

1                   **TYRONE TOWNSHIP PLANNING COMMISSION REGULAR**  
2                   **MEETING AND PUBLIC HEARING MINUTES**  
3                   **APRIL 10, 2018 -7:00 p.m.**

4  
5 **PRESENT:** Mark Meisel, Dave Wardin, Cam Gonzalez, Al Pool, Ron Puckett, Bill Wood, and  
6 Kurt Schulze

7 **ABSENT:** None.

8 **OTHERS PRESENT:** Tyrone Township Planner Brian Keeseey, Livingston County Health  
9 Department (LCHD) Director of Public Health Matt Bolang, and Tyrone Township Planning &  
10 Zoning Administrator Ross Nicholson.

11 **CALL TO ORDER (7:00 pm):** By Chairman Meisel.

12  
13 **PLEDGE OF ALLEGIANCE (7:00 pm):**

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15 **CALL TO THE PUBLIC (7:02 pm):** No comments were received.

16  
17 **APPROVAL OF THE AGENDA (7:02 pm):**

18  
19 Kurt Schulze made a motion to approve the agenda as presented. Cam Gonzalez supported the  
20 motion. The motion carried by unanimous voice vote.

21  
22 **APPROVAL OF THE MINUTES (7:03 pm):** February 13, 2018 Regular Meeting

23  
24 Cam Gonzalez made a motion to approve the February 13, 2018 Regular Meeting Minutes as  
25 presented. Al Pool supported the motion. The motion carried by unanimous voice vote.

26  
27 **OLD BUSINESS # 1 (7:04 pm): Yasin, LLC Cemetery Application**

28  
29 Chairman Meisel introduced the topic and thanked the residents in attendance for being present  
30 to voice their opinions and concerns on the proposed cemetery. He noted that the meeting is not  
31 a public hearing, however, the Planning Commission would be willing to take public comments  
32 from those who wish to speak on the subject. He noted that Matt Bolang, LCHD Director of  
33 Public Health, was present to aid the Planning Commission in responding to public concerns  
34 surrounding the potential environmental impact from the proposed cemetery.

35  
36 Brian Keeseey read from the latest memo that he had prepared on the application to summarize  
37 the current status of the application. He explained that there are two primary (2) aspects that are  
38 being considered; the site plan review and the special land use. He summarized the site plan  
39 review standards for a cemetery special land use in the FR (Farming Residential) zoning district  
40 and indicated that they have all been fulfilled by the applicant. He then summarized the site plan  
41 review standards which apply to all special land uses and stated that the site plan also fulfills  
42 those standards. Chairman Meisel noted that although the applicant has demonstrated  
43 compliance with the Tyrone Township cemetery site plan review standards, inclusive of

44 perimeter fencing requirements, there is a possibility that there will need to be additional fencing  
45 (a complete perimeter fence) included on the site plan to meet the Livingston County cemetery  
46 standards. Brian Keesey continued through the review memo, moving on to the Township  
47 special land use standards, which are applicable to all special land uses in any zoning district,  
48 inclusive of commercial/industrial and residential. He explained that the special land use  
49 standards are intended to ensure harmonious character and compatibility with adjacent properties  
50 and the neighborhood. He stated that the standards take into consideration potential nuisance  
51 factors, potential environmental impact, and other pertinent information to reduce the likelihood  
52 of conflicts with existing properties and land uses in the area. He stated that the most prevalent  
53 concern that was expressed by residents regarding the proposed cemetery was the potential  
54 negative impact the cemetery may have on the ground water in the area (the possibility of  
55 potential contamination of drinking water). He continued, explaining that he feels that all other  
56 special land use standards, aside from determining the potential environmental impact, have been  
57 adequately fulfilled. He stated that Matt Bolang was present to hopefully provide some  
58 information that would be found satisfactory to the Planning Commission and residents in  
59 attendance and, depending on the outcome of the public discussion, the Planning Commission  
60 may have enough information to make a recommendation to the Township Board.

61  
62 Chairman Meisel asked the Planning Commission if they had any questions or comments on the  
63 application. Ron Puckett expressed concerns over possible future noncompliance with Township  
64 standards. Chairman Meisel explained that speculation over the possibility of future  
65 noncompliance cannot be taken into consideration in determining whether or not the application  
66 should be recommended for approval if all of the requirements for approval have been fulfilled.  
67 Ron Puckett inquired about who decides whether or not there is a need for a cemetery at the  
68 proposed location. Chairman Meisel stated that the applicant has submitted an application for a  
69 permitted special land use [in the FR zoning district] based on their desire to establish a cemetery  
70 and there is no requirement that a need for the cemetery must be established. He reiterated that  
71 the application must be considered for approval as long as it meets all of the Township  
72 requirements. Ron Puckett explained that there are many residents who do not want a cemetery  
73 at the proposed location so he is speaking up on their behalf. Chairman Meisel explained that  
74 they could have the same discussion on virtually every special land use that comes before the  
75 Planning Commission. He stated that there will always be people against proposed land uses just  
76 as there are people that will support them. He explained that there are people who oppose  
77 residential development near their own property but, unless they purchase the property, the  
78 current owner has the right to build a home on their own land as long as it is a permitted use for  
79 the property. He continued, stating that the applicant has the right to use the land for the  
80 purpose(s) of their choosing as long as they demonstrate compliance with all local, state, and  
81 federal requirements. He explained that the Planning Commission does not have the right to  
82 refuse a recommendation for approval unless noncompliance with requirements can be  
83 demonstrated.

84  
85 Chairman Meisel brought up the documents relevant to the LCHD review of the application on  
86 the overhead display monitors. He stated that the Planning Commission had compiled a list of  
87 questions expressed during the previous meetings into a document and requested additional  
88 explanation from the LCHD for clarification (see letter below for details).

89

90 “Dear Livingston County Health Department,

91 Tyrone Township has received an application to construct and operate a cemetery on privately owned  
92 property. During a public hearing, a number of residents expressed concerns about possible ground  
93 water contamination, and pointed to historic issues with cemeteries leading to contamination around  
94 the world. While many of the contaminated sites have causes which arguably would not apply to this  
95 applicant, the location and proximity to wetlands, along with ground water contamination of private  
96 water wells remains a concern among a number of residents.

97 The Tyrone Township Planning Commission is therefore once again requesting your technical expertise  
98 and assessment of the proposed cemetery site. The Livingston County Health Department appears to  
99 have jurisdiction over these types of sites with regard to protecting the public’s health. We, and our  
100 concerned residents, need your assurance the proposed cemetery at this location will not result in  
101 ground water contamination or other public health or safety concerns over time and can safely coexist  
102 with the existing residential development in the immediate area. We also may need your attendance  
103 during a Tyrone Township Planning Commission meeting to reassure the public.

104 We have the following questions/concerns we need your help with:

105 During our Planning Commission Meeting on March 13, 2018, the public in attendance brought up  
106 numerous questions regarding the criteria contained in the “Livingston County Department of Public  
107 Health Cemetery Guidelines.” Specifically they referenced the “Minimum Site Criteria for Cemetery  
108 Establishment”.

109 Those Criteria and questions from either the audience in attendance or the Planning Commission are as  
110 follows:

- 111 1. Approval for the construction of the cemetery must first be determined. A site visit with both  
112 the LCDPH and the consulting engineer must first be conducted prior to plans being prepared.  
113 *No Concerns or questions were received.*
- 114 2. A soil evaluation must be performed in order to determine soil suitability (at least two test holes  
115 per acre). Soil conditions shall be light and well-drained (i.e., loamy sands).  
116 *A Significant number of comments regarding only 5 borings being conducted was discussed. The*  
117 *minimum number of borings required per LCHD criteria would equal 20 and the audience wanted*  
118 *30. Also the PC is asking whether or not the soils encountered are considered well-drained?*  
119 *Most of the borings show Clay Loam and Silt Loam from 1 ft. to 7 ft. which are not generally*  
120 *considered “light and well-drained”.*
- 121 3. Cemetery must be located above the 100-year floodplain.  
122 *No Concerns or questions were received.*
- 123 4. Sites with a high water table will not be allowed for a new cemetery. Minimum depth to  
124 seasonal high water table of 6 feet shall be required

125 *It was questioned whether or not 6 feet is sufficient? If the SHWT is at 6 feet and the minimum*  
126 *cover required is 4 feet, in accordance with item #7 of the aforementioned criteria, then the*  
127 *vaults could be placed within the SHWT.*

128 5. Sites with environmental sensitive areas (i.e., floodplains, swamps, wetlands, creek drainage  
129 areas) are not suitable for new cemeteries.  
130 *There are many questions regarding whether this is a suitable site because it does contain and or*  
131 *is in near proximity to swamps, wetlands and creek drainage areas. The absence of an*  
132 *Environmental Report was a frequent concern. Does the LCHD have the authority to request or*  
133 *require additional information beyond the borings to specifically address the residents concern*  
134 *about groundwater contamination?*

135 6. Isolation distances shall minimize any possible impact to surface water or potable water  
136 wells. New cemeteries shall maintain the minimum distances listed in the table below.

137 *There was great concern voiced about the Well Isolation distance. 75 ft. is shown in the LCHD*  
138 *chart. World Health Organization (WHO), which was frequently brought up by audience,*  
139 *suggests a 250 meter (820 feet) isolation. While all of the surrounding wells exceed the 75 ft.*  
140 *requirement, there maybe a few within the 820 foot distance. Ground water flow and surface*  
141 *water flow in this area was also a major topic. Many of the concerns about this issue were*  
142 *residents of Alcoy Drive. Alcoy Drive is approximately 2500 feet in a southerly direction from the*  
143 *subject site and has wells which average 53 feet in depth with an average static water level of 19*  
144 *feet. The drainage for the site in question is contained within a drainage channel that flows*  
145 *southerly from the site directly thru the Alcoy Drive development. There are questions whether*  
146 *or not the ground water flow is generally the same as the surface water flow and whether the*  
147 *shallowness of the aquifer will provide adequate protection. Transmission, thru the ground and*  
148 *surface water, or pathogens and other components is a great concern.*

149 7. Minimum depth of burial shall include at least 4 feet of cover.  
150

151 *See previous discussion regarding this in Item #4 above.*

152 8. There is no minimum lot size for gravesites. However, for a “family cemetery”, the size  
153 must not exceed 1 acre of land.

154 *Concerns were voiced regarding the 1 acre maximum acreage for a “family cemetery”. The*  
155 *applicant has stated that the cemetery will be family “owned” but will be for family, friends, and*  
156 *during the public hearing stated it would be open to all.*

157 9. Every gravesite should have a vault or metal casket. Vaults and metal caskets aide to  
158 minimize settling problems, as well as further protect water resources.

159 *(Paraphrasing) Section 1811 of Act 299 of 1980 states that a vault or similar receptacle is not*  
160 *required as a condition of Burial in the State although a cemetery can require it. Is the LCHD*  
161 *mandating the vaults, and is it allowable for them to do so? The applicant has expressed the*

162 *desire for a "green cemetery". This item is important due to the applicants desire to have a*  
163 *"Green" cemetery. If in fact vaults are not required and the minimum depth of cover is*  
164 *maintained, the depth of actual interment could be in close proximity to the Seasonal High*  
165 *Water Table.*

166 10. No burials shall lie at the cemetery boundary. A buffer zone of at least 25 feet shall be  
167 required along the cemetery boundary. Deep rooted trees shall be preserved and planted  
168 within the buffer zones. A fence shall be required around the cemetery area.

