

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

September 2, 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, Linda Howell,
Jim Lorence, Bob Slikkers
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 August 5, 2015 meeting. **A motion was made by Linda Howell and seconded by Bob Slikkers to approve the minutes as submitted with noted corrections to D. paragraph 3 and E. paragraph 5. Chairman Cook called for a motion. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE III. OLD BUSINESS

A. 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.

Cook stated that the Township has been notified by the applicants that they will be using the primary dwelling as their residence and not rental property. The special use request is still necessary due to the size of the building for that sized lot. One consideration is the proposed building is 2400 sf and the house measures approximately 850-875 sf.

Bob Slikkers said we must now consider the neighbors' concerns based regarding the size of the building. Slikkers agrees with Cook that it feels too big in comparison to the current dwelling and will not look residential but more industrial so not in the character of the current neighboring parcels.

Linda Howell shares concerns about location of placement for adjacent neighbors. The fact that the overall size is three times the size of the house which is potentially overwhelming in the context of which the house plays into where it is placed on the parcel.

Jim Lorence shares the concerns of the requested size and how it will impact the way that it looks; it will dwarf the house if it is placed too close.

Randy Becksvoort said he isn't concerned with the size as long as it is far enough away from the house.

Cook said he is concerned with the size in comparison to the house. Given the size disparity it will look like it doesn't belong in a residential area.

Slikkers said it can be a little bigger if it is moved back but he feels the closer to the house it is placed, the smaller the building should be.

Howell said we have allowed buildings at 50% more area than allowed by ordinance.

Slikkers said to his knowledge we haven't approved one this large in comparison to the house so we must give consideration for the neighbors and fit with the area. Cook said the larger it is the more it affects the view.

Cook asked the applicants if they would like a vote on the current proposed drawing. Rottschaefers responded that they would like a vote on the current proposal.

Howell attempted to confirm the exact proposed setbacks from the property line. Following discussion, Meshkin stated the 165 feet from the front and Rottschaefers confirmed 70 foot side yard setback to the west. Meshkin noted that the building is 40 feet wide and there is 220 feet to work with.

Jim Johnson of 6143 146th said both locations proposed sounded coercive against him. He would negotiate the placement being further back in line with where his pole barn is but not next to his house.

Cook reminded Johnson that this is not an open forum for discussion. Johnson asked if there would be opportunity to speak before the vote. Cook responded no. Bultje confirmed which Exhibit should be voted on asking if both A and B are acceptable and flexible on the side yard setback.

Township Attorney Ron Bultje confirmed that Exhibit B is the same as Exhibit A but the placement is a little further back. Exhibit A is 268 feet from center line back and B is at the edge of the right of way. Bultje stated we could step through the proposals and vote on each version.

Following discussion, **a motion was made by Slikkers and seconded by Lorence to deny the BTB 146 LLC oversized accessory building application with proposed Exhibit B based on it severely impacting the view to neighbors, size of the structure in relationship to the primary dwelling, and distance from house on property. Chairman Cook called for a vote on the motion.**
UNANIMOUS DECISION – MOTION APPROVED

Slikkers stated if the applicant does not change the location of the structure on the lot, the size would have to be reduced. He would not be in favor of either proposed placement with the current size.

Howell suggested placing it on the lot so south wall is no further south than north wall of neighbor to the west. Slikkers and Cook both expressed concern about the size of the barn.

Al Meshkin provided a GIS photo to look at for comparison. Bultje confirmed that the applicant said they are willing to adjust on the side line setbacks.

Following discussion, **a motion was made by Becksvoort and seconded by Howell to approve the BTB 146 LLC oversized accessory building application with proposed Exhibit A as drawn with front setback aligned with the barn to the east and side yard setback of 70' from the west property line and pursuant to all codes set forth in 38.471 and 63.15, findings noted in the June 3, 2015 meeting, per the application and in accordance with all federal, state, county and township laws and ordinances and the verbal representation provided at this meeting and in the minutes.**

Lorence said he walked the property and said if they are willing to center it on the lot; he would not have a problem with the size of the pole barn.

