

Chairman Denhof called the meeting to order at 7:00 p.m. Other members present: Susan Balcom, Matt Block, Duane Anderson, Dale Fedewa, Martha Fuhst & Troy Goodno. Tim Johnson of MainStreet Planning and Mike Oezer of Progressive AE were also present.

Agenda Approval-

Motion by Block to approve the agenda as amended. Second-Balcom, motion carries.

Public Comment-

None

Approval of Minutes-

Motion by Goodno to approve the minutes of 3/22/2010 and 4/7/2010 as presented. Second-Anderson, motion carries.

Finkler Public Hearing-

A request for a land division with special use to allow a single family, non-farm dwelling on parcel 70-01-34-300-017 was presented by the applicant's son, Ken Finkler. They are requesting that the existing home with 6.6 acres be removed from the parcel, leaving the main parcel with approximately 75 acres. This parcel would require a special use permit to allow a home to be built on it. The public hearing was opened for comment. Mark Waldecker was opposed to allowing the split as it would create a parcel that could have another house on it. Additional residential uses should be discouraged in an area with active agricultural operations. No other comments were received, and the hearing was closed.

Motion by Goodno to approve the application. There was discussion regarding previous splits allowed on the parcel, minimum requirements for the zoning district and the creation of a lot that would not conform to the standards. Section 338 of the ordinance was reviewed as it deals with the lot width to depth ratio. Provisions in this section allow for restrictions to be placed on future development in this situation. Goodno said he would be opposed to any deed restrictions. There was also a question as to the status of the Farmland Development Rights Agreement made for this parcel. The motion to approve was denied 3 to 4. Motion by Balcom to seek advice of legal counsel regarding possible restrictions that could be placed on a property that did not meet the minimum standards for a building permit. The Planning Commission would then reconsider this application. A corrected survey was also requested from the applicant. Second-Fuhst, motion carries.

Telamon Corporation Site Plan Review-

A site plan for construction of a parking lot on the property located at 3501 Sehler St. was reviewed. Anne Heyt of OMM Engineering represented the Telamon Corporation and presented the plan. Review and approval was received from the Ottawa County Road Commission, but was still pending from the Drain Commission. Because this was a change to a Special Use Permit, the Planning Commission reviewed the entire site, as well as the proposed parking lot. Chairman Denhof voiced concerns over a temporary building, parking lot lighting and an unenclosed trash receptacle. It was requested that a revised site plan be prepared that showed the entire property and location of any designated wetlands. It was recommended that the applicant be present for the review.

Van's Contracting Public Hearing-

Motion by Balcom to open the public hearing. Second-Block, motion carries.

Charlie Vander Kolk presented his application for a mineral mining license to continue his operation on Coolidge St. Doug Flagg owns property to the west of the operation and stated that while Mr. Vander Kolk had been a good neighbor, problems were arising with loss of trees on his property and wetland areas were drying up. He presented photos showing examples of downed trees. Jan Place was concerned about the noise and asked that Saturday operations be prohibited. Mike Rusche stated that the discharging of water by Van's into the Rio Grande creek was causing problems on his property downstream. Mr. Vander Kolk stated that he had a permit from the MDNRE for the discharging. Kim & Phil Finkler questioned why a permit was being required after 15 years and objected to the requirement

that a fence be put up along the property line that they share with the operation. James Kurek stated that the creek flowing through his property has dried up. The public hearing was closed. The commissioners discussed reports from the planner and engineer on their reviews of the site plan. A hydro-geo study will be done to show the effect that this operation is having on neighboring properties. A written agreement for the conditions of a temporary license was reviewed and some revisions made. Motion by Block to authorize the Zoning Administrator to issue a temporary license, contingent upon submission of a reclamation bond (the final amount of this will be determined by Mike Oezer tomorrow), and a revised site plan incorporating the changes agreed to. Tim Johnson will revise the license agreement with the updates. Second-Fedewa, motion carries. It was clarified that the equipment listed in the operation plan was not brand specific and individual pieces could be replaced, as needed, with similar equipment. The temporary license may be replaced with a full 3 year permit following a review of hydro-geo study.

S & J Mining Site Plan Review-

Brad Meyers of MBN, Inc. presented the application for review. This is a request for a special use permit and mineral mining license. Reports from Tim Johnson and Mike Oezer were presented on their reviews of the plans. It was proposed that the operation begin on the east end of the property. Work on property to the west of a creek would not begin until all MDNRE permits were obtained. The applicant's intent is to work the property for approximately 20 years, creating a 3 acre pond and a 16.6 acre lake for possible residential building sites. There was discussion of options to help reduce noise and vibrations. Motion by Fedewa to hold a public hearing at the May meeting. A hydro-geo study will be done, but may not be available before the hearing. Property owner, Mike Rusche stated that the type of mining he will do on this property does not require discharging of water, so it does not affect the water table. The location of the driveway and haul road was questioned. Information should be provided by the applicant showing the impact of alternate locations and what could be done to reduce problems of dust, noise, etc. Mr. Meyers stated that all additional information requested would be provided prior to the public hearing.

Adjournment-

Motion to adjourn at 9:55 p.m. by Goodno. Second-Balcom, motion carries.

Janice Redding

Chester Township Clerk

(Any document referenced in these minutes is on file in the Clerk's office)