169 *No Concerns or questions were received.*

170 11. The proprietor of a proposed cemetery shall submit two copies of a recorded survey with the  
171 location of the plat to LCDPH for review and approval. A fee of \$100.00 shall be submitted to  
172 LCDPH for a cemetery plat review. The plat should include the following:  
173 a. Property (legal) description and location of numbered lots;  
174 b. Topography;  
175 c. Soils information; and,  
176 d. Signature and seal of a registered land surveyor.

177 *No Concerns or questions were received.*

178 12. The approved plat shall be recorded with the Register of Deeds and must meet the  
179 zoning/land use requirements of the local township. Documentation must be provided to  
180 LCDPH to verify this action has been completed.

181 *No Concerns or questions were received.*

182 It is our concern that the number of borings conducted, and soils identified, are not an accurate  
183 depiction of the entire grave site area. The Tyrone Township Planning Commission is looking to the  
184 LCHD to ensure that enough testing, soils or hydrogeological, is conducted so that we may express to  
185 our residents that the surrounding ground and surface waters are protected and demonstrate how they  
186 are protected per the LCHD.

187 If you could kindly reply prior to April 4, 2018, it would be greatly appreciated.

188 Thank you,

189 **Tyrone Township Planning Commission**

190 *Mark Meisel*

191 Chairman”

192 Chairman Meisel indicated that he would be opening the floor to public comments. He  
193 explained that the intent is to allow residents to express any concerns they may have pertaining

194 to the review of the application performed by the LCHD and allow Matt Bolang to answer and  
195 provide clarification on the concerns. He reiterated that this is not a public hearing and  
196 respectfully requested that anyone making public comments base them on factual information  
197 and refrain from making emotional or inappropriate statements. He introduced Matt Bolang and  
198 requested that he make a brief statement regarding the LCHD review of the application and the  
199 LCHD Cemetery Guidelines document.

200  
201 Matt Bolang introduced himself and explained that he would be happy to go through the list of  
202 questions and provide explanations. He stated that he wanted to first explain that the document  
203 from the LCHD pertaining to cemetery guidelines was created approximately twenty (20) years  
204 ago, around the time he started his employment with the LCHD and was designed primarily as a  
205 reference for suggested guidelines for small family cemeteries or plots. He explained that the  
206 document is not an ordinance nor a list of actual requirements, but simply a reference for  
207 suggested guidelines or recommendations relative to the establishment of small family  
208 cemeteries within Livingston County. He made note that he understands one of the concerns  
209 expressed relates to the document including the word “family” in the title, which he would be  
210 addressing shortly. He explained that it is the LCHD’s goal and responsibility to thoroughly  
211 review the applications that are presented to them in order to ensure the health and safety of all  
212 Livingston County residents. He continued, stating that they do not just approve every  
213 application they receive and would not have provided the opinion that there would be little to no  
214 risk of groundwater contamination if they did not believe that to be the case.

215  
216 Matt Bolang, in response to a question about the soil types present at the proposed cemetery  
217 location, stated that the cemetery guidelines document recommends lower density soils than  
218 those existing at the site. He explained that the higher density soils at the site which include a  
219 high concentration of clays are actually ideal for protecting the groundwater at the site since they  
220 create a natural, impermeable, barrier between human body decomposition (at the proposed  
221 burial depths) and the water table. He stated that the soil types would indicate that there would  
222 be very little risk of any potential contaminants (originating from a decomposing human body) to  
223 penetrate the heavy clay soils and result in contamination of subsurface waters. He asked if  
224 anyone had any further questions on the soil types present at the proposed cemetery site. Jerry  
225 Sanders (12345 Alcoy Drive) introduced himself and stated that he is a microbiologist. He asked  
226 Matt Bolang what types of contaminants were being considered in the LCHD review. Matt  
227 Bolang explained that the review was based on elements typically originating from the  
228 decomposition of a human body, explaining that there are a broad range of different  
229 contaminants that can be introduced into the ground depending on what was present in a body at  
230 the time of burial. Jerry Sanders provided examples of different types of microbes, bacteria,  
231 viruses, and other contaminants that could be present in a human body. He stated that he had  
232 performed extensive research on potential environmental contamination resulting from  
233 cemeteries, specifically citing a study which was performed in 2010 in which wells within an  
234 eight hundred (800) foot radius were sampled, all of which showed a high concentration on  
235 various contaminants. Matt Bolang asked Mr. Sanders for clarification on the aquifer system and  
236 water levels at the location where the study was performed. Jerry Sanders indicated that he was  
237 not aware of the specifics so he could not definitively answer the question but would be happy to  
238 provide Mr. Bolang with the literature after the meeting. Jerry Sanders continued to list various  
239 types of contaminants, emphasizing that Hepatitis A has recently become a significant problem in

240 California and has contaminated sources of drinking water. Matt Bolang questioned the context  
241 of Mr. Sanders' comments. He explained that he understands microbiology and potential  
242 environmental contaminants and requested clarification on what specific point Mr. Sanders is  
243 trying to make. Jerry Sanders stated that his point is that the embalming of bodies would greatly  
244 reduce the potential contamination of groundwater. Jerry Sanders continued, stating that the  
245 World Health Organization (WHO) recommends a separation distance of at least eight hundred  
246 (800) feet between burial sites and wells, which the proposed cemetery would not meet. He then  
247 cited the Flint water crisis (lead contamination resulting from lead being present in the water  
248 transmission pipes/infrastructure) as an example of the importance of extensively researching  
249 sources of potential groundwater contamination. Jerry Sanders continued, stating that climate  
250 and weather are major factors involved in the amount of time it takes for a human body to  
251 decompose in the ground. He stated that the average timeframe, under optimum conditions, for a  
252 body to decompose is approximately four thousand one hundred and twenty-two (4,122) days.  
253

254 Gary Wasiak (12479 Alcoy Drive) stated that he was not in attendance to take sides but felt  
255 inclined to ask if the studies being cited were actually relevant or comparing apples to oranges.  
256 He asked if the studies being cited were based on typically burial practices, inclusive of the use  
257 of vaults and embalming, or different types of burials, such as natural or "green" burials. Jerry  
258 Sanders indicated that the studies he has been citing are based on different burial practices in  
259 different locations throughout the world. Gary Wasiak asked Matt Bolang what the hundred-  
260 year water table is and the relevance to separation distance between well locations and the  
261 proposed cemetery. Matt Bolang explained how the hundred-year water table is determined and  
262 explained the relevance to the LCHD review. He explained that the Livingston County  
263 recommendation for well separation is seventy-five (75) feet, which the proposed cemetery site  
264 would exceed. He stated that he understands that the WHO recommendation is eight hundred  
265 (800) feet and explained that the LCHD would take this opportunity to revisit their cemetery  
266 guidelines. Gary Wasiak stated that he understands the cemetery site would be ten (10) acres  
267 and that one point three (1.3) acres would be utilized for actual grave sites. He asked if  
268 expansion of burial sites beyond the proposed 1.3-acre area would be possible if the applicant  
269 decided they would like to increase the number of burial plots in the future. Matt Bolang stated  
270 that he believes ten (10) acres to be the Township's minimum parcel size requirement for  
271 cemeteries. Chairman Meisel confirmed that ten (10) acres is the minimum parcel size for  
272 cemeteries and stated that the applicant would need to go through the same approval process  
273 again, being subject to the current standards at the time, if they ever desired to expand the  
274 number and/or location of burial plots beyond that which is originally approved (if approved).  
275 Gary Wasiak asked Mr. Bolang if he believed the number of soil borings conducted in the  
276 proposed burial area to be adequate in determining the suitability of the location. Matt Bolang  
277 confirmed that he does believe the number and results of the soil borings performed to be  
278 sufficient in determining the suitability of the area for burials. He continued, stating that the  
279 reason the burial plots are proposed in that location is due to less than satisfactory results from  
280 soil borings performed elsewhere on the ten (10) acre site. He stated that the 1.3-acre area  
281 identified on the site plan was determined to be the most ideal location for burials to take place.  
282

283 Chairman Meisel briefly reminded the public in attendance that it would be greatly appreciated if  
284 they would refrain from repeating questions if they have already asked, to be respectful with

285 their comments, and to try to keep comments brief so everyone who would like to speak can  
286 have the opportunity to do so.

287  
288 Ron Schilling (12330 Alcoy Drive) stated that he had a question regarding the soil borings  
289 conducted by the LCHD to sample the soil conditions in various locations throughout the site in  
290 order to determine areas most suitable for human burials. He indicated that in one of the LCHD  
291 reviews, one of the boring samples had the letter “N” in the field following the question “Met?”.  
292 He asked Matt Bolang if that meant that “N” stood for “No”, as in the conditions were not met.  
293 Matt Bolang stated that the “N” did indicate that the conditions for the boring had not been met  
294 but clarified that the conditions were not met since additional information was required before a  
295 definite determination could be made. Ron Schilling continued, stating that the latest LCHD  
296 indicated that the water table was located at six feet (6’) below the surface, however, a previous  
297 review in which ten (10) borings were conducted, indicated that the water table was located one  
298 foot (1’), two feet (2’), and up to five and a half feet (5’6”) below the surface. Matt Bolang  
299 stated that the areas which were tested with those water table depths were found to be unsuitable  
300 and did not pass. Ron Schilling stated that out of the ten (10) boring samples in the review, only  
301 three (3) were found to be suitable areas for human burials. He continued, stating that it seems to  
302 him, based on the results of the soil borings, the property should be classified as a wetland and  
303 should not be developed for any purpose at all, including any uses that require septic systems,  
304 foundations, or anything, except for possibly a few houses. He stated that he does not  
305 understand why, after so many negative boring samples were taken, the property is even still  
306 being considered for the purpose of a cemetery. Matt Bolang replied, stating that the reason so  
307 many soil borings were conducted is because the applicant wanted to look at all the possible  
308 options on the site in order to determine which areas would be suitable for human burials. Ron  
309 Schilling indicated that he had heard that the actual intent for the property is for a large-scale  
310 housing development and that he doesn’t believe the cemetery is the only goal. Chairman Meisel  
311 stated that if a large-scale housing development was the actual intent behind having soil boring  
312 samples taken from different areas throughout the property, the applicant would need to follow  
313 the formal review process in order to develop it for that specific use. He stated that the applicant  
314 has applied for a cemetery, so if approval is granted for a cemetery, the site would be used for a  
315 cemetery. That would be the case unless the applicant were to apply and receive approval for  
316 something other than a cemetery. Ron Schilling stated that the area seems like a very bad place  
317 to build and that the soil borings prove that. He stated that he doesn’t believe taking samples,  
318 most of which were found to be unsuitable, and using only the samples with positive results is  
319 the best way to evaluate the property. He stated that there is a lot of flooding on Denton Hill  
320 Road near Alcoy Drive since the drainage ditch is plugged up on the property where the  
321 proposed cemetery would be located and that people on Alcoy Drive and Old Oaks Drive have  
322 complained about it. He said the he believes the lack of maintenance to the drainage ditch  
323 implies that there would also be a lack of maintenance of the cemetery, if approved. He stated  
324 that he had no further comments. Chairman Mesiel thanked Mr. Schilling for his questions and  
325 comments.

326  
327 Chairman Meisel asked if there were further questions relevant to the topics of potential  
328 groundwater and/or soil contamination.

329



330 Ed Murray (12271 Germany Road) stated that he would like to share a bit of common sense with  
331 the Planning Commission. He cited Michigan State Law, Act 239 of 1982 governing disposal of  
332 bodies of dead animals in order to protect the environment, wildlife, and human health and  
333 safety. He stated that, according to the law, for individual animal graves, there shall be no more  
334 than ten thousand pounds (10,000 lbs.) of animal flesh buried per one (1) acre of land. He stated  
335 that the proposed cemetery has one thousand five hundred and eighty-six (1,586) grave sites on  
336 one point three (1.3) acres. He continued, stating that the average weight of a human corpse is  
337 one hundred and eighty pounds (180 lbs.), which equates to two hundred eighty-six thousand and  
338 twenty pounds (286,020 lbs.) of human flesh buried on one point three (1.3) acres of land. He  
339 stated that the original application proposed three thousand eight hundred and eighty-two (3,882)  
340 gravesites on ten (10) acres of land, which equates to six hundred ninety-eight thousand seven  
341 hundred and sixty pounds (698,760 lbs.), which is equal to sixty-nine thousand eight hundred  
342 and seventy-six pounds (69,876 lbs.) per acre of land. He stated that humans are mammals  
343 which decompose very similarly to animals. Animals, which are typically buried using a “green  
344 burial” method, which is the same method proposed to be used in the cemetery. He stated that  
345 those figures from the Michigan state law are very important since they can essentially be  
346 applied to human burials using the “green burial” method. He said that the proposed number of  
347 gravesites on the one point three (1.3) acre site is equivalent to someone burying a herd of cattle  
348 in your front yard. He said that assuming that the ground will absorb all of the contaminants  
349 produced by decomposing human bodies without affecting the quality of the groundwater is  
350 unrealistic. He reiterated that he would like everyone to remember the figures he brought up  
351 since they are very important. He concluded his comments, thanking everyone for listening.  
352 Chairman Meisel thanked Mr. Murray for his comments.  
353

354 Robert Johnston (12150 Germany Road) stated that the latest LCHD review of the proposed  
355 cemetery site concluded that the groundwater in the area generally travels to the north but  
356 indicated that the stamen was inaccurate. Matt Bolang stated that the statement in the review  
357 indicating the direction of groundwater flow was an educated guess determined by the limited  
358 information available to him, mostly topographical contour maps. Robert Johnston stated that the  
359 groundwater actually travels to the west a short distance before being dispersed in multiple  
360 directions. He stated that he has witnessed flooding over the top of the road surface resulting  
361 from the direction of the groundwater flow. He continued stating that another concern he has  
362 about the proposed cemetery is the shallow grave aspect. He indicated that animals, such as  
363 woodchucks could easily burrow three (3) feet below the surface and asked what would happen  
364 if they started bringing up human bones from the ground. Another resident (name not stated)  
365 added that coyotes could also dig up human remains. Robert Johnston continued, asking what  
366 would happen if someone buried in the cemetery was embalmed. He wanted to know how the  
367 Township could ensure that any embalmed bodies would be encapsulated in the correct type of  
368 vaults to prevent potential groundwater contamination. He then asked the Planning Commission  
369 if they felt comfortable guaranteeing that there is absolutely no risk of groundwater  
370 contamination from the proposed cemetery before signing off on it. He stated that contamination  
371 of the groundwater would be devastating to the existing and any future residential property  
372 owners in the immediate areas surrounding the proposed cemetery. He concluded, stating that  
373 the area of the proposed cemetery has historically had significant flooding and drainage issues  
374 and he is very concerned about potential the impact the cemetery could have on the surrounding

375 properties, especially the possible contamination of private water wells. Chairman Meisel  
376 thanked Mr. Johnston for his comments.

377

378 Elaine Schilling (12330 Alcoy Drive) stated that she understands that the LCHD guidelines for  
379 cemeteries were originally intended to be applied to small family cemeteries and are not all  
380 directly applicable to the proposed cemetery but asked if herself and the other residents in  
381 attendance are not just as important as people located near small cemeteries. Matt Bolang  
382 explained that he never intended to imply that she and the other residents were not important. He  
383 stated that the proposed cemetery site was evaluated based on the merit of the site and not on the  
384 family cemetery guidelines. Elaine Schilling stated that the guidelines for family cemeteries  
385 suggested two (2) soil boring samples per one (1) acre of land. She continued, stating that the  
386 proposed cemetery is a much larger area of land and some of the soil boring samples were not  
387 even performed in the areas where the burial sites are proposed. Matt Bolang explained that the  
388 one point three (1.3) acre portion of the ten (10) acre site is proposed to be used for burials and  
389 the soil borings taken from that one point three (1.3) acre area indicated adequate soil conditions  
390 for human burials. He stated that the soils in the remainder of the proposed cemetery site are not  
391 relevant in the evaluation since no burial sites are proposed in those areas. Elaine Schilling  
392 asked how the areas outside of the proposed burial sites could not matter since the burial site area  
393 is surrounded by wetlands. Matt Bolang replied, stating that the surrounding wetland areas  
394 would matter if they were located adjacent to the proposed burial site. He indicated that there are  
395 hundreds of feet between the proposed burial site and the closest wetland area. He stated that the  
396 LCHD has determined that the separation distances between the edge of the proposed burial site  
397 and wetlands to be adequate based on their review standards and expertise. He then asked the  
398 residents in attendance how many of them have homes utilizing a septic system for the disposal  
399 of sewage. Most of the residents in attendance indicated that they did have homes utilizing  
400 septic systems. He asked where they think the waste from the septic system goes. Jerry Sanders  
401 (12345 Alcoy Drive) questioned Matt Bolang's comparison between septic systems and  
402 decomposing human remains. Chairman Meisel respectfully asked that Mr. Sanders wait until  
403 after Elaine Schilling is finished with her questions before he made additional comments. He  
404 asked Elaine Schilling if she had finished with her questions and comments. Elaine Schilling  
405 stated that she was not satisfied with the number of soil borings conducted on the proposed  
406 cemetery site. She stated that the surface water and groundwater would all eventually flow into  
407 the wetlands. She indicated that her well is located in close proximity to surface water which  
408 flows from the site of the proposed cemetery. Matt Bolang stated that he is very concerned about  
409 the potential contamination of the well water in the area and the LCHD's review was performed  
410 very thoroughly and in a professional manner, in order to ensure that there would be no potential  
411 risk for well water contamination on the site or other properties in the surrounding area. He  
412 continued, stating that he and everyone at the LCHD take their jobs very seriously and he doesn't  
413 feel good about being accused of not doing his job. He stated that the review was based on their  
414 evaluation of the site in accordance with LCHD standards and guidelines and extensive research  
415 on green burial methods and groundwater contamination resulting from cemeteries in general.  
416 He stated that he feels, in his professional opinion, that the results of the testing, research, and  
417 review clearly indicates that there is no significant risk to groundwater contamination resulting  
418 from the proposed cemetery. He explained that he would not have his position at the LCHD  
419 without being subject to being accountable for his determination. He stated that he would not  
420 give his blessing on the proposed cemetery if he did not truly believe that there is no risk for

421 groundwater and/or soil contamination. He stated that he appreciates the concerns being brought  
422 up by the residents in attendance and understands that safe drinking water is extremely  
423 important. He concluded, stating that he is here for the residents with their best interests in mind.  
424

425 Chairman Meisel asked if there were any additional questions or comments. Ed Murray  
426 suggested allowing Jerry Sanders and Matt Bolang a chance to continue their discussion on  
427 septic systems and their comparability to human decomposition.  
428

429 Jerry Sanders stated that comparing septic systems to cemeteries is like comparing apples to  
430 oranges, implying that Matt Bolang's previous statement on the topic was invalid. He stated that  
431 septic systems break down organic materials year-round, three hundred and sixty-five (365) days  
432 a year, with water being added constantly, and with a limited load of waste materials. He stated  
433 that the decomposition of a human corpse is limited by environmental factors such as climate,  
434 temperature, water levels, etc.. He stated that a human corpse generally weighs between one  
435 hundred and fifty-five pounds (155 lbs.) and one hundred and eighty-five pounds (185 lbs.).  
436 Matt Bolang asked Jerry Sanders if he knew approximately how many gallons of waste is  
437 produced from a typical human body during decomposition, stating that he believes that it is  
438 typically around twelve (12) to fifteen (15) gallons. Jerry Sanders stated that there are variable  
439 amounts of gallons depending on a number of factors. He continued, stating that a human body  
440 with a wet weight of one hundred and seventy pounds (170 lbs.) has a certain amount of fecal  
441 content which, if comparing with a septic system, is equivalent to approximately five hundred  
442 and fifty (550) fecal deposits in one day. He stated that with fifteen hundred (1,500) bodies  
443 being buried on the same site, that would be a very large septic system without a tank to contain  
444 the waste. Matt Bolang stated that there is an end term to the decomposition of a body in the  
445 ground. He stated that after a body is placed in the ground, it decomposes for a certain amount  
446 of time, generally about six (6) to eighteen (18) months before the decomposition stops. Jerry  
447 Sanders argued that decomposition of a human corpse usually takes much longer than that,  
448 especially with the changing seasons and climate conditions in Michigan. Matt Bolang  
449 explained that he understands that decomposition typically slows down during winter months  
450 and stated that soil borings were performed in winter as well as during warmer months to take  
451 that into account. He explained that the soil borings taken at different points throughout the year  
452 show not only the current water table at those times, but also the water table levels over the past  
453 approximately one hundred (100) years. He stated that all of the data collected was used to  
454 understand the conditions of the soils and groundwater throughout the year and based on that  
455 data showed and research he has done on human decomposition, he still believes there to be no  
456 risk for soil or groundwater contamination at the proposed burial site.  
457

458 Gerald Mantela (12210 Germany Road) stated that when he had a new well drilled on his  
459 property about five (5) years ago, he was required to have the water from the well tested at a  
460 state lab to verify there weren't unacceptable levels of harmful contaminants present. He stated  
461 that he intends to have the well water tested again in the near future to establish a baseline and  
462 continue to test periodically after the cemetery has become operational to ensure his personal  
463 drinking water is not contaminated as a result of the cemetery. He encouraged other residents in  
464 the area to follow his advice and do the same. He stated that the applicant should be happy to  
465 post a thirty (30) year bond which could be used in the case that the drinking water of any  
466 surrounding properties becomes contaminated as a result of the cemetery. Chairman Meisel

467 requested clarification on the purpose of the bond. Gerald Mantela stated that he thinks the bond  
468 should be used towards reimbursing any property owners whose water becomes contaminated as  
469 direct result of the cemetery. Chairman Meisel thanked Mr. Mantela for the clarification and his  
470 comments.

471  
472 Donita Sanders (12345 Alcoy) stated that she has been reading through a lot of the Michigan  
473 bylaws governing cemeteries. She stated that, in the bylaws, there is a statement that says if an  
474 aquifer is contaminated from a cemetery it will cost approximately two million dollars  
475 (\$2,000,000) to repair, assuming that it can be repaired. She said that the aquifer in the area is  
476 very large and could even cost more than that. She stated that she has been having discussions  
477 with her husband about just moving away from the area since their property is at the lowest point  
478 away from the cemetery and there are streams running on three (3) sides from the area where the  
479 proposed cemetery would be located. She continued, stating that if the groundwater was  
480 contaminated, her property would be the first to be affected and, if that occurs, she will be the  
481 first one demanding that the Township fixes the problem. She stated that she doesn't know what  
482 would need to be done to prevent the risk for groundwater contamination, whether that be a  
483 significant reduction in size or simply not creating the cemetery at all, but she believes it should  
484 not be located in the wetlands. She proposed that the applicant find a piece of property located  
485 high up on a hill and not in the area currently proposed because it is not on a hill and there is  
486 water surrounding it. Chairman Meisel thanked Donita Sanders for her comments. He then  
487 asked Matt Bolang, if the LCHD has any requirements for periodic monitoring on a voluntary or  
488 required basis look for potential contamination seeping from the site. Matt Bolang stated that  
489 there are currently no requirements in place for the periodic monitoring of contaminants from  
490 cemeteries. Chairman Meisel asked if the residents requested annual monitoring of the site by  
491 the LCHD if they would be willing to do so. Matt Bolang explained that monitoring a site is  
492 much more complicated than what most believe. He stated that the first step is to determine what  
493 types of specific contaminants they would be screening for. He stated that if they were  
494 monitoring for viruses and bacteria in the groundwater, there are so many different species that it  
495 is very difficult to do and not many labs would be willing to do testing for this type of situation.  
496 He said that the testing the LCHD performs for residential wells is done to detect only a certain  
497 species of bacteria to verify that the well has been properly disinfected, as well as other harmful  
498 substances such as nitrates and arsenic. He stated that chloroforms which are typically released  
499 from decomposition could be tested for as well as known bacteria associated with human bodies,  
500 but stated he was not aware of all of the contaminants that the water would need to be tested for.  
501 He asked Jerry Sanders if he knew what types of specific bacteria they would need to test for in  
502 this instance. Jerry Sanders stated that the laboratory at the university he works at has the ability  
503 to do specific types of genome identification testing which can identify many different species of  
504 viruses and bacteria present in a sample. Matt Bolang stated that he is aware that some  
505 sophisticated research laboratories have that capability but was not familiar with any local  
506 laboratories in the County which are capable of performing such tests. A resident (name not  
507 stated) indicated that "PCR testing" could be used to identify any types of contaminants present  
508 in a sample of water and would likely be the best option in this situation. Jerry Sanders  
509 explained how the "PCR testing" is performed and stated that it is simple to do and many  
510 laboratories should be capable of using that method. Matt Bolang stated that that may be the best  
511 option, however, the LCHD does not have a laboratory to perform such testing.

512

513 Chairman Meisel asked for additional comments and/or questions.

514

515 Elaine Schilling asked if there was a reason that the LCHD does not want the applicant to have  
516 an environmental impact study performed on the proposed cemetery site. Matt Bolang stated  
517 that, based on their thorough review and evaluation of the site, they found that there would be no  
518 need for an environmental impact study since their results indicated there to be no significant  
519 public health or safety risks. Elaine Schilling stated that she and the other concerned residents  
520 do not believe that the LCHD review was done thoroughly enough and they feel jeopardized  
521 because their drinking water is definitely at stake. Matt Bolang stated that the opinion of the  
522 LCHD is that an environmental impact study should not be required, but the Township could  
523 potentially request that one is provided. He explained that environmental impact studies are only  
524 required for high-risk scenarios and they cost tens of thousands of dollars, which would be a  
525 significant burden on the applicant. He stated that if the LCHD felt there to be any significant  
526 risk of groundwater or soil contamination from the proposed cemetery, they would have  
527 recommended an environmental impact study, however, in this case, one is not warranted.  
528 Donita Sanders stated that a two-million-dollar (\$2,000,000) cleanup cost should be enough to  
529 warrant an environmental impact study. Matt Bolang replied, stating that she is assuming that  
530 there will be actual contamination. Donita Sanders stated that she has absolutely no doubt that  
531 the groundwater is going to become contaminated.

532

533 Ron Schilling stated that he would like to follow up on a previous comment. He stated that on  
534 one of the soil boring result pages, there is a sample that failed which is right in line with several  
535 other borings which passed. Matt Bolang stated that the sample which failed was located in an  
536 area much lower than those which passed. He explained that the borings he was referencing are  
537 not located in or within close enough proximity to the proposed burial site. Ron Schilling stated  
538 that it appears the testing was performed in a way where they just kept testing different areas  
539 until they could find a few that could be deemed suitable for burials. He said that that seems to  
540 be an “escape” or a way to get around the fact that most of the soil borings conducted were found  
541 to be unsuitable. Matt Bolang stated that they used the method of selective borings in order to  
542 find any areas that would be suitable for a burial site. He stated that is the best way to test in  
543 order to identify the less desirable areas and separate them from those found to be suitable for  
544 burials. A resident (name not stated) stated that selective borings does not sound like a good  
545 enough answer. Donita Sanders said that she believes the borings should have been done  
546 randomly throughout the entire site as opposed to systematically using a selective sample  
547 method. Elaine Schilling asked Chairman Meisel if he understood what Matt Bolang was talking  
548 about. Chairman Meisel stated that he does to a certain degree. He said he believes they are just  
549 picking the areas where they can get the best data from the borings by looking at the drainage  
550 patterns and soil types in each area to determine which areas could be suitable for the proposed  
551 use. He stated that he does not claim to be an expert in the field and that is why the Planning  
552 Commission needs to rely of the expertise provided by Matt Bolang and the LCHD. Ron  
553 Schilling stated that the water table is very high at one of the borings. Chairman Meisel stated  
554 that he was referring to the boring sample taken in the area where the driveway is proposed near  
555 Denton Hill Road which is nowhere near the proposed burial site. Ron Schilling stated that he  
556 wasn't sure where the sample was taken because he did not look at the map. Chairman Meisel  
557 stated that we need to understand what that data means. He said that in this particular instance,  
558 the sample he has referenced is not adjacent to, or located in close proximity of the area in which

559 burial sites have been proposed. Ron Schilling stated that there was another failed boring sample  
560 near the southern property line of the site. Chairman Meisel stated that boring sample was likely  
561 taken since it was in a higher elevation, however, it is still not within close proximity to the  
562 proposed burial site. Matt Bolang stated that the samples were takes in various locations  
563 throughout the site because the applicant wanted to look at all possible options when he was  
564 planning the locations for the proposed features of the cemetery. Donita Sanders asked if the  
565 LCHD should have sampled everywhere on the site instead of selectively. Matt Bolang  
566 explained that it is not necessary or realistic to perform soil borings throughout the entire eighty  
567 (80) acre parcel since the applicant has identified a ten (10) acre area for the cemetery, one point  
568 three (1.3) acres of which would be utilized for burials, since the burial site area had already  
569 been identified based on the results of the soil borings (which indicated that the 1.3-acre  
570 proposed burial site would be suitable). Donita Sanders stated that they should have done more  
571 borings within the 1.3-acre burial site. Ed Murray asked if multiple boring samples had been  
572 taken from the proposed burial site area. Matt Bolang said yes.

573

574 Kathleen Kortge (12270 Germany Road) stated that she read through all of the LCHD  
575 documentation and was unclear on the portion pertaining to soil borings. She stated that her  
576 property has a lot of sandy soils and not far away there are a lot of clays in the soils. She asked  
577 Matt Bolang if he feels that the LCHD performed enough soil borings to ensure that the soil  
578 types are consistent in the proposed burial area. Matt Bolang stated that they did perform four  
579 (4) soil borings in the 1.3-acre proposed burial site and he is confident that the soil types are  
580 consistent in that area.

581

582 Walter Johnson (12368 Parkin Lane) stated that he has been a resident of Tyrone Township since  
583 1994. He said that he has been allowed to make improvements to his property, but only  
584 improvements. He asked the Planning Commission to think about whether or not they truly  
585 believe that the proposed cemetery would improve the Township. Chairman Meisel thanked Mr.  
586 Johnson for his comment.

587

588 Linda Kurnik (12231 Germany Road) stated that the original site plan for the proposed cemetery  
589 included approximately four thousand (4,000) gravesites, which has since been reduced to  
590 approximately fifteen hundred (1,500) gravesites. She stated the total cemetery site would be ten  
591 (10) acres and asked what would keep the owner of the cemetery from expanding beyond the  
592 currently proposed 1.3-acre burial area. She stated that if a land use permit is issued for a  
593 cemetery on a ten (10) acre site, they should require soil borings throughout the entire 10 acres  
594 since someone could possibly expand the burial area in the future. She said that somebody,  
595 either the current owner or a future owner, will eventually want to expand the burial area.  
596 Chairman Mesiel explained that the special land use permit, if granted, would remain with the  
597 site regardless of ownership. He stated that if the application is approved, the approved site plan  
598 would include the 1.3-acre area designated for burials. If anyone wanted to expand the burial  
599 area, they would need to go through the formal review process to get approval to do so. He  
600 continued, stating that expansion beyond the 1.3-acre area is likely not even possible since most  
601 of the soil conditionals outside of that area have been found to be unsuitable for burials. Linda  
602 Kurnik asked if that means that the originally proposed four thousand (4,000) gravesites would  
603 not have been approved. Chairman Meisel stated that he cannot guarantee the outcome since the  
604 testing was not intended to be applied to an area larger than the proposed 1.3-acre burial area.

605 Linda Kurnik asked how the Planning Commission could guarantee that the LCHD assessment  
606 of the site is accurate. Chairman Meisel explained the formal application procedure and  
607 indicated that the technical experts who have been involved in determining the suitability of the  
608 cemetery have not identified any potential for groundwater contamination and, therefore, the  
609 Planning Commission should have enough information available to make a recommendation to  
610 the Township Board. He stated that the Planning Commission needs to make the  
611 recommendation based on facts and the fulfillment of the requirements for approval. He  
612 explained that if the applicant has met all of the requirements and the environmental experts  
613 indicate there is no risk to public health and safety, they will need to recommend approval. He  
614 explained that the Township Board could possibly require additional information before granting  
615 approval, but the Planning Commission cannot recommend denial if all of the requirements have  
616 been met. Linda Kurnik stated that the Planning Commission needs to look towards the future  
617 and take care of the residents of the Township. A resident (name not stated) cited the Flint water  
618 crisis as an example of government failing its residents. Chairman Meisel thanked Linda Kurnik  
619 for her questions and comments.

620

621 Virginia Mantela (12210 Germany Road) asked how the cemetery would be monitored if it is  
622 approved. Chairman Meisel stated that it is a good question and it is something the Planning  
623 Commission is still looking into. He stated that is the reason he inquired about the possibility of  
624 the LCHD doing some type of water quality monitoring earlier.

625

626 Ed Murray stated that he had a question for Matt Bolang. He asked him how he feels about the  
627 proposed cemetery now that he is aware of Michigan Act 239 and that the weight of the bodies  
628 that would be buried there would far exceed the maximum ten thousand pounds (10,000 lbs.) per  
629 acre for animal corpses. Matt Bolang stated that he is very familiar with the act since the LCHD  
630 is responsible for handling animal burials as well. He stated that the difference between the  
631 requirement he is referencing and the proposed cemetery is that the 10,000 pounds per acre  
632 maximum applies specifically to mass animal burials performed at the same time whereas human  
633 burials would typically occur over a long period of time (meaning that all the corpses that would  
634 be needed to fill the proposed grave sites would not be decomposing simultaneously). He stated  
635 that the applicant believes there will likely be approximately two (2) to five (5) burials per year.  
636 Ed Murray asked what if there were actually fifty (50) or one hundred (100) burials per year.  
637 Matt Bolang stated that, based on the information from the applicant and the extensive  
638 evaluation of the proposed burial area he is comfortable with the LCHD assessment that the  
639 proposed cemetery will not result in groundwater contamination. Ed Murray stated that he is not  
640 comfortable.

641

642 Chairman Meisel asked Matt Bolang if he would like to make any additional statements  
643 regarding the proposed cemetery. Matt Bolang stated that they had really only covered the first  
644 item on the LCHD review and suggested continuing to work through item by item.

645

646 Chairman Meisel read through the list of questions and concerns that the Planning Commission  
647 had previously sent to the LCHD for comment while Matt Bolang elaborated on the responses.  
648 On the question regarding the need or requirement for burial vaults, Chairman Meisel asked the  
649 applicant for clarification on whether or not he intends to use vaults for each grave site. Hasan  
650 Siddiqui indicated that the use of a vault would be up to whoever is purchasing the grave plot.

651 Matt Bolang explained that the purpose of vaults is to prevent caskets from caving in, not to  
652 prevent seepage of bodily fluids into the soil and the LCHD does not require vaults for  
653 cemeteries. Ed Murray stated that Michigan law requires that vaults are used for burials of  
654 people who die from infectious diseases. Chairman Meisel thanked Ed Murray and continued  
655 reading through the list of questions.

656  
657 Donita Sanders stated that she has been reading the Michigan bylaws. She asked the applicant if  
658 he would be working with funeral homes to deliver bodies to the cemetery. Hasan Siddiqui  
659 confirmed that the plan would be to work with a funeral home. Donita Sanders stated that  
660 Michigan law requires that the funeral home is a separate entity from the cemetery. She  
661 explained the required procedure of what must happen with a body from death to burial  
662 according to Michigan law.

663  
664 Gary Wasiak asked Matt Bolang what the one hundred (100) year water table is since he doesn't  
665 believe the question was answered earlier. Matt Bolang stated that his answer earlier was that  
666 the LCHD looks at seasonal high-water tables based on the results of soil boring samples. Gary  
667 Wasiak stated that that does not answer the question about the 100-year water table. Matt  
668 Bolang explained what is a 100-year floodplain. Gary Wasiak asked if there was a record of  
669 that. Matt Boland stated that he was not certain off the top of his head but explained that the  
670 environmental engineer who performed the initial wetlands delineation study of the proposed  
671 cemetery site did include that information in his report (provided in the original and subsequent  
672 special land use applications). The conversation continued. Brian Keeseey stated that the 100-  
673 year flood plain is frequently misunderstood. Gary Wasiak asked how it could be misunderstood  
674 since it clearly says one hundred (100) years and how there could be records from 100 years ago.  
675 Brian Keeseey agreed that the name is confusing and explained that the term is really intended to  
676 describe an area where there is a one percent (1%) chance that the high-water table could reach  
677 that point, as opposed to it literally indicating that the water table will actually get to that point  
678 once every one hundred years. Matt Bolang added that he believes there have been hundred-year  
679 storms about five (5) or six (6) times during the past ten (10) years. Brian Keeseey stated that the  
680 terminology is commonly misunderstood. Chairman Meisel added that the intent of the one  
681 hundred (100) year mark is to predict the worst possible conditions within a 100-year period  
682 which is sometimes accurate but not always since it is only an educated guess based on past data  
683 patterns.

684  
685 Chairman Meisel suggested moving on to discuss the revised use statement for the proposed  
686 cemetery that was submitted shortly before the meeting. He pulled up the use statement on the  
687 overhead display monitors and briefly summarized the recent revisions that had been made since  
688 the previous version. Details on hours of operation were added, stating that they would be  
689 Monday through Sunday from nine (9) am until sundown. Chairman Meisel asked the applicant  
690 if the proposed hours of operation would be visiting hours or burial hours. Hasan Siddiqui  
691 indicated that both burials and public visitations would be during the same hours, from nine (9)  
692 am to sundown, Monday through Sunday. Other additions to the use statement included; the  
693 total number of gravesites- one thousand five hundred and eighty-nine (1,589), gravesite details,  
694 information on "green burial" techniques, a statement on road maintenance- indicating that the  
695 owner/operator would be responsible for periodic road maintenance as needed. Chairman Meisel  
696 stated that additional clarification should be added to the use statement to specify that the one



697 thousand five hundred and eighty-nine (1,589) gravesites are located on one point three (1.3)  
698 acres of the ten (10) acre cemetery site, including a reference to the site plan describing the exact  
699 location. Al Pool agreed that adding that clarification would be advisable. Chairman Meisel  
700 explained that a significant portion of the provided document describes developmental  
701 requirements which should not necessarily be included in a use statement. He stated that a use  
702 statement should tell people the hours of operation (specifying the specific functions that would  
703 occur during the hours indicated), indicate that the proposed cemetery is a “green burial” site  
704 (and briefly define/explain “green burial” practices/procedures), road maintenance details, details  
705 on site monitoring, and everything pertaining to the operation and maintenance procedures. He  
706 explained to the applicant that he doesn’t believe they are far off from an acceptable use  
707 statement and that the Planning Commission could assist them in making the necessary revisions.  
708 Chairman Meisel asked the Planning Commission if they had any additional comments or  
709 suggestions regarding the proposed use statement. Kurt Schulze asked if it would be appropriate  
710 to include the anticipated number of burials annually in the use statement. Chairman Meisel  
711 stated that it may be good information if the applicant feels comfortable providing an estimate,  
712 however, the reality is that there is no way to predict what the actual number of burials per year  
713 would be. Kurt Schulze asked the applicant for clarification on whether or not the proposed  
714 cemetery would accept reinternments (reburying of bodies from other burial sites). Hasan  
715 Siddiqui indicated that they are not proposing to accept reinternments. Chairman Meisel  
716 suggested indicating that on the use statement would be beneficial.

717

718 Chairman Meisel went through the remaining documents in the application including the  
719 wetlands delineation report, driveway details, LCHD and LCRC correspondence and reviews,  
720 etc. He stated that nearly all of the requirements have been met, noting that a few additional  
721 details should be added to the use statement. Dave Wardin suggested including the word  
722 “embalming” in the use statement in addition to the details on “green burial” techniques to  
723 clarify that no burials of embalmed bodies would be performed at the proposed cemetery unless  
724 required by law.

725

726 Chairman Meisel brought up the proposed parcel drawing and asked Brian Keesey where they  
727 had previously left off in respect to the proposed land division of the proposed ten (10) acre  
728 cemetery site from the eighty (80) acre parent parcel, asking whether or not it should be required.  
729 Ross Nicholson stated that the requirement for cemeteries is that the total site must be a  
730 minimum of ten (10) acres and no maximum size is specified. Brian Keesey confirmed that the  
731 requirement for new a new cemetery special land use is that the site is a minimum of ten (10)  
732 acres and, therefore, a land division would not be required for approval of the application. He  
733 noted that, although it is not necessarily required by the Zoning Ordinance, the original and  
734 current proposal in the application is to divide off the proposed ten (10) acre cemetery site from  
735 the eighty (80) acre parent parcel. Chairman Meisel asked the applicant if the intent was still to  
736 divide off the ten (10) acre cemetery site through a land division or to simply allocate the ten  
737 (10) acres for the proposed cemetery use. Hasan Siddiqui stated that the current intent is to  
738 allocate the ten (acres) of the eighty (80) acre parcel for the cemetery special land use. Dave  
739 Wardin stated that the application implied that the land division would occur prior to the  
740 approval of the special land use and has been reviewed based on that fact from the beginning.  
741 He added that he does not feel comfortable recommending approval of the proposed cemetery  
742 special land use unless the parcel is split off specifically for that use. Chairman Meisel stated

743 that the Zoning Ordinance only requires a minimum parcel size of ten (10) acres, which the  
744 current parcel configuration exceeds. Dave Wardin stated that he understands the requirement  
745 but, due to the way that the application has been presented from the beginning, he believes the  
746 execution of the land division to be necessary before the special land use can be recommended  
747 for approval. Brian Keeseey replied to Dave Wardin's comment, comparing the proposed  
748 development of the property with the development of a single-family use. He stated that if a  
749 person owns a ten (10) acre parcel and they build on one (1) acre, they are not required to divide  
750 the developed portion of the site from the remainder. He continued, stating that allocating the  
751 cemetery site from the larger parcel instead of dividing would still mandate that the  
752 owner/operator follow the same approval process for any expansion of the burial site or increase  
753 in the intensity of the use. He added that if the ten (10) acre cemetery site was not divided  
754 concurrently with the special land use approval and a use of any kind was proposed anywhere on  
755 the remainder of the eighty (80) acre site at a later date, the division would need to occur before  
756 approval of the other use could be considered. He stated that neither one of the options would  
757 change the special land use aspect and, therefore, there are no additional benefits from requiring  
758 the land division to occur. Dave Wardin suggested that development of a property for a single-  
759 family use is completely different from the proposed cemetery special land use because the  
760 original and subsequent site plans for the cemetery have shown a boundary (as a bold black line)  
761 surrounding the ten (10) acre portion of the parcel where the cemetery is proposed, implying that  
762 it would be located on a separate parcel if approved. Chairman Meisel brought up the drawings  
763 included in the application to demonstrate the point Dave Wardin was making. He explained to  
764 the applicant that if the intent of the application is to allocate the cemetery site instead of  
765 dividing it, revisions should be made to clarify (including revising the site plan, removing the  
766 proposed land division drawings, and making note of the allocation on the site plan and use  
767 statement). Chairman Meisel asked the applicant if he would like to make the revisions to the  
768 application to clearly indicate the allocation of the ten (10) acre cemetery site or to proceed with  
769 the land division as originally proposed. Hasan Siddiqui stated that they will continue with the  
770 land division if that is the best way to proceed. Chairman Meisel thanked the applicant and  
771 explained that he believes proceeding with the land division will help to make things easier to  
772 manage since it would allow the cemetery site to stand as a separate entity. He stated that since  
773 the intent is to perform the land division, the current proposed parcel configuration drawings and  
774 related documents included in the application are adequate.