Slikkers stated that he still has issue with the size and suggested the building be located further north and east. Cook shares both concerns of size and placement on the lot. Bultje suggested making a motion to amend the motion on the table with conditions of placement.

Following discussion, Cook asked for a motion to amend the initial motion on the table.

A motion was made by Howell and seconded by Lorence to amend the primary motion to include the condition that the building be located in the center of the lot moving it further east by from the west property line. Chairman Cook called for a vote on the motion.
UNANIMOUS DECISION – MOTION APPROVED

Following discussion, **a motion was made by Slikkers and seconded by Howell to amend the primary motion to also include the condition that the building be located 30 feet to the north which would be a 300 foot setback from the road center line. UNANIMOUS DECISION – MOTION APPROVED**

Slikkers asked if there are any other considerations from an aesthetic point of view. Is it acceptable to us? Howell asked if there were findings on the appearance and Bultje responded no.

Johnson attempted to speak about the height of the building and Cook advised it is not a public hearing.

Meshkin said an addendum states the height is 17'6" in center column; siding will be gray steel to match the color of the house. He added that the height is acceptable by the ordinance.

Cook said for it is still too big and is troubled by the size of the building. Cook stated the applicant has asked that we vote on it as it has been presented.

Chairman Cook called for a vote on the twice amended motion. Vote – 3 to 2, Cook and Slikkers dissenting. MOTION APPROVED

B. 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 stated there is a proposed resolution accompanied by a report and a site plan dated 8/18/2015. At the conclusion of the last meeting the Township Attorney was asked to prepare a resolution outlining all items discussed regarding the composting area to the back of the property. Cook opened for discussion with the Commissioners. Bultje added that this is the third amendment to the P.U.D. and the fourth time it has been reviewed.

Slikkers stated that he would like to spend the time to go through the report and expressed concern on the ability to verify what has been written in the report.

Slikkers said it is not harmonious with the character of the neighborhood. Cook said we were led to believe that the DEQ laws supersede, irrespective to what the Township Commissioners decide. Cook said he understood the discretion is limited due to the DEQ rules. Bultje said he is not convinced that is correct. The attorney for Steele said they would live with the P.U.D. conditions. Bultje is not prepared to say definitively that we are not able to have any jurisdiction over what is done there.

Cook said from the last meeting he understood Steele to say that they would put in a composting operation whether we approved it or not but they would erect a small scale operation so the Commissioners could better understand the process. They would amend their P.U.D. with the DEQ to include their entire property. Now the new plan shows a larger composting operation than what we had proposed and is already in operation. If we are being asked to put our stamp of approval without knowing what it will look like or smell like he cannot approve it.

Slikkers said if you read the minutes it would match what Cook said that it would be a smaller operation to see how it goes. Furthermore, is testing it the right thing to do? It is an industrial area

and it is difficult because it isn't far from where people live and reside. How do we hit that and keep everyone reasonably happy?

Cook asked Bultje for guidance on how to deal with the particular issue of the testing site being larger than had been anticipated. Bultje said the composting has been moved to the area that had already been permitted by the DEQ. Howell asked for copies of the DEQ permits. Meshkin stated there were permits for the original site. Slikkers said there are operating licenses, are those the same as DEQ permits? Slikkers asked why there were lapses in the licenses. Steele said the DEQ has 120 days to act on the submittal of the renewal.

Lorence said there is composting going on at that site right now. How do we know if this is safe for the environment and neighbors right now? Cook said currently it is yard waste. Steele said the composting being done now is according to the DEQ acceptable materials list noting that it is yard waste today. Cook said he understands what is going to come in the future is from a different waste stream such as farm waste which would be a stronger odor. Cook was surprised to see the test site a full size operation. Steele understood that he would provide what is currently under the DEQ allowable permit.

Steele said there are certain items that have to be put in place to get the operation started. Slikkers understands that those things have been put in place at your expense before our approval. Steele said we have given you what you want and what we are doing is probably better than what we had; it is better than what we had.

Bultje asked for clarification of what the "test" site was proposed to be. Cook said a smaller scale operation than what was proposed.

Bultje said we could approve a part of this and our partial approval will carry authority and may not if we do not do anything. I have not pursued a conclusion to our right of jurisdiction. We could approve a portion of it to commensurate with what we anticipated. If our authority is within jurisdiction, it will allow us to approve the amendment with conditions.

Slikkers expressed concern about what was said in the previous meeting that doesn't seem to be what is true in reality as was represented in the minutes of record. For example no odor and that would not be reality.

Meshkin said what we are looking at tonight is the composting. The rest of the parts are there. Meshkin asked Bultje if a P.U.D. agreement with conditions signed by the applicant is feasible. It would allow the applicant to continue with the equipment that has been invested if he is confident that it will not create a nuisance. If it does, the Planning Commission would have the discretion to address the issues raised by resident complaints.

Bultje said the agreement would be with the Township Board as the Planning Commission is responsible for planning and not addressing complaints. The Township Board would take action on the Planning Commission's recommendation. Cook said he agrees with including contingencies.

Meshkin confirmed with Bultje that it would be a contract filed with the Register of Deeds.

Howell asked if the contract could protect the township from liability of financial loss if there are issues and the operation fails. Bultje responded that the contract can include whatever language the Commissioners decide.

Slikkers likes the agreement idea to contain conditions that would address the mentioned concerns. Bultje said the agreement will be based on what is in the report. Slikkers said he would like to see that nothing new would come onto the site. Meshkin confirmed that those DEQ approved items are already coming in on the site. Steele said with what you said you are not allowing us to grow our business. Meshkin said much of that is already coming on site and being redirected elsewhere.

Steele asked to mention that the biggest thing we learn from our business is to communicate with our neighbors. We have talked together and learned of their concerns and they have learned what we are going to do with the site. It is about being able to communicate and that it is acceptable to the neighbors, the Board and the DEQ. We have moved forward with the open communication.

Adam Brent of Cocoa Corporation said he brought an operator with him tonight who runs a compost operation that uses the windmill covers and there are no complaints of odor by neighbors. Slikkers asked how close the residents are, and the response was a quarter of a mile.

Howell suggested starting the review of the report at Item 2. Bultje said the entire report is worked into the agreement. Bultje clarified it is your findings in this report it is not a fact but a finding. Item 2 are your findings and 3. are your conditions.

Howell asked to remove Item 2.a.(3)

Howell questioned 2.6.(iv) the sanitary drain field and referenced Item 3.g. Bultje said the P.U.D. project is defined as the 25 acres Bultje will amend 3.g.

Howell asked to remove 2.a.(v); Bultje questioned whether or not the buildings are live. Steele said the buildings are live and Bultje asked for an anticipated timeline; Steele said 5-7 years. Bultje said we are not approving phases but we have approved additional construction in the past.

Cook moved to Item 3.the conditions.

3.d. Slikkers questioned this and Bultje said this is standard.

3.f. Howell asked if the conditions are on the applicant or should it mention the operators on the site? Bultje said the authority is to the applicant only. Cook asked for confirmation of his personal application (technical applicant) Bultje confirmed it does list Steele Diversion properties LLC. Howell asked to amend the report to state Steele Diversion Properties LLC as the applicant and not Steele as an individual applicant.

3.i. Howell asked for clarification of the hours of operation. Steele said the DEQ plan stated 7:00 a.m. to 4:30 p.m. so the report will be corrected to reflect those hours.

3.j. Howell noted it should be stated as no tractor and person may sleep on the premises

3.k. Becksvoort asked if this included for other noise issues – Bultje said yes – Becksvoort questioned the grinder noise. Cook said this item addresses a tractor idling and not the grinder operation. Slikkers said make sure there is a point to address all noise. Lorence said he doesn't feel that a grinder should be compared to an idling tractor and Becksvoort wants to address all levels of noise. Cook said they have to comply with the letter that is in the report. Slikkers said it must address what we want it to say. Bultje said it needs to document what the expectations are.

3.l Howell understood trucks moving around overnight and only off-site trucks are limited to hours the stated 9:00 p.m. to 6:00 a.m. Does this address all tractors or only those coming and going? Steele said he understood it to address tractors and trailers coming in they would not be at rest idling overnight. The item will be left as is.

3.q. Slikkers expressed concern about who monitors that the conditions are being followed. Bultje said the reality is as long as the operation proceeds as it should without complaints then it should be fine but if we get complaints then everything can be looked at.

3.s. Lighting will be shown in the defined plan.

3.t. Howell questioned if this applies to composting? Steele said if a load needs to be sorted it will be done in the building unless it involved chemicals which per DEQ requirements would be done outside.

3.u. Howell asked if composting is included in the Operations Plan and Steele responded that it is.

3.w. This item will be removed.

3.x. Slikkers asked if the trees mentioned are already in place and Steele responded that there are existing trees that will remain in place.

3.y. Cook asked if we want to limit to the condition to note only the August 5, 2015 meeting and Bultje noted that he will add all relative meeting dates.

3.z. Howell asked if the exhibit B., paragraph 2 gives an entire list as in one of the meetings there was concern regarding the intent to bring in road kill. Howell wants to make it explicit no road kill or rendering. Slikkers said why does it matter if we are already getting animal parts. Howell said in essence it is the size of the other parts versus an entire carcass such as that of a deer for example. Bultje will note to prohibit animals.

3.aa. Becksvoort asked about noise and hours of the grinding operation. What are normal business

hours? Steele said grinding from 6:00 a.m.-10:00 a.m. tends to be the best time before the winds come up. Becksvoort stated that on 8/27/00 at 6:00 a.m. the grinder was churning and was very loud. He would like clarification on noise levels and timeframes. Cook asked if 7:00 a.m. would be an acceptable compromise. Steele said there would no grinding done on Saturdays and asked if 6:00 a.m. – 4:30 p.m. Monday – Friday would be acceptable or if 7:00 a.m. would be better. It was agreed that 7:00 – 4:30 p.m. with a loading operation done prior to that time.

3.bb. Howell asked if the report trumps the verbal representation and the Operations Plan previously submitted. Bultje responded that the report will be written to state as such and noted in cc.

3.cc. To be amended to include concern noted in bb.

Cook asked Slikkers if after the review of the report, amendments and conditions noted in 2.a.(3) is he satisfied with the report. Slikkers said he is in agreement as long as 3.d. is followed.

Becksvoort asked if the materials for the composting are put in piles for staging to the wind room, how those odors will be addressed, for example a load of manure. Cook said the conditions do not reference odor. Becksvoort asked if we need something in the agreement to address odors. Slikkers said these conditions do not address the odors. Becksvoort said smell is not easily measured; decibels are easily measured but odor is not. Cook said there is no question that there will be some odor and it would be unreasonable to think otherwise. Steele asked how you measure odor from a dairy farm. Adam Brent said at what point would you say my manure is worse than dairy odor. There are levels of odors and there is a scale to create a nuisance. We will stay within the property line and our setbacks are five times the state requirement. Bultje questioned that the odor would stay within property lines. Brent said you will have to come up with measurements for odor.

Bultje said Exhibit C discusses the odor level to be at a reasonable level. Slikkers said these conditions meet the requirement and if they do not, we revert to 3. d. regarding expectations not being met.

Becksvoort struggles that composting is being done now and neighbors are already saying we have odors. Steele said manure is already going on the surrounding property so how do you know it is the composting operation. If there is a complaint it will be investigated but there are days when trash will smell. Steele stated that his interpretation of reasonable is that everything possible has been done to reduce the impact.

Howell noted that as written in q. and r., upon notice of a complaint, the applicant must take action within 24 hours. This would apply to a complaint of odor as well. Bultje would add to z. to indicate that complaints to the Township shall be responded to by the applicant within 24 hours. Lorence said it might be difficult on a Friday. Meshkin said he would have until same time on Saturday. Bultje confirmed any complaint to the Township, the applicant will respond within 24 hrs.

