

Chairman Denhof called the meeting to order at 7:00 p.m. Other members present: Duane Anderson, Susan Balcom, Matt Block, Martha Fuhst & Troy Goodno. Dale Fedewa was not present. Zoning Administrator Rich Creager, Attorney Cliff Bloom and Mike Oezer of Progressive AE were also in attendance.

Agenda Approval-

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

Public Comment-

None

Approval of Minutes-

Motion by Balcom to adopt the minutes of 4/26/2010 as presented. Second-Goodno, motion carries.

Old Business-

Telamon Site Plan Review-a letter from the Telamon director, Sally Piper, was received. The letter addressed property maintenance concerns. It was agreed that the improvements would be done when it was financially feasible. The plans for an improved parking lot on the east side of the building were reviewed. Motion by Fuhst to approve the plans as submitted. Second-Block, motion carries.

New Business-

Finkler Application Review-the applicant owns a commercial building and is asking for a special use permit to allow outdoor storage on the site. The property is in the Neighborhood Commercial Zone District and a permit is required for that use. It was recommended that he meet with the Zoning Administrator to prepare the application.

VanderKolk Mining Operation-Attorney Bloom gave the Planning Commission an update on the status of the applicant's temporary mining license. At the April 26th meeting, conditions were laid out for a temporary license so that the applicant could continue to operate while the application for a 3 year permit was processed. The conditions were not met until May 26th, but operations had continued despite stop work orders and multiple civil infraction tickets. The applicant stated that the hydrological study requested by the Planning Commission would not be done and that the operation would be shutting down when the temporary license runs out on August 1st.

Public Hearing

S & J Sand and Recycling Mineral Mining Permit Public Hearing-the applicant's attorney, Gary Shank, presented the application. A site plan had been submitted and reviews done by MainStreet Planning and Progressive AE. The applicant indicated that the changes to the plans recommended in those reviews were acceptable and that they would make other changes as needed to help mitigate the effects of the proposed operation. Some of the items cited were: to begin operations on the west end of the property, rather than on the east; move the driveway to where ever it was agreed to by the Township and the County; only construct a lake if the hydrological study showed it to be appropriate, mitigate noise with berms, screening and low level back up alarms that only go off when something is in the path of the truck; control dust with paved entrance and asphalt millings on interior haul roads; silt fences, contoured slopes and no work within 100 ft. of the creek. The final plan for the property would be as low density residential if a lake is allowed, or farmland if not. Mike Oezer reviewed the recommendations of his firm and MainStreet Planning. Most of the concerns had been addressed by the applicant. The hydrological study would determine what other changes may need to be made. A financial guarantee of \$1000 per acre would be posted with the Township for reclamation. A crusher would only be brought on site when needed, once or twice a year.

Thirty-six residents spoke in opposition to the application. Their concerns were loss of agricultural land and rural character, damage to roads, impact on the environment and water tables, pedestrian and traffic safety, vibrations, health problems caused by dust and toxins, problems with the existing mining operations, enforcement of any restrictions that are put in place, loss of property values, proximity to Crockery Lake, incompatibility with the Master Plan, lack of complete information in the application and

plans, and not knowing the full scope of the project. Motion by Goodno to close the hearing. Second-Fuhst, motion carries.

Attorney Bloom gave the Commissioners information on court cases involving mining operations and discussed the “very serious consequences” test that is used in those cases. There was a discussion of testing and reports that may be required by the Commission in further considerations of this application.

Planning Commission Discussion-

Chairman Denhof addressed the public and thanked them for their input. He stated that future meetings would include opportunities for additional comments and questions. Information on upcoming meetings of the Planning Commission and Township Board is available at the Township Office and on the website.

Adjournment-

Motion to adjourn at 8:55 p.m. by Balcom. Second-Block, motion carries.

Janice Redding

Chester Township Clerk

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