

Salem Township Planning Commission

Minutes, January 6, 2022

7 pm, Salem Township Hall

Call to Order, Pledge of Allegiance – 7 pm

Roll Call of Members – Present, Coupe- Striegle- Pitsch- Oosterink (Actin Chairperson)- Berens- Wagner. Absent with notice – Myers

Recognition of Visitors – none noted

Approval of the December, 2021 Meeting Minutes – Motion by Pitsch, second by Wager. Motion carried.

Comments from the Public – Supervisor Pitsch noted that Tanya Oliveria will be presenting by phone.

Approval of the Agenda for the Meeting – Motion by Berens, second by Coupe. Motion carried.

Inquiry of Conflict of Interest – none noted.

New Business-

Public hearing for Parks and Recreation Plan- Opened at 7:03 pm. Overview by Tanya Oliveria (phone). She noted that no Public Comments during 30 day period had been received therefore the Plan is as it stands. Public comments from audience – J Holtz noted a couple of typos such as pon page 17 which reads City of Belding instead of Salem Township, and that the Oakland Community Center which is listed as a recreational facility, is closed. She also requested that a skating rink be added to future facilities. Motion to close Public Hearing by Pitsch, second by Coupe. Motion carried – 7:10 pm. No Planning Commission discussion. Motion to adopt Resolution # 1-6-2022 for recommendation to the Salem Township Board with typos corrected in final copy – by Wagner, second by Striegle. Motion carried.

Public Hearing for Text Amendment request for Open Air Sales in R-1 District (by L Bartz) - Public Hearing opened at 7:12 pm. Overview of 3 options by Lori (PCI): to recommend to Township Board that it be allowed by right and would apply to all R-1, or to recommend as a Special Use and would apply to all R-1, or to recommend no change to current Ordinance.

Mr. Bartz explained the need for his request as he has sold his Wayland location and needs to relocate his office, some equipment and designate 1900 square feet with specified hours in order to maintain his dealer license. This license allows him to make purchases in many sales such as in Florida. Mr. Bartz then listed many other businesses that operate in the Township.

Scott VanderKolk doesn't see how the Bartz operation would cause changes and supports the request.

Cathy Lain (daughter and employee) pointed out Burnips Equipment and the large amount of equipment is has. PC replied that it was a special use and also that it is an ag use with special legal considerations.

Motion by Pitsch, second by Coupe to close Public Hearing. Motion carried. 7:25 pm.

Planning Commission discussion – Lori (PCI) pointed out that the Ordinance designated R-1 for open space, farming and residential and is a transition district with very limited commercial uses such as livestock or kennels.

Berens – wants to stick with original zoning. Wagner – have to think about whole Township. Coupe agreed. Pitsch was against a change because it would apply to and affect the entire Township.

Motion to recommend no change to current Ordinance – by Coupe, second by Berens. Roll call vote – Striegle – aye, Coupe- aye, Pitsch -aye, Berens – aye, Wagner -aye, Oosterink -aye. Motion carried.

Old Business

Continuation of consideration of Special Use Permit for TKN Farms, Mineral Extraction- postponed from previous. Resolution 1-6-2022B was presented by Lori (PCI) which contains all the conditions and applicable parts of the Ordinance as previously discussed, based on December minutes. It allows approval with conditions and follows Ordinance , just restated in resolution form for clarity.

Motion by Coupe, second by Striegle to open public comment as a courtesy to those not previously in attendance and to those who have further comments. Motion carried.

Chuck Zuidema, neighbor – pointed out that Bill 431 addressing mineral extraction has not passed. He is concerned about property values and projected length of time in operation. He sees the Loew mine as not following what it is supposed to do. He noted that there will be no berms on the west side of this mine and questioned if there is compensation to the Township. He doesn't want this operation in his backyard.

Scott Dekker – lives north of mine – has four kids under age 10 and sees negative impacts in terms of noise and pollution. He reminded the Planning Commission that they are elected officials. He mentioned a 2014 study on landscape and noise and the negative impact on property values, 20% down. He feels that private property laws allow for peaceful enjoyment and this would create a nuisance. He is against it.

Kevin Wjkowski – Lives on NW corner – said that change is what everyone fears, as it will affect our lives and surroundings- thought it would be great if everyone would work together – can't judge other mines in other places. Thought it would help if Troy (one of the applicants) lived on site.

Motion to close Public Comment by Pitsch, second by Wagner. Motion carried -8:07 pm.

Oosterink as chair explained that by law the mine cannot be denied only limited by the conditions that the PC sets. Mines are based on the location of minerals.

Lori (PCI) – Reiterated the relevant portions of the Zoning Enabling act and addressed some of the Public Comments for clarity, such as that the PC is appointed not elected just so that difficult decisions will not be politicized.

