

PROPOSED MINUTES  
LAKETOWN TOWNSHIP  
PLANNING COMMISSION  
4338 BEELINE ROAD  
ALLEGAN COUNTY  
HOLLAND, MI 49423  
(616) 335-3050

June 3, 2015

ARTICLE I. CALL TO ORDER

Chairman Bob Cook called the Planning Commission meeting to order at 7:00PM.

MEMBERS PRESENT: Bob Cook, Randy Becksvoort, Bob Slikkers,  
Linda Howell, Jim Lorence  
MEMBERS ABSENT: None  
STAFF PRESENT: Al Meshkin – Township Manager  
Ron Bultje – Township Attorney  
Diane Ybarra – Recording Secretary

ARTICLE II. APPROVAL OF MINUTES

The Commission reviewed the minutes of the May 6, 2015 meeting. **A motion was made by Linda Howell and seconded by Bob Slikkers to approve the minutes as written.**  
**UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE III. OLD BUSINESS

A. RPE TRUST SPECIAL USE REQUEST #2

RPE Trust, owner or agent of property located on Griswold Avenue, lots #190, #191 and #121 of Macatawa Park that being tax parcel #0311-340-190-00, requests a special use permit to construct a new cottage on this parcel. Chairman Cook announced that this item will remain tabled pending finalization of the Zoning Amendment.

B. RPE TRUST SPECIAL USE REQUEST #3

RPE Trust, owner or agent of property located on Griswold Avenue, lots #219 and #220 of Macatawa Park that being tax parcel #0311-340-00, requests a special use permit to construct a new cottage on this parcel. Chairman Cook announced that this item will remain tabled pending finalization of the Zoning Amendment.

### C. BTB 146 LLC SPECIAL USE REQUEST

BTB 146 LLC, owner or agent of property located at 6137 146<sup>th</sup> Avenue, Holland, MI, that being tax parcel #0311-001-045-10 requests a special use permit to construct an oversized accessory building on this parcel.

Bill Sikkel represented BTB 146 LLC and provided a drawing of the proposed structure including the color palette depicting two tone ash gray and charcoal siding with a black shingled roof along with a window on the west side. Mr. Sikkel addressed the concern raised regarding the drainage and explained there will be gutters on the building that will drain to the rear of the site; a culvert will be installed at the front of the road and it would be excavated to have the storm runoff on the property and not to neighboring parcels. The location of the structure on the lot was raised as a concern and there is flexibility with that as how far forward or back although the rear of the property is quite low so it could not be too far back. Other accessory buildings on the block will show the similar placement as has been proposed except the building to the west which is much further back on the parcel. If the Johnsons are concerned about their view, the client would move toward the front of the lot; the home is 45 feet off the road. The 40 x 60 building could go 130 feet back or if they wanted it at equal distance to their home. Also in order to accommodate the Johnsons, the client would install landscaping to create screening and buffer. Lastly, there was concern expressed about the kind of work that would be done in the building and how potential effects on the environment. All work done and materials used would be in compliance with applicable regulations taking all necessary precautions as would other property owners be expected to do.

Chairman Bob Cook stated that the opinion of record by the township attorney is that the building cannot be constructed if the property owner does not reside in the principal dwelling on the property. Bill Sikkel stated that he and Ron Bultje discussed it and Sikkel feels the accessory building would be customary as is required. Sikkel states that the building owners would be using it for their own use and the principal property is rented. He feels it is in spirit with the ordinance.

Bob Slikkers asked for Ron Bultje's feedback. Ron Bultje reported that the accessory building is to be an accessory to the principal dwelling, occupants of the house. Here the expressed purpose of the building is for storage of items that are not owned by the principal dweller.

Bob Cook stated that he does not have a problem with property owners allowing others to store items in their storage building. Bultje stated it is a matter of degree for someone who lives in their home and allows others to store items in an accessory building. The township would have to be alright with people who do not live in the dwelling having full use of the accessory building owned by the principal dweller. Cook stated that we have never really questioned in detail what accessory buildings are being used for.

Linda Howell noted that if there is money exchanged for the use of an accessory building by those other than the principal dweller, it might be considered commercial use. Bultje said the ordinance states the land owner, not land use, and whoever lives in the principal dwelling must be using the accessory dwelling.