775

776 Chairman Meisel asked if there were any additional questions or comments from the Planning  
777 Commission. Cam Gonzalez stated that he believes that the Planning Commission has learned a  
778 great deal about cemetery standards, guidelines, and requirements at the local, state, and federal  
779 levels since the application was received. He continued, stating that although they have learned  
780 a lot, they may not know enough to fully understand the possible implications that may result  
781 from a new cemetery. He added that it has been many years since a new cemetery was  
782 established in the Township and that there have been many changes in requirements at all levels  
783 since the last cemetery was approved. He stated that he feels that most of the cemetery  
784 regulations are mandated and overseen under the state of Michigan approval process. He stated  
785 that the Planning Commission may not be equipped to sufficiently make a decision on the  
786 application. He thanked the applicant for all of his professionalism throughout the application  
787 process and for the quality of the application. Chairman Meisel thanked Cam Gonzalez for his  
788 comments and asked if there were any additional questions or comments from the Planning

789 Commission. Bill Wood stated that he is very supportive of local business but he takes issue  
790 with businesses that negatively impact adjacent uses. He stated that, as a business owner who  
791 lives in the community, he sincerely understands and appreciates the concerns being brought up  
792 by the residents who live in the area of the proposed cemetery. He mentioned some of the  
793 estimated financial figures previously brought up by the applicant and concluded that it would be  
794 highly unlikely that the proposed cemetery could make any profit or even break even for many  
795 years. He explained that it would take over three hundred (300) years, based on the estimated  
796 costs for construction, maintenance, and operations compared to the approximate cost of burial  
797 plots, before the proposed cemetery could make any profit at all. Chairman Meisel replied,  
798 stating that he understood where Bill Wood was coming from but explained that the applicant  
799 had indicated since the beginning of the application process that the intent of the proposed  
800 cemetery use is to create a final resting place for friends and family to be buried together in  
801 perpetuity, not to make a profit. Bill Wood asked who would be responsible for maintaining and  
802 operating the cemetery if it fails financially. Chairman Meisel explained there is a possibility  
803 that the Township may need to take over the cemetery at some point if it were to fail, however,  
804 the State of Michigan has financial mechanisms in place that would require the cemetery to  
805 maintain an escrow account to be used for continuing operations and maintenance in case of  
806 scenarios such as financial failure. He stated that this mechanism was not in place when the  
807 existing cemeteries the Township is responsible for maintaining were established. Bill Wood  
808 stated that he was still uncomfortable with the financial figures that have been presented. Hasan  
809 Siddiqui stated that the intent for the proposed cemetery has always been to have a place where it  
810 is guaranteed that friends and family can be buried together as opposed to finding plots scattered  
811 far apart in existing cemeteries farther away from their homes. Bill Wood accepted the  
812 explanation and stated that it makes sense from that perspective. Hasan Siddiqui continued,  
813 explaining that the estimated financial figures he presented are just the bare minimum costs for  
814 being able to create a place for friends and family to be buried together. He stated that the only  
815 real way to accomplish their goal is by following the same application procedures that a for-  
816 profit business needs to follow. He explained that he is a business owner himself and stated that,  
817 looking at the project from the outside from a financial point of view, it is definitely not a smart  
818 investment if the ultimate goal is to make a profit. He explained that the ultimate goal is not to  
819 make a profit but for something meaningful to himself, his friends, and his family. Kurt Schulze  
820 stated that people purchase cemetery plots all the time and that there are many plots available.  
821 He continued, stating that someone could buy nine hundred (900) plots in a year, but unless all  
822 900 people (for which the plots were intended) died at once, the plots would not be utilized. He  
823 stated that, for a cemetery, the profit and the number of bodies buried do not necessarily  
824 correlate, but the profit and the number of plots sold do. Chairman Meisel added that the  
825 Planning Commission does not take the estimated financial figures into account when reviewing  
826 special land uses for other types of business such as restaurants or outdoor storage yards. He  
827 explained that it isn't that the Township doesn't care whether or not they are successful, but  
828 because starting a business is something people have the right to do.

829  
830 Chairman Meisel asked if there were any additional questions or comments. Brian Keesey stated  
831 that he would like to make a comment on Cam Gonzalez's most recent statement regarding state  
832 and county agencies having more jurisdiction than the Township in the approval process for  
833 cemeteries. He stated that, from a zoning and land use point of view, the proposed cemetery is  
834 exactly the type of low-intensity use that the Zoning Ordinance specifies as being appropriate for

835 the Farming Residential (FR) zoning district. He continued, stating that there is no real concrete  
836 evidence proving what kind of effects cemeteries have on adjacent properties. He stated that  
837 there is no evidence that cemeteries adversely affect property values. He explained that there are  
838 many people who prefer to live near cemeteries because they are typically peaceful areas of  
839 essentially perpetual open space while there are also many people who prefer not to live near  
840 them due to the stigma associated with them. He stated that the Planning Commission needs to  
841 make the recommendation taking into account potential negative impacts and nuisance factors  
842 which can be proven. He stated that the Planning Commission needs to rely on the reviews and  
843 opinions of the professionals at the County and State agencies having jurisdiction over  
844 cemeteries in order to make an informed decision. Brian Keesey moved on to the topic of  
845 environmental impact studies. He noted that he had heard several comments from residents  
846 requesting that the Township require the applicant to provide a detailed environmental impact  
847 study to verify the professional opinion of the LCHD that the proposed cemetery would have  
848 little to no negative impact on the environment (inclusive of groundwater and soil  
849 contamination). He stated that the Planning Commission could technically recommend to the  
850 Township Board that an environmental impact study is provided, however, the Board would  
851 have to agree with the condition for it to be required. He explained that, while recommending an  
852 environmental impact study could be done, in his opinion, it would be completely unfounded  
853 since the LCHD explicitly stated that there is no significant threat to public health or safety that  
854 would warrant the environmental impact study. For that reason, Brian Keesey strongly  
855 cautioned the Planning Commission from considering to include an environmental impact study  
856 in their recommendation to the Township Board.

857  
858 Chairman Meisel asked if there were any additional comments or questions from the Planning  
859 Commission or the public in attendance. No questions or comments were received. He asked  
860 the applicant if he had anything that he would like to say. Hasan Siddiqui stated that he would  
861 like to reiterate that he, his family, and his friends are all residents of the community who live  
862 directly adjacent to the proposed cemetery site. He explained that if there was any risk of the  
863 proposed cemetery negatively impacting adjacent properties, in any way, he would take every  
864 step necessary to prevent it, even if that meant relocating the proposed cemetery site. He stated  
865 that the extensive professional research and reviews that have been performed on the site do not  
866 indicate any significant risks of negative impacts. He stated that he sincerely hopes that those in  
867 attendance believe that the only intent of the proposed cemetery is for the burials of friends and  
868 family. He stated that a major fear shared by himself, his family, and his friends are that there is  
869 a lot of negative energy directed towards them from neighbors and other members of the  
870 community. He concluded, stating that he sincerely hopes that their efforts to establish the  
871 proposed cemetery does not lead to any malice or hatred towards them.

872  
873 Chairman Meisel suggested that the Planning Commission go through all of the Township  
874 requirements for cemetery special land uses to verify that everything has been adequately  
875 addressed. He read through the list of cemetery-specific requirements from the Zoning  
876 Ordinance and verified that each has been completed. He stated that Brian Keesey had explained  
877 the Planning Commission's obligations are in regards to the special land use. He then read  
878 through the requirements for all special land uses and explained that all requirements have  
879 technically been met based on the documents submitted and the reviews from outside agencies  
880 having jurisdiction, noting that there are still additional concerns from the public regarding

881 potential groundwater and/or soil contamination. He asked the Planning Commission how they  
882 would like to proceed. Kurt Schulze asked if the land division aspect of the application had been  
883 determined. Chairman Meisel stated that the applicant has now confirmed that they will be  
884 proceeding to divide the cemetery site from the parent parcel in the future. Kurt Schulze asked if  
885 they have received clarification on all of the suggested revisions to the use statement. Chairman  
886 Meisel stated that the Planning Commission and the applicant understand what should be revised  
887 in the use statement. The Planning Commission briefly discussed the proposed revisions to the  
888 use statement to verify that everything had been covered. Bill Wood asked if all of the water  
889 issues have been addressed as thoroughly as possible for the sake of the concerned residents.  
890 Chairman Meisel stated that the answer would be opinion-based. He summarized all of the  
891 information that had been received regarding potential groundwater contamination including  
892 documentation from the LCHD and Matt Bolang's statements during the meeting. He continued,  
893 stating that it is the opinion of Matt Bolang and the LCHD that the site has been adequately  
894 evaluated and found to be appropriate for the proposed use and the intensity of the proposed use.  
895 Chairman Meisel explained to Bill Wood that he can have his own opinion on the matter, but all  
896 the Planning Commission really has to go by are the professional opinions that have been  
897 provided. Bill Wood stated that he believes Matt Bolang and the LCHD since he understands  
898 that they have a great deal of experience and expertise on the subject.

899

900 Cam Gonzalez stated that he understands that there are no Township requirements for testing or  
901 monitoring of soils and groundwater in the areas surrounding a cemetery. He asked if there is  
902 anything at all that can be done to mandate periodic testing due to the number of concerns from  
903 residents. Chairman Meisel explained that there are three (3) possible options; 1. the applicant  
904 could volunteer to have periodic testing performed, 2. the Township Board could attempt to  
905 come to an agreement with the LCHD for periodic testing, subject to determining exactly what  
906 type(s) of testing should be performed, or 3. recommend that the Township Board discuss the  
907 previously stated options to determine if testing is necessary and, if so, how it should be  
908 performed. Kurt Schulze indicated that he was personally in favor of the third option. A brief  
909 discussion amongst the Planning Commission followed.

910

911 Chairman Meisel asked the Planning Commission how they would like to proceed in terms of a  
912 recommendation for the application. The Planning Commission and Brian Keesey discussed the  
913 procedure for recommendations and the possible conditions for a recommendation.

914

915 Dave Wardin made a motion to recommend Township Board approval of the site plan for the  
916 Yasin, LLC Cemetery conditional upon completion of the conditions listed in the McKenna &  
917 Associates memo dated November 6, 2017, approval of the cemetery special land use, and  
918 approval of the ten (10) acre land division of "Parcel 1A" as set forth in the application dated  
919 April 10<sup>th</sup>, 2018. Kurt Schulze supported the motion. The motion carried by unanimous voice  
920 vote.

921

922 Dave Wardin made a motion to recommend Township Board approval of the Yasin, LLC  
923 Cemetery Special Land Use based on the revised application dated April 4<sup>th</sup>, 2018, specifying  
924 that the total number of burial plots will be limited to one thousand five hundred and eighty-nine  
925 (1,589) conditional upon revisions to the use statement as noted including; the estimated  
926 utilization on an annual basis and noting that embalming and reinterments are not permitted,

927 also conditional upon consideration for establishing an agreement with the Township Board for  
928 annual water quality testing/monitoring (coordinating with the LCHD when necessary) and  
929 execution of the proposed land division. He noted that the application meets all of the  
930 requirements outlined in the Tyrone Township Ordinances as well as the LCHD review  
931 standards. Al Pool supported the motion.

932

933 Chairman Meisel asked if there was any further discussion from the Planning Commission.  
934 Dave Wardin stated that he would like to amend his motion to include an additional statement in  
935 the motion to specify that expansion of the burial plots could not be increased beyond 1,589  
936 without approval of a new special land use application. Cam Gonzalez supported the amended  
937 motion.

938

939 Amended Motion: “Recommendation to the Township Board for approval of the Yasin, LLC  
940 Cemetery Special Land Use based on the application dated April 10<sup>th</sup>, 2018 and the Rowe  
941 Professional Services site plan drawing dated December 2017 showing 1,589 total burial plots  
942 conditional upon approval of a land division for the proposed ten (10) acre cemetery, revisions to  
943 the use statement as discussed, Township Board consideration for annual water quality  
944 testing/monitoring, acknowledging that the application fulfills the requirements in the Tyrone  
945 Township Zoning Ordinance #36, Sections 22.05 and 22.06 and recognizing that it also fulfills  
946 the review standards set forth by the LCHD, and specifically noting that no expansion of the  
947 cemetery beyond the 1,589 burial plots will be permitted without approval of a new special land  
948 use application.