Slikkers asked Adam how many and where are he currently has this type of composting operation. Is there a list available? Brent responded that this will be his first operation but he holds three patents

for this and his partner owns Coker Composting which can be referenced on website: cokercomposting.com

Bultje said the agreement will be between the Township Board and the applicant contingent upon all parties signing the agreement.

Meshkin said Bultje will redraft the report, send it to Meshkin who will then send it to Steele for review and then it will come back to the Planning Commission for final approval. In meantime, Bultje will also draft the agreement for review and approval before being forwarded to the Township Board for review and approval. To clarify, the Planning Commission approves the resolution report for recommendation to the Board and the agreement is between the applicant and the Township Board.

Brent asked if this can be done sooner than on a month-to-month basis and Meshkin responded that meetings are only held on a monthly basis.

ARTICLE IV. NEW BUSINESS

A. ETTERBEEK SITE PLAN REVIEW

Leslie and Jeffrey Etterbeek, owners or agents of property located at 6721 S. Cherry Street in Castle Park, Holland, MI, that being tax parcel #0311-380-027-20 requests review and approval of site plan to construct a new single family home to replace the existing residence on this property.

Roger Young, of Young & Young Architects, Inc. and Michael Vander Leek, General Contractor represented the Etterbeeks. Young explained that the current cottage is outdated and his client would like to build a new, more current home for more than just the summer season. Many of the required permits have already been obtained from the Health Department for the sanitary sewer and septic and DEQ permits have also been secured to address the conditions of the dunes. Storm water will be managed through a drip line which will eliminate the need for eave troughs. A drain will be constructed just below grade and a secondary around the perimeter of the house to be conducted out through a gravity system taking it beyond the drain field dissipating as it makes it way so there will be no surge to cause erosion. Young provided a diagram of a standard perforated pipe to be used that will eliminate the need for gravel or pea stone explaining the process to be used. During the process every effort will be made to protect natural vegetation and install native plantings and grasses to prevent damage to the dunes.

Cook confirmed that the dotted line on the drawing indicates the current structure. Slikkers asked if it is shared driveway. Young responded that it is a shared driveway and the neighbors are aware of the project. Tradesmen will be parking off-site and shuttle to the project site if necessary to minimize intruding on the neighbors. Howell asked what the project time line would be and Young responded that it would be approximately 12-16 months total. Young added that the size of the house has been reduced and moved 5.5 feet away from the dunes in the amended print.

Cook asked for questions of the Commissioners. Following discussion, **a motion was made by Linda Howell and seconded by Bob Slikkers to approve the Etterbeek Site Plan Review contingent on it being in compliance with provisions put forth in 38.487 and 38.63, 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. ZONING ORDINANCE AMENDMENT REVIEW

Cook tabled this item for the next meeting.

ARTICLE V. CITIZEN COMMENTS

Jim Johnson of 6143 146th questioned the proposed 4/12 roof pitch on the Rottschaefer pole barn. Meshkin responded that 4/12 is standard. Slikkers added that it would have to comply with the maximum 18 foot average height. Johnson also asked comments made to make the building more attractive, the screening and safety features. How will that be built into the approval? Howell responded that it is covered under the verbal representations at the meetings. Johnson said accessory building ordinance was circumvented because of residency, how will that be verified? No one is living in that house now. Bultje said they cannot rent it to someone else and they do not have to live there. It can use it as an auxiliary residence for the property owners. Johnson asked if this is now a done deal or is there another step before construction might begin. Meshkin responded that the property owner would have to apply for a building permit. Johnson thanked the Commissioners for their time.

Ed Menken of 6341 144th Avenue asked if they determine there is an odor with the Steele composting, then what? Howell responded that is what will be included in the agreement, if a complaint is made it must be addressed within 24 hours. Slikkers suggested calling Steele first and also go on record with Meshkin so he could contact Steele to follow up on the complaint. Howell added that Meshkin has asked that an email be sent to document date and time of the complaint. If an appropriate response is not received it can be taken up with the Township Board.

ARTICLE VI. ADJOURNMENT

A motion was made by Linda Howell and seconded by Randy Becksvoort to adjourn the meeting at 9:31pm. Chairman Cook called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED