

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

July 1, 2015

ARTICLE I. CALL TO ORDER

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

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 June 3, 2015 meeting. **A motion was made by Linda Howell and seconded by Jim Lorence to approve the minutes with the amendment to Article III. C. page 3 last paragraph to omit “by the Zoning Board of Appeals”.**

**Chairman Cook called for a motion.
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 #221 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 the ordinance language has been amended.

Jim Brown for RPE Trust stated the standard refers to lot sizes and the two parcels are comparable to the other lots in the area. The plans for the proposed construction are as previously submitted.

Bob Slikkers confirmed the lots noted for this request 190, 191 and 221 which now meet the standard.

Cook asked if this does require a special use permit. Al Meshkin noted when the process started it did and we should follow through on the initial process. Township Attorney Ron Bultje stated under the revised language a special use is not needed as long as public water and public sewer are used and it is a single family dwelling. Bultje suggested two motions, one that a house can be built with the condition of municipal water and sewer and the second motion would apply to the sand dune review relating to 38.487.

Brown asked if it were considered a special use request, could the water condition be removed. Bultje responded that the Planning Commission would have the discretion to do so but probably would not be so inclined.

Following discussion, **a motion was made by Linda Howell and seconded by Bob Slikkers to approve the RPE Trust Request #2 for a single family dwelling, with no special use required per Section 38.465(b)(2) contingent on public water being provided (public sewer is already available), and subject to compliance with the application as submitted; with all federal, state, county, and Township laws and ordinances; with the verbal representations provided to the Planning Commission by the applicant at this and prior Planning Commission meetings and reflected in the Planning Commission minutes; with the variance granted by the Zoning Board of Appeals for this project; and with the applicant owning the property in question. Chairman Cook called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

Following discussion, **a motion was made by Linda Howell and seconded by Bob Slikkers to approve the RPE Trust Request #2 for sand dune approval per Section 38.487, based on the criteria in that Section and Section 38.63 of the Zoning Ordinance, subject to the following conditions: compliance with the application, including the site plan dated 2/4/15; compliance with all federal, state, county, and Township laws and ordinances; compliance with the verbal representations provided to the Planning Commission by the applicant at this and prior Planning Commission meetings and reflected in the Planning Commission minutes; the variance granted by the Zoning Board of Appeals for this project; public water being provided to the site; and the applicant owning the land in question. Chairman Cook called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

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 #0311-340-219-00, requests a special use permit to construct a new cottage on this parcel.

Chairman Cook reviewed this request which pertains to lots #219 and #220 which is a special use request because the lots combined are 8376 sf, less than the required 8500 sf. The parcels are also subject to sand dune review as noted in Section 38.487 and Section 38.465 for site plan review.

Following discussion, **a motion was made by Linda Howell and Bob Slikkers to approve the RPE**

Trust Special Use Request #3. The motion is to grant special use approval based upon the application meeting the standards of Section 38.465(b)(1) and Section 38.91; to grant site plan approval based upon the application meeting the standards in Section 38.63; and to grant sand dune approval based upon the application meeting the standards in Section 38.487. The approval is conditioned upon compliance with the application; compliance with all federal, state, county, and Township laws and ordinances; compliance with the verbal representations made by the applicant at this and prior Planning Commission meetings and reflected in the Planning Commission minutes; conditioned on any variance required from the Zoning Board of Appeals; conditioned on public water being provided for this site; and conditioned upon the applicant owning the property in question. Chairman Cook called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED

C. BTB 146 LLC SPECIAL USE REQUEST

BTB 146 LLC, owner or agent of property located at 6137 146th 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. Chairman Cook reported that we have received a lot of correspondence and all will be accepted into the record.

Cook stated there has been a lot of discussion regarding this request. The ordinance is problematical to allow this building to be constructed under the circumstances, let alone the size. We want to discuss the ordinance and until that is done we cannot consider it. Ron Bultje said we could give a prompt answer but the Planning Commission would prefer to do its due diligence in researching and further discussing the ordinance. He asked if the applicant would prefer to have a decision tonight based on the current discussion or allow it to remain on the table. The applicant agreed to leave the request tabled. The item will be tabled for discussion at the August meeting after which time if the ordinance is amended, there could be a public hearing as early as September. All meeting notices are published on the township website and public hearings are noted in the Holland Sentinel.