Motion to approve the request for a Special Land Use permit for a Sand Mining Operation conforming to the conditions in Resolution 1-6-2022B, by Berens, seconded by Wagner. Roll call vote – Wagner-aye, Berens -aye, Oosterink -aye, Pitsch -aye, Striegle – aye, Coupe – Aye.

Motion carried.

Low Sand Mine- Update on revocation conditions – postponed due to weather.

Correspondence received – non

Reports and comments

Township Board – by Striegle – Road Commission recommendations accepted, 2020 meeting dates set, 2 new probationary firefighters.

PCI – a call from a citizen who wants to build an accessory building prompted a look at the Ordinance which limits size not just on amount but also shape of parcel. Two parcels of same size may not be able to build same size building due to shape of parcel. PC will consider an amendment – Lori will bring sample to next meeting.

Other/Roundtable –

Next meeting February 3, 2022

Adjournment-

Motion by Pitsch, second by Berens to adjourn. Motion carried. 8:32 pm.

SALEM TOWNSHIP
PETITION FOR ORDINANCE AMENDMENT

Applicant Name: Louis Bartz
Address: 2316 108th St. Byron Center MI 44315
Phone: 616-862-1478 Email: CathyLaink@AOL.COM
Ordinance Section or Zoning District you would like to amend: R-1

Please state below or attach the changes you are asking the Township to consider:

I am asking the planning commission to add
open car sales as a use to the R-1 zoning
district, so that I may put in a used car sales
lot on my property at 4377-26th St.

Please explain how this amendment will benefit the Township as a whole:

I believe it would benefit the township by drawing
new business and customers to our area. I would
also sell equipment to the local contractors and
builders.

For Official Use Only

Date Received: _____ Fee Paid: _____
Public Hearing Date: 1/6/2022 Date Notices Mailed: _____
Newspaper Used: _____ Date Published: _____

Planning Commission Action:

Petition Denied

_____ Amendment recommended to Township Board (Attach recommended amendments to this petition)

Planning Commission Chair Signature: [Signature] Date: 1/6-2022

Planning Commission Secretary Signature: [Signature] Date: 1/6/2022

Please remit this application with fee and any supplements to:

Professional Code Inspections
1575 142nd Avenue
Dorr, MI 49323

**SALEM TOWNSHIP PLANNING COMMISSION
ALLEGAN COUNTY, MICHIGAN**

Resolution # 1-6-2022

At a regular meeting of the Salem Township Planning Commission held on January 6, 2022, the following Resolution was offered for adoption by Planning Commission Member

Wagner and was seconded by Planning Commission Member Stuegle

**A RESOLUTION RECOMMENDING ADOPTION OF THE 2022-2026
FIVE-YEAR PARKS AND RECREATION PLAN TO THE TOWNSHIP
BOARD AND CONSTITUTING PLANNING COMMISSION APPROVAL
OF SUCH PLAN**

WHEREAS, Salem Township has engaged in the process to develop a new Five-Year Recreation Plan, which describes pertinent features, recreation facilities, policies, and desired implementation to improve recreational offerings in the community during the period between 2022 and 2026; and

WHEREAS, Salem Township facilitated public input via a community survey in October and November 2021 prior to the development of the Plan, enabling citizens and stakeholders to express opinions and needs, ask questions, offer advice, and discuss all aspects of the Township Park and recreation needs and amenities; and

WHEREAS, Salem Township has prepared the Five-Year Recreation Plan in accordance with the most recent guidelines developed by the Michigan Department of Natural Resources for the benefit of the entire community and to meet the recreation needs of residents as expressed during the public input session; and

WHEREAS, a notice was published indicating that the Plan was available on the Township's website and offered for a period of at least 30 days for public comment and review; and

WHEREAS, a public hearing was held on the Five-Year Recreation Plan on today's date to provide an opportunity for all residents of the planning area to express opinions, ask questions, and discuss all aspects of the Plan.

NOW, THEREFORE BE IT RESOLVED, the Salem Township Planning Commission hereby recommends adoption of the Five-Year Recreation Plan to the Township Board of Trustees as a guideline for improving recreation for the residents and visitors of the community.

Yeas: 6

Nays: 0

Absent: 1

RESOLUTION DECLARED ADOPTED.

Dated: January 6, 2022

Respectfully submitted,

By: 

Brandon Oosterink
Salem Township Planning Commission
Vice Chairperson/Acting Chairperson

SALEM TOWNSHIP PLANNING COMMISSION

16-2022.6
RESOLUTION #~~2021-001~~

A RESOLUTION TO APPROVE THE REQUEST FOR A SPECIAL LAND USE PERMIT FOR A SAND MINING OPERATION ON CERTAIN DESCRIBED PROPERTY WITHIN SECTION 5 OF SALEM TOWNSHIP, ALLEGAN COUNTY, MICHIGAN.

