

Almont Township

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ALMONT TOWNSHIP PLANNING COMMISSION REGULAR MEETING

January 13, 2021

The regular meeting of the Almont Township Planning Commission called to order at 7:02 P.M. by Chairman Francis, at the Almont Township/Village Hall, 819 N. Main Street, Almont, Michigan 48003. Recited was the Pledge of Allegiance. Roll call taken.

MEMBERS PRESENT: Andrea Bara, Brad Bletch, Steve Francis, James Gostomski, Steve Hoffa, Kim Streeter, and Bryan Zender. Cory Mabery, PE of Davis Land Surveying & Engineering, PC was also present.

MEMBERS ABSENT: Planner Habben, due to ROWE's policy, was not able to attend the meeting in person, but would be available by phone.

PRESENT: 7 guests

MINUTES: MOVED BY BARA AND SUPPORTED BY ZENDER TO RECEIVE THE MINUTES FROM NOVEMBER 11, 2020 AS PRESENTED. MOTION CARRIED.

CORRESPONDENCE: Received.

PUBLIC COMMENTS: NA

LATE AGENDA ITEMS: NA

INTRODUCTION: Newly appointed member Steve Hoffa was introduced to the Commission.

PUBLIC HEARING: NA

ELECTIONS: MOVED BY ZENDER AND SUPPORTED BY HOFFA TO ELECT STEVE FRANCES AS CHAIRMAN OF THE ALMONT TOWNSHIP PLANNING COMMISSION FOR 2021. MOTION CARRIED UNANIMOUSLY.

MOVED BY BARA AND SUPPORTED BY STREETER TO NOMINATE AND ELECT BRYAN ZENDER TO THE POSITION OF VICE CHAIR. MOTION CARRIED UNANIMOUSLY.

MOVED BY BARA AND SUPPORTED BY GOSTOMSKI TO NOMINATE AND ELECT KIM STREETER TO THE POSITION OF SECRETARY. MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS: 2021 Open Meetings Resolution

MOVED BY ZENDER AND SUPPORTED BY BARA THAT THE MEETINGS OF THE ALMONT TOWNSHIP PLANNING COMMISSION SHALL BE HELD ON THE 2ND WEDNESDAY OF THE MONTH AT 7PM AS PRESENTED. ROLL CALL VOTE: ZENDER – YES, BARA- YES, HOFFA – YES, BLETCH – YES, GOSTOMSKI – YES, STREETER – YES, FRANCIS – YES. RESOLUTION CARRIED.

2020 Annual Report as prepared by PC Secretary

Consensus of Commissioners acknowledged receipt of the 2020 Report as presented and recommended that it be forward onto the Township Board.

OLD BUSINESS: 1. Special Land Use #20-01 – VP Capital LLC – Soil Removal – continued from 11/11/2020

Chairman Francis asked Township Engineer, Cory Mabery PE, to go through his January 5, 2021 report.

1. Mr. Mabery noted that in Section 5C1.f.1.12 of Ordinance 43.4, which is the amount and source of water to be utilized in the process, needed to be identified. ***Mr. Pansera, the applicant, noted that he would be using the water from the pond that would be created by the excavation.***

2. Section 5C1.i of Zoning Ordinance No. 39, as amended, call for a traffic study unless waived by the Planning Commission. Typically, a traffic study is required when a development generates 50 or more trips per day. The applicant stated that he anticipates no more that 20 – 30 truck trips per day. ***Consensus of Commissioners stated that if no more than 30 truck trips per day were allowed, they agreed that a traffic study would not be necessary.***

3. Section 5C1.l requires an environmental impact report unless waived by the Planning Commission. Based on the Well Record by G2 Consulting Group, Mr. Mabery stated that due to the possible impact the excavation may have on the wells located at 5856, 5851 and 5935 Timberwood, that a bond in the amount of \$18,000 (\$6,000.00 per property) be secured until the mining operation was completed. ***After discussion with the Commissioners and the one property owner present who may be affected by the G2 Well Report, the decision was made to amend the amount suggested from \$18,000 to \$30,000 due to the possible length of time that the mining operation may take.***

4. Section 5C.5 states that a geological study must be included unless waived by the Planning Commission. Engineer Mabery noted that based on the soil evaluation by G2 Consulting Group, the soils near Sample #5 and #8 must be removed and disposed of in an acceptable and lawful manner prior to excavation. ***Discussion was held by Commissioners and the public. The contaminants were likely caused by the orchard operation when the fruit trees were treated. The areas affected with lead and arsenic are less than 36-inches deep. The contaminated soils are to be removed before any excavation***

VP Capital LLC – Soil Removal Continued:

can be begin. Engineer Mabery will be contacted when the soil removal is completed. A bond must also be posted as this is part of the construction and will be addressed at the pre-construction meeting with the applicant.

5. Section 9A.3 calls for 12-foot high berms with two rows of evergreen trees staggered along the top of the berms. The berms would be located along the south and east sides of the operation. The Planning Commissioners may waive the trees if they feel the 12-foot berms are sufficient without the trees and if the Commissioners approved the use of the existing vegetation along the west and north property lines. ***Discussion was held on the existing vegetation. Consensus of commissioners agreed that the existing vegetation along the west and north side of the property offers sufficient screening, but noted that no trees or vegetation such as brush, shall be removed without replacing it with like kind. Discussion was held on whether or not evergreen trees were necessary on top of the berms. Majority of Commissioners agreed that as the evergreen trees were part of the ordinance, the trees should be planted and cared for in an appropriate manner.***

Hours of operation were also discussed. After a lengthy discussion it was agreed to leave the hours as noted on the revised set of plans received by the Township on January 11, 2021.

MOVED BY BARA, SUPPORTED BY GOSTOMSKI, TO APPROVE SPECIAL LAND USE APPLICATION 20-01 AND APPROVE THE REVISED SET OF PLANS AS RECEIVED BY ALMONT TOWNSHIP ON JANUARY 11, 2021 FOR VP CAPITAL LLC'S MINING OPERATION LOCATED AT 5694VAN DYKE, ALMONT TOWNSHIP, AND TO ALSO RECOMMEND TO THE TOWNSHIP BOARD THAT SAID SOIL REMOVAL APPLICATION BE APPROVED CONTINGENT UPON THE FOLLOWING:

A 12 FOOT BERM WITH TWO ROWS OF STAGGERED TREES ON THE EAST AND SOUTH LOCATION ONLY. NOTING THAT THE WEST AND NORTH LOCATIONS ARE ADEQUATELY SCREENED DUE TO A HIGHER ELEVATION AND EXISTING VEGETATION.

THE SURETY BOND FOR WELLS AT 5851, 5856, AND 5935 TIMBERLAND LANE BE SET AT \$10, 000 EACH.

REMOVE AND DISPOSE OF CONTAMINATED SOILS IN AREAS #5 AND #8 ACCORDING TO THE GEOLOGICAL STUDY.

HOURS OF OPERATIONS LISTED ON THE SITE PLAN: MONDAY THRU FRIDAY BETWEEN THE HOURS OF 7:30 A.M. TO 5:30 P.M. FOR TRUCKS. THE PIT IS TO BE CLOSED BY 6:00 P.M. SATURDAY HOURS ARE TO BE FROM 7:30 A.M. TO 3:30 P.M. FOR TRUCKS, AND THE PIT IS TO BE CLOSED BY 4:00 P.M. SUNDAYS AND ON ALL LEGAL HOLIDAYS THE PIT SHALL BE CLOSED. IT IS ALSO RECOMMENDED THAT ON ANY LONG WEEKEND HOLIDAY (I.E.: MEMORIAL/LABOR DAY) NO TRUCKS ARE TO BE ALLOWED AFTER 3:00 P.M. ON THE FRIDAY OF A LONG HOLIDAY WEEKEND. APPROVED HOURS OF OPERATIONS SHALL BE POSTED AT THE PIT.

SLU Motion continued:

BASED ON FINDINGS OF FACT THE SPECIAL LAND USE IS APPROVED AS IT:

COMPLIES WITH STANDARD "A" - THE PROPOSED USE HAS CHARACTERISTICS THAT WOULD NOT BE DETRIMENTAL TO THE SURROUNDING NEIGHBORS AND CREATE UNACCEPTABLE OFF-SITE IMPACTS.

COMPLIES WITH STANDARD "B" - THE PROPOSED USE WOULD NOT UNREASONABLY INTERFERE WITH OR DISCOURAGE THE DEVELOPMENT OF ADJACENT LAND OR EFFECT BUILDING VALUES.

COMPLIES WITH STANDARD "C" - THE PROPOSED USE IS SO DESIGNED AS TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THIS SITE AND SURROUNDING AREA.

COMPLIES WITH STANDARD "D" - THE PROPOSED USE IS IN HARMONY WITH THE ZONING ORDINANCE AND MASTER PLAN.

ROLL CALL VOTE: BARA, - YES, GOSTOMSKI - YES, BLETCH - YES, STREETER - YES, HOFFA – YES, ZENDER - YES, FRANCIS -YES. MOTION CARRIED UNANIMOUSLY.

REPORTS:

Planner: NA

Engineer: Written report presented

Zoning Board of Appeals: Hearing is scheduled for January 27, 2021 at 5p.m. w/DTE.

Zoning & Building: NA

Planning Commission: NA

February 10, 2021 Agenda items: SLU renewal by Phantom Fireworks

MOVED BY STREETER AND SUPPORTED BY ZENDER TO ADJOURN MEETING AT 8:50 P.M. MOTION CARRIED.

Respectfully submitted by,

Ida L. Lloyd

Ida L. Lloyd, Recording Secretary