Cook states he would like to change the ordinance to allow for this and incorporate a cash limit for commercial use. Howell supports it if there is a dollar amount to it.

Bultje said the item could be tabled and forwarded to the Zoning Board of Appeals for interpretation. Meshkin stated that perhaps tabling is appropriate. Meshkin suggested looking at 38.471 which deals with the five standards to determine if this application meets all five standards.

Cook reviewed each of the five criteria in Section 38.471:

1. Area or height in relation to size of lot – 3.4 acres 1,530 sf is allowed and the proposed building is 2,400 sf, almost twice the allowable size. Cook asked if anyone has a problem with this and height is not an issue
2. Area or height in relation to the size of the principal building - the house is 890 sf and the proposed building would be almost three times the size of house. Meshkin interjected that this question is concerned with appearances in the neighborhood. If the building is further distance away it would not have the appearance of being out of character.
3. Location in relation to the existing principal building - Slikkers would like to see it moved to have flexibility with the neighbors. Meshkin said not only north and south but east and west should be considered. Jim Johnson offered guidance on where the swamp is located near the tree line. Johnson proposes starting the pole barn at the back of where his barn is located. Cook asked how far the applicant feels it could go back. Sikkel responded that at most, the north wall could be moved 220 feet back from the center line of the road. Cook asked if the location is good are we ok with the size in relation to the size of the house. If it is equal with the neighbor to the east and more centrally located on the property. Tim Rottschafer noted one issue that we have is if it is put closer to 50 feet from the lot line, there would have to be consideration for livestock in the future which they choose to avoid.
4. Light and air circulation – no issue.
5. Adverse effect to the view – The building will be seen wherever it is placed on the lot.

Section 38.91 general requirements were reviewed; typical residential uses, cannot be hazardous, maintenance of boats should be addressed; cannot place excessive demands on public services; Slikkers stated every resident has the responsibility to protect the land. The proposed use can be done so it does not impact the environment.

The sense of the board is the application does meet the standards. Howell confirmed if the placement is pushed back, the south wall of the barn would be even with the south wall of the barn to the east so the fronts are equal. Slikkers said if this is common in the neighborhood, it is hard not to allow it. Meshkin questioned the east and west placement stating there is not enough property for a future split unless water and sewer are passed.

Following discussion, **a motion was made by Slikkers and seconded by Becksvoort to table the item until the ordinance is clarified by the Zoning Board of Appeals at which time further direction would be given. Cook called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

#### D. PUBLIC HEARING ON ZONING AMENDMENT

Al Meshkin provided copies of the draft dated May 27, 2015 as prepared by Township Attorney Ron Bultje. Cook asked for feedback on the document. Meshkin suggested removing AG and R-1 from paragraph B. 2. on page two. Following discussion the board agreed and Bultje dated this final draft June 3, 2015. **A motion was made Linda Howell and seconded by Bob Slikkers to recommend adoption of the June 3, 2015 Zoning Ordinance Amendment to the Township Board. Chairman Cook called for a roll call vote. MOTION APPROVED 5 to 0.**

#### ARTICLE IV. NEW BUSINESS

##### A. GROTENHUIS SPECIAL USE REQUEST

David Grotenhuis, owner or agent of property located at 4186 60<sup>th</sup> Street, Holland, MI, that being tax parcel #0311-024-004-00 requests a special use permit to construct an addition to an accessory building on this parcel which will cause it to be oversized.

David Grotenhuis explained he would like to add 20 feet to the south side of the existing building; the roof line and size would be the same with an overhead door in the front no service door or additional windows. The additional 20 x 32 sf addition would be used for personal storage.

Chairman Bob Cook opened for public hearing. No comments.

Following discussion, **a motion was made by Randy Becksvoort and seconded by Bob Slikkers to close the public hearing. Chairman Cook called for a vote on the motion.**

**UNANIMOUS DECISION – MOTION APPROVED**

Chairman Cook asked for comments from the board. Becksvoort has no issues; Slikkers no issues; Howell no issues; Lorence no issues. The criteria in Sections 38.471 and 38.91 was reviewed with no issues noted.

