

**MINUTES OF THE APRIL 21, 2011
TYRONE TOWNSHIP PLANNING COMMISSION MEETING**

28 E. Muskegon St.
P.O. Box 275
Kent City MI 49330
(616) 678-4779

The meeting was called to order by the Chairman, Jim Pope at 7:00 p.m. on April 21, 2011 at the Township offices.

Members present were: Jim Pope, Shelley Worley, Dave Johnson, Traverse Scholz, Jim Morgan, Ted Shepardson and Mike Rexford.

1. Approval of meeting minutes for August 26, 2010.

Dave Johnson moved and Traverse Scholz supported a motion to approve the minutes of the August 26, 2010 meeting. Motion carried unanimously.

2. Citizen's Comments.

Jim Pope asked if anyone in the audience wanted to offer any comments as to anything other than the Special Use application which is set for a public hearing. No one wished to do so.

3. Special Land Use Application – Parker Excavating Gravel & Recycle, Inc. and R C & B Development.

An application for a special land use permit for extraction of mineral resources has been submitted by Parker Excavating Gravel & Recycle, Inc., and R C & B Development. Present for the applicants were Attorney Edward Wolven, Kevin Roosien of Roosien and Associates, P.L.L.C., and Kevin Parker.

Jim Pope recognized Attorney Wolven who presented first on behalf of the applicants. Attorney Wolven indicated that the application was filed in an attempt to amicably resolve the issue of whether the proposed use is grandfathered use. He indicated that he has no record of when the mineral extraction began, but believes it was before any zoning ordinance was adopted. He indicated that he spoke with older Road Commission employees who stated that gravel was extracted from both sides of Tyrone Avenue. He further indicated that the 1993 application for a special use permit was submitted by parties that were neither owners nor operators at the time, and that the current owner acquired the properties in 1983 and 1993. He noted that there would be no dredging on the site. Finally, he indicated that he doesn't know how long the extraction

would occur due to several variables, but that the final restoration would be done in accordance with the Zoning Ordinance requirements.

Mr. Kevin Roosien next spoke on behalf of the applicants. He indicated that the gray area depicted on the site plan would not be mined. Also, there were no present plans to mine the area cross hatched on the site plan, and no borings have been conducted to date in that area.

Ted Shepardson inquired as to whether anyone was living at the house, and he was advised that someone was, in fact, currently living at the house on the property. Upon inquiry, he was also advised that there is no pumping occurring on the property. While there is washing of material on site, the water is returned.

Traverse Scholz asked if there is any recycling occurring on the property and was advised that there is some recycling of concrete and asphalt.

Jim Pope inquired about the depth of the dredging related to the 25' maximum referenced in Note 16 of the site plan. He was advised that the water level doesn't vary much throughout the year. A discussion also occurred as to Note 8 of the site plan, and whether a maximum grade of 5% or 5-1 (20%) was allowed.

Chair Pope opened up the public portion of the hearing. Ray Johnson, 2291 – 20 Mile Rd., indicated that he was the chairman of the Planning Commission in 1993. He disputed the existence of the mining operation in the 1980's and any claims of grandfathering. He further indicated that his well went dry, and attributed it to the mining operation.

Traverse Scholz indicated his well went dry due to dredging (water removal) years ago, but it has come back since then.

Edith Johnson, of 2501 – 20 Mile Rd. (Box 135), stated that the prior owners purchased the property in the 1970s and that it sat idle for 8-10 years thereafter. She indicated that they have severe water problems, and that the pit to the north opened without Township approval.

Dennis Kaminski, 2283 – 19 Mile Rd., noted that the 1993 special use permit conditions refer to annual inspections, but do not specify who is to make the inspections.

Attorney Wolven reiterated that the 1993 applicants for the special use permit did not have an ownership interest.

Tracy Johnson, of 2275 - 20 Mile Rd., asked what is meant by dredging, and was advised that the mining operation would not include any processes where the water is removed with the material.

Deb DeFouw, of 2303 – 20 Mile Rd., stated that they never had a problem with water until recently. She also indicated that certain ponds have a lower water level, or are even dry.

Barb Miltibarger, of 16229 Barber Creek Ave., stated that she had two wells go dry, that her water is dirty, and the water pressure has diminished.

Duane Watson, of 2770 – 20 Mile Rd., indicated that they have problems with their well, including smelly and dirty water.

Gary DeFouw, of 2303 – 20 Mile Rd., had questions regarding nonconforming uses. Attorney Eric Brandt briefly discussed the concept of nonconforming uses and grandfathered uses.

Tracy Johnson, of 2275 - 20 Mile Rd.(Box 54), inquired whether the DEQ was contacted regarding wetlands.

Duane Watson inquired as to whether the Road Commission has been contacted. Kevin Roosien indicated that a Soil Erosion and Sedimentation Control Permit is sometimes required if the area at issue is greater than one acre.

Joanne Simunic, of 2297- 20 Mile Rd, inquired as to the zoning district that the property is located in. She was advised that it is currently zoned Rural Agricultural (RA).

No one else desiring to comment, Jim Pope closed the public portion of the hearing. Chair Pope noted and entered into the record two letters received from the public: one from Arnold and Edith Johnson regarding the water issues discussed at the meeting, and the other from Gary Lutkus regarding noise issues. Copies of the letters were distributed to the Planning Commission members.

Ted Shepardson indicated that he thought more information was needed regarding the wells and the water table issue. Jim Pope also expressed concern about the wells and suggested that testing may be appropriate. Attorney Wolven indicated that wells may have been affected by prior operators who pumped water. He also stated that the applicant has records showing continuous operations since 1993.

After an additional brief discussion among Planning Commission members, Ted Shepardson moved and Shelley Worley supported a motion that the Zoning Administrator, with the cooperation of the applicant, obtain additional information from an independent expert source as to the issues raised regarding the water table and wells. Motion carried unanimously. The matter was tabled until the Planning Commission meeting on June 16, 2011.

4. Adjournment.

There being no other business before the Planning Commission, Jim Pope adjourned the meeting at 8:40 p.m.

Respectfully submitted,

Date: _____, 2011

Shelley Worley
Planning Commission Secretary

Date: _____, 2011

Eric E. Brandt, Recording Secretary