 0, Absent – Wall

Approval of Minutes: Wier moved to approve the September 14, 2018 special meeting minutes, Seconded by Stolk, Yes – 6, No- 0, Absent – Wall

Public Comment: no discussion at this time

Unfinished Business:

A. Baczewski Mining; 17550 Ritchie Avenue, Jerry indicated that there had been no complaints or phone calls about the mine. Voting on the permit at this time would get the mine back on schedule. Wier made a motion to accept, Stolk seconded, Yes – 6, No – 0, Absent – Wall

B. Dean's Special Land Use for Mineral Removal; 14055 Keller Avenue -----41-03-25-400-018

Public Discussion was opened at 6:42 pm.

McKown read a letter presented by Gross from Ron and Connie Bennett, 14095 Keller Avenue, stating that they are concerned about who would be responsible for the upkeep on the road. How they would control the dust on the road and the speed of the trucks on the road. They were also concerned about the hours that the mine would keep.

John Sarniak, 9175 Becker Road, indicated that he has found that the County takes better care of the road that is serving a mining operation. Sarniak said he would donate 33' of his property to Kent County to widen Rentsman to the west boundary of Dean's property. He would like to see it put in the resolution that Dean's turn the road over to Kent County when the mine is closed.

Steve and Francine Pike, 9835 Rentsman, Concerned with condition of the road, speed of trucks, dust from the road. Also wanted to know what the property would be used for after the mining is done.

Jennie Vanloenen, 9616 Rentsman, concerned with the safety of children and adults walking and riding bikes on the road. Property values will go down. Could Dean's access the property from 18 mile.

Laura Baker, 9822 Rentsman, stated she has the same concerns as Jennie Vanloenen because she rides horses on the road. Asked who would take care of the Spencer side of the road.

Ron Stonehouse, 9851 Rentsman, indicated that he felt the Planning Commission was not following its own ordinances and cited Chapter 19 and 19.5B. the noise and trucks would not be harmonious to the neighborhood. Section 13, the performance bond by Dean's would reimburse Nelson Township but not Spencer Township, for damages to the roads.

James Putnam, 9815 Rentsman, there is a lot of unknowns at this time and the corner on Rentsman and Keller is very tight for trucks.

Jeff Knapp, 10350 Rentsman, stated that Keller belongs to Nelson Township and Rentsman belongs to Spencer Township. Spencer has had a very aggressive gravel program and has made the roads the best they have ever been. Concerned with dust layering.

Robbin McGee, 9914 Rentsman, concerned with the condition of the road, has a big pit in front her driveway adding big trucks will make it worse.

Will Vanloenen, 9616 Rentsman, stated he spends a lot of money on taxes and his kids play in and by the road.

Tony Baker, 9840 Rentsman, has worked for Dean's for 14 years and is concerned that if he takes a truck home for personal use, there would be complaints.

Public Comment closed at 7:03, Chairman gave the floor to Zach and Nate Wall to respond to the Township residents.

Zach Wall, Dean's Excavating,
Primary route Dean's trucks will take will be Rentsman east to Keller and then north on Keller to 18 Mile.

Dust Control: Dean's will work with Kent County Road Commission to dust layer 4 times a year. Will also hire outside company if that is not enough.

Condition of Road: they are bonded to Kent County, they will work with Kent County Road Commission to add gravel to the road as necessary at no cost to the Township.

Deans have been in talks with the Road Commission on making improvements to the intersection at Rentsman and Keller.

Their drivers are told to run at 35 miles an hour, call the Township or Dean's offices if they are not.

Hours of Operation, 6:30 am to 7:00pm, Monday - Friday. Saturday 7:00am to 2:00 pm. Did not run every Saturday this summer, only 4 Saturdays out of the Summer.

Intended use would be agriculture after the mine shuts down. They are not developers, they are excavators.

Stolk asked if there could be a compromise on the hours of operation.

Zach Wall, Dean's Excavating agreed to summer hours from 7:00am to 6:00pm, Monday - Friday, 8:00am to 12:00pm on Saturdays. Winter hours will be 8:00am to 5:00pm and no Saturday hours unless there is an emergency. Winter hours run from October 15 thru April 1.

Jenny Vanloenen, 9616 Rentsman, wants to know if the emergency would happen after 6:00pm.

Zach Wall, Dean's Excavating would like to revisit the hours of operation after the first year.