With conditions of approval as noted within the minutes of the December 2, 2021 meeting of the Salem Township Planning Commission and restated herein. Where any conflict exists, this document shall control all conditions.

WHEREAS, TKN Farms, LLC (the "Applicant") has requested a special land use permit to allow for the mining of sand on property located at 3251 147th Avenue, also known as permanent parcel number 0319-005-00-00 and legally described as the south half of the north east quarter of Section 5, Town 4 North, Range 13 West, and consisting of approximately 78.59 acres; and

WHEREAS the Salem Township Planning Commission conducted a series of public hearings held during public meetings starting on Thursday, September 2, 2021 and concluding on Thursday, December 2, 2021, at which times it reviewed the proposed plans of the Applicant as well as hearing public input, and considered both the standards for approval as well as the standards of MCL 125.3205, specifically section 205 wherein certain limits upon local regulation are defined; and

WHEREAS the Salem Township Planning Commission found that with conditions of approval, the standards for approval could be met and the general health, safety and welfare be protected within the limits of its authority,

IT IS THEREFORE RESOLVED:

A. Findings of Fact: The Planning Commission finds that the following standards apply:

Section 21.07 Hearing and Review Criteria

(a) After receiving an application for the grant of a special exception permit for an earth removal, quarrying, gravel processing, mining, and related mineral extraction business accompanied by the required plans and specifications and permit fees, the Planning Commission shall hold

a public hearing upon such application in the same manner preceded by the same notice as set forth in Section 17.06 of this Ordinance. (Amended 05-08)

(b) Following such hearing, said Planning Commission shall grant or deny the application and set forth its reasons for its decision. Such recommendation shall be based upon the criteria set forth within the Ordinance and shall be based, in addition, on a consideration of the following:

1) The most advantageous use of the land, resources and property

This parcel has been used for agriculture since at least 2006. The property was bought in June 2021 for mining and is planned to return to agriculture with a larger usable area after reclamation.

2) The character of the area in question and its peculiar suitability, if any, for particular uses

The property is surrounded by R-1 and AG zoning. Upon completion of excavation, the long-term plan of the operator is to return the land to agricultural use similar to those within close proximity to the south, west, and east of the parcel.

3) Conservation of property values, as well as natural resources and the general and appropriate trend and character of development in the subject area

(See number 2 above)

4) The protection and preservation of the general health, safety and welfare of the township

If proper conditions are required and abided by, the Planning Commission may find that final excavation of this property and reclamation/creation of suitable agricultural lands meet this criteria.

5) The scarcity or value of the minerals sought to be mined as compared with the effect upon the adjacent community of the proposed operations

General Notes Items 13 and 14 in the plan submitted by the applicant (exhibit A) state that “existing mineral mining operations will be beginning to run short

on material in the relative near future” and “the service area for this operation has a demand for this material.”

- 6) *Whether or not the operations were previously in existence prior to the adoption of the text provision concerning the same and the extent and character of such previous operations*

The existing ordinance was in place at the time of approval.

- 7) *In making any decision, the Planning Commission shall have the right and authority to impose such additional conditions and safeguards, as it deems necessary for the protection of the health, safety and general welfare of the neighborhood and of the adjoining residents and property owners. It may also limit the length of time that the special exception permit is to be effective and may provide for a periodic review of the proposed operations to ascertain compliance with the conditions and limitations imposed upon the same. It shall be empowered to renew or extend a special exception permit where all standards and conditions are complied with and may revoke or refuse to renew the same where non-compliance exists. No revocation or failure to renew or extend a permit shall release the applicant from the duty of rehabilitation and reclamation of said mined or disturbed area. No permit shall be revoked or not renewed until the operator has been given written notice of any violation forming the basis of such revocation or denial or renewal and not less than 30 days have elapsed to correct the said violation. The Planning Commission shall review all permits annually. The Planning Commission shall require an annual report from the Zoning Administrator and reserves the right to hold public hearing for revocation should any violations occur. The permit will be valid for a period of seven years, at which time the applicant shall be required to renew the permit through the public hearing process.*

- 8) *The operator shall be required to pay an annual fee to cover the cost of inspections and additional meetings of the Planning Commission as may be established by the Township Board. The operator shall provide and maintain an escrow account in the amount of \$500 to be confirmed by the Township Treasurer prior to commencement.*

