

WINDSOR CHARTER TOWNSHIP PLANNING COMMISSION
PUBLIC HEARING – DECEMBER 7, 2016
REGULAR MEETING – DECEMBER 7, 2016
MEETING ROOM – 7:00 PM
PROPOSED

Oath of Office was administered to new Planning Commission members James Bogi and Timothy Sabourin by Clerk Rumsey.

Brija moved and Sabourin seconded to appoint Johnson as Acting Chairperson. Carried 7-0.

The Public hearing for Crandell Bros. Trucking Co. Special Use Permit was called to order by Acting Chairperson Fran Johnson at 7:02 pm.

Present: Johnson, Bergamini, Bogi, Brija, Holtz, Pray, Sabourin

Absent: none

Also Present: Lisa Rumsey, Clerk

Troy Jamieson with Crandell Bros. Trucking explained they have a purchase agreement to buy 2 pieces of property from A.J. Properties. They currently have a Special Use Permit to mine and their intentions are to obtain a Special Use Permit to mine that same property. In their estimation it will be a 7 to 10 year project to mine the property.

Acting Chairperson Johnson opened for public comment and questions.

Dennis Schartzter 6240 Billwood Hwy. How much of the property that is being purchased or leased is going to be mined? Estimated to be about 100 acres. Is that 100 acres from Billwood going north? It's essentially the center piece. (The site plan is being shown to public) Nixon Road is here, there are 2 parcels we are looking at purchasing it goes all the way to Billwood, then it comes across here and expands north and it's just this section here where the county drain comes across. This is the area more in the center of the 2 pieces we are looking at mining. Is this the only portion you are planning on mining? Yes, we dug some test holes and that's where the sand is. Where are they mining at now? Mr. McLean has 2 special use permits; 1 he has a lease with Mrs. Stover and he has a second permit on another piece, he has only mined a very small part on the property line on his second special use permit, the majority of what he has done has been back here.

Bridget Lilly 6162 Davis Hwy. Will you be going all the way across to Nixon to take the trucks out or will they come out on Royston? Our plan is to utilize the current road that coming out on Nixon. We are working with Mrs. Stove & Mr. McLean because currently Mr. McLean has the lease on that piece, working with the both to acquire permission for that.

Dennis Schartzter 6240 Billwood Hwy. What would happen if for some reason the activity of bring it out to Nixon would cease for any reason at all, like maybe Kathy didn't want you, then what would your options be? Good question, my guess would be because of the class road Billwood is, we would need to come south to Billwood. Our plan is, because that road is there and obviously more houses here and much less here to continue that (as Troy Jamieson points on the Site Plan). We have spoken with Mrs. Stover, we believe Mr. McLean has spoken with Mrs. Stover, we have dropped off an agreement to her yesterday and had a meeting with her. Do you have any knowledge if that exit was taken away and you intended on taking it out to Billwood that you would be granted the permission to do that? We have not requested that from the township, no. Do you have any reason to believe that would be denied? Not sure, way back a year a so ago, when taking to Marcus Braman the supervisor, he made a comment that the township would not allow that.

We don't know if it's a class A road, we don't know if they could deny, we didn't want to go down that road. Our plan is to keep it where it's at because it's less impact going in front of the houses, it's a much better cleaner situation to continue where it's at. If Kathy's road was closed off to you and Billwood was denied, where would that leave you? It would be a question for the township as to which route they would allow us to go.

John McGill 6275 Billwood Hwy. Does anyone know what will happen to the land on Billwood that you aren't buying, if you aren't buying whose going to own that land? Explanation was given as to which parcels are included in Special Use Permit and the parcel in questions is not part of this Special Use Permit application.

Sandy Pray suggested Troy Jamieson explain the plan about creating berms rather installing fencing. Part of the rules from the township for mining is to put, I believe, a fence 4' fence around the mining area with barbed wire on top. Our request is to do berms instead of that. Not sure if anyone has been by our pits on M50, but we have done berms there. Been there for 25/30 years and it accomplishes a lot more benefit for both us as well as the neighbors. When we strip the topsoil, it gives us a place to stockpile that topsoil because when we have to reclaim the property, we have to put topsoil back down. It also counts down on noise and dust dramatically compared to a fence. It's a much much better situation. Our berms are probably 10 to 15 feet high along Stewart & M-50. We're mining down, the spot where we're mining, the top of the berms could be 30 feet. It creates a very large stopping point for dust and noise.

John McGill 6275 Billwood Hwy. What are going to be your hours of operation? Our request is 6 am to 6 pm. The reason for 6 is not for truck driving, but for our employee to get there and get things warmed up. Is that 6/7 days a week? No our intention that it's M-F with reduced hours on Saturday.

Dennis Schartzter 6240 Billwood Hwy. When Andy was given permission to dig, doing his mining operation, one of my concerns was truck traffic going up and down Billwood Hwy. What a noise it was for the neighbors who lived closed to Billwood. I know they have to do their work, but I asked for consideration that some of these truck routes would go in a different direction to avoid going by the houses on Billwood Hwy on a continuous basis. Now we have his truck, when they are in full operation, they come by our house about every ½ hour and sometimes more frequently than that. Now we are going to have another operation, your operation, also coming out on Nixon Road. My question to you is this going to double the amount of traffic we are going to see coming by our houses? We will be exiting onto Nixon Road and the majority of our truck will be going east on Billwood. Because of where? Because of where the majority of our work is, I'm not saying we wouldn't have any of our truck going the other direction also. Would like to make it know I would like to see if at all possible the truck routes don't come up and down Billwood Hwy. or as little as possible? If they can do that? The township has no jurisdiction on road routes, that's up to the road commission.

Gary Lilly, 6162 Davis Hwy. A lot of times we get Andy's trucks coming down Davis Hwy. Davis Hwy. turns into dirt at Royston Rd. and it's a no truck route. For some reason years ago when they were working on the road, they took the no thru truck signs down and when I call the police or the neighbors do about the traffic on it, the semi's from GM, other trucks, they say they need them signs up. We've been to both Delta and Windsor, Windsor we haven't, but everyone put the blame on each other. They are saying we can't afford \$400.00 signs. I think that's just terrible. Sandy Pray - That's county road commission. Gary Lilly - I know, I've called Blair Ballou personally and he won't call me back, no response. Jaye Bergamini - Have you attended a county road commission meeting? Gary Lilly - No, that's my next step. Jaye Bergamini - That's what you have to do. The township has say over the conditions of the Special Use Permit, so we can limit ingress and egress route to the property, but once they get on the public road then your issue is, is it an official haul route and that is strictly the road commission. You have a county commissioner, likely Roger Eakin, you might want to contact, and they have some authority over the road commission. We will pass

along to our supervisor, Marcus Braman, that we have again had complaints about, 1) the lack of responsiveness to the problem and 2) the lack of the signs for the official haul route. Some of that haul route is in Benton Township.

Bridget Lilly, 6162 Davis Hwy. My side of the road we live on is Windsor and everyone across the street is Delta. That's why we were trying to figure tonight at M100 is that Oneida and Benton Township? I know one side is Benton and one side is Oneida. When we drive through Delta Township they have all down Saginaw all those no through signs, they have it right there on Nixon when you come out of the pit. We've stopped the guys and they say it's quicker for me. We tell them they are tearing up all those dirt roads. That's why we called all those places and township and don't get any response. Jaye Bergamini – If this was a township issue, I promise you the signs would be up tomorrow morning. You have to go through the road commission.

James Smith, 6248 Billwood Hwy. Just wanted to verify with a county plat map where houses were located on Billwood Hwy. in comparison to the proposed mining operation.

Acting Chairperson Johnson asked if there were any more questions.

Pat Schartzter, 6240 Billwood Hwy. McLean was running his trucks all the time. The cut off period was 6:00, but they didn't quit at 6. A couple of weeks ago we had trucks running at 7:30 at night. What is going to assure the rest of us that quitting time is 6:00? Our operating hours stop at 6. We all look forward to 6:00 to come for some peace and quiet. When there running later it's upsetting to everybody. Dennis Schartzter – I have even stood out on the road with a sign. Jaye Bergamini – Have you called Marcus Braman at 6:30 or 7:00 at night and said McLean is running trucks outside his operating hours. Here's the procedure, the Planning Commission reviews the terms of the Special Use Permit, we make a recommendation to the Board of Trustees, the Board of Trustees then decides to adopt the recommendation or not. Sometimes they will negotiate additional add or subtract conditions. If the Board of Trustees accepts and allows a Special Use Permit to be issued, there are very specific terms and conditions. That Special Use Permit has to be reviewed every year. There are also provisions, at times, for quarterly inspections. The supervisor has the authority to inspect any property operating under a Special Use Permit to determine whether the operator is in compliance with the strict terms of that. If you don't document your complaint and tell your Supervisor, Marcus Braman, then he doesn't know to go to the operator and say you need to knock this off and if you don't we can suspend your Special Use Permit because you are out of compliance. Marcus is extremely accessible, telephone, email. If you see one of McLean's trucks out on the road before or after operating hours or if they turn a machine on too early or whatever, you call or email Marcus.

Dennis Schartzter, 6240 Billwood Hwy. One of the problems that have occurred is we know there are gravel trucks running at dark, not sure whose trucks they are. Sandy Pray – Suggested at that time of night it could also be a grain hauler. Jaye Bergamini – Suggested night vision camera. Good Idea. Some of them even have time stamps on them.

Acting Chairperson Johnson asked if there were any more questions.

Dennis Schartzter, 6240 Billwood Hwy. Troy said something about when you get done digging what is it you do? Part of the requirements is we reclamate the property. Reclamate means what? We have to topsoil any excavated area and seed it. When we are done most likely it will be a lake, the edges will be at a 3 on 1 slope, and anything above water will be topsoil & seeded.

Troy Jamieson - Requested to make a comment in regards to the truck traffic. We don't want to disparage Andy, but we are not Andy McLean. We've been successfully doing sand & gravel mining in Eaton County for over 30 years. I have not been involved for 30 years, but I've been involved for the last 15 to 20 years

and we do our best to work with our neighbors, because we understand that is their home, where they live. We're there for a short time, obviously it could be a long time, but we know we have to work with our neighbors. The last 15 years I have been with the company we have had very very very few complaints from our neighbors. Our goal is to make this a good relationship with the neighbors. Obviously it's a gravel pit, there equipment out there, there is trucks out running we understand that. If we have the permit we want to do our job and do the things to be successful as a company. While doing that we do our best to work with the neighbors. We knew going through this that Andy may not have the best relationship with the township and the neighbors and we understand that. I would like to assure you we will do everything we can to be good neighbors. As far as the truck traffic on Billwood and don't take this the wrong way, but I don't know if the township can do anything to stop Andy from going up and down after 6 or 7:00. It's working in the property that those hours have to stop at 6:00. Obviously, Andy can drive a truck up and down Billwood Hwy all night long. We do our best to work with the neighbors and make it a good relationship.

Gary Lilly, 6162 Davis Hwy. I have to vouch for him because I have worked for that company for over 20 years. They are a class act outfit. They do respect over people's opinions and values so I think it will be a good thing for the neighborhood.

Jaye Bergamini – What is overburden? Essentially its topsoil and clay you go through to get down to mineable sand/material. It varies on the thickness of that overburden, that we have to take off the top to get down to the sand.

Jaye Bergamini - Your site plan says, here's the reclamation, All the extraction areas shall be rehabilitated progressively as they are worked out. Rehabilitated sites shall be reasonably natural and inconspicuous and shall be reasonably lacking in hazard. All slopes and banks remaining above water level and below water level to a depth of (5) feet shall be graded to angles which do not exceed (1) foot in elevation for each (3) feet of horizontal surface and they shall be treated to prevent erosion or any other potential deterioration. Interior access roads, parking lots, haul roads, loading and unloading areas and stockpiled materials shall be maintained so as to limit the nuisance caused by windblown dust. So you're saying as you go along once you dig something out, get everything you can, how big of an area do you have to dig out before you think it's time to begin the reclamation process? The edges maybe reclaimed, but again the goal because of where we feel the water table is, this entire area (as he points on the site plan), will be under water when we are done. What kind of depth are we talking about? My guess would be 25 to 30 feet. So you could end up with a pond with a depth of 25 to 30 feet overall with sloped banks? Yes, in reference to the 5 feet underwater what we did in our old mine in Eaton County, we took that slope essentially all the way to the bottom of the mining area. It was a safe slope, 20 feet under water. We are not going to go 5 feet and then go straight down. It's not easy to mine that way, especially sand. One big difference is we'll own rather than lease the property, we want value on the property when we are done. We want to make sure we can utilize the property for something else. A lot of what we do is taking the material out but we have a vision of what it's going to be in the end.

