

**TYRONE TOWNSHIP PLANNING COMMISSION  
APPROVED PUBLIC HEARING MINUTES**

**Ordinance #36 - The Zoning Ordinance  
Article 19.00 - EI - Extractive Industrial District  
and  
Article 20.00 Schedule of Regulations**

**May 11, 2010 7:30 p. m.**

Planning Commission Members: Chairman - Dave Hanoute, Vice-Chairman - Mark Meisel, Secretary - Laurie Radcliffe; Commissioners: Gary Butler, Steve Hasbrouck, Ed Kempisty; Deb Lee

**PRESENT:** Gary Butler, Dave Hanoute, Steve Hasbrouck, Ed Kempisty, Deb Lee, Mark Meisel, Laurie Radcliffe,

**ABSENT:**

**CALL TO ORDER:** 7:30 p.m. by Chairman Hanoute

**READING OF THE PUBLIC NOTICE:** The notice was read aloud by Secretary Radcliffe

**CORRESPONDENCE:**

**PURPOSE OF THE HEARING:**

The purpose of the Public Hearing is to receive comments regarding revisions to Zoning Ordinance Article 19, EI - Extractive Industrial District, and Article 20.00, Schedule of Regulations, to permit concrete crushing as a Special Land Use in the EI Zoning District under specific conditions

**COMMENTS FROM THE PLANNER:**

Mr. Meisel noted that the Planning Commission wasn't given an updated copy of the changes requested during previous reviews, particularly in reference to the Civil Engineer and other specialists. Tyrone Township Planner Sally Hodges of McKenna Associates said the language was corrected and new language was added making the excavation owner responsible for cleaning and maintaining the haul roads (Page 19-6, Item 4).

She also looked at the requirements for the extraction and reclamation plan on Page 19-5, and considered adding a fourth item (3.d) with a proposed schedule specifying submission of a time table identifying the various phases of the operation, the phased reclamation of the site, and the end use. The changes weren't included in the current text because the hearing is based on the version of the Ordinance reviewed at the last meeting and forwarded to the Township's Engineer.

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## **PLANNING COMMISSION COMMENTS:**

Mr. Hasbrouck said he felt there was a need to allow concrete crushing in the Township and a pit would be the most appropriate place, but there will be times when special crushing will be needed, for example repairs being made to US 23. He asked if that should be made an exception. Mr. Hanoute said that highway crushing was usually done in the right-of-way where the work occurred and the ordinance as proposed would not permit that. Mr. Meisel explained that language wasn't included in the text because the Township had no jurisdiction over state owned property. Mr. Hasbrouck thought it could be referenced in the Ordinance text as an exemption. Ms. Hodges noted that the proposed regulations would apply in the EI - Industrial Zoning District only. For temporary batch plants and concrete crushing necessary for construction, special provisions could be included in Article 21 - Supplemental District Regulations, to allow those operations as part of the on-going construction of a public road or other very limited circumstances on a temporary basis rather than exempting them from regulation altogether.

Mr. Hanoute asked how the ordinance would apply if the crushing location was adjacent to the construction rather than in a right-of-way. Ms. Hodges said that the operations would still be temporary. Mr. Hanoute said that if the reference to concrete crushing was going to be included in the Ordinance Index, it could be referenced in Section 19 just as easily as Article 21.00. Ms. Hodges said the Article 19 zoning regulations only deal with land zoned RE. Mr. Hanoute commented that Section 19 was the only Zoning District that would allow concrete crushing and wondered how the Index would be able to indicate the difference for temporary use.

Ms. Hodges replied that applicants could read both sections of the Ordinance to determine which article applied or one of the uses could be described as temporary in the index. Article 21.31 references Temporary Structures and Uses and it could be included in that section or listed in Article 20.03 under Extractive and Industrial Uses.

## **PUBLIC COMMENTS:**

Mr. Tim Winn, 11499 Bay of Firth Boulevard, asked if the Ordinance would allow concrete to be hauled into the Bentley Sand and Gravel site to be crushed on site. Mr. Hanoute told him that was the intent of new ordinance Section 19.03.

Mr. Winn told the Planning Commission his home was located in Silver Lakes Estates with access from the intersection of White Lake Road and Bennett Lake Road and he had some concerns about dust and noise from the gravel pit.

The current mining operation structures and equipment are located approximately 500 feet from the street and 1,000 feet from residential lot lines, but the recommendations of this ordinance revision will bring noise and dust closer to residential areas. It will allow concrete crushing to be 200 feet closer to the street and 800 feet closer to the residential areas.

Fifty foot stock piles will be allowed, which is approximately the height of a 5 story building. There is no screening height requirement for the crushing operation as there is for the extraction operation and there is the potential for numerous stock piles.

Mr. Winn said his biggest concern was safety. Bennett Lake Road is a main artery for the Linden School district. Busses and cars drive that road daily taking children to and from school and school events. If this request results in an increase in the number of gravel haulers coming to the facility they will have to enter the facility near the intersection of White Lake Road and Bennett Lake Road. That intersection has multiple accidents every year. Vehicles turning left off of White Lake Road onto west bound Bennett Lake Road have to go around a curve in the road where shrubbery and other things create a very difficult sight line for the left hand turn onto Bennett Lake Road. Left turning vehicles have to go out into Bennett Lake Road before they can make the turn. The gravel trucks are using a route that causes them to take White Lake Road and then turn onto Bennett Lake Road to enter the gravel pit. Gravel trucks and tandem haulers won't be able to accelerate quickly through the turn and vehicles eastbound on Bennett Lake Road will be at risk. The current speed limit on Bennett Lake Road is 55 miles an hour and he said he hadn't seen any information in the Ordinance about a deceleration lane at that location as required for the paint ball facility on White Lake Road.

The increased volume of truck traffic on White Lake Road and Bennett Lake Road has deteriorated the roads fairly quickly. The weight of additional vehicles will make the roads deteriorate faster. The Bentleys won't have to worry about cleaning the road in front of the crushing site because it will be a gravel road in two years.

There is a concern about home values as well. Apple Orchard Road is a subdivision entrance directly across from the gravel pit entrance. There is another subdivision entrance approximately 150 yards from the gravel pit entrance. Bennett Lake Road is a well traveled road leading to the Linden community and the subdivisions located there. He didn't believe that a gravel crushing facility would be attractive to future home buyers.

Mr. Winn said he had been told that the Bentleys have been crushing concrete for a long time. His concern is that by increasing the opportunity to crush there will be more hauling vehicles with the probability of more tandem haulers which will relate to dust, noise, traffic, and appearance, but more importantly to safety at the intersection and at the entrance to the gravel pit. At a November meeting, a letter was read stating that the Bentleys were in violation of the current Ordinance. He wanted to know if the ordinance has been enforced and if not, if the Township would set a precedent by allowing a violation to continue. Instead of enforcing the ordinance, the ordinance is being changed. That is a concern.

Mr. Winn recommended keeping the old ordinance which does not allow crushing. As an alternative, he suggested not allowing crushing of material hauled to the site. The increased hauling will create a large safety issue for many families and many children within the surrounding communities.

Don Peitz, 13520 White Lake Road, thanked the Planning Commission for considering

the addition of concrete crushing language to the Zoning Ordinance. It is necessary because we need some of these things in the Township. Allowing concrete crushing in extractive areas is the right decision. He noted that the Township's Attorney had talked about crushing limited by the amount of extraction and wondered if the Planning Commission had considered that. A log would have to be kept and there would have to be a ratio so they can't crush more than they are extracting. The gravel pit is there, they are extracting there, but it won't last forever. This is a way to have the ordinance in a state where we can limit the crushing. His only question was related to the County's reference to qualified engineers and qualified soil scientists, but understands that the issue had been addressed.

There are other extractive industries in the Township that aren't allowed to crush that have the same issues. Any extractive industry will have issues with traffic and trucks.

#### **CLOSING PLANNING COMMISSION REMARKS:**

Chairman Hanoute thanked Mr. Winn and Mr. Peitz for their remarks. He agreed with Mr. Winn's comments about the location being inappropriate for concrete crushing, but he felt the EI Zoning was acceptable. He couldn't recall whether the mining operation or the residential development occurred first. If the residents came after the mining, they should have recognized what was there and made a decision to live with it or not, but we should consider if crushing would make living conditions worse for them. If a need for crushing arises along US 23, they won't want to haul material back and forth to the Bentley site. There are sites closer to the expressway which would be better for crushing.

Mr. Meisel asked Mr. Winn if he had noticed increased truck traffic in the last few years which would lead him to believe that a large scale concrete crushing operation was going on. Mr. Winn said he wouldn't notice the trucks because of his location within his subdivision. The concern he heard from residents was that if the pit was extracting they shouldn't expand into crushing. There were concerns about bringing concrete into the site based on the past experience with the Silver Lake Road repair. He asked if the Bentleys had received a permit when they crushed that concrete. His real concern is the safety issue when the haulers are coming and going and trying to make the corner. He agrees that we need business in the community, but that is not the area for that business. The road is in bad condition with narrow lanes and dirt shoulders. When he moved into the subdivision he was told the Bentleys only had a permit for mining, and most of the site was mined out. Giving them a three year average means we can't do anything about the operation for 3 years.

Mr. Meisel said that if things go as intended, the Bentleys will have an operation that is fairly small scale. They won't have the ability or capacity to grow the operation and there shouldn't be a marked change in the operation as a result of this ordinance. He feels it is one of the best locations in the Township for crushing concrete because the property is lowered and buffered by the amount of land around them that provides isolation.

Mr. Hanoute said we should be more restrictive at this site than other sites in order to settle concerns about setbacks and noise. Mr. Meisel said that during an earlier discussion we had originally tried to limit the size of stock piles, and then decided to

regulate them with topography and buffering, and then decided to leave it to the Planning Commission. In other locations we can address the height of the stock piles that concern the residents based on buffering and setbacks. Another concern is the change in setbacks. If our intention is to regulate Bentley Sand and Gravel only, then the setbacks in existence are more than adequate, but by changing them to 200 feet or 300 feet you can open it up for other opportunities. The request we have, and the situation the Township Board asked us to consider, was to craft something that would allow limited concrete crushing at that location without including it anywhere else. Mr. Hanoute said even though the setbacks were decreased, he wondered if we should allow crushing on that site. Making the setbacks more stringent would make the use more palatable at that location. It would abate the noise issue more as well as the dust and visual issues. Mr. Meisel recalled that we had some fairly specific feedback from the Board about setbacks. Mr. Hasbrouck observed that it was likely that we would see other gravel pits in the Township at a future date because we have a lot of natural deposits of gravel.

Mr. Meisel said he considered gravel mining and crushing as two different things. We can restrict the crushing more than the mining. Ms. Hodges noted that the setback changes applied to all uses that might occur, not just crushing. Mr. Hasbrouck said gravel mining probably wouldn't set up near property borders while crushing should be located where it has the least impact on adjoining property. Bentley Sand and Gravel is an appropriate site because it is in a hole. If they haven't been crushing concrete there they have been crushing rocks which is louder and produces more vibration. In order to keep the extraction going forward, he agreed with the Attorney's comments about limiting how much material they can bring on site. We shouldn't believe it when people say the Bentleys will run out of material to mine. They have a permit to mine the whole lake over there, which is a large area. The Bentleys plan to keep mining there for a long time and have submitted some sketchy long term reclamation plans which this ordinance will make more specific. They will have to comply with that part of the Ordinance too which is why he is in favor of getting it put in place although we might want to talk more about the size of the setbacks because he isn't in favor of seeing gravel pit property lines with sides that go almost straight up and down.

Mr. Hasbrouck commented that federal and state requirements would have to be followed if they are more stringent than the township's. The owners can get a permit to mine without being approved by the township. He said a request was made for a road review at the Bennett Lake - White Lake Road intersection because of public interest in a four-way stop sign. About a month ago, the Road Commission reviewed the traffic at the site and determined that a four way stop wasn't necessary. Mr. Winn asked if that was before the telephone pole was knocked down during an accident. Mr. Hasbrouck thought the count was taken after they received the accident report. He informed Mr. Winn that approximately 80 percent of the accidents at the intersection occurred late at night. The pavement is really holding up fairly well because it was built when they were taking material from the pit to build US 23.

Mr. Winn said the traffic difficulty was going eastbound on Bennett Lake Road. There is a bend before you hit White Lake Road where the gravel haulers are turning west from White Lake Road to get to the gravel pit. At some point, a car won't be able to stop and will wind up under a truck. The location is an accident waiting to happen. There is poor

visibility going westward. Mr. Hasbrouck said that the Road Commission told him they planned to do something about the visibility at the intersection.

Mr. Winn asked about the use of a deceleration lane. Ms. Hodges said that the crushing ordinance requires special use approval and a site plan is part of the approval process. Typically, that is where the need for acceleration or deceleration lanes would be addressed.

There being no further remarks, the Hearing was closed by Chairman Hanoute at 8:15 p.m.

  
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Laurie Radcliffe, Secretary  
Tyrone Township Planning Commission

  
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Barbara Burtch, Recording Secretary  
Tyrone Township Planning Commission