Bill Sikkel on behalf of BTB 146 LLC stated the applicant is now the occupant and of the dwelling and it is no longer being rented to another party. Bultje asked if the applicant is living in the home. Sikkel responded that no one is living there now but the applicant has occupancy rights to the home. Bultje stated that the principal use of the lot is a residential dwelling so a storage building for the benefit of the people who do not live there is not incidental to its use. Bultje stated the applicant is not on record as the occupant of the dwelling. Slikkers said if you were here for all of the discussion, we discussed the size proportionate to the house and in earlier times, barns were bigger. We are trying to do the right thing for the long-term for the township residents. Meshkin stated that he would also notify Jim and Betty Johnson of the meeting date and time. Jim Johnson asked about the workshop session and Meshkin advised the workshops are open to the public.

D. STEELE PLANNED UNIT DEVELOPMENT AMENDMENT REQUEST

Mr. Sean Steele, representing Diversion Properties LLC, owner or agent of property located at 4368

60th 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.

Cook said considerable correspondence has been received. Cook confirmed there are existing special uses for the P.U.D. with conditions set forth in each request. Randy Becksvort reported that he spoke with the DNR and was told a citation regarding the grinder run time was issued to Steele last week with 30 days to respond. Al Meshkin said he was not made aware of the citation. Meshkin received two complaints from Ed Menken regarding the dust and odor. He has also received complaints about the trash blowing off the property and all have been addressed. Cook noted that the original P.U.D. and amendments to it did not include composting. Ron Bultje affirmed from his research on historical documentation there was no mention of composting before the discussion at the last Planning Commission meeting.

Sean Steele said on the original 2003 site plan there was a small composting area on the western piece of the property and it was also noted on the 2008 amendment. Bultje asked for clarification of where composting area is noted on the 2008 site plan. Meshkin stated it is on the 1/27/2003 plan in the far corner as a proposed compost and brush area. Linda Howell said the most recent amendment, report and recommendation stated it was per the site plan submitted and but it was not on there. Slikkers and Howell said if it is not on the 2008, the last approval it does not matter because it was not approved. Cook asked if it was noted on the plan submitted in 2003 for the fabric covered structure that was approved at that time. Steele said the composting has been there since 2001 DEQ approved plan. The wood exception card and certificate and composting certificate were all sent to Meshkin. Bultje said he does not believe this Planning Commission ever knowingly approved composting.

Cook asked about the alleged DEQ citation. Steele said Dale from the DEQ walked the site to review the wood grinding process and informed me that it may require an air processing permit which is the first I was advised. The official letter was received on June 26 and will it will be addressed. A response was also submitted responding to inquiry regarding solid waste. We have applied for the air quality permit and steps will be taken to reduce the dust. We welcome any recommendations from the DEQ and keep the township informed. The wind can change at any time and we do not have control over those conditions. We have made improvements in the last two weeks and will continue to do so.

Cook asked if this addresses concerns about present operations. Slikkers said the site plan does not include the composting. Howell said the previous application does not reference the composting. Slikkers said is it fair to say that we did not know it was there but if you claim to be already doing it, why are you asking for a permit now? Steele responded that we are asking for an extension to the processing permit for what we are already doing; it is processing center not a transfer station. Bultje said it was a transfer station in the P.U.D. Steele said the DEQ permit is for a processing center not a transfer station. Bultje said that may be where the confusion lies because the application states transfer station. Meshkin said a transfer station is one of the operations there. Steele Enterprises was at the site in 2001 at which time the northern half was zoned industrial and the southern part was zoned agricultural; Steele was in both parts. In 2003 the first P.U.D. was requested for the transfer station process for sorting and recycling. Meshkin said another change in 2008 was for additional buildings and uses. In 2010 the southern portion of the property was rezoned for industrial. Composting is permitted on AG zoned property which is what the southern area was originally zoned

and later rezoned industrial. With the expanded operation it went from an area for composting to a composting operation. Cook asked what is being composted now and Steele responded it is primarily branches, leaves and yard waste.

