

THORNAPPLE TOWNSHIP PLANNING COMMISSION

Regular Meeting, Monday August 28, 2023

1. Call to Order:

- a. The meeting was called to order by Chairperson Tom Kilgore at 7:02 p.m. at Thornapple Township located at 200 E. Main St. Middleville, MI 49333.
- b. Present: Elaine Denton, Elizabeth Hansson, Linda Gasper, Tom Kilgore, Sandra Rairigh, Bryan Finkbeiner and Craig Wandrie. Also Present: Eric Schaefer, Phil Gensterblum, Todd Boerman, Amy Brown, Sydney LaDere, Rhonda Campbell, Ross Campbell, Uwe Herold, Amanda Reurink, Bob Reurink, Randell Patterson, Carson Galloway, Kurt DeKock, Marty Wenger.

2. Approval of Agenda:

MOTION by Gasper, **SUPPORT** by Denton to approve the agenda as amended with the Public Hearings moved to New Business. **MOTION CARRIED** with 7 yes voice votes.

3. Approval of Minutes:

MOTION by Denton, **SUPPORT** by Rairigh to approve the July 24, 2023, meeting minutes with the following corrections: 1 a. Spelling of Casey Mickleson, 4 b. Changing Irving Rd. to Ravine Dr; 9 a. Addition of Mehmed to Nathan's name and some additional grammatical changes to the minutes as presented by Rairigh and Denton. **MOTION CARRIED** with 7 yes voice votes.

4. Citizen Comments: None.

5. New Business:

- a. Renewal of SLU #93/Site Plan #76 [SLU #132/Site Plan #112] for Top Grade Aggregates

Mining Operation on Patterson Rd.

1. Applicant Presentation: Kurt DeKock said they would like to begin excavating the area further east of where they have been working. This would be on parts of Amanda and Bob Reurink's property. However, he said it would not be near any dwellings at the very far east end of the north boundary. It would likely be a few years before they move into the area of Reurink's and Wenger's properties that are near any dwellings. Also, there are berms along the north boundary of the mine heading east. They are required by the state for safety. DeKock recognizes that the gate has been left open when it

- shouldn't be. He continues to work on getting better compliance with subcontractors using the entrance.
2. Todd Boerman: This expansion was discussed at their last renewal and so was expected. Under the provisions of the permit, restoration should happen as quickly as possible once an area is no longer being mined. There is some discussion about what areas are actively being mined and what areas are being used for stockpiles. The use of a scale had been considered but is not currently being proposed.
 3. Commissioner's Questions/Comments: Finkbeiner asked if the north side of the sand mine has a fence already in place. Reurink replied that there is one along the area where it was previously mined but not the area they would be working in next. However, there are no dwellings near the new area where they will be working. DeKock said it would be a few years before they started working further east to the point where they will be near the other homes back in that area. Gasper asked about the spoils and whether it was clean fill. Patterson said that it is a combination of clay and topsoil mostly, with an occasional tree stump but they let their customers know it needs to be clean fill, so they haven't had very much of that. Rairigh asked about manure. Patterson said they used to get some from Crossroads Dairy. However, now many farmers prefer to keep it to use in their own fields. Boerman explained that because development is very active there is a lot more topsoil being brought back to the mines. There are some stockpiles of cement and asphalt on site. Gasper asked if they would be using crushing equipment there. Patterson said not at this time, it's just a drop off location which is a convenience to their customers, but they don't process it on site at this time. They've found it's easier to haul it back over to their other site for crushing. DeKock said they would like to keep it as a possibility on the permit though. He agreed that he would contact the township prior to starting any crushing operation at the mine. Boerman clarified that condition #15 regarding the Performance Bond would be increased as a function of the increase in acreage under operation.
 4. Public Hearing: 7:28 PM to 7:28 PM - No public comments were received.
 5. Final Comments:

MOTION by Gasper, SUPPORT by Finkbeiner to approve Top Grade – Patterson Rd. Mine, SLU #93/Site Plan #76 [SLU #132/Site Plan #112] with the below 19 conditions. **Roll Call Vote:** Finkbeiner- Yes, Denton- Yes, Gasper- Yes, Hansson- Yes, Kilgore- Yes, Rairigh-Yes, Wandrie- Yes. **MOTION CARRIED** with 7 yes votes.

 1. The term of this renewal shall be August 28, 2023, through August 25, 2025.
 2. Operations for mineral extraction must be in strict compliance with Section 19.53 of the Zoning Ordinance. The fencing requirement described in Section 19.53(d) is not required at this time due to the mining area's isolation from public access. The fencing requirement may be reconsidered during permit period if the Township is

- notified of trespassers.
3. The entrance gate off Patterson Road must always remain locked when not in use.
 4. Mining to the property line is only allowable with the written consent from adjacent property owners. Setbacks should otherwise comply with Section 19.53(e) of the Zoning Ordinance. The applicant must provide the Township with written consent from the adjacent property owners to mine in the setback. The applicant is permitted to mine subject parcel to property lines to the east, since it is adjacent to current or previously mined sites. Applicant proposes to establish finished grades at each property boundary line matching those grades on adjoining properties. Applicant must provide written consent from neighboring parcels acknowledging mining up to the property lines.
 5. Occasional concrete crushing is proposed within the Contractor Yard site. The Township shall be notified when 'crushing' is scheduled in case there are questions or complaints.
 6. Applicant must maintain existing berm with established vegetation between proposed operations and Leeks Lake.
 7. Reclaimed areas must have a minimum elevation of 810'. Substantial completion of reclamation and rehabilitation of mined areas shall be completed within one year of termination of mining or excavation activity per section 19.53(1),
 8. Final restoration may include a top clay layer enhanced by manure providing a suitable organic base for growing crops in lieu of a minimum 4-inch top layer of topsoil. This method will be inspected and verified during the permit cycle to determine the success of this method.
 9. No express or implied approval of the end use or permanent use of the subject property is given by the Planning Commission or any agent of Thornapple Township. Any permanent use of the property will be subject to the provisions of the township Zoning Ordinance then in effect.
 10. Slopes, restored elevation, and setbacks must be indicated on Site Plan dated June 8, 2023.
 11. No excavation below elevation 810' may occur anywhere within the permitted property within the term of this permit.
 12. A benchmark must be maintained on site. The benchmark must have a permanent stake or pole adjacent to it referencing the apparent high groundwater table and show the minimum final restoration grade of 810'.
 13. Property corners must be clearly marked.
 14. A sign indicating times of operation must be posted at the

entrance of the property on Patterson Road.

15. A reclamation bond for the property shall be in the amount of \$6,000 per acre in accordance with the terms specified in Section 19.53(s)(1). Total bond amount determined by number of acres shown on the revised site plan ~~provided at the Planning Commission meeting on June 8, 2023~~ [dated June 8, 2023].
16. Liability insurance through the term of the permit in the amounts and terms specified in Section 19.53(s)(2).
17. The applicant must maintain a minimum escrow amount of \$2,500.00 for inspection fees according to Section 19.53(r) of the Zoning Ordinance. Regular inspections will be made to assure:
 - a. verify elevations and compliance of reclaimed areas.
 - b. verify progressive reclamation.
 - c. verify general compliance of the Zoning Ordinance and permit conditions.

Inspections by a Thornapple Township official or by a hired consultant may be performed at any time with notification to the applicant.
18. The applicant must provide an updated site plan of mining area showing corrected contour information by September 30, 2023.
19. The pond shown on the site plan is for illustrative purposes only. No ponds may be constructed on the site during this renewal period.

b. Renewal of SLU #149/ Site Plan #120 for Adams Rd. Mining Operation

1. Applicant Presentation: Carson Galloway gave a summary of his mine operation over the past couple of years and said that on average there are about 3 trucks a day hauling from the mine. He said his business mostly operates out of the Caledonia and Byron Center areas and occasionally when he has a project in the area, he excavates from the Adams Rd. sand mine. He said it is unlikely he will operate in Phase 2 of the site plan and that no further trees will be removed.
2. Todd Boerman: Finkbeiner, Denton, Gensterblum, and he had visited the site. They observed the snow fence was in good condition and the overall site was well kept.
3. Commissioner's Questions/Comments: Finkbeiner agreed.
4. Public Hearing: 7:48 PM to 7:48 PM - No public comments were received.
5. Final Comments: Gasper agreed the mine is not very active.
6. MOTION by Gasper, SUPPORT by Rairigh to approve Excel Excavating - Adams Rd. Mine, SLU #149/Site Plan #120 with the below 9 conditions.
Roll Call Vote: Finkbeiner- Yes, Denton- Yes, Gasper- Yes, Hansson- Yes, Kilgore- Yes, Rairigh-Yes, Wandrie- Yes. **MOTION CARRIED** with 7 yes votes.

1. The term of this renewal shall be August 28, 2023, through August 25, 2025.
2. Operations for mineral extraction must be in strict compliance with Section 19.53 of the Zoning Ordinance.
3. A reclamation bond for the property shall be in the amount of \$6,000 per acre in accordance with the terms specified in Section 19.53(s)(1). Total bond amount determined by number of acres shown on Phase 1 of site plan provided at the Planning Commission meeting on June 28, 2021, when the SLU was originally granted.
4. The applicant must maintain a minimum escrow amount of \$1,000 for inspection fees according to Section 19.53(r) of the Zoning Ordinance. Regular inspections will be made to assure:
 - a. verify elevations and compliance of condition of the special use permit.
 - b. verify progress of reclamation efforts
 - c. verify general compliance of the Zoning Ordinance and permit conditions.

Inspections by a Thornapple Township official or by a hired consultant may be performed at any time with notification to the applicant.

5. Excavation is proposed to remain a minimum of 5 feet above the groundwater table. The current pit floor of 756.60 will be maintained, which is above the adjacent water elevation of approximately 750 feet. The pit floor will slope gently from that elevation.
6. The snow fence along the top perimeter of the pit face was determined to be an adequate safety measure by the site plan committee. A permanent fence along the property lines was deemed a burden to current agricultural use, as the adjacent parcels are farmed as one large field. Warning signs will be placed at the tree gaps along the north and west property lines as well. Fencing may be required in future mining renewals pending changes in adjacent uses of properties.
7. Final side slopes along the perimeter of the mining area must be 1:4 per zoning ordinance requirements.
8. Grading shall direct stormwater to the pit floor away from the adjacent ponds. A silt fence shall remain installed during the duration of the mineral extraction permit.
9. Insurance certificate in the amount of \$1,000,000 in property damage and \$1,000,000 in personal injury coverage with Thornapple

Township as co-named insured (required by Section 19.53(s)(2).

c. Solar System relocation request SLU #162/Site Plan #129

1. Applicant Presentation: Uwe Herold explained that he would like to install a ground mounted solar array on the side of his house.
2. P/Z Administrator: Gensterblum explained that Denton, Finkbeiner, and himself had visited the site.
3. Commissioner's Questions/Comments: Rairigh asked what the size of the solar array was. Gensterblum stated that it was well under the 600 sq. ft. limit. Finkbeiner asked if they had heard any concerns from the neighbors. Gensterblum confirmed no neighbors had been in contact. Herold said one neighbor had offered to help him get them set up and was very supportive of the idea.
4. Public Hearing: 7:54 PM to 7:54 PM - No public comments were received.
5. Final Comments: Finkbeiner agreed the location Herold is planning on using is the only reasonable location. Gasper said she had driven past and agrees the property has a lot of trees and that the location presented makes sense.
6. **MOTION** by Finkbeiner, **SUPPORT** by Denton to approve Solar Array – Uwe Herold, SLU #162/Site Plan #129. **Roll Call Vote:** Finkbeiner- Yes, Denton- Yes, Gasper- Yes, Hansson- Yes, Kilgore- Yes, Rairigh-Yes, Wandrie- Yes. **MOTION CARRIED** with 7 yes votes.

d. Licensed Group Child Daycare SLU #163/ Site Plan #130

1. Applicant Presentation: Sydney LaDere explained there are shortages of qualified daycare centers in the State of Michigan and Barry County is one area that needs more available. Often there are waitlists for families. She is having a new home built on Olivia Drive and would like to have an in-home daycare business. The plan includes space in the basement with a fenced backyard for a Child Care Center. The next step is to apply for a special use permit for the in-home business. After she receives the permit and the building is complete, she'll have a state inspection. Once approved, she'll receive a license to operate the Child Care Center. The limit for Child Care Centers is up to 12 children at a time with 2 adult caregivers. Their parcel is almost 2 acres and they've planned for a 3-stall garage with a side parking area. LaDere stated she has contacted TK School's Bus Garage to find out about the pick-up and drop-off locations. LaDere stated that there shouldn't be parking issues caused by the business because there is plenty of parking and the bus stop is at the front of the plat. The tentative date for the home's completion is in February or March of 2024.
2. P/Z Administrator: Gensterblum said they had not done a site visit as the building is not complete. He has reviewed the building plans.
3. Commissioner's Questions/Comments: Kilgore, Gasper, Denton, and Wandrie asked LaDere questions regarding the number of children and hours of operation.
4. Public Hearing: 8:16 PM to 8:17 PM

1. Ronda Campbell said she's concerned about how this business would increase the amount of traffic coming into the neighborhood. She said currently people look out for one another and recognize who is coming and going. Currently neighbors walk, and kids play outside, but with the increased traffic it will be more difficult to do so.
 2. Email from Jenna Spaans was written in support of Sydney LaDere's Child Care Center. **Attached to the minutes.*
 5. Final Comments: Kilgore asked what the square footage of the basement was going to be. Rairigh reminded commissioners that the current ordinance only allows for 30% of the home's area to be used as an in-home business. Kilgore suggested they have the exact measurements before deciding.
 6. **MOTION** by Gasper, **SUPPORT** by Wandrie to **TABLE** the decision on SLU#163/Site Plan #130 until they receive the documentation on the square footage of the Day Care Center. **MOTION CARRIED** with 7 yes voice votes.
6. Unfinished Business:
- a. Peace Church Expansion Project – Awaiting M-37 Corridor Committee Meeting and approval. Gensterblum stated that Hank Coleman had notified Gensterblum that a traffic study was currently underway. They've also been in contact with the Barry County Health Department about the expansion. They are also working on some other items that were discussed at the last Planning Commission meeting.
7. Committee Reports: None.
8. Administrator's Report:
- a. Zoning Ordinance Audit
 - b. Zoning Report – Denton asked Gensterblum about the land division listed in his report and where that was located. Gasper asked Gensterblum if he would include a "Year-To-Date" report for next month's meeting. Kilgore asked Gensterblum to contact Sluggett for options on the possible next steps regarding closing the T & M/Granger Sand Mine operation.
 - c. Code Enforcement Report – Gensterblum told the commissioners about a noise complaint he had received after the 4th of July celebration.
9. Commissioner Comments:
10. Adjournment: **MOTION** by Gasper, **SUPPORT** by Kilgore to adjourn at 8:40 PM. **MOTION CARRIED** with 7 yes voice votes.

Sandra Rairigh, Secretary

Amy Brown, Recording Secretary

Approved _____

August 23, 2023

Jenna Spaans

12075 Beauterra Lane.

Middleville, MI. 49333

616-914-4439

To whom it may concern,

As a working mom it is extremely difficult to find reliable care for my son while I work as a nurse. Most daycares have wait list so long that you have to be placed on the waitlist as soon as you find out that you are pregnant. It is also hard finding a caregiver that you trust with your child and know that they will give your child the best care possible. There are plenty of in home daycares and centers that have corrective action plans for incidents that include; daycare provider screaming at children for over 10 minutes, daycare provider tying children to a chair at meal time to keep them seated, and recently it was on the news that a in home daycare in Rockford that was placing children in tents and putting pad locks on the zipper to keep them in the tents and placing children in pack n plays and placing blankets over them. This particular daycare provider was licensed for many years. Having a licensed daycare provider in our neighborhood will be such an asset to myself and other working moms. When we do not have someone to watch our child we have to call off from work and that puts our employers in a touch spot as well as our co-workers. It also means a day with no pay and if we call in to often then we get a write up. Sydney is my back up babysitter and she is great with my 11 month old son Reid. She will provide a safe, loving, and caring place for children to go while their parents are at work. Having another licensed daycare provider in Middleville will allow other parents to go to work because they have someone to watch their child when they cannot.

Thank you,

Jenna Spaans.

A handwritten signature in black ink, appearing to read "Jenna Spaans". The signature is written in a cursive, flowing style.