Following discussion, **a motion was made by Bob Slikkers and seconded by Randy Becksvoort to approve the Grotenhuis Special Use Request contingent on meeting the criteria in Sections 38.91 and 38.471 and compliance with the application submitted, with all federal, state, county and township laws and ordinances and the verbal representation provided at this meeting and in the minutes. Chairman Cook called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

##### B. STEELE PLANNED UNIT DEVELOPMENT AMENDMENT REQUEST

Mr. Sean Steele, representing Diversion Properties LLC, owner or agent of property located at 4368 60<sup>th</sup> Street, Holland, MI, that being tax parcel #0311-013-001-00, requests an amendment to his existing planned unit development approval to allow composting activities on this property.

Dave Englewood of Feenstra and Associates represented Diversion Properties LLC in the request to amend the P.U.D. to use the southern portion of the development for a composting operation. Bob Slikkers asked for a description of what happens. Adam Brent of Cocoa Corporation, also representing Diversion Properties LLC provided an explanation of the operation. Currently there is a modest amount of composting done on site and the addition of this more sophisticated structure would provide increased capacity and efficiencies in an environmentally friendly process. The structure would use a geo textile tarp for cover to reduce moisture allowing for a more managed process. The compost pad itself is inaccessible and the turning must be relatively impervious so it could be kept in an aerobic state. Slikkers asked beside the compost turner, what other equipment would be necessary. Brent said a front end loader and a trowel screen which is already on site. Slikkers asked if there would be chipping. Brent stated chipping is already being done on site and this would add a very small volume. Primarily it is the yard debris coming in from City of Holland containing wood pieces over 2 inches in diameter. Cook asked if this is all done on concrete. Becksvoort confirmed it is crushed concrete and Brent said yes, crushed concrete would be used for the base of the pad and it would re-bond on the pad. Excess moisture or water goes into the detention pond and can be recirculated into the composter.

Linda Howell asked if they are already licensed as a composter. Brent said West Shore is and Howell commented that West Shore is not listed on the application. Howell asked if there are any recent or outstanding complaints or compliancy issues with the DEQ. Brent responded none that he is aware of. Howell asked about dust control and Brent said as the turner moves through the material the cover is lifted and then put back on it – the turning will maintain the proper moisture. It is an odor free dust free worry free system. Howell asked for clarification of the materials being composted. Brent responded right now it is yard waste but there has been consideration for vegetation from Birds Eye and Heinz but there would not be any mortality composting. The total composting process time is 10 weeks.

Jim Lorence suggested providing a berm to screen this from the neighboring property owners. Slikkers clarified that Diversion Properties would be running the operation as that is the name on the original P.U.D. Sean Steele confirmed it would Diversion Properties as they own the property. Howell asked if there would be any retail or wholesale sales? Brent said there had been discussion of retail sales primarily to the local farmers. Becksvoort expressed concern with an increase in traffic. Brent said there already is a traffic flow from the material that is already coming in, particularly during spring and fall during clean up times. The other bulk materials would be similar to the existing trucks and no traffic flow by the house; it would be by the existing entrance. Becksvoort concerned about the drainage on crushed concrete draining through – will it be a problem if they are on wells? Brent said the setbacks are established by the state and it is within the requirements. The water would not be in contact with the material. A question was raised concerning the 2010 P.U.D. amendment regarding no excessive noise. Becksvoort stated he drove by the site at 6:44 am and it there was excessive noise and dust. Would this composting operation be similar to that? Brent said the turning operation wouldn't start until 8am and the sound would be similar to a John Deere tractor.

Chairman Cook opened for public hearing.

Bob De Boer of 5971 144<sup>th</sup> stated that he lives a quarter mile northeast of chef container and if there is a westerly wind the landfill smells (garbage) are strong. He expressed concern about tarps blowing off the composting operation and mold getting into the air. Additionally, he expressed concern over the traffic and extra wear on the roads. The chipper already provides a fair amount of dust in the air and this would only increase the amount.

Ed Menken of 6341 144<sup>th</sup> Avenue expressed concerns over the dust, smell, noise, drainage issues, fumes and an increase in bugs. Mr. Menken cited several alleged violations of non-compliance with the current and amended P.U.D. and objects to this new request being made. He feels it will only further reduce the value of his property.

Sean Steele of Laketown Township said the operations of West Shore on that property are managed by the regulations of the DEQ so when it comes to the compost side they will regulate it as well. With the wood grinding they regulate when and what we can grind. We are regulated and monitored. The composting is there already and it was the DEQ's recommendation to make these improvements. Whenever we do get a complaint we try to address it. It is sometimes difficult to understand and address some of the concerns. The wood operation has been there for 10 years and the transfer station for 12 years. The traffic won't change because we are already getting the waste in and we would just be making the suggested improvements.

Bob DeBoer asked if the DEQ is ever down there when you are running the grinder. Steele said they are in once a month. Bob stated he cannot believe that is right based on the dust he sees.

Following discussion, **a motion was made by Jim Lorence and seconded by Bob Slikkers to close the public hearing. Chairman Cook called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

Chairman Cook clarified that we are only addressing the current request not what is being done with the current P.U.D. which could be an enforcement issue. Slikkers stated that he would take into consideration if there is compliance issue with the current P.U.D. and would like to get assurance of compliance before making a decision on this request.

Al Meshkin stated he has received several complaints from Mr. Menken about drainage, noise and dust and he refers them to West Shore and they are addressed. He has not seen evidence of an official violation nor has he received complaints from other residents. Howell asked if there were limits on hours of operation in the last report. Bultje responded 7am-5pm Monday to Saturday. Howell asked if that covers the grinding operation and existing composting. Bultje suggested obtaining more of a narrative to understand the operation by way of a written report on what the composting is. Howell added that we should also include a copy of the current P.U.D. to ensure consistency with the current conditions.

Becksvoort expressed concern of smell and drainage on crushed concrete. Brent responded that the material itself is organic material so odor free, the setbacks and distance to receptors are such you won't know it's there. Bultje asked if there is anything we can do to address the issues with the grinder. Brent said the grinder is operated within the regulations of the DEQ and monitored frequently. Bultje asked what the regulations for grinding are and Brent said the DEQ regulates operation based on wind speeds. Steele said the rules are different when treated for a raw product or production use and we adjusted the times based on the calls that AI has received. Howell asked what the standard hours of grinding are. Steele said it depends on the wind speed and we try operating between 6am-6pm. We are also limited by the DEQ to the size of the pile we can have.

Howell asked if Brent is with Cocoa and if they are a local operation. Brent stated they are not yet in Michigan but was recommended by the DEQ for this operation. Howell asked if there would be an increase in the materials being brought in and Brent responded it would be very similar to what is currently coming in. Bultje asked if they would be looking for more organic waste and Brent said this operation is a major asset for this community. Other states are moving toward recycling organic materials and this facility is far more advanced than others.

Slikkers reviewed conditions in Section 46.8 which would apply to anything in the township. Meshkin said he is not sure if the state law preempts us. Slikkers asked where the lines are between township and state. Bultje said given it complies with DEQ standards; we would be challenged to say it is now obnoxious and dangerous when it has been in existence for a decade. Bultje said he thinks we should get a narrative describing the operation and the DEQ regulations that apply to it. The additional information should be provided to him by the applicant and a report will be drafted for review prior to the next meeting.

Following discussion, **a motion was made by Howell and seconded by Slikkers to table the request pending receipt of additional information from the applicant for the report draft. Chairman Cook called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

#### ARTICLE V. CITIZEN COMMENTS

Ed Menken reiterated his objection to the Steele P.U.D. Amendment request and the alleged violations of the current P.U.D. conditions.

Jim Johnson commented the wet area as a swamp is a stretch it is a small puddle and small stream not a swamp. There is even a service road that has been cut through there. The idea of lining this pole barn with all the other barns is a simplistic solution and ignores the nature of the surrounding area in terms of use and view. On the east side of our house there is a porch which is one of our most favorite features of our property. We like to sit on it as it gets the morning sun. If you get a big building there it will take up the whole retinal image. It does significantly impact our view.

ARTICLE VI. ADJOURNMENT

**A motion was made by Howell and seconded by Becksvoort to adjourn the meeting at 9:21pm. Chairman Cook called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**