

WALES TOWNSHIP ZONING BOARD OF APPEALS
PUBLIC HEARING FOR A TEMPORARY USE PERMIT
FOR A PORTABLE CONCRETE BATCH PLANT
BY SIX-S. INC.
MARCH 29, 2007

Hearing opened by Chairman John Minor at 7:07 P.M.

Present: John Minor, Dave Shannon, Richard Hart, Terry Maki, and Larry Zalut. Also present Twp. Planner Richard Smith, Twp. Supervisor Eugene Jakubiak, applicant representative Brendan Tucker, Recording Secretary Marie Muller and 21 persons.

Chairman J. Minor noted that notices were mailed and a notice was published in local paper. J. Minor gave a brief explanation of procedures that would be followed in conducting hearing.

Applicant representative, Brendan Tucker, gave presentation noting that he is the supervisor of plant locations and set up on such projects. Project is to do repairs to sections of I-69 in and around M-19. Standard concrete trucks will be used, with about 10 loads a day, approximately two per hour. Also 3 to 4 train loads of sand and gravel each day. This is relatively a quiet operation. Should take about 3 to 5 weeks depending on the weather. The truck route will be Eckles Rd. to Lapeer Rd to I-69. Plant will be located far off road. Q- J. Minor, Will this be at least 700 feet from pipeline and 250 feet from Eckles Rd.? Is there any security lights being used? A. B. Tucker, yes, and we won't be needing lighting since this is strictly going to be a daylight project, from 8 to 8. Q- J. Minor, Will there be any capital improvements on the site? A. - B. Tucker, Not that I'm aware of; this is only a temporary use. Q- J. Minor, Will there be typical restoration to site? A- B. Tucker, We will erect site in one day with 3-4 people then start trucking in 2-4 loads of sand, 4 loads of stone, 3-4 loads of cement at least 4 days a week. When project is complete any material left on site will be left if owner wants it. Then we need 3 days to take down plant and clean up. Q- J. Minor, Will you use self-contained power source and what about noise level? A- B. Tucker, yes we have our own power to run plant and noise shouldn't be much more than trucks in and out of site. We may have dust problems on road but we will chloride as necessary. Q- J. Minor. There are wet lands to west. How do you plan to protect that? A- B. Tucker, We will put fence around wet lands so no sand or lime stone can cross contaminate land. Q- J. Minor, Any dangerous chemicals or fuel? A- B. Tucker, Only the diesel fuels being used. No other questions from board. Q- Sandy Morrison, 2600 Eckles Rd., There are no culverts now at this pit and drainage is awful at the driveway. This needs to be taken care of. Does the 3 weeks include Sundays? A- B. Tucker, No Sundays, we usually have a 4 day operation. A- Marty Torello, owner of site, last year we took care of culvert problems with road commission. I know road is rough but we maintain road and plant should shut down about 7-7:30. Q- Maria Ventittelli, 2850 Eckles Rd., Is Torello leasing property to them? A- M. Torello, we are in a partnership. A- B. Tucker we will be in and out of there in less than a month and work only day light hours. Q- M. Ventittelli, When they come to grade road they keep taking part of my property and the truckers urinate on the road. I'm totally totally against this. A- B. Tucker, We will have portable potties on site. Q- Michael King, 2740 Eckles Rd., We no longer have a front yard and the truck traffic is awful, this already sounds like its a done deal. Who is going to police this road the ditch run off is terrible? A- B. Tucker, We will have 2 trucks an hour going out. Q- Benjamin Schmuckel, 2590 Eckles Rd., Where is sand coming from do they have to truck it in? I also protest this. A- B. Tucker,

The sand at Eckles Rd. is not approved for roads and stone needs to be trucked in. Q- Kandie Morrison, 2600 Eckles Rd., Are these trucks going to remain on site and is there any type of security? The ditches have been built so high that it's washed out the road and we have to go in their driveway to get onto our property. A- B. Tucker, As far as security the trucks are locked and we don't have a big concern, since we have never have had a problem with plant sites. We don't foresee problems since once the trucks are locked the keys are taken away. Q- K. Morrison, How do these trucks run? A- B. Tucker, On diesel fuel which we have one truck on site. Q- James Moore, 2694 Eckles Rd., Have you been out and heard the truck noise now? Did you file with DEQ? A- B. Tucker, No we don't know about his ongoing operation. I am not aware that we need to file with DEQ only if there would be changes to the site. Q- M. Ventitelli, There is a lot of traffic now how much have you brought in already? A- B. Tucker, Nothing has been brought in nothing is planned until we get this temporary use permit. Q- M Ventitelli, Will fences be put up? Is part of the permit say it has to be locked up? Because it's not now. A- M. Torello, The fences get torn down and we probably don't always fix them real quickly. Q- Al Williams, 2572 Eckles Rd., Will all trucks be still working? A- M Torello, You will not see a lot out this early in the season with weight limits still up. Q- A. Williams, What about the fumes? Why can't you put your plant in the median on I-69? A- B. Tucker, Fumes are no more than a medium size truck. We can't do that because there is no water available on I-69. Q- A. Williams, Is there a well on Torello property? A- B. Tucker, Yes. Q- M. Ventitelli, How big is building? A- B. Tucker, 50-60 feet long 130 feet long. Q- M. Ventitelli, Is this your own company? A- B. Tucker, No I'm a project supervisor and I've not had any complaints on any of my projects in the past. Q- Kim Moore, 2694 Eckles Rd., If this area would be away from houses I'm sure it would not be any problem. But how it is now the trucks from the sand mine go speeding down the road every day. Can you control that with your project? How much concrete will you be making? Where on M-19 are you working? Is there no other site to be used? A- B. Tucker, I will require that my trucks keep to a 20-25 mile an hour speed limit on road. We will be making about 1000 yards of concrete a day. There is no other site with water and we need water to make concrete. We are working on I-69 in the area of M-19. Q- How far west from road is water? Do you use chloride in concrete? A- B. Tucker, Well is 300-350 feet from road, 50-60 feet deep and we need 200 gallons per truckload. We do not use chloride in making concrete only when we are patching at site. Q- Tonia Raimond, 7672 Kitchen, Does 200 gallons include cleaning? Was it tested to see if it puts out enough water? Do you have storage tanks for water? A- B. Tucker, The 200 gallons does not include clean up, and it was tested for capacity. We seldom use storage tanks but if necessary we have tanks with a 1000-gallon capacity. Q- M. Ventitelli, Where is cement dumped? A- M. Torello, wherever it is required. Q- M. Ventitelli, Who are you working for? A- B. Tucker, I work for Six-s and I am contracting for concrete site. This not a permanent site and we have not supplies on site as yet. Q- M. Ventitelli, How many ongoing sites right now? A- B. Tucker, I have six plants at this time. Q- David Gahns, 7790 Kitchen Rd., Does Township allow for this temporary permit? 8:07 P.M. close of public hearing. Documentation was given.

1. Letter from landowner Marty Torello giving permission for temporary use of land.
 2. Letter from Township Supervisor addressing change of driving route to be used and his recommendation for approval.
 3. Township planner Dick Smith gave his recommendation with two alternatives of either approval or denial siting his reasons. (see attached memorandum)
- Q- J. Minor, You have no written comments about security. A- D. Smith, I believe gates and fences on site plan are adequate. Q- J. Minor, There are wetlands to west should we

