

Draft

CASCO TOWNSHIP PLANNING COMMISSION
Regular Meeting & Public Hearing
November 16, 2022; 6 PM
Casco Township Hall

Members Present: Chairman Andy Litts, Secretary Greg Knisley, Board Representative Dan Fleming, Kelley Hecker, Ryan Brush and Dian Liepe

Absent: ZBA Representative Sam Craig

Also Present: SLU applicant Josh DeRosa, Melissa DeRosa, Henry Cisco, Tim Lubbers, Jack, Engineer from Nedervald, Zoning Administrator Tasha Smalley and approximately 20 interested citizens and Recording Secretary Janet Chambers

1. **Call to Order:** The meeting was called to order by Chairman Litts at 6 PM.
2. **Review / Approval of Agenda:** Calendar was added to the agenda. A motion by Hecker, supported by Litts to approve agenda.
3. **Public Comment** – items Not on the Agenda: None
4. **Acknowledge / read correspondence:** None
5. **Approval of minutes of 9/21/22 (there was no October meeting)** Motion by Fleming, supported by Knisley, to approved minutes of 9/21/22. All in favor. Minutes approved as presented.

Litts explained that the October meeting was cancelled due to lack of a quorum. Mr. Weaver lost his battle with cancer and Sam Craig is stepping back for now due to illness. Dian Liepe is filling in for Sam Craig. Irene Wood will start in December to fill the spot vacated by Mr. Weaver. Liepe was on the Planning Commission in the past and will bring her experience to the PC.

6. **Public Hearing:** S'more Campground (Josh DeRosa) for an amendment of 13 new sites to an already approved Special Use Permit campground at 105 Blue Star Hwy (0302-086—035-00/20/30). Memo by Zoning Administrator (Attachment #1)

Open public hearing: Litts opened the public hearing at 6:06 PM.

Rob Pirsein of Merritt Midwest, and campground owners Joshua and Melissa DeRosa presented their plan to add 13 more RV sites to their existing campground. The new campsites will be where the parking lot and restaurant were previously located. The applicants have gotten approval from various agencies including the Road Commission, Water and Sewer Authority, and SHAES. EGLE has given them a few minor changes and that approval is still pending. Storm water runoff will improve due to removal of parking lot and restaurant. The existing bathroom building will also be used for the 13 additional sites

Chairman Litts invited public comment. There was none.

Commissioners asked questions resulting in the following answers:

Will the fencing go all the way around? Fencing will not be between the park and the owner's home to the west, because they like to keep an eye on the park.

Will the horseshoe drive be two-way traffic? The horseshoe will be two-way traffic for cars, but RVs will be directed one way.

Will there be water, sewer, and electric hookups? Yes

Will there be screening between C2 and neighbors? Yes, all but the portion facing the owner's residence.

Casco citizen, Erwin Watson, 6733 103rd Street, asked why Casco is developing a campground that brings in house trailers when a house trailer is not allowed on citizens own property?

Litts said the area is zoned C2 and setbacks are being met.

Melissa DeRosa said there will be 5th wheels, RVs and campers, but park models will not be allowed.

Will the 6' vinyl fence continue around the south end of the new sites? Yes, and trees have been planted to block view of the fence.

Chairman Litts closed the public hearing at 6:15 PM.

7. New Business

Discuss / decision amend site plan campground:

Litts invited questions or concerns from commissioners on the following:

- Campground 15.03E 1-10: none
- SLU Review Standards 15.02 C: None
- Site Plan Review 17.03 C: No concerns
- Site Plan Review Standards 1707:

Knisley said the fencing would continue all the way around to the South. Melissa DeRosa added she has planted small trees to the road side of the fence.

Smalley asked if visibility due to fence would be a problem.

DeRosa said the fence along Blue Star Highway already exists and is not a problem.

Hecker questioned the need to add "no street parking" as a condition of approval. Commissioners determined the Ordinance already covers street parking.

DeRosa added they are taking 3 parking spots out but adding 12 parking spots.

Knisley asked if the new spots would be transient or seasonal.

DeRosa said they would like them to be seasonal.

Fleming questioned if there were storm drains at the street.

Commissioners recalled storm drains were put in at the time the round-about was put in.

Smalley noted EGAL would be providing their approval and others have already been received.

A motion by Liepe, supported by Hecker to approve the SLU and the Site Plan Review with the understanding that all required licenses, permits and approval from regulatory agencies be provided to the Zoning Administrator within 15 days of issuance. Roll Call: Liepe–yes; Knisley–yes; Brush–yes; Hecker–yes; Fleming–yes; and Litts–yes. MSC 6-0.

- b. Any other business that may come before the commission:** Smalley said updating the Master Plan will be due in 2023. A planner will be hired to assist in this.
- c. Calendar:** Smalley said the 2023 calendar is required to be published at the end of the year. She asked if commissioners wanted to stay with the 3rd Wednesday at 6 PM?

Litts suggested a couple of workshops be added to the calendar.

It was decided that the regular meetings will be on the 3rd Wednesday of each month, and a quarterly workshop be added in January, April, July and October, on the 4th Wednesday of the month.

Smalley will print a calendar and bring for approval at the December meeting.

8. Old Business:

- a. Cisco, 68th Street, Sand Mine SLU: escrow, surety bond, impact study:**

Chairman Litts said there was a public hearing on the sand mining months ago. He said there were a couple of questions from the previous meeting that he investigated. Litts provided email correspondence between Craig Atwood, Managing Director of Allegan County Road Commission and Litts concerning those questions. (Attachment 5)

In his correspondence, Atwood said bonds can be difficult due to long term administrative requirements and difficulty in collecting funds from the bond.

Atwood recommends the road agreement between the applicant and township must be very clear and enforceable. It should be written so that Casco has the authority to make decisions on any maintenance or improvements needing to be funded by the applicant, including provisions for dust control and gravel when needed.

Discussion ensued about the route, speed limits, safety of children along the route, how best to hold money to guarantee road repairs. The PC needs to be specific as to how repair money would be executed. Could be held in escrow with a line of credit.

Smalley said the Casco Clerk could open a bank account with a predetermined amount of money.

Funds could be added as needed and any balance would go back to them at the end of the mining operation. At this point the township has not incurred any expenses.

Commissioners agreed they must have a 3rd party look over an environmental impact study, which the applicant will be required to have done. The cost of the 3rd party would come out of the escrow. Casco must know the impact on neighboring wells, etc.

There will be a surety bond for reclamation. That amount will need to be determined.

Litts invited the public to ask questions or make comments. He will allow Mr. Cisco to respond to any questions.

Erwin Watson, 6733 103rd Street, was under the impression there was a big sand mining company who tried to come into Casco years ago, and the township stopped the project. What has changed that Casco would consider approval of a sand mine now? Were there issues that have been resolved?

Supervisor Overhiser said there was a request for sand mining. The township turned it down. It went to court and Casco had to permit the sand mining. The sand miners never came back to mine once they were allowed.

Watson said he wanted to start a taxidermy business and was denied because of the traffic it would create. Now Casco is considering sand mining, which would be a whole lot more traffic. Watson said he has had three windshields broken from trucks hauling gravel. Watson warned commissioners that the sand mining operation will not be as presented. There will be 3 phase electric, a fuel station, a big concrete pad. They are not going to haul fuel in every time they need it. If they have one spill what happens? He worked with this kind of thing all his life. When there was a spill where Watson worked, they had to retrieve the oil and take it to Detroit. This is something to consider before digging a 70-acre hole. Watson questioned why he was not notified. He feels everyone on the haul route should have been notified. Watson said these guys are paid to outthink you. He has seen this in action. It only takes one big spill or one fire. Watson said he would like answers to his questions in writing.

Chairman Litts said when a notice goes out, it goes to everyone within 300' of the property. We must administer the ordinance as it states, and that is what the ordinance says.

Smalley added, "That (notification of neighbors within 300') is a state law."

Halley King, who lives on 66th and 109th Streets just moved here less than a year ago. Her concerns are the same as everyone, the environmental impact. She needs to know these things. She has been here since July. She asked if she gets to know the results of the impact study, and if she gets a vote on whether the sand mining is done?

Smalley said the impact study will be at the township hall for review, but citizens do not get a vote.

Hecker added, "We have a lot of concerns and addressed this at the July meeting with Mr. Levers and because of our concerns we are still dealing with this. We have to see if we are going to be able to work together."

Watson, 6733 103rd Street asked if the DNR had been notified.

Smalley said we are not required to notify the DNR. The DNR will be part of the impact study to show how they will not affect wetlands, floodplain, or water. Smalley said the ordinance requires 6" of topsoil to reclaim back to farmland.

Jack, Engineer from Nedervald, said the overall property is 80 acres with woods to the south. It is being farmed now. There are wetlands to the west, but the wetlands are not in the proposed mining area. They will not disturb a 200' boundary.

They will work in phases, 5 acres at a time. They will excavate sand above the water table. Mining will be a minimum of 3' above the water table. They will mine a section, save the dirt, and replace it after mining. The land will go back to farming. There will be a berm with plantings and evergreen trees along the frontage.

Liepe asked about the time frame. Lubbers said it will be market dependent.

Knisley asked about a plan for refueling.

Lubbers said there will be no refueling station. There will be conventional loaders and excavators. There will be a refueling truck with a tank that will refuel the equipment. It will be like any construction site.

Halley King said sand mining is different from construction sites because construction does not go on for 10 years.

Jack from Nedervald said the phase they are working on will be fenced. As it is reclaimed to farmland, they will move the fence to the next phase. If approved, the applicants commit to a geo technical investigation, where they drill out samples of what the soil material consists of. They already have pretty good data based on 3 old wells on the property but will get more data as requested by Casco. They did not want to spend \$10,000 to get the data unless they are on track to get approval.

Discussion ensued about the truck route. Is it the best route? It goes through residential. How will the route be enforced? Will the route be the same for empty trucks?

Litts said the township can pull the permit. If we agree to a specific route and that agreement is not maintained, we take it to the next level, which is a decision made by the Planning Commission.

The bridge on 68th Street has a 69-ton limit. An empty truck could come back through that route. The PC could establish a different route for empty trucks.

Discussion went to frequency of trucks. The applicants propose hours of 7 am to 5 pm. Watson asked if there would be a scale on site.

Lubbers said no.

Watson asked how the weight restrictions would be enforced. He added he has never seen truckers haul legal loads.

Discussion returned to time of operation. They thought 7 am would be too early for a start time.

Chairman Litts said commissioners need to make a list of information they need from the applicants. They also need to make a list of potential conditions. The environmental impact study is a MUST. A 3rd party review is necessary also. Litts suggested reaching out to Atwood again to go over route and specifically some of the bridges.

Hecker said notes from the July meeting refer to a truck capacity of 40 cubic feet.

Lubbers said that is what the state allows. "X" amount of weight per axel. Regardless of whether it is a single bottom or double.

Hecker said in July we talked about limited months.

Litts said we need the impact study and 3rd party review. We need to identify an escrow amount. We need the reclamation cost so we can set that bond. We need a road agreement. This needs to be written by an attorney.

Smalley added the road agreement can be written by the applicant and Casco can have it reviewed by an attorney. Smalley said frequency needs to be established by the Planning Commission.

Smalley questioned what the escrow amount should be. She asked what cost for engineers and attorneys might be. Commissioners said \$ 5,000 could be the amount for now and as it is spent down, it could be added to.

Lubbers said we have no idea about some of these questions. If it is not busy, there will not be as much sand hauled. He could not provide a number for frequency.

Smalley said frequency would be established by the PC. If they want to say 10 trucks a day, that's what it would be.

Litts said at the July meeting Lubbers provided the yardage they expect over 10 years. It could be divided by the year and hours of operation.

Smalley said we need to establish how to keep the roads up and reclamation costs.

Commissioners thought it would be helpful to know what times school buses run along the route.

Time of operation was discussed. Commissioners said it could be 8 AM to 5 PM Monday – Friday. No hauling on weekends or major holidays. That would be 5 days a week, 7 months a year.

Discussion ensued about how to police the frequency.

Lubbers said you cannot police it. Trucks all look alike.

Litts said they are required to log each truck. The number of trucks, or the number of yards hauled, could be limited. It will be reviewed yearly. If the contract is not followed, there would be consequences.

Commissioners said it should be made clear in the original contract that the PC will review complaints and issues and could make changes to the agreement during performance reviews and re-applications annually. As complaints or problems arise, the PC will know what changes need to be made to resolve issues.

Litts recapped:

- Environmental impact study
- Road agreement
- Escrow
- Reclamation study
- Cost of reclamation
- Bond for road maintenance
- How to guarantee reimbursement

b. **Continue text amendments: fire pit, waterfront setbacks, 3.23 projections into yards**
(Attachment 6)

Discussion ensued on fire pits, including recreational burns, pit size, contained burns, purpose for ordinance being containing smoke and SHAES purpose of containing flames, setbacks, gas vs wood. Reference to SHAES ordinance. After discussion Hecker said she will contact SHAES for clarification.

John Kasishke asked why anyone would ever put any fire pit, on a property line. A building setback is from the property line.

Next discussion went to Projections into yard. Smalley explained her proposed changes.
B4 An open deck or patio less than ~~30~~ 5 inches or less in height may be five feet from any side or rear property line.

Smalley broke section D into 3 sections, D, E, and F, as follows:

D. Outdoor stairways may be permitted, to allow access over natural features such as dunes or wetlands, if all applicable State regulations are satisfied, whether or not the stairways are connected to the principal building on the lot. Stairways to Lake Michigan shall not be closer than 5 feet to side property line. Stairway or walkway not to Lake Michigan shall not be closer than 5 feet to side or rear property line.

E. A storage area, open or enclosed, not used for human habitation, may be permitted under a stairway or deck or on a deck and shall not exceed 200 sq ft. and not be closer than 5 feet to side property lines.

F. Stand-alone accessory structures, not connected to a stairway, under 500 sq. ft. such as a shed, pool house, deck, gazebo, pergola is permitted im the waterfront yard. Structures shall not be closer than 10 ft. from side properly lines and not closer than 65 feet from edge of bluff or 100 feet from the OHWM, whichever is greater.

Fleming questioned the need for a setback on the lake side. He said it is in the property owners' best interest to keep structures away from the bluff, they should decide the setback.

Smalley said she was trying to make the verbiage more user friendly. You could leave some larger structures at 200' and smaller things 225'. If you have an accessory building it is 200'. You have a side setback of 5 or 10' projection into the yard. If you have a deck, you can project into the yard.

Swimming pools cannot be in the front yard, except in waterfront yards. Fire safety was the original reason for the setbacks, but now has progressed into everything. The Section of the township that has critical erosion. There the waterside setback is regulated by EGLE.

- c. **Any other business that may come before the commission:** Smalley had commissioners sign the revised site plan for the B&B on Blue Star, north of the roundabout.

9. **Administrative Reports**

- a. **Zoning Administrator:** Report (Attachment 7) Smalley said Black River Manor Campground will be on next month's agenda. The campground already exists, and they are backtracking for approval.
- b. **Township Board representative:** No update
- c. **ZBA representative:** Liepe said a house was being completely torn down and a new one built with an attached garage. They wanted setback variances. It was a house next to the 1st Street beach access. Variance was granted. Another meeting was for an 8' fence on 74th Street within the required front yard setback. That variance was also granted.

10. **General Public Comment:** None

11. **Adjournment:**

Attachment 1: Zoning Administrator report on Campground (6 pages)

Attachment 2: Site Plan Review, Joshua DeRosa, application

Attachment 3: Email from Allegan County Road Commission 10/12/22, Re: Smores Campground

Attachment 4: SHAES Site Plan Review, 10/17/22, Re: S'mores Campground expansion

Attachment 5: Correspondence between Litts and Craig Atwood, Director Allegan County Road Commission, Re: Casco Sand Mine Questions

Attachment 6: Proposed Text Changes: 3.43 Fire Pits, 3.23 Projections into yards, 3.16 References to a pool

Attachment 7: Zoning Administrator report

Attachments available at the township hall upon request

Minutes prepared by Janet Chambers, Recording Secretary