Adam Brent of Cocoa Corporation said the DEQ list includes yard clippings, fruit, vegetable scraps, wood waste, bone meal, animal production waste, none of which requires a special permit. Slikkers said that is not the understanding that he has of what is being done in the small composting process today as there was no mention of any of those items. Steele said we put the DEQ acceptable items in the plan. Slikkers said there are things we have to consider because they will create a greater impact. Randy Becksvoort asked if wood grinding was included in the initial or amended P.U.D. Steele responded that a wood exception permit was submitted to the township. Becksvoort said you mentioned the last two weeks you made improvements but the board members have had a lot of calls from Ed Menken and he has smelled things at different times of the day and night. According to what he was told by the DEQ representative the way the grinder runs now would not be permitted but calls are still being made regarding the dust. What improvements will be made and when will it be done? Steele proved copies of his response letter to the DEQ citation. Steele stated best practices will be followed to make improvements to the processes.

Slikkers suggested in addition to contacting the township office, residents should contact Steele directly with their concerns. Meshkin reiterated that he must have documentation either via email or letters stating concerns.

Cook said the unresolved current issues do not address the request in this application. Slikkers stated he would like to get resolution on the current issues before taking the amendment under consideration. The conditions put forth in the original P.U.D. and all subsequent amendments should be reviewed for compliance before moving forward on this request.

Howell suggested reviewing all historical documentation and creating a concise list as a tool to determine clarification and compliance of all conditions that have been put in place. One site plan and one set of conditions are needed.

Slikkers said it will be important that the conditions are specific, measurable and the definition of “reasonable” is duly understood.

Cook said what we should consider to making that whole triangle industrial as it is not master planned for residential. Slikkers that is a factor but there must be compliance with conditions. Becksvoort asked what would be the reasoning behind changing the zoning. Cook said it does not conform to the master plan. It impacts what is reasonable to similarly zoned industrial but not residential. If it is zoned industrial it is a different consideration.

Meshkin said if it is zoned industrial the outbuildings would be in compliance. Becksvoort asked if we make it industrial, will the residents have to accept the dust and smell because the conditions change. Dust is a measurable thing and no one has measured the dust or noise – we don’t have measurable data. Becksvoort noted the P.U.D. states it must be harmonious with the neighbors and this clearly is not.

Jim Lorence stated this type of business cannot operate without odor. Slikkers asked how we know if Steele is in compliance or not.

Steele asked Bultje if the DEQ permit conditions over rule the township regarding compliance. Bultje responded probably not for this situation. The DEQ would have jurisdiction over the air quality but the township would govern the composting. Steele said the renewed permit for the recycling and transfer station allows for composting so at what point does it have to come before the township if the DEQ renews the permit.

Howell said looking at the three DEQ permits and the site plan, it does not appear that the composting operation is accurately noted so it seems the DEQ permit would have to be amended. Steele responded that his understanding is the DEQ allows the composting.

Slikkers said anything referring to composting would be incidental and not intentional. Steele said the permit states composting is allowed but does not say how it has to be done.

Becksvoort noted that he has received letters indicating that Cocoa Corporation Compost Operation has been denied in a number of areas in Michigan, why? Residents were 1300 feet away and they complained about smell. Brent responded that approval was tabled in Cooper Township for zoning reasons. Composting does generate odors. Everything makes odors. The question becomes what is an injurious or offensive odor? In our process 88% of odors are reduced. I can give a presentation explaining that by the time the odor reaches the perimeter it would be gone and we would place berms and shrubbery as a buffer.

Bultje said we need that kind of detail included in the request for amendment. Last month we asked for more information and we received one page yesterday. The information is needed to come to an educated and informed decision and it should be submitted in a document with specific detail.

Cook requested the detailed information on the composting operation and the examination of the current P.U.D. with its amendments including all current and proposed operation details to include applicable permits be submitted for the next meeting.

