

GARFIELD TOWNSHIP PLANNING COMMISSION

SPECIAL USE PERMIT MEETING

Tuesday, June 26, 2012

Garfield Township Hall

1138 W. Erickson Rd, Linwood MI 48634

MINUTES

The meeting was called to order by Bill Pelton the Chairperson at 7:00 P.M.

The Pledge was said in unison. Public attendance was twelve and Leroy Day Zoning Administrator.

Roll call: Chairperson-Bill Pelton, Vice Chairperson-Bruce Bodrie, Secretary-Karen Snyder, Trustee-Joe Boudreau, were present. Trustee-Jim Herber attended late.

Chairperson Bill Pelton announced that Section 4.25 Extraction Operations, Sand and Borrow Pits will be the only item that may be discussed. Bill Pelton also asked if Bill Briggs and Brian Lavrack (the Applicants) were present. Both were in attendance.

Public Comment: Terry a neighbor is concerned about the condition of Kitchen Road. He would prefer the trucks exited onto Nine Mile which is gravel. Bill Briggs stated it would be easier to go out the easement that enters Kitchen Road, he uses Kitchen Road and does not want to see the road damaged.

It was questioned if they have a contractor hired to do the sand removal, they are going to act as the contractor. They do not have the equipment to move sand so as they sell the sand the contractor who would be buying the sand will also be removing it.

Bill Briggs explained that the property is a business deal between himself and Brain Lavarck. When asked if they could remove the sand though his own property instead of the easement onto Kitchen Road he commented that the deal should have nothing to do with his personal property on Nine Mile. The road out to Nine Mile is a dirt trail and is not suitable to accommodate the sand trucks. He also mentioned that his home was built directly in the trail and the trucks would have to go around his home.

Joe Boudreau questioned who owned the land in the front of the property that the easement crosses and where the easement was according to the map presented. It was stated that Gary Weiss owns one section and has a purchase agreement on the other, the board was show the location of easement on the map and the area that would be effected (about ten acres of land) by the removal of the ridge of sand.

The board asked if they would be willing to enter into a mutual agreement to fix the road for damages that were done by the trucks to remove the sand. The applicants would not sign an agreement.

Joe stated to the public that the Township cannot bond roads any longer. State roads may be bonded but local roads cannot be.

Gary Weiss stated that the Applicants have an easement across his property and wants to know who is going to maintain the access road. They have an egress-degress agreement on the easement and do not want it to be used for loading or as a turnaround. He stated that when the property was split it was a 30' easement. When the back parcel was sold it had to be increased to a 66' utilities easement. He is concerned about the maintenance of the access road, the condition of the tile.

The Applicants said they will be using the easement in the future and want to maintain it. They said it should be in better condition than it is now when they are done. They would not sign an agreement with Gary Weiss to commit to maintaining the easement.

All sand will be contracted out, the area is 300'x100'x4'. The Applicants will be the contractor and take on the responsibility for load limits. The black dirt will be scraped off and some trees will be saved. The applicants will be using the land for farming and hunting. The applicants plan to remove 30,000 to 80,000 cubic yards of sand.

All of the requirements of Part C on page 93 of the new ordinance have not been met.

Bill Pelton suggested Gray Weiss take pictures to protect himself.

The Board made the applicant and public aware that we do not have the money to fix Kitchen Road; if it is damaged Garfield Township will not have the proceeds to fix the road.

Motion made to allow a permit, all of conditions of Part C on page 93 (1-6) and the restrictions and conditions must be met before the permit is issued. Jim Herber/Bruce Bodrie, vote five yes. Motion carried.

Motion to adjourn Bill Pelton/Bruce Bodrie, vote five yes. Motion carried.

Adjourned 8:20 P.M.

Minutes by: Karen Snyder