Jaye Bergamini - What effect if any would you anticipate such an excavation would have on the water table of the surrounding area water wells on the adjoining properties? I can only tell you by the experience we have had with our other mines, in the 30 years there might have been 2 wells that dried up, which we replaced. I think the company that did the wells did replaced them with a 20 to 30 foot well. Any well that is 50 to 100 feet really should not have an issue because we are only going down 25 to 30 feet. That area is not fed by a natural stream, there are drains in the area, if you have a 100 acre give or take with a 25 to 30 foot pond give or take what's the source of the water in that pond? It's underground water, water table. Similar to the Lake, there's no streams that fed that approximately 160 acres. We shut the pumps off on October 30th by the next spring that lake was essentially full and there's no water going to it other than up through the ground.

Jaye Bergamini - McLean has not done much excavation on that piece of property, what equipment do you anticipate adding to that property to assist your excavation? What type of machine noise are we to expect? We'll have loaders, excavators and bull dozers. No semi-permanent sorters or washers? I hope is that we will not have to screen the sand. What we have dug, we feel the sand is clean enough that it doesn't need to be screened. When I say screened essentially I mean sort the stone out, we are not going to wash the sand. Strictly going to be dry sand. Our hope is we won't have a screening plant onsite. We hope to dig it out of the bank or with an excavator bail it out, dry it out and load it into trucks. As you are digging out the dry sand, what do you do at the point of excavation to minimize the dust? We don't water the banks, but we will have a water truck to water the interior roads. The majority of the dust comes from the traffic on the interior roads. Depending on the time of year, we might bring in salt brine to brine the roads. Having a water truck there every day to keep the dust down seems to do the best.

Jaye Bergamini - With respect to your operating hours, we've had issues in the past where let's say your operating hours are 6:30, not 6:00, but someone would get there earlier say 6:00 to turn the equipment on, but not actually start operating until 6:30, do you understand that operation means you don't turn on the equipment until the start of the operating hour and you turn off at the end of hours? Correct.

Jaye Bergamini - As you do a progressive reclamation, our ordinance requires you post a minimum bond. How do you calculate the cost of reclamation? What would it cost to reclaim 100 acres at a 20 foot depth? To be honest I don't know. Can you give me a range? No. Does somebody else have to be hired? Yes, the township would have to hire someone to come in and spread topsoil and seed. More than \$20,000.00? Yes. More than \$30,000.00? Probably, depending on the amount of space. Yes. Worst case scenario more than \$40,000.00? What we have bonded at our current mine I believe is \$200,000.00 bond.

Tim Sabourin - What is the purpose of the sand? Where do you propose to sell this sand? Road base, commercial construction, building base. Majority of our work, 95% of our work is commercial work, road construction.

Jaye Bergamini - How do you certify that a truck full of dirt is clean? That's on the contractor where the material is coming from. They have to certify it. We take contaminated material to Granger Landfill. It's more on the contractor end to certify. When our ordinance says that you can't fill the property, can't bring fill into the property, except where it's might be reasonably necessary. Do you have way to assure us that if you do have to fill somewhere that we are not going to have calls saying you are dumping busted brick & concrete, broken glass and stuff? Do you keep trucking records showing every load of fill coming into that property? No. So how do you audit that? We are not a landfill we don't have to have a manifest on material coming in. Again, it's our property and we are going to want the best for our property. We'll bring clean fill in from time to time for sloping banks. There are many times if there is clean fill coming off the site, we might sell it to someone else, because it's clean fill. We understand the environmental issues with us owning the property, it would be very bad.

Jim Bogi - Is any of this going to involve silica sand? Sand that has to be washed? No. Any processing using chemical? No.

Jaye Bergamini - How large to you anticipate your truck traffic will be? McLean is still operating to some degree on the other side of the property, now you are going to add trucks are we looking at matching trucks, fewer trucks, or more trucks? There will be many days we will have more trucks than him. Primarily you have to go east for your work, what is your proposed route? Nixon to Billwood to Lansing to I69. Most of our work is Lansing East Lansing area. I can't say all because there could be some local deliveries and that could be a different route. For the most part you will not be running truck past the people who live west on Billwood? No that's not our intent.

Dennis Schartzter, 6240 Billwood Hwy. - You mentioned earlier about berms and not having fence, does the berm cut down on the noise? Absolutely.

John McGill, 6275 Billwood Hwy. – If this get approved, is McLean still going to be trucking out of there? Yes, he still has his permit on the other property. Will he come out the same way? Yes.

Dennis Schartzter, 6240 Billwood Hwy. - One of the neighbors said to protect herself from water table dropping and losing water in her well, she had her well tested. She said she had to do that to protect herself against something happening. She said if we didn't have that test performed we had no way of protecting ourselves from losing our wells. Jaye Bergamini – We will be discussing well protection requirements. It always makes sense for you as a property owner to know what your well is capable of, know its depth, know its pump rate, and have it testing so you know if it's got anything weird in it. All that should be listed on your well permit. You can look at the well permit at the county. It's always a good idea to have your well tested just to know what you have on your property.

John McGill, 6275 Billwood Hwy. - Who do you have do that? Any well company, well driller, such as Hart or Dyer.

Acting Chairperson Johnson closed the public hearing at 7:53 pm.

The regular meeting of the Windsor Charter Township Planning Commission was called to order at 7:53 pm by Acting Chairperson Johnson.

Bergamini moved and Brija seconded to approve the agenda. Carried 7-0.

Bogi moved and Pray seconded to approve the minutes of the previous meeting. Carried 7-0.

Hear Public present on agenda items: None.

Reports:

Board of Trustees: Pray reported new trustees and supervisor was sworn into office. Board approved a PA106 (Farmland and Open Space Preservation Program) for Dan Ritter property and Firefighters accident insurance.

Board of Appeals: Next meeting December 13, 2016.

Board of Review: None

Reports & Announcement: Acting Chairperson Johnson welcomed all the new members.

Unfinished Business:

A discussion was held on the SUP for Crandell Bros. Trucking. Went over the current SUP Agreement we have with AJ Properties, LLC and made changes for the proposed agreement with Crandell Bros. Trucking. **Bergamini moved and Pray seconded to recommend to the Township Board to issue the Special Use Permit for Crandell Bros. Trucking with the changes to the Special Use Permit Agreement as follows:**

- 1) Item 3.b. Applicant will limit its sand and/or gravel extraction to the terms of its Site Plan: namely its Site Data, Mining Setbacks, Mining Area, Mining Depth and total Material Removal.**
- 2) Item 3.c. Add at end of paragraph – to be reviewed yearly as the progress on the site warrants.**

- 3) **Item 3.g. Change the hours of operation from 6:00 am to 6:00 pm on Monday through Friday and 7:00 am to 3:00 pm on Saturday.**
- 4) **Item 3.h. Strike “and approved by the Township” and replace with “only clean fill allowed.**
- 5) **Item 3.k. Remove entire paragraph.**
- 6) **Item 3.m. Replace with “The Applicant shall restore and reclaim the existing excavation areas, in accordance with the filed site plan.**
- 7) **Re-letter Item 3 as necessary.**
- 8) **Item 13. Change Special Use Permit expiration to “five (5) years from date of issuance.”**

Carried 7-0.

New Business:

None

HEAR PUBLIC PRESENT ON ANY SUBJECT:

Dennis Schartzler asked if there was any new business in the area. Inquired about the NCG station and if there was anything going on with Don’s Truck Stop.

With no further business **Bergamini moved and Brija seconded to adjourn the meeting. Carried: 7-0.**
Adjournment: 8:30 pm.

Lisa A. Rumsey, Clerk
Windsor Charter Township