949

950 Brian Keeseey suggested that the Planning Commission include a statement in the motion  
951 regarding the requirement to fulfill the requirements of additional state and county agencies  
952 having jurisdiction over cemeteries. Kurt Schulze stated that including the statement would be  
953 beneficial since the additional agency approvals will be required before the cemetery could be  
954 legally established. Dave Wardin commented, stating that inclusion of the statement may not be  
955 completely necessary since the applicant cannot complete the process with the additional  
956 agencies without having the approval from the local municipality. He added that it is another  
957 “chicken and egg scenario”- the applicant cannot officially create the cemetery without having  
958 approval from all agencies involved, so it may not be necessary to include the statement  
959 pertaining to other agencies in the recommendation for approval from the local municipality. He  
960 stated that the Township could simply require proof of additional agency approvals prior to  
961 issuance of the land use permit for construction of the cemetery. Chairman Meisel stated that in  
962 scenarios where local, state, county, and, in some instances federal, the Planning Commission  
963 typically includes statements in their recommendations indicating that additional agency  
964 approvals may be required. He continued, stating that it may seem obvious or unnecessary to  
965 include such statements, but it doesn’t hurt to be extra thorough to ensure all aspects pertaining  
966 to the approval process are addressed.

967

968 The motion was amended once more to include the statement pertaining to additional agency  
969 approvals.

970

971 Final amended motion: “Recommendation to the Township Board for approval of the Yasin,  
972 LLC Cemetery Special Land Use based on the application dated April 10<sup>th</sup>, 2018 and the Rowe

973 Professional Services site plan drawing dated December 2017 showing 1,589 total burial plots  
974 conditional upon approval of a land division for the proposed ten (10) acre cemetery, revisions to  
975 the use statement as discussed, Township Board consideration for annual water quality  
976 testing/monitoring, acknowledging that the application fulfills the requirements in the Tyrone  
977 Township Zoning Ordinance #36, Sections 22.05 and 22.06 and recognizing that it also fulfills  
978 the review standards set forth by the LCHD, specifically noting that no expansion of the  
979 cemetery beyond the 1,589 burial plots will be permitted without approval of a new special land  
980 use application, also noting that additional approvals will be required from all agencies having  
981 jurisdiction prior to the issuance of the special land use permit. Al Pool supported the amended  
982 motion. All voted in favor of the recommendation for approval except for Ron Puckett who  
983 voted in opposition. The amended motion carried.

984  
985 Chairman Meisel stated that the Planning Commission needed to vote on the application in its  
986 entirety inclusive of the site plan and the special land use. All voted in favor except Ron Puckett  
987 who voted in opposition. The motion carried.

988  
989 Chairman Meisel thanked the public in attendance for their patience and participation. He stated  
990 that the Planning Commission does understand the concerns that residents have communicated  
991 and has included language in the recommendation to reflect them. He explained that the  
992 Planning Commission has limited power and is unable to require anything outside of the  
993 parameters of the Township Ordinances, but the Township Board may be able to address the  
994 concerns regarding potential groundwater contamination further when they review the  
995 application. He continued, stating that he hopes the thorough Planning Commission review of  
996 the application helps to put residents' minds at ease and thanked everyone again for their  
997 participation and attendance.

998  
999 Linda Blanco (11300 Tipsico Lake Road) asked Chairman Meisel when he expected the  
1000 application to be reviewed by the Township Board. Chairman Meisel stated that there are a few  
1001 documents that need to be revised and submitted before the Planning Commission can send their  
1002 letter of recommendation to the Township Board. He stated that once the documents have been  
1003 submitted and are found to be acceptable, the Planning Commission would send their letter of  
1004 recommendation along with all supporting documents to the Township Board. He continued,  
1005 stating that once the letter of recommendation and supporting documents are received by the  
1006 Township Board, they would most likely include the application on their agenda for the first  
1007 Board meeting during the month after the recommendation is received.

1008  
1009 *The item was closed at 9:43 pm.*

1010  
1011 *The meeting was temporarily recessed.*

1012  
1013 **OLD BUSINESS # 2 (9:48 pm): Durocher Outdoor Storage & Construction Office Special**  
1014 **Land Use Application**

1015  
1016 Chairman Meisel introduced the topic by summarizing where the Planning Commission had  
1017 previously left off with their review of the application. He read through the list of actions the  
1018 Planning Commission had previously provided to the applicant following the last meeting the  
1019 application was formally reviewed. He stated that they had previously reviewed the site plan, the use

1020 statement, and other documents pertaining to the application, and found them to be close to  
1021 satisfactory but not close enough to recommend approval at that point. He continued, stating that the  
1022 Planning Commission had recommended revisions to the application and requested additional agency  
1023 documentation which is what they will be reviewing tonight. He stated that the use statement has  
1024 been revised to include a statement indicating that there are no regulated wetlands on the property, a  
1025 statement to clearly describe unregulated wetland areas on the property, a statement to indicate that  
1026 the existing fence on the north side of the property and berms would be utilized to prevent any debris  
1027 from entering any adjacent properties, a statement indicting that no major repairs of equipment would  
1028 be performed on site, a statement describing the location of the proposed security gate, a spill  
1029 prevention and response plan, a statement describing the size, location, and specifications of fuel  
1030 storage tanks and pads, a statement regarding dust management, and a statement describing the  
1031 foundation details and anchoring method for the proposed office building. The Planning  
1032 Commission had also recommended that the applicant consider adding additional perimeter security  
1033 fencing and request an architectural façade waiver for the proposed office building since the structure  
1034 would not be visible from the public right-of-way or adjacent properties in the area where it is  
1035 proposed. In addition to use statement revisions, the Planning Commission had also indicated that  
1036 the applicant would need to submit a driveway approach permit from the Livingston County Road  
1037 Commission (LCRC). They had also suggested that the Planning & Zoning Administrator verify that  
1038 the applicant will be required to connect to the Livingston Regional Sanitary System (LRSS).  
1039 Chairman Meisel read through the revised use statement and verified that the suggested revisions had  
1040 been made. Chairman Meisel stated that all recommendations and requirements in the action list  
1041 previously provided to the applicant by the Planning Commission had been addressed with the  
1042 exception of the LCRC driveway approach permit and verification of the requirement to connect to  
1043 the LRSS.

1044  
1045 Brian Keesey began reading through the review memo he had prepared for the application. He stated  
1046 that site lighting was previously discussed and he believes the information the applicant had provided  
1047 to be adequate for the proposed use. Chairman Meisel stated that during the previous discussion the  
1048 applicant had indicated that he was proposing minimum sight lighting for security purposes and  
1049 would possibly add additional lighting and provide the Planning Commission with photometric data  
1050 and other relevant information at a later date if necessary. He stated that if his recollection was  
1051 accurate, the Planning Commission had previously determined the proposed site lighting to be  
1052 sufficient for the proposed use. He asked Brian Keesey and the Planning Commission if anyone had  
1053 any issues with the site lighting that was proposed. There were no objections.

1054  
1055 Brian Keesey continued to read through his memo. He indicated that he was comfortable with the  
1056 proposed maximum berm height of twelve (12) feet. He stated that he had some concerns regarding  
1057 the proposed fuel tank area indicated on the site plan. He stated that he would recommend that the  
1058 designated fuel storage area be paved or at least have concrete pads below the storage tanks to  
1059 mitigate the potential for spills. Dave Wardin stated that he believes that the proposed gravel surface  
1060 of the fuel storage area may be inadequate and indicated that he believes paved and curbed fuel tank  
1061 storage pads would be more appropriate. Chairman Meisel stated that the Planning Commission will  
1062 discuss the fuel storage area concerns after Brian Keesey finishes going through the list in his review  
1063 memo.

1064  
1065 Brian Keesey continued to work through the review memo. He stated that the Planning Commission  
1066 has previously discussed the uses of existing and proposed structures on the site and concluded that  
1067 they were comfortable with what has been proposed. He indicated that he has no additional concerns  
1068 pertaining to the proposed uses of structures and that the requirement had been adequately addressed.



1069 He stated that architectural drawings for structures have not been submitted, however, based on the  
1070 previous discussion between the Planning Commission and the applicant, it has been determined that  
1071 additional architectural detail will not be necessary and that the requirement can be waived.

1072  
1073 Brian Keeseey continued. He recommended that the driveway approach which provides access to the  
1074 site should be paved, noting that the LCRC should determine whether the driveway approach will  
1075 need to be paved and, if so, to what extent. Chairman Meisel asked Brian Keeseey for clarification on  
1076 the extent of the paving he is recommending, whether it should just be the approach itself or if  
1077 pavement should extend further onto the site. Brian Keeseey stated that the typical recommendation  
1078 for driveway approach paving for similar uses is between thirty (30) and forty (40) feet from the road  
1079 right of way extending into the site. Ron Puckett asked what the purpose of paving a portion of the  
1080 driveway beyond the approach would be. Chairman Meisel replied, stating that additional paving  
1081 typically helps to reduce the amount dust, gravel, and other debris being moved from the site onto the  
1082 public road right-of way. He noted that proper paving can also reduce damage to the road surface  
1083 and help to manage storm water runoff. Dave Wardin added that many municipalities in Oakland  
1084 County have begun requiring additional paving beyond the approach in commercial and industrial  
1085 applications. Tim Zimmer, the engineer hired by the applicant to prepare the site plan, stated that the  
1086 LCRC has approved the location of the driveway approach. Chairman Meisel asked if the LCRC  
1087 driveway approach permit had been submitted. Ross Nicholson verified that the documentation had  
1088 been received and added to the application file. Tim Zimmer stated that the applicant is considering  
1089 creating an alternate access point in the near future and explained that investing in the current  
1090 approach would not be make sense financially. Chairman Meisel indicated that if they propose an  
1091 alternate approach, they should design it to meet the paving standards that have been discussed. He  
1092 stated that if the LCRC is willing to approve the location of the existing approach on a temporary  
1093 basis pending additional information on an alternate approach, he would have no objection. Tim  
1094 Zimmer explained that the LCRC is aware of the potential alternate driveway approach and has  
1095 approved only the location of the current approach at this time. He stated that they still working with  
1096 the LCRC on the details.

1097  
1098 Tim Zimmer (in response to the previous Planning Commission and Planner comments on the  
1099 proposed fuel storage area) stated that they intend to use jersey barriers to protect the fuel storage  
1100 tanks. He continued, stating that the proposed fuel storage tanks have double walls that act as a  
1101 secondary containment mechanism to prevent spills in the event that the tanks are damaged. He  
1102 stated that the design of the tanks and the use of the jersey barriers should eliminate any need for a  
1103 curbed surface beneath the tanks. He stated that he was not able to find any requirements or  
1104 standards mandating the area below the fuel storage tanks be paved. He explained that they have  
1105 provided a spill prevention plan including the location of an emergency spill kit in close proximity to  
1106 the fuel storage area, which he believes to be adequate to fulfill the requirements. Chairman Meisel  
1107 replied. He stated that the double-walled fuel storage tanks would likely prevent spills from  
1108 occurring in the event that they were damaged, but would not prevent spills from occurring  
1109 during the filling of the tanks or fueling of vehicles/equipment from the tanks. He explained that it is  
1110 important to have the discussion on determining an appropriate mechanism to reduce the likelihood  
1111 of any spills occurring on the site, even if it is not explicitly required. Dave Wardin stated that it is  
1112 still his opinion that the tanks should be contained on curbed concrete pads since emergency spill kits  
1113 do not absorb contaminants that have already seeped into the soil, only those which are contained on  
1114 a paved surface, such as a curbed concrete pad. He stated that it is possible, even with double-walled  
1115 tanks, that a leak could occur. If the leak began during non-business hours and was not noticed  
1116 immediately, a large volume of fuel could be absorbed into the soil below the tanks. Tim Zimmer  
1117 suggested the use of tubs as an additional spill containment mechanism in place of curbed concrete

1118 pads. Dave Wardin stated that any additional mechanisms to reduce the amount of contamination  
1119 resulting from spills would be strongly encouraged, inclusive of tubs. Gerry Durocher stated that  
1120 tubs would not significantly reduce potential spillage from the tanks if a spill occurs. He stated that  
1121 there are many farms and other operations utilizing above-ground fuel storage tanks throughout the  
1122 County that are not required to install secondary spill prevention mechanisms. Chairman Meisel  
1123 replied, stating that it is a fair statement to make, but not the best statement. He explained that the  
1124 scenarios presented do exist, but they are examples of problems with the past. He explained that the  
1125 goal of the Planning Commission in reviewing special land uses is to ensure that all aspects of the  
1126 use are reviewed and adequately addressed to hopefully prevent occurrences that threaten public  
1127 health and safety from happening. Bill Wood stated that he has had experience with above-ground  
1128 fuel storage tanks. He stated that no pads or additional containment mechanisms are required unless  
1129 the local municipality has specific requirements for them. Chairman Meisel explained that, as a  
1130 special land use, the Planning Commission can recommend additional requirements beyond those  
1131 that are required by the Zoning Ordinance and/or modify existing requirements to ensure public  
1132 health and safety. He suggested that tubs or some sort of secondary containment mechanism would  
1133 be preferred in this instance. Bill Wood explained that bins do not guarantee that a potential spill  
1134 will be wholly contained. He stated that the bins can fill up with water after a rain which would  
1135 defeat the purpose since any potential spillage into bins filled with water would overflow onto the  
1136 ground. He stated that the bins would not serve their intended purposes unless they were covered by  
1137 a roof. Gerry Durocher explained that the double-walled fuel tanks are designed to prevent spills and  
1138 they are not permanent structures. He stated that the tanks could be moved to any location on the site  
1139 and would be turned off whenever they are not in use. He explained that without the fuel pump  
1140 being turned on, because of the double-walled design and the fact that fuel will not siphon without  
1141 the pump operating, the only fuel which could possibly spill would be that which remains in the hose,  
1142 from the pump to the nozzle. He stated that, depending on the length of the hose, the most fuel that  
1143 could spill would be around one (1) or two (2) gallons. Chairman Meisel indicated that he was not  
1144 aware that the tanks would not be elevated or gravity-operated, so he is more comfortable after  
1145 hearing the explanation. Dave Wardin suggested including the tank specifications on the site plan to  
1146 ensure the only tanks used on site are those which are approved as part of the special land use.

1147  
1148 Brian Keesey stated that he had gone through all of the requirements listed in his memo aside from  
1149 the question of whether or not a connection to the LRSS would be required. Chairman Meisel asked  
1150 Ross Nicholson if he has found the answer. Ross Nicholson responded, stating that a connection to  
1151 the LRSS will be required since it is required for all PCI uses.

1152  
1153 Chairman Meisel read through the list of requirements, verifying that each item had been addressed.

1154  
1155 Dave Wardin made a motion to recommend Township Board approval of the site plan for the  
1156 contractor's storage yard and construction office special land use located at 7079 Old US-23  
1157 proposed by Gerry Durocher conditional upon adding a note describing and providing specifications  
1158 for the fuel storage tanks and fuel pumps. Ron Puckett supported the motion. The motion carried by  
1159 unanimous voice vote.

1160  
1161 Dave Wardin made a motion to recommend Township Board approval of the contractor's storage  
1162 yard and construction office special land use located at 7079 Old US-23 proposed by Gerry Durocher  
1163 for a period of two (2) years, noting that prior to the expiration the special land use will need to be  
1164 administratively reviewed to determine whether or not additional Planning Commission review will  
1165 be required, and also noting that the Planning Commission has waived the paving requirement for the

1166 driveway approach. Cam Gonzalez supported the motion. The motion carried by unanimous voice  
1167 vote.

1168  
1169 *The item was closed at 10:28 pm.*  
1170

1171 **OLD BUSINESS # 3 (10:29 pm): Detached Accessory Structures on Adjacent Lots**

1172  
1173 Chairman Meisel suggested that Brian Keeseey summarize the new revisions he had made to the  
1174 draft ordinance text for detached accessory structures on adjacent lots.

1175  
1176 Brian Keeseey listed and explained the changes he had made to the draft ordinance text since the  
1177 last discussion on the topic. He stated that the most significant change was that the special land  
1178 use was originally proposed to be permitted in the Lake Front Residential (LK-1) zoning district  
1179 which was changed to include the Rural Estates (RE) and the Single Family Residential (R-1 &  
1180 R-2) zoning districts as well. He stated that he has also standardized the language throughout the  
1181 draft text to ensure continuity and clarity.

1182  
1183 Chairman Meisel asked the Planning Commission if they had any questions or comments  
1184 pertaining to the draft ordinance text. Kurt Schulze stated that he had a question regarding the  
1185 subsection for, Deed Restrictions. He cited the last sentence in the subsection; “Tyrone  
1186 Township shall be a named signatory for the dissolution of the deed restrictions so that in the  
1187 event the owner wishes to sell the properties independently of one another, the Township can  
1188 verify the outbuilding has been removed or can be used for a permitted principal use.” He asked  
1189 what the “permitted principal use” would be. Brian Keeseey stated that the most typical principal  
1190 use in the listed zoning districts would be that of a single-family dwelling. Kurt Schulze asked  
1191 if, in a scenario where someone has received approval for the special land use and built an  
1192 outbuilding on an adjacent lot, if the owner could sell the outbuilding to a directly adjacent  
1193 neighbor. Brian Keeseey stated that it could be possible, however, the prospective buyer would  
1194 need to demonstrate that they meet the approval criteria and receive a special land use permit  
1195 prior to any sale, or combine the adjacent properties to create a conforming accessory structure.

1196  
1197 Chairman Meisel asked the Planning Commission if they had any further questions or comments  
1198 on the topic. No questions or comments were received.

1199  
1200 *The item was closed at 10:34 pm.*  
1201

1202 Chairman Meisel briefly summarized the agenda for the upcoming Planning Commission  
1203 workshop meeting scheduled for April 18<sup>th</sup>, 2018. There was a brief discussion amongst the  
1204 Planning Commission regarding prioritizing agenda topics. It was determined that the primary  
1205 focus of the workshop meeting would be outdoor advertising regulations (signs). Chairman  
1206 Meisel summarized where the Planning Commission had previously left off on the proposed sign  
1207 ordinance text amendments.

1208  
1209 Pam and Herb Livingston (8080 Sheraton Park Drive) asked if they could provide public  
1210 comments and ask questions pertaining to Section 21.55 of the Zoning Ordinance (Medical  
1211 Marijuana Uses). Chairman Meisel agreed to accept the questions and comments. Pam  
1212 Livingston stated that she has concerns over a medical marijuana facility located in close

1213 proximity to her residence. She stated that Section 21.55 requires that all caregiver operations  
1214 must apply for and obtain a special land use permit in order to operate within the Township. She  
1215 stated that the non-permitted operation has been active since January of 2018 and asked why it  
1216 has not been shut down. Chairman Meisel stated that he is not aware of all of the details of the  
1217 specific operation but would summarize to the best of his knowledge. He stated that the  
1218 operation was inspected by the Livingston County Sherriff's Department who found it to be  
1219 noncompliant with the requirements for such operations under Michigan law. He stated that one  
1220 of the requirements the operation needs to obtain in order to become fully compliant is to receive  
1221 approval from the local municipality. He stated that an agreement had been reached between law  
1222 enforcement, the Township, and the owner of the operation to demonstrate compliance with the  
1223 Township requirements through applying and receiving approval of a special land use permit.  
1224 He stated that the property owner has applied for the caregiver operation special land use and the  
1225 application would likely be reviewed at one of the next available Planning Commission  
1226 meetings. He explained that the purpose of the special land use permit application process is to  
1227 ensure the compatibility of the proposed use with adjacent uses. He noted that a public hearing  
1228 is required as part of the application process, during which time any residents are welcome to  
1229 make public comments in support or opposition of the proposed special land use. The Planning  
1230 Commission would take the comments into consideration when determining compatibility with  
1231 existing uses in the area. He stated that one of the biggest challenges local municipalities face in  
1232 regulating medical marijuana caregiver operations is the fact that such operations are a permitted  
1233 use by right under the Michigan Medical Marihuana Act (MMMA). He explained that, as the  
1234 law is written, local municipalities can create standards to regulate caregiver operations within  
1235 reason, however, such standards are limited. Herb Livingston expressed concerns regarding the  
1236 specific operation in close proximity to his residence. He explained that his family and their  
1237 neighbors are extremely concerned about their health and safety being jeopardized because of the  
1238 non-permitted operation. Pam Livingston encouraged the Planning Commission to inspect the  
1239 facility in person so they could better understand the concerns they have. Chairman Meisel  
1240 stated that part of the process will likely include at least some of the Planning Commission  
1241 performing a site inspection. Pam and Herb Livingston stated that the operation is blatantly  
1242 obvious to neighbors and anyone passing by within the public right-of-way and it is likely to  
1243 attract crime, putting everyone living in close proximity, themselves included, in danger. Pam  
1244 Livingston stated that there have been several instances where suspicious occurrences have taken  
1245 place between the operation and neighbors, citing several examples. Herb Livingston indicated  
1246 that he has frequently observed the owner of the operation permitting other people to enter the  
1247 structure, which is in violation of state law. Chairman Meisel explained that the owner of the  
1248 operation has the right to apply for the special land use permit, however, if they are unable to  
1249 demonstrate compliance with all regulations, they cannot receive approval. He continued,  
1250 stating that if the operation is approved as a special land use, there would be periodic inspections  
1251 from law enforcement, working with the Township, to ensure continued compliance with the  
1252 requirements. He stated that if the operation is found to be non-compliant at any point, the  
1253 special land use permit would be revoked and the operation shut down. Herb Livingston stated  
1254 that he believes the Township has a great Medical Marijuana Ordinance, however, he does not  
1255 believe it is right that the owner of the operation in question was allowed to basically circumvent  
1256 the requirements and begin operating without first obtaining approval of a special land use. Pam  
1257 Livingston also noted that they are very concerned about how the operation could negatively  
1258 affect the value of their property. Chairman Meisel stated that he understood their concerns and

1259 ensured them that they would be able to participate in the public hearing portion of the  
1260 application process. He stated that the primary intent of the Township Medical Marijuana  
1261 Ordinance is to ensure compatibility, which ideally means that nobody should be able to tell that  
1262 the caregiver operation exists. He reassured them that if the applicant cannot demonstrate  
1263 compliance with all requirements, including the requirement that there are no significant  
1264 nuisance factors or public health/safety risks, the operation cannot receive approval. He thanked  
1265 them for their comments and indicated that the Planning Commission would take their concerns  
1266 into consideration during their review of the application.

1267

1268 **MISCELLANEOUS BUSINESS:**

1269 **1) Planning and Zoning Administrator's Report: None**

1270 **2) Other Business Items:**

1271 **3) Township Board Actions: None**

1272 **4) ZBA Report: None**

1273 **5) Future Items: N/A**

1274 **6) Correspondence: N/A**

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1277 **ADJOURNMENT: 10:58 pm**