9) *Liability Insurance shall be a pre-condition to commencement of operations, and maintenance in full force and effect of insurance shall be a pre-condition to the right to continue operations. The applicant shall provide binders for personal injury and property damage insurance for the project to be carried by an insurance company licensed to do business in the State of Michigan during all times which any reclamation is left to be done, and during all times any machinery and/or equipment remains on the site, or any structures, equipment or improvements to be removed remain on the site, said insurance to contain a hold-harmless clause regarding liability of the Township during any reclamation phase. The Planning Commission shall require updated Certificates of Liability to be submitted annually to the Township Zoning Administrator to demonstrate continued compliance as part of annual administrative reviews.*

B. Conditions of Approval: The proposed operation shall be approved to the extent as provided for on the site plan prepared and submitted by the applicant with the following additional requirements and/or amendments:

1. Prior to commencement:

a. Three large format copies and a digital copy of the amended plan shall be provided to the Salem Township Zoning Administrator with the following additional information:

i. The plan shall be dated, signed and sealed by the architectural or civil engineer responsible for its preparation.

ii. The plan shall delineate the northwestern berm to be located at the minimum 150 feet setback from the property line. The coniferous trees shall be indicated and installed at not less than 6 feet in height as measured from the top of the rootball. Trees shall be installed in a double staggered row, with each row's trees being not less than 20' on center, in compliance with Section 21.03.

iii. The area to be excavated will have dimensions from property lines indicating the limits of the excavated area to be not less than 150 feet at any point in compliance with Section 21.02.b.

b. The following additional items shall be submitted to the Township Zoning Administrator:

- i. Escrow fee of \$500 payable to Salem Township.
- ii. Certificate of Liability Insurance for the operator and property
 - iii. Bond in the amount of \$40,000 valid for not less than a period of 7 years from the date of issuance.
 - iv. Copy of driveway permit as issued by the Allegan County Road Commission
 - v. Copy of current soil erosion and sediment control permit as issued by the Allegan County Health Department; to be completed and filed annually with the Zoning Administrator.
- c. Upon receipt of all documentation, the following actions shall take place prior to commencement of removal:
 - i. Haul road shall be established
 - ii. Berming, trees and fencing shall be installed in all required locations
 - iii. "Danger, No Trespassing" signs shall be installed around the perimeter of the property at 100 foot intervals.
 - iv. A locking gate shall be installed with signage stating the operation name, hours of operation, and a 24 hour emergency number.
 - v. A final pre-operational inspection shall be arranged with the Zoning Administrator to confirm compliance.

2. Operational Standards. The following shall control all excavation and related activity upon the property:

- a. Conformance to the approved site plan will be maintained at all times.
- b. Hours of operation shall be limited to 7 am-6 pm Monday- Friday, and 8am-12:30 p.m. on Saturdays, with equipment repair permitted on Saturdays from 12-30-6 p.m.
- b. Open faces shall be prohibited; where there is a slope that is temporarily maintained steeper than a 1:3 angle, a safety fence shall be installed not less than 10 feet nor greater than 20 feet to maintain a safe perimeter for operator and trespassers alike.
- c. Gate shall remain closed and locked during off hours and whenever no attendant is on-site.

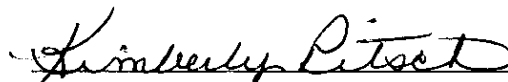
- d. All equipment must be modern models with proximity sensor alarms in lieu of constant back up alarms.
- e. Dust control methods shall be applied as needed per Section 21.04.b
- f. Trees and berms shall be cared for; dead or dying trees shall be replaced immediately.
- g. No more than 3 acres shall be open at any time; reclamation shall take place progressively.
- h. Stripped topsoil must remain on site at all times. It may be used for berm construction to be replaced upon reclamation.
- i. Stockpiling shall be limited to materials originating on site only; no outside materials shall be brought in for storage of any kind.
- j. No onsite crushing, washing or other processing shall be permitted.

ROLL CALL VOTE: (SECRETARY PLEASE CIRCLE APPROPRIATE VOTE)

| | | |
|------------|--------------------------------------|---------------------------|
| WAGNER: | <input checked="" type="radio"/> AYE | <input type="radio"/> NAY |
| BERENS: | <input checked="" type="radio"/> AYE | <input type="radio"/> NAY |
| OOSTERINK: | <input checked="" type="radio"/> AYE | <input type="radio"/> NAY |
| PITSCH: | <input checked="" type="radio"/> AYE | <input type="radio"/> NAY |
| STRIEGLE: | <input checked="" type="radio"/> AYE | <input type="radio"/> NAY |
| COUPE: | <input checked="" type="radio"/> AYE | <input type="radio"/> NAY |

RESOLUTION DECLARED ADOPTED

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Salem Township Planning Commission at a regular meeting thereof held on January 6, 2021, and I further certify that the public notice of such meeting was give as provided by law.



Kimberly Pitsch, Secretary

Salem Township Planning Commission