Chairman Cook stated the request will be tabled until the next meeting.

ARTICLE IV. NEW BUSINESS

A. CLARKE SITE PLAN REVIEW

Travis Blom, owner or agent of property located at 6701 Indian Pipe Circle, Holland, MI, that being tax parcel #0311-346-004-00 requests review and approval of site plan to construct a new single family home on this property.

Jeff Potach of Joel Peterson Homes represented the Clarkes and gave an overview of the proposed

single family dwelling. Al Meshkin stated the property is not in the critical sand dune but is within the requirements of Section 38.47.

Bob Slikkers asked if accessory building is allowable for the front of the lot due to the conditions of the P.U.D. Cook asked about vegetation and Potach said it would be natural vegetation. Cook asked for the commissioners for questions pertaining to the request.

Following discussion, **a motion was made by Bob Slikkers and seconded by Linda Howell to approve the Clarke Cottage site plan contingent on meeting the criteria in Section 38.487 and in 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

ARTICLE V. CITIZEN COMMENTS

Richard Persinger representing Ed Menken stated that the alleged scrap wood exemption is not a permit as such it says you can operate without omissions, dust, etc. This type of operation cannot occur without the release of omissions.

Fred Byron of 4348 60th Street stated that he is the tenant of Ed Menken and expressed his concern of the affects the wood grinding operation has on his family. The windows must remain closed or the entire house is filled with dust, noise and smell. His children cannot be outside in the yard, his vehicles are covered in dust and the window sills are filled with it. This is a health hazard and he feels he may be forced to find another place to live.

Linda De Boer of 5971 144th Street stated that she drives by the operation and the dust is horrific. She doesn't understand how it can be in compliance with the DEQ requirements when there is so much dust. How will it be if this composting is allowed? She asked that the commissioners take into consideration what affect this will have on the neighbors.

Kathy Scholten stated she was not aware of the last meeting and public hearing. She feels they should be good neighbors and abide by the rules in the same manner that the farmers are required to do. She asked how big the composting pile will be and how often it would be turned. She asked if the Planning Commission would be making a decision tonight or if there will be future opportunities for public comment. Bultje clarified that a decision will not be made for at least another month as additional information is needed and there will be opportunities for public comment.

Lori Menken asked for clarification on the comment made regarding potential rezoning. Cook stated that their property is zoned AG and Bultje advised that if it is rezoned to industrial the current property owners would be grandfathered in their current district classification.

Steve Parker of Meadow Lane said besides the site and smell the integrity of the business should be

considered. We want the area to grow and prosper but with logic, integrity using the proper routes and channels.

Bultje stated that a composting pile is allowed in AG zoning. When the property was rezoned to Industrial the permission was not lost but the request is for a bigger operation and that is the reason for the request.

Lori Menken asked for clarification of how to address concerns. Meshkin reiterated that it must be in writing so he can document specific dates and times; vague complaints are not specific enough.

Robin (?) expressed concern over alleged derogatory comments made by Sean Steele and objects to a larger composting process due to the increase in odor.

Debbie Parker asked if there will be another public hearing. Cook said there will be another meeting to further discuss the items noted tonight. Upon receipt and clarification of all information, the township attorney will prepare a report with recommended conditions before a final decision is made.

Lori Menken asked when the public hearing would be scheduled. Bultje said there would likely be at least one or two more meetings and the public comments would be heard at the end of each meeting. The Planning Commission meetings are held on the first Wednesday of each month at 7:00 PM.

Robin (?) asked how the public is notified of a public hearing. Bultje responded that the state law requires all notices to be published in the local newspaper and notices are sent to property owners within 350 feet of the boundary of the property relative to the hearing.

Ed Menken further expressed his concerns and dissatisfaction with the current situation involving Steele and his proposed amendment. He stated the conditions of the P.U.D. are not being met and never have been so he feels nothing more should be approved and the current issues should be resolved.

ARTICLE VI. ADJOURNMENT

A motion was made by Howell and seconded by Becksvoort to adjourn the meeting at 9:23 PM. Chairman Cook called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED