

Wright Township Planning Commission July 18, 2011

Call to Order: Chairman Dausman called the meeting to order at 7:30PM and opened the meeting with the pledge and prayer.

No Parking in Fire Spaces: Dausman reminded the audience not to park in the spaces marked; Reserved for Firemen. Members present: Dausman, Karr, VanDyke, Ruwersma and Westgate.

Approval of May 16, 2011 Planning Commission Minutes: Ruwersma motioned, Westgate seconded, motion carried to approve minutes as recorded.

Public Comments for Items Not On the Agenda: Ann Malewitz (1553 Garfield) asked if the proper procedures were followed in posting the Public Hearing, agenda items #6 and #8. Ann asked if affidavits have been received from the Advance Paper? Linda Way, Wright Township Clerk, was in the audience and offered to answer this question. Yes, all residents within 300 ft. of the Special Land Use Property requests were notified and it was published in the Advance, but the affidavits have not been received from the Advance as of today. No other comments were offered.

Public Hearing – Special Land Use request from Ryan Veltkamp: Ryan Veltkamp,(315 Hayes St) introduced himself and explained that he is affiliated with Bolthouse Bros. Growers and as a trade is a machinist. He is asking to put up an Ag Repair Shop in an Ag building (40X80 or 50X90) to benefit the family farm and other customers. The use would include general agricultural repair, custom agricultural design, custom agricultural machining, custom machining, mechanical repair and diagnostics of all aspects of related farm equipment. The property is 1.5 to 2.0 acres. Karr asked about other farmers in the area, Veltkamp likened this business to Terry Weaver's shop in Coopersville. Planner J. Johnson explains that the zoning ordinance does not contain a minimum lot size in Ag. She pointed out that one set back is not provided. The rear set back that is required is 50

ft. Maximum building height is 35 ft. Some clarification about access/easements will be needed. Veltkamp will provide the easement provisions to the PC. Planner J. Johnson gave information about parking areas, landscaping, screening, signage, all of which could be used as a condition for approval. Well and septic are on site but Veltkamp will need approval from OCHD. He had prior approval, but the permit is not current. Clarification about access/easement will need to be made on the site plan review. Veltkamp will provide easement to the County for the construction of a trail and boardwalk as part of the Musketawa Trail. Veltkamp should verify for the PC as to the conditions of the easement, the width of the easement, who will be permitted access via the easement, and whether it is a permanent easement. Planner J. Johnson explained that farm uses are exempt from the design, location, and construction requirements for off-street parking. Also, Sec 305 requires that inoperable vehicles, machinery, or parts of equipment shall be stored entirely within a building. Operable vehicles to be repaired will be parked in the rear and side yards. Planner J. Johnson commented that there is a State law amendment that states when you approve or disapprove a Special Land Use (SLU), you have to provide a Statement of Findings that can be incorporated into the minutes of the meeting or drafted separately and approved at the next meeting. This protects the applicant and the community by having the findings clearly spelled out as to why the SLU was approved or not. Johnson had some suggestions for conditions of approval including landscaping for the parking areas, screening (landscaping) for the neighbor's benefit, new permit for well/septic. Veltkamp will contact OCHD for permitting. Veltkamp stated that there is no proposed sign. Veltkamp could not give specific hours of operation because of the nature of farm work. Dausman asked about the number of employees Veltkamp would hire. Veltkamp thought there would never be more than 2 or 3 employees as it is a family run business.

Open Public Hearing at 7:38 PM: Ted Evans (1290 Garfield) asked where 315 Hayes is located. Veltkamp gave directions to the proposed Ag Repair Shop. Linda Way (1511 Garfield) asked about the building material to be used and what kind of landscaping will be used for the benefit of the neighboring residents. Veltkamp reported that it will be a pole barn structure with windows and an entry door to the office in the front facing south. Commission member Dausman asked about access for the large equipment being brought in for repair. Veltkamp answered that the equipment will use East entrance to the rear entrance on the North side. Individual pick up trucks or personal vehicles would be parked in the front.

Dausman asked about inoperable farm equipment that will need to be held for repair. Veltkamp stated that he would do his best to keep all inoperable vehicles inside or at one of their holdings. Ted Evans asked about fluids-hazardous materials, how does the Township hold his feet to the fire if he does not adhere to certain regulations? Dausman stated that any violation of state/county requirements would be enforced when reported by other people. We are a self-policing community in many respects. VanDyke stated that the Federal EPA watches farmers closely. They have rules/regulations, and the same requirements would apply to Veltkamp. Planner J. Johnson stated that the Fire Dept would need to know if any flammables (chemicals, fuels) are being stored on the site. Karr explained that the Fire Chief would be contacting Veltkamp as most local farmers register with the Fire Dept. Dausman stated that the Right to Farm Act may apply to this use. Many requirements that apply to farms would also apply to this use.