Wier wanted to see the crushing machine used no more than once a year and not more than 1 month a year.

Stolk asked about dust control on the pit, Zach replied that they brine the pit 7 times during the summer months.

Stolk, asked that it be added to the resolution, that the trucks had to go from Rentsman to Keller to 18 Mile. Weir clarified the suggestion stating that "Hauling Trucks" would go from Rentsman to Keller to 18 Mile and "Delivery Trucks" would be able to use all of Rentsman for deliveries.

Stolk asked about the intersection of Rentsman and Keller. Zach Wall stated that they would be working with Kent County Road Commission to cut back limbs and trees. The Road Commission would have to take care of the telephone box.

Jenny Vanloenen, 9616 Rentsman, asked if the intersection could be fixed before work begins at the mine.

Will Vanloenen, 9616 Rentsman, stated that Keller dead ends at his front yard. Also asked if the new intersection would take from his front yard.

Zach Wall, Dean's Excavating, will contact the Kent County Road Commission to review what changes can be made to make the intersection of Keller and Rentsman to make it safer.

Litwinchuck, indicated that the Sarniak pit had a speed limit of 20 miles per hour.

Zoning Administrator Gross said the Township can not dictate speed on roads only the County can.

Zach Wall, Dean's Excavating, said the initial work on the pit would begin this winter.

Public Comment ended at 7:03 pm.

Ron Redick, Township Attorney, read thru the Resolution and indicated changes that would be made to the hours of operation, specifying what roads to use for hauling and deliveries, Dean's would be responsible for

applying to the Kent County Road Commission for improvement of the intersection as a condition of the resolution. Change to the Plan of Reclamation, Final grade would be 5%.

Wier made a motion to grant the SPU to Dean's Excavating, Stolk seconded, Yes – 6, No – 0, Absent – Wall

C. Falling Feathers Public Hearing for Special Land Use Permit for Office/Lodge, 15043 Northland Drive ----41-03-25-400-018.

McKown asked Rob Elliot to address the residents and give an overview of the project.

Public Hearing opened at 8:06 pm.

Zoning Administrator Gross indicated he received a letter and a phone call about the project. The phone call was from Gary Morehouse, 15382 Cedar Springs Ave, NE., he was concerned about the persons that will be served by the business, after Gross explained the project to him, he was all for it.

Melvin Moseley, Jr. sent a letter to the Planning Commission stating his concerns about the potential conflict the Project would cause with neighboring landowners and wildlife. He is concerned with preventing trespassing, preventing unwanted noise and disturbance, and safety issues with traffic.

Rob Elliot, Falling Feathers, has talked to all the neighbors and walked the perimeter of his property to mark his property lines. He stated that he has talked to Moseley and had reached an agreement with him that preceded the letter.

Phil Harrison, 5729 18 Mile Road, wanted to see Site Plan and asked why the Township has not gotten a Microphone for the meetings. He can not hear what is being said.

Sue Wolfe, 8912 18Mile Road, wanted to know how many bedrooms.

Rob Elliot said he would update his property markers and will have clients sign a form stating they know there is hunting on adjacent property. Most of the teams he counsels are between 5 and 8 people. He will be putting a pump station in for septic per Kent County requirements.

Public Comment ended at 8:19 pm.

Ron Redick, Township Attorney, discussed the changes to the Resolution that will be made. Removing item K. Landscaping and L. Hours of Operation. Adding a new item K, Falling Feathers will have until September 1, 2019 to remove travel trailer and build the garage.

Rob Elliot stated construction will begin on the garage over the summer of 2019.

Wier made a motion to accept the SPU with the amendments to the resolution, Litwinchuck seconded, Yes – 6, No – 0, Absent – Wall

New Business: Verizon Zoning Application, 15920 Northland Drive NE., represented by Ralph Wyngarden, Faulk and Foster, 678 Front Avenue NW, Suite 215, Grand Rapids, MI 49504. Verizon would be filling a 2-mile

gap in service. Other providers can use the tower also. Tower will be a monopole type. The tower will be dark, no flashing lights.

Zoning Administrator Gross indicated a Public Hearing should be held in November to meet the 90-day time frame. The Planning Commission set the date of the meeting for November 28th, 2018 at 7:00pm.

Comments from Commissioners: None

Next meeting will be November 28th, 2018.

Adjournment: Motion by Mahoney, support from Stolk, to adjourn the meeting at 8:53 pm.