

HOPE TOWNSHIP PLANNING COMMISSION

MEETING MINUTES

January 18, 2024

The meeting was called to order by Chairperson Norton at 6:30 pm at the Hope Township Hall, 5463 S. M-43, Hastings, MI 49058. Pledge of Allegiance to the flag.

Members Present: Jim McKelvey, Bob Norton, Junior Homister, Craig Jenkins

Members Absent: Roger Pashby with notification.

Others Present: Township Planner/Zoning Administrator Nathan Mehmed, Township Attorney Catherine Kaufman, Township Engineer Dan Whalen, Aman Pannu, Kenneth Vermeulen, and about 40 members of the public.

Agenda: Motion by Homister, supported by McKelvey to approve the agenda with no changes. All ayes. Motion carried.

Meeting Minutes: Motion by Jenkins, supported by Homister to approve the November 16, 2023, meeting minutes. All ayes. Motion carried.

General Public Comment:

The following general public comments were received:

Bill Krueger, 8214 Nadell Street: Mr. Krueger commended the commission for their volunteer efforts and then referenced a submission from David Jackson, a county commissioner, and Long Lake Association president. Jackson expressed concern over setting a new precedent for gravel mining in a long-standing residential area. He emphasized the need to prove the necessity for gravel, pointing out that the County had recently approved a permit for the same company's gravel mine across the street. Mr. Krueger questioned the reasonable need for a second pit when the first one had yet to be fully utilized. He argued that the County would likely not approve a second application for a gravel mine when the first one had an abundance of material. He considered this as reasonable legal standing for denying the Wilkinson Lake pit. Highlighting the existence of 40-plus approved gravel pits in the county and asserting that the applicant did not have a current need for additional gravel, Mr. Krueger concluded that granting such applications could potentially harm long-established lake communities. He thanked the Commission for their attention and remarks.

Tim and Karla Schoonard, 6420 Rose Road: Mr. Schoonard thanked everyone for their presence and acknowledged the challenging task the Commission undertakes. Expressing concerns about the proposed mining property located 22 feet from his residence, he referred to a letter he had sent to the Commission. His primary concern focused on the potential hazards of silica dust, noise, and other detrimental effects associated with mining activities.

Mr. Schoonard highlighted Stoneco's acknowledgment of silica dust dangers through the publication of a Safety Data Sheet for employees, indicating its classification as a class one carcinogen with inhalation dangers. He also referred to environmental toxicity information obtained from a mining site in Detroit. He raised concerns about the extensive excavation required for mining, particularly on the adjacent property off of Miller Road. He estimated the need to remove 20 million cubic yards of dirt over a period of seven and half years, involving 250,000 semi-loads to reach usable gravel. He questioned the feasibility and environmental impact of such an extensive operation. He urged consideration of utilizing existing stone and gravel resources instead of engaging in such extensive excavation.

Lastly, he referred to a safety article about mine dust, illustrating potential impacts on adjacent residents. He presented it as a visual representation of what the landscape could resemble if mining activities were approved. He also emphasized the importance of considering the environmental and health implications of the proposed mining operation. He showed concerns about the loss in aesthetic and monetary value of his residential property. He also noted that no residential houses can be seen in the background of the gravel pits that have been advertised on Stoneco's Facebook page and it would be unfair to have one in this residential area. He further talked about gross negligence criminal law and how that applies to this application.

Mrs. Schoonard shared her research findings and concerns about the potential impact of the proposed gravel pit on residential property values and the well-being of the community. After consulting with her previous Realtor, Terry Feltner, who's manager had firsthand experience with a similar situation in Richland Township. Terry suggested hiring a professional company to conduct a study on the effects of the gravel pit on the immediate area. She expressed uncertainty about whether Hope Township had undertaken such a study or if there were funds available for it. Terry also noted that homes near the gravel pit could experience a significant depreciation in value. Drawing from Richland's experience, where a gravel pit

application was denied due to community opposition. She highlighted the importance of considering the voices and concerns of residents who would be directly affected. She also mentioned that the Commission should also view the environmental impact through a conservation lens, taking into account the well-being of animals, wildlife and the overall ecosystem affected by noise, dust, truck traffic, water flow, and pollution. She expressed her deep connection to her dream home and the fear that the proposed gravel pit could negatively impact the quality of life she had worked towards all her life. She concluded by expressing her opposition to the application and thanking the Commission for their attention.

Ellen Berens, 8244 Nadell Street: Mrs. Berens showed her appreciation towards the willingness of the Planning Commission to hear the comments from the public. She said that the residents do not want this gravel pit to be approved under any circumstances. She mentioned contradictions from the applicant's representative about stone crushers on site even if on a temporary basis, and the truck traffic that may or may not be generated daily. She also suggested that the MSHA guidelines should be considered and not just OSHA guidelines. She also sent a silicosis cases list in Michigan that stated that silica related illnesses are underreported or reported as other symptoms that may be caused by silica dust not leading up to full silicosis. While commending the Commission, she urged them to address the inconsistencies and conduct research, concluding with appreciation for the Commission's efforts and a call for fact-checking based on the information provided.

Shiela and Tim Kennedy, 8232 Nadell Street: Mrs. Kennedy noted that she had sent a letter on October 29th and she will be reading out some of the context from that letter. She has been using her property as a vacation home for a long time before they moved here permanently. She enjoys the nature and the wildlife around her house and she is concerned that the gravel mine will be impact both the environment and enjoyment of her property. She expressed noise and health concerns regarding the gravel mines and noted that her family has had a history of mining related health issues that she's seen firsthand. She is also concerned about their water wells, damage to the roads, safety issue regarding trucks losing control. Her concerns also included negative financial impact on their property value if a mining operation were to be approved near her property. She sees no advantages to them or the Township by approving another Stoneco mine. She agrees that gravel pits are important but she doesn't see a lakeside community as a fit place for these operations.

Larry Heslinga, 8202 Nadell Street: Mr. Heslinga expressed strong opposition to Stoneco's application, citing previously stated reasons that he chose not to reiterate. He acknowledges and shares concerns mentioned by the other members of the public that spoke before him and extends appreciation to the Planning Commission for examining the application's merits. Larry asked the Planning Commission to persist in questioning the applicant, even if met with resistance. He referred an incident at the last Planning Commission meeting where the applicant's representative responded defensively, resorting to lawyer tactics, and threatening legal action if the questions persisted. Larry cautioned against taking the applicant's representative's words at face value emphasizing that their role is to secure approval rather than being experts in geology, physics, real estate, or mining operations. He expressed his gratitude and thanks to the Commission for their efforts.

Don Sklenka, 8345 Wilkinson Lake Street: Mr. Sklenka mentioned that he is in support of the Moose Lodge application. He noted that he sent a lengthy email that talks about need by the market, need by the individual and then breaks down to the local, county, and state level in regards to the Stoneco application. He highlighted that legally and logically, the absence of truck traffic implied zero customers for the gravel mine, making it a pure cost endeavor. His argument questioned the need for approval when the application has no revenue and had no customers (referring to the trucks as customers).

Ken Vermeulen, representing Stoneco: Mr. Vermeulen clarified that he never denied the presence/dangers of silica however he acknowledged mentioned the hazards of respirable silica. He clarified that while respirable silica is monitored within the mine and its processing plants, employees are equipped with respirators when necessary. Mr. Vermeulen highlighted the distinction between the levels of silica within the mine, compliant with OSHA standards, and those at the property boundary, emphasizing that no measurements have exceeded regulated standards at the boundary. He clarified that MSHA standards apply inside the mine and apply to workers, OSHA standards will apply to property boundary and the residents.

The discussion continued with an explanation of the handling of overburden, as outlined in the application, clarifying that none will be transported off-site but repurposed for restoration. Mr. Vermeulen addressed concerns about dewatering, emphasizing that the operation strictly adheres to guidelines, ensuring no impact

on water levels. He refuted the economic feasibility of shipping gravel to Detroit from the proposed site.

He also clarified the issue of truck traffic, noting that while truck traffic will be associated with the operation across the street in Orangeville Township, it will not be generated by the current application. He stated that there will be no customers at the site, indicating the presence of Stoneco employees with occasional larger trucks transporting stone across the street.

Pertaining to the discussion regarding the need analysis, Mr. Vermeulen clarified that the focus of their argument was solely on establishing a need by Stoneco, not on proving a broader market demand.

Carla Schoonard, 6420 Rose Road: In response to Mr. Vermeulen, Mrs. Schoonard raised questions about the proposed truck routes, emphasizing that regardless of whether the trucks exit from the east or west side of Miller Road, they would still need to travel on the same road. She expressed that no matter which road she fears concerns regarding increased truck traffic and increased likelihood of crashes considering factors of school buses. She also mentioned that she fears a potential loss of almost \$100,000 worth of equity for her property once the mining operation commences. She feels that this as a significant hardship and a negative impact on the community.

Joe Reinheimer, 4 Oak Opening: Mr. Reinheimer expressed that he understands that Stoneco's need for the mining operation was to enhance the efficiency of their business however, he doesn't see why the resident's property values or their recreation value should suffer so that Stoneco can operate more efficiently.

Tim Hunnicutt, 8430 Chain-O-Lakes: Mr. Hunnicutt commended the Board for their continued service and proceeded to fact-check a statement made by Mr. Vermeulen. Mr. Hunnicutt disputed Mr. Vermeulen's claim that OSHA would be monitoring air quality concerns on the site, clarifying that OSHA's responsibility is limited to employee health and safety, not resident concerns. He raised questions about the monitoring of silica dust, suggesting that the lack of findings may indicate a limited focus on site-specific monitoring for workers rather than broader environmental considerations. He also highlighted Mr. Vermeulen's admission of uncertainty regarding the quantity and nature of rocks on the property. He questioned the feasibility and financial aspects of extracting these materials, emphasizing the need for more information before proceeding. He opposed the idea of local contributions to Stoneco's global operations and the notion of shipping

gravel to Detroit, highlighting Stoneco's extensive transportation infrastructure. He concluded by expressing reluctance for Hope Township to bear the burdens of the proposed mining operation.

Mr. Vermeulen clarified that OSHA standards are used for measuring at the property boundary, emphasizing that MSHA, a separate entity, is not involved. He explained that the Mining Safety Health Administration (MSHA) oversees internal mining activities. He assured continuous monitoring for respirable silica and offered to share data from various locations, including Patterson Road. Mr. Vermeulen stated that, to date, no exceedances of respirable silica levels have been found at the property boundary.

No other public comment was received, Chairperson Norton moved the discussion to the next item on Agenda, a site plan review application for the Moose Lodge.

New Business – Delton Moose Lodge Application:

Zoning Administrator Mehmed explained that the Moose Lodge has submitted an application for a zoning amendment related to the construction of a 40-foot by 20-foot single-story building addition to their existing facility at 5420 Moose Lodge Drive. The purpose is to expand the kitchen and associated storage areas. The existing facility is a private club in the AR district, and it falls under a special exception use previously approved by the Planning Commission. This amendment is considered minor, not impacting capacity, or introducing new uses. While the building size exceeds his review limits, it adheres to site plan review standards. He inquired about potential exterior lighting and included a few conditions, such as retaining the original site plan and special exception use approval. He noted that Moose Lodge representatives are present to provide information and answer questions about the application.

The applicant clarified that no additional exterior lighting is proposed.

Attorney Kaufman addressed the presence of three Planning Commission members as Moose Lodge members, highlighting the potential conflict of interest. She acknowledged that the Planning Commission bylaws don't explicitly deem membership as a conflict. However, she referred to the Standards of Conduct for Public Officers and Employees Act, indicating that if a personal conflict exists, the individuals can't participate in the decision unless certain conditions are met. Kaufman advised noting on the record that the members have a personal interest, allowing them to proceed under MCL 15.322 (A) to achieve a quorum. She

recommended documenting Mr. Homister, Mr. Jenkins, and Mr. McKelvey's Moose Lodge membership in the minutes for transparency.

Chairperson Norton clarified that as per the bylaws, there doesn't seem to be a personal conflict since Mr. Hollister, Mr. Jenkins, and Mr. McKelvey, or their family members, do not derive any financial benefit from the situation.

Attorney Kaufman agreed that there is no defined conflict. She recommended that the minutes reflect that the members do not work more than 25 hours a week for the Township and that they can participate neutrally on this application.

Chairperson Norton asked for clarification from Mehmed regarding noticing the site plan review. Mehmed clarified that the zoning ordinance does not require this application to be reviewed as a special exception use amendment because there is no expansion of the use itself.

Chairperson Norton proceeded to review the standards and indicated the submittal to be complete and that it meets the dimensional requirements. With the recommendation from Mehmed, the Planning Commission found that the site plan amendment request is compliant according to the zoning ordinance with conditions that the applicant obtain any necessary local, county, state, or federal permits, including soil erosion and sedimentation permits.

Chairperson Norton entertained a motion to approve the site plan as presented. Motion by Homister, support by Jenkins to approve the application with the three conditions as presented in Mehmed's memorandum.

Unfinished Business – Stoneco Application:

Chairperson Norton notified the public that email and letters with attachments were received regarding this application since the November 16, 2023 Planning Commission meeting.

Written Public Comment: Chairperson Norton stated that there were several written comments that were received prior to the meeting. They are as follows:

Don Sklenka, 12/17/23

Gordon Smith 1/11/24

Health & Water Alliance 1/14/24

Laurence Heslinga, 1/14/24, 1/16/24

David Jackson 1/17/24

Ellen Berens 1/17/24

Karla Schoonard 1/17/24

This list may not include all comments received the day of the meeting, January 18, 2024.

Attorney Kaufman notified the Planning Commission that as per the last meeting, they were in discussion to identify “need” for the applicant to apply for this use. Chairperson Norton added that at the last meeting they also concluded that there were valuable natural resources present on the parcel however, they did not complete discussion/analysis to identify whether there is a need to mine for more gravel. Chairperson Norton also asked if the approval from Barry County Planning and zoning change their analysis of Stoneco’s need.

Attorney Kaufman clarified that the focus is on whether there is a need by the individual (applicant) or in the market. Mr. Vermeulen emphasized that they are not addressing the market's need, but solely the need by Stoneco to replace diminishing resources. She suggested that the Planning Commission ask questions to get a better understanding of this application.

Chairperson Norton noted the list of material quantities delivered by Stoneco to customers, measured in tons, but expressed difficulty interpreting it in relation to demand/supply.

Commissioner Homister mentioned the applicant's statement during the Hastings gravel mine application that the pit would be viable for another 25 years. He questioned the necessity of a gravel pit in a residential lake area and requested additional documentation to substantiate the proper need for the project. He requested data/documentation that shows that there is a need for gravel that is not being met from the other mines in the area.

The applicant’s representative Mr. Vermeulen added that the quantity and the range of years of how long the Orangeville mine would last was listed in the application minutes is irrelevant. He noted that Stoneco’s need within this geographic market is roughly a million and half tons a year, which aligns with their calculation which is 20-25 years. However, there is more need that is shown by the abundance of regular customers and Stoneco has the discretion to choose a gravel mine even

before depleting a previously unused one. Mr. Vermeulen explains that they only have to show that they have a need (referring to their need within the market which equates roughly a million and half tons a year), and another part of the statute that shows a range of public interest are two different things.

Attorney Kaufman and Mr. Vermeulen continued discussion regarding how they interpret the need mentioned in the statute.

Commissioner Homister added that they would like to see better data from Stoneco than what was provided, that shows demand for the gravel on this particular site that cannot be met by other mines in the area.

Mr. Vermeulen explained that the statute involves two distinct elements: the demonstration of need by the applicant and the consideration of serious consequences on a sliding scale based on public interest. He emphasized the difference between the need demonstration and public interest for the site's approval. While acknowledging potential legal challenges, he expressed confidence in their position. Regarding the need for gravel, he pointed out consistent demand for a million and a half tons, asserting that where Stoneco chooses to extract gravel is their business. He highlighted the company's sales records as evidence of the demonstrated need.

Discussion continued regarding the data sheet provided by Stoneco and what quantity of resources are supplied to Stoneco's customers. Chairperson Norton asked Mr. Vermeulen to provide a conversion factor as sometime the quantity is mentioned in different units.

Recess: Chairperson Norton entertained a motion to take a 10-minute recess. All Ayes. Motion carried.

Mr. Vermeulen told the public and the Planning Commission that there is not an accurate estimate to know how the sale and the market is going to be in the coming years or what road projects are going to be coming next summer or the summer after that. However, they believe that they won't be able to meet their production from just the mines in the area that will last for 20-25 years.

Chairperson Norton and Homister asked attorney Kaufman to do more research on the need analysis to better advise the Planning Commission regarding this application. Chairperson Norton added that the Planning Commission still stands by that the presence of natural resources on the site however, they need more time

to discuss the need for these resources by the applicant. Commissioners determined that they would continue their deliberation at the next meeting.

Mehmed noted that a lot of correspondence was sent by the public that should be read by the Planning Commission members before the next meeting.

Chairperson Norton asked if there any interest to proceed discussion, no interest was reported.

Other Business: Attorney Kaufman mentioned that the renewable energy presentation by MSU extension and MTA, and that the Planning Commission should think about if there needs to be an update to their renewable energy ordinance.

Chairperson Norton discussed the lack of quorum at the next Planning Commission meeting and asked to move the meeting to another date. The Planning Commission decided to schedule the next meeting on February 22nd, 2024.

Zoning Administrator Comments: Mehmed indicated that the Guernsey Lake Mobile Home Park Planned Unit Development would likely be on an upcoming agenda.

Adjournment: Motion to adjourn by Norton, support by Jenkins. All Ayes. Motion carried. Meeting concluded at 8:10pm.



Craig Jenkins, Secretary

01.31.24

Date