Closed Public Hearing at 8:08 PM.

Site Plan Review-Ryan Veltkamp: PC members reviewed the site plan. Ruwersma asked about the hours of operation, Veltkamp responded that there will be no set hours, there will be informal hours. As equipment breaks down, he may be contacted at all hours of the day or night. Dausman asked if equipment will be repaired inside, Veltkamp responded that if at all possible, most vehicles will be repaired inside. Dausman asked about noise levels, will Veltkamp be cutting steel. Veltkamp did not see a noise situation being a problem. VanDyke asked about easements, width and how far west? Before being finalized, all easements should be documented and given to the PC. Karr would also like to see a more detailed site plan showing right of way, easements, etc. Veltkamp stated that it is already done and documented by Thomas Boven from Scholten & Fant, (OCPD Attorney). Karr explained that the decision made by PC on this Special Use Permit goes with the building, not the owner. Veltkamp's intentions may mean nothing to the next property owner. Dausman asked Planner J. Johnson about future owners coming before the PC about approval for new buildings or additions, and about additional property being added to this parcel to be included in the Special Land Use (SLU). Johnson responded that the PC can make a condition of the SLU that limits future expansion. Karr thanked Veltkamp for taking the proper steps to come before the PC. What types of requirements the PC is looking for is read by Dausman. They are:

- a.) Size of building needs to be determined.

- b.) Give a more detailed, descriptive site plan that shows set backs clearly.
- c.) Parking areas identified.
- d.) Show OCHD approval for well/septic.
- e.) Inform Fire Dept. of any hazardous materials.
- f.) All easements clearly noted.

Dausman suggested that the PC go through the above list to make their Statement of Findings. Planner Johnson noted Special Land Use Chapter 19, Sec. 1902-Statement of Findings and Sec 1904-Conditions can all be combined to show if this use is consistent with AG use. Look at Sec 1902 and Sec 1904 to see if they meet standards. Dausman read Sec 1902 (a.) through (g.). Karr stated that an Ag operation fits in this environment for this use. Karr depends on OCHD for the approval of well/septic. Karr stated that the PC should make an official statement that there is no conflict with the general standards. Dausman asked for an opinion on the size of the building. VanDyke asked if this Ag building was for repairing his own equipment, would Veltkamp have to come before the PC? Johnson responded that a Farm Eqpt Sales, Service & Repair business has a customer base; therefore Veltkamp must follow SLU procedures. Discussion followed about the size of the building and what factors need to be considered, Veltkamp will provide all the information requested including; documents showing easements, well/septic permits, fire department notification, and again, Karr requests a better site plan, better to scale drawing, accurate dimensions to include the building, easements and set backs. Karr made a motion to approve the Special Land Use Permit for Ryan Veltkamp, 315 Hayes with above conditions. And this SLU request meets the requirements of Sec 1902: General Standards (see attached) and that it meets certain conditions provided in Sec 1904: Conditions of Approval. (See attached) Westgate seconded the motion, motion carried.

Public Hearing – Special Land Use request from Advantage Land Holding Corp. (Former Superior Steel Components): Kevin Eidson from WL Perry Assoc. (226 Quimby St NE GR, MI) gave a brief description of the former Superior Steel building and grounds mentioning that the visibility to the site is very limited. They would leave much of the site as is but adding a small addition to the east end is intended. Michael TerBeek, Atty. with David & Wierenga P.C. introduced himself as the representative of the prospective owner, Vincent Gargagliano. TerBeek stated that there would be limited use of the lights as this is a daylight hour operation. They would be asking for outside storage-up to 18 ft. high. The rear yard is

already screened by a 100 ft. wooded area. This wooded area provides screening all year around-summer/winter. He explained that the metal comes in, is sorted, and sheared to be loaded on trucks to go out. At this point, TerBeek said that there is very little stock piling. Individuals with pick up trucks will bring in scrap metals to be weighed and sold. Vehicles will be drained of fluids before being brought on site, if not drained, they will drain them on site for a fee and the fluids will be taken off site. TerBeek stated that this Special Land Use (SLU) is contemplated by the SLU Ordinance in that it includes a salvage/scrap operation within Industrial Zoning with permission and if the applicant stays within the guidelines. The applicant will continue operation at 300 Straight St, GR plus open this operation on Comstock St. The metals will come in from commercial sources and the general public. Metals will be purchased by poundage, sorted, stored and sold to foundries. The metals will be put onto semis and taken off the property. Westgate asked if applicant would be operating a shredder on site. There will be no shredder on site. Shearers and balers will be on site. As explained by Vincent Gargagliano, the shearer runs on a 7-10 hp electric hydraulic pump that is likened to the sound of a lawn mower being used. The baler makes 60 inch bales. A loading dock needs to be installed with an awning above it leaving the footprint very close to what it currently is. This is a modest change to the building. The shearer and baler would be operated inside the building. A weigh scale will need to be installed. Dausman asked if the vehicles will be drained according to the EPA standards and if drained, would it be inside the building and what about the storage and removal of the said fluids? The applicant will be looking for licensing to bring in vehicles and the requirement will be to bring the vehicle in drained or be penalized with a fee for the draining to be done on the site. Dausman asked where the storage piles will be. TerBeek stated that storage piles would be along the north side chain link fencing. Dausman also asked about the non ferrous metal storage plans. It will be stored on the cement apron and will be moved by hand. Usually this consists of door, window frames and aluminum siding. Dausman asked if a crane or bobcats would be used on site. A double armed material handling crane will be used as well as bobcats. Vincent Gargagliano Sr., West Side Iron and Metal introduced himself and his three children, Joe Gargagliano, Victoria Gargagliano and Vincent Gargagliano Jr. along with one employee.

Ruwersma asked how they plan to block the large piles of scrap from view. TerBeek stated that with Industrial uses in the front and side yards, they may have to provide screening in current fence. Ruwersma asked about water drainage-where does the run off go after a heavy rain. TerBeek responded

that the current storage pond that was approved on prior site is still located there and operable. Vincent Gargagliano Sr. explained that they are not processing or washing metals. Vincent Gargagliano assured the PC that they will not be buying scrap from screw operations. Stamping operations use water soluble lubricants. They buy structural materials and most do not have oils, lubricants or grease. Dausman asked if the non ferrous stored on the cement has oil on them, extruding oil? Vincent responded that they are not an operation that generates a lot of fluid. There will be a diesel fuel tank and a propane tank for the fork lift on site. Dausman asked if surface water drains into the NW corner retention storage pond. TerBeek answered with an affirmative.

Public Hearing Opened at 9:16 PM: Mike DeWitt, (1125 Comstock) representing DeWitt Barrels, stated that when they came before the PC ten years ago, they had one stipulation they had to abide by; nothing stored on the ground. Immediately to the north, Sand Creek runs alongside this property. If an issue with the creek would ever come up and an environmental lawsuit is initiated, DeWitt would be concerned that they would have to defend themselves as everyone gets sucked into such a lawsuit. Before DeWitt came to Wright Township, they were located on Fulton and Front in GR, one issue they had with a local scrap yard was that metal parts were being dropped off the trucks in that area. TerBeek responded that the essence of the scrap operation is buying, storing and selling metals and to look at each use independently and separately. As to the traffic from Padnos, which is adjacent to West Side Iron & Metal on Straight St, GR, they are a much larger operation. DeWitt stated that he has 50-60 trailers on his site that store drums rather than on the ground. Karr mentioned that the PC received a letter from DeWitt Barrels and that is to be included in the minutes (see attached)

Rick Hartman, (771 Hayes) representing the citizens in the area, asked about run offs that adversely affect the environment. He knows of 6-8 scrap yards in the area and all of them are sitting on recognized brown fields. How will you keep that from happening at this site 10-15 years from now? He expressed his concern about seeing the 18 ft piles from anywhere on Comstock St. Rick also contacted SWAN Association and they provided names, email addresses for anyone who wants to hear what their concerns and problems have been with Westside Iron & Metal as they are currently neighbors in GR. Hartman stated that there is already a bad traffic situation on Hayes. Hartman showed the PC a piece of metal scrap from near his business in GR that caused a \$350.00 tire repair on his wife's car this past

week. Hartman currently owns a business on Turner Ave, GR, next to Padnos and one ongoing problem they have is that scrap cars are just being dropped off randomly and abandoned by the scrap yard. That could happen to neighboring businesses here as well. TerBeek has not seen any information about scrap yards causing brown fields. In many cases, the existing site had a long history of industrial uses for 100-150 years, and once contaminated, they are used for scrap yards because the damage has already been done. TerBeek stated that this business will not be generating, producing or dealing with hazardous materials in any quantity whatsoever. As far as traffic is concerned, the trucks will use the route they are supposed to use, the metals come in on a straight truck and go out on semis.

Bob Nadeau, Legend Services, (1242 Comstock) moved here 11 years ago after receiving a variance to operate a retail yard. He stated that a scrap yard just does not fit in. He has a showroom inside and feels that he will have to leave his present location if a scrap yard starts hauling trains of scrap in front of his business. TerBeek stated that the SLU request is for an Industrial zoned parcel and the proposal fits well in the Master Plan. They will work with reasonable conditions.

Belinda Wolf, (1244 Garfield St) stated that her house abuts this property to the north. She asked TerBeek if there is any indication that the scrap yards mentioned above did not cause the brown fields. She is also very concerned about expansion plans, noise levels, trucks coming over 8th Ave Bridge when it is fixed, will there be a metal crushing sound? They have asked DeWitt Barrels to lower their PA system which they did-but sound carries and fears they will be eating dinner listening to the scrap yard. Wolf did a sound study before buying on Garfield.

Marcia Hartman, (771 Hayes) stated that they live right on the curve on Hayes and they hear truck brakes all day long. A few years ago, a DeWitt Barrel truck came around the curve too fast, lost control, went through their yard, took down the neighbor's trees and almost took out their garage. She is concerned about the safety of children and others when so many trucks are on the road.

Joe Gargagliano, (1400 Emerson NW, GR) expressed that the noise is not an issue because of the tree line and the buildings that block the sound. The shearer would predominately be used inside. Ferrous iron would be behind the building. The family agreed that the area looked like a good place to operate a clean, professional, nice, competitive business. They want to grow the business and plan on hiring people from around Wright Township.

Sherry Evans, (1290 Garfield) stated that 100 ft of trees is not much as far as screening is concerned. She asked about noise pollution, air pollution and

water pollution. How many employees will be on site? Will they close the place in GR eventually and move it all out to Wright Township? This SLU request will generate a lot of traffic.

Linda Way, (1511 Garfield) Noise wise, what guarantees does the township have that 10 years down the road different equipment could be brought in? How long do the piles of metal scrap sit there before taken off site? Vincent Gargagliano Jr. responded that they are a trading and commodities business and that scrap can sit for 2-3 months to protect their investment. They try to hold scrap until the price goes up. They do try to sell/move scrap as fast as they can. It costs a lot to inventory.

David Despres, (1239 Comstock) owns property directly south of proposed SLU property. David gave a very detailed history account of area property located along Comstock St. Their family sold the property to Superior Steel and to DeWitt Barrels. The concentrated Industrial area provides a good tax base for Wright Township. He has many concerns with this type of business coming into the township and has listed 9 questions for discussion in a letter form. (See attached) Dausman read the letter from DesBros Land Company with whom David is a partner. Concerns included; building in designated wetlands, runoff concerns, drain blockage to the south, maximum elevation of stockpile ferrous metals, shielding of stockpiles using approved fencing, One main concern was regarding the force main connection for sanitary sewage that ties into the public sewer. David wanted to know if there would be well samplings taken on property paralleling the creek.

Jim Uzarski, (1354 Garfield) feels he is the closest residential property adjoining the proposed SLU property; he hunts in the woods and has trails that he uses. He is in favor of the scrap yard as we need more business in the Marne area.

Bernice Vodrey, (15160 16th Ave) Bernice reminded the PC that many people still own their own wells and she is concerned about the area wells and if there would be contamination to the wells from this SLU.

Dan Depres, (1239 Comstock St) Dan wanted to include item 7 from the letter written and an item that David missed when going through the 9 line items of concerns. Line item #7 reads; Normal salvage yard traffic and activities create a negative environment that reduces marketability and value of adjoining properties.

Public Hearing Closed at: 10:06 PM

Site Plan Review-Advantage Land Holding Corp. Ruwersma asked Planner J. Johnson to touch on points that need to be corrected on the Site Plan. Site Plan will have to show Sand Creek Overlay Zone, the area to the north is zoned Ag but

Master Planned, LD Residential. **Sec. 1205. Site Development Standards. (a.)** Any material which is stored or kept outside and which faces or abuts a non-industrial use shall be screened by a solid fence or wall at least six feet in height and no material shall be stacked higher than the fence. Further, all business shall be conducted in such a manner that any noise, smoke, dust, vibration, or like nuisance shall not adversely affect adjoining properties. To the north, the current fence would not qualify as a condition for approval. The fence will have to be solid fencing. **Sec. 1205 (b.)** States that Industrial equipment on a site, including trucks, shall not be operated in a manner such that it produces noise above 75 decibels when measured at the nearest occupied residential dwelling unit. This would include the crane, trucks, bobcats, front end loader and all other equipment. **Sec. 1205 (c.)** Operations that involve the repair or storage of damaged vehicles shall immediately remove all fluids from such vehicles if there is evidence that leaking of fluids is occurring or could occur. This is necessary to minimize fire hazards and to prevent such fluids from contaminating ground water and surface water. This is regulated by the state and the applicant will need a special permit and we can require proof of that permit before granting the SLU. **Sec 1205 (e.)** Requires that dumpsters shall not be located within the front yard and shall be screened. Planner J. Johnson said that the Sanitary Sewer is being used and we would need proof that the septic system has been decommissioned. Vincent Gargagliano responded that they have that proof. Separate parcel lines need to be shown for the driveway and off premise sign needs to be shown. The existing sign may be left at current location (parcel # 70-06-35-100-053) as long as it is not changed in size. Industrial uses require a 30ft driving surface and the existing drive is 24ft. Also, current ordinance requires a stop sign where a private road intersects with a public road, it is a pre-existing private road but it can still be required. If this Site Plan is approved, it would be a good idea to have our Township Engineer review it. The PC can require more landscaping in the parking area. Sec. 2104 addressed parking surfaces and that would need to be reviewed before approval. Lighting is addressed in **Sec. 2104 Design, Location, and Construction Requirements: (b) Lighting**, Lighting fixtures used to illuminate off-street parking areas shall be so arranged as to deflect the light away from any adjoining properties or streets and highways. Lighting fixtures in required parking facilities for commercial, industrial, or office districts within 150 feet of a Residential or Rural Ag Zoning District or an area recommended for such use in the Township Master Plan shall not exceed 23 feet in height. All other fixtures shall not exceed 35 feet in height. Light fixtures shall be designed to achieve total luminary cutoff. Planner J. Johnson stated that applicant would need a variance to keep existing lights.

There is an entire pamphlet that the local DEQ office puts out for salvage yard owners. The facility is required to have a spill prevention control and a counter measure plan for possible spills. Federal law requires salvage yards to have a permit for facilities that have a point source discharge into a lake, river or stream. This facility has that with Sand Creek. Wright Township will need to be supplied with proof of that permit. Karr recommended that the PC continue discussion at the next meeting. Dausman will be gone next month, he would like to hear the thoughts of the other Commissioners and discuss some of the issues. VanDyke asked if it would be reasonable to have a preliminary vote so that the applicant knows how they are thinking. Does the Commission need to pursue the conditions or not. Karr replied that it will come down to an issue of money. Will the applicant be willing to go to the degree that the PC would require? Karr would like to have all stock piles on concrete. How much fencing will the PC require? This will all take money for the applicant to comply with the PC requirements. Karr feels that if the applicant wants to spend the money, they could come up to a level that would satisfy our community. Ruwersma is very concerned about the abutting master planned LD residential, it is .2 miles away from Garfield. We should check with the DEQ regarding pollution control and the effects on Sand Creek. Pollution Prevention Specialist, Laura Rauwerda, GR District Office could be contacted for suggestions. Dausman stated that the property that borders to the north is master planned LDR. The preservation of the natural character of the property to the north is important. TerBeek stated that the green space will be kept that way. Dausman stated that under the SLU-material stored outside needs to be shielded by solid fencing. Because more discussion and information is needed, it was suggested that a special meeting be held. Applicant will be responsible for meeting costs and additional escrow to cover costs of Planner, Engineer or other Professionals. A special meeting requires an 18 hr. posted notification to the public. Dates were discussed and August 1, 2011 is available to all PC members, recording secretary, and applicant. The Township will need to authorize an Engineer report predicated upon communication with applicant. Westgate motions to table the discussion until August 1, 2011, Karr seconded the motion, motion carried.

Commission Concerns: Dausman stated, the City of Walker has notified us that they are updating their Master Plan, they will send us their proposed draft. Commission members received the written opinion from the Attorney General on the Medical Marihuana Act.

Adjournment: Westgate motioned, seconded by VanDyke to adjourn at 11:03 PM, motion carried.

Respectfully Submitted by: Rebecca L. Boersma
Recording Secretary, Wright Township Planning Commission

C: Wright Township Board Members

Jan Johnson, Main Street by e-mail

Planning members: Dausman (US Mail), Karr, Ruwersma, VanDyke, Westgate.

Secretary Boersma, by e-mail

Community Members: Bill Miller, Carol Rasch, Russell Rasch by e-mail

Ann Malewitz by US Mail