

**Tallmadge Charter Township  
Planning Commission  
Regular Meeting  
July 23, 2024  
6:00PM**

6:00 pm Curt Rypma called the meeting to order. Present: Joel Terpstra, Curt Rypma, David Hanko, Joe Grochowalski, Matt Fenske, Marv Bennink and Erin Hill. Greg Ransford Planner, Alexis Gulker Zoning Administrator, with 7 members of the public present.

Approval of the Agenda was motioned by Joel Terpstra, Marv Bennink seconded, and it carried unanimously.

Approval of the minutes from the January 23, 2024, Regular Meeting: Joel Terpstra motioned to approve the minutes as printed. Matt Fenske seconded, and it carried unanimously.

**Non-agenda item inquiries:**

None

**New Business**

- Site Plans
  - Busch Drive Concrete Mining Application – Linden Drive
    - Seeking to excavate approximately 325,000 cubic yards resulting in a lake

Greg Ransford, Township Planner, took the floor and gave a brief recap of the mining application, explained their application meets the ordinance and the Township Engineer is good with the plans with no concerns. They will need to apply for a EGLE permit but that is a long process. An option they have is security fencing, it is up to the Planning Commission to decide if they need it.

Applicant, James Dykema, took the floor, representing the owner. Applicant addressed the audience and Planning Commission, presenting on the TV. Applicant described the property how it is great for mining gravel and how the site plan meets all the requirements of the ordinance. They want to hold off creating their driveway they have proposed until gravel crushing is done, it will take two weeks approximately, so that the new pavement they must put in is not ruined. They also want relief from the setback lines, they want to narrow the setbacks.

Joel Terpstra asked the applicant if they plan on digging it all out or dewatering it? The applicant stated they do not dewater.

Joel Terpstra asked the applicant if they plan to sell it after for residential use after mining is done? The applicant stated that yes, they do plan to sell it for residential use after.

Matt Fenske asked the applicant how familiar are they are with the flooding in the area, will that have any bearing on you moving forward during the year, it is within the 100-year floodplain? Applicant answered they are pretty familiar with it and have property they have dealt with like this before and also currently. The applicant also stated this area is out of the 100-year floodplain.

Matt Fenske asked the applicant how will they prevent dust? Applicant stated they will have an asphalt driveway after crushing hopefully, that will help, and they have water trucks they would use as well.

Matt Fenske asked if the applicant has looked into different devices where some dust dirt gets shook off before it gets on the road, have you looked into something like this? Applicant stated yes, they have looked into those before, but they aren't actually that helpful.

Curt Rympha asked the applicant where is the fencing on the property? The applicant pointed to the site plan showing the fencing on the east and north side.

Curt Rympha asked the applicant what type of fence is that? Applicant answers a 4-foot woven wire fence.

Curt Rympha asked the applicant if they have ever put signage up on a mining site? Applicant responded yes, they will have to get a Mining ID and signs will be throughout the property.

Curt Rympha asked Greg Ransford the review standards seem flexible but are they to the point where we can expand the boundaries, make the setbacks less? Greg Ransford stated he is looking into it, right now he is finding the word "shall." It's a police power ordinance not a zoning ordinance therefore you don't have a zoning board of appeals to appeal it so the mining ordinance would have to be formally amended if he finds the Planning Commission does not have the authority to lessen the setbacks if the applicant still wants to try for lesser setbacks, and if the Commission supports amending the Ordinance.

Joel Terpstra asked Greg Ransford could they dig from side to side of the lake if the property owners allowed it? Greg Ransford responded yes, the property owners would need to give approval though and there is also an easement around the lake which makes it complicated.

Discussion among Commissioners and Greg Ransford regarding application and how to state the motion.

Joel Terpstra asked what number they want for setbacks instead of what is required? The applicant stated 15 feet.

Joel Terpstra, motioned to recommend approval to the Board of the site plan as presented in the July 10, 2024, memorandum, the mining application dated May 30, 2024, exceptions being:

- The driveway does not need to be constructed to the plans until after the gravel crushing is done.
- The setback for the mining shall be a 15-foot setback instead of what is required but if the Planning Commission does not have the authority to allow for such a setback, then it should be approved with the setbacks shown on the site plan if the Ordinance is not amended.

With the following conditions:

1. Shall receive the appropriate permit from EGLE prior to impacting the water table for construction of the lake;
2. Shall receive the required permit from the Ottawa County Road Commission for the site entry;
3. Any changes to the approved site plan as a result of outside agency review shall return to the Planning Commission for review and approval, if appropriate.

Dave Hanko seconded, all ayes, and it carried unanimously.

- Discussion Items

- o Public Act 233 of 2023

Greg Ransford gave a summary of Public Act 233 that gives control to the state for solar, wind and battery utility scale facilities. The law does allow townships to adopt a Compatible Renewable Energy Ordinance (CREO), but the CREO has to be the same as the state regulations. A sample CREO has been given by the MTA, but MTA still recommends townships don't bother with doing a CREO. Greg Ransford provided summary of findings from Tallmadge's ordinance and what could be updated. It has been a while since solar and wind language has been updated in the Township.

Marv Bennink talked about battery storage facilities and how their have ben problems out west, specifically Arizona with fires, setbacks may be something to consider.

Greg Ransford stated he can talk to Fire Department on what they believe would be concerns for a battery storage facility. He will also double check what would happen if someone came in to do battery storage facility. Joe Grochowalski stated in Korea they had a battery facility and there was a huge fire. Erin Hill stated they can't use water to put it out.

Matt Fenske asked if is there a certain height for solar panels recommended to allow for grazing underneath them? Greg Ransford stated yes there is but doesn't know that off the top of his head, he will see what it is.

Greg Ransford stated he will put some language together for them to look at in the coming months, the Township is in a good place, he doesn't think they need to be in a huge rush.

o Dog Kennels in Rural Preserve

Greg Ransford explained 2501 Luce Street has a kennel for service dogs, but she is zoned Rural Preserve where kennels are not allowed, but she may now be allowed to keep doing it if they are registered with ADA then she is afforded to keep them. But if not, the resident wants to know if the Planning Commission would allow for kennels to be allowed in Rural Preserve.

Discussion among Commissioners and Greg Ransford regarding kennels and options for this situation. Greg Ransford stated that the owner of 2501 Luce Street will come to the August meeting if the ADA stuff she is looking into falls through to discuss with the Planning Commission.

Greg Ransford stated there should be an August meeting, Doug's Autobody on Lake Michigan Drive has a site plan.

Old Business

- None

Planning Commission Comment

Curt Rympha moved to adjournment, Erin Hill supported, and the motion carried unanimously.

Adjournment 6:55pm

Respectfully submitted,

Alexis Gulker