have concerns with that? A- D. Smith, If there is run off I doubt it would get to wetlands and applicant did make some mention of that in presentation. Q- J. Minor, Even though Master Plan indicates this to be planned residential use what is current use. A- D. Smith, This is still Agricultural and this type of use is permitted. Q- J. Minor, Is soil permeable? A- D. Smith, Yes that's my impression. Q- M. Ventitelli, Was any money given to Wales Township to approve this? What if it goes beyond the time and can they extend the permit? A-D. Smith, No only the required application fee was paid for this hearing. This board can set the time limit, and if they continue to operate after the deadline the Township board can take legal action. In order for them to extend time they would have to reapply. Law allows for extensions but project could not go on indefinitely. Q- Kim Moore, So with all of us objecting to the noise and dust and condition of our road doesn't that tell you we don't want it and you should not approve? A- J. Minor Evidence and statements given simply show us there is opposition to the ongoing sand mine. We cannot make a judgement on emotion but on what our township ordinance allows and the rights of the applicant. Q- Kandie Morrison Do you have guidelines for this type of application? A- J. Minor Yes we have state mandated standards that we must follow in every hearing and decision this board makes, but we also have latitudes to impose restrictions. Q- Al Williams 2572 Eckles Rd. Have you walked the road wet or dry? A- D. Smith I have not walked the road but driven on it and do agree at times it is in poor condition. Q- Ben Schmuckel What is the land agricultural or residential? A- D. Smith Currently it is agricultural the Master Plan has plans for it to be zoned residential. This property allows for a variety of uses in agricultural, which it is currently zoned. Q- M Ventitelli How many acres is property? A- D. Smith 109 acres overall. Q- Kandie Morrison Isn't the use industrial? A- J. Minor No the temporary use is allowed in agricultural land since it is not listed as a prohibited use. If it were residential then that would not be a permitted use. Q- Chris Lines 7644 Kitchen Are you going to walk the site? A- Supervisor Eugene Jakubiak I hadn't planned on it but will do my best to get over there. Q- M Ventitelli Are you an attorney? A- D. Smith No I am the townships professional planner. B. Tucker I will be taking pictures before going in and throughout I will be overseeing the project. I try to have it the same when I leave as when we started when we are done. Eugene Jakubiak When I get calls from the residents I call Mr. Torello. I don't always go back and check up but I will be checking on this project. Q- M. Ventitelli Is their spillage from these trucks? A- D. Smith Relatively none has been the overall experience there is no cause for environmental concerns as they are heavily regulated. The issue of dust has been addressed.

8:35 P. M. Board went into deliberation.

Documentation

4. Chairman J. Minor read memo to board (see attached). With thirteen points of his concern.
5. Second memo also read from J. Minor regarding due process and timely administration (see attached)

Q- Larry Zalut I feel the big issues tonight have been the sandpit in general and the maintenance of the driveway, culverts and roads. A- M. Torello We have made some improvements lately to the entrance and I've talked to the supervisor about this several times. Q- D. Shannon If the driveway is high part then Road Commission won't put in a culvert for run off. A- M. Torello Maybe we could address that with some extra fill stone.

Motion to approve by Dave Shannon with the following guidelines:

1. Must meet Federal and State clear water regulations
2. Improvements to driveway
3. Follow storm water erosion abatement procedures
4. Continue road maintenance on site
5. Speed limit of 20-25 for trucks be maintained
6. Hours of operation 8:00 AM – 8:00 PM
7. Cash Bond to be set by Township Board action
8. Time limit of six (6) months for project

Discussion followed with regards to time limit. Since they had only asked for 3 weeks the general feeling was that six months was excessive. The concern was with the weather being able to work every week day of the 3 weeks. Support for the motion by Larry Zalut with the reduction to 3 months time limit. Roll Call vote: Dave Shannon, yes, Larry Zalut, yes, Terry Maki, yes, Richard Hart, yes, John Minor, yes, with his reasons given much as was stated in his memo. Motion carried application for a temporary concrete production portable batch plant approved. Chairman J. Minor asked that a letter be sent to Township Board of Trustees informing them of their responsibility in setting the cash bond. Motion by Dave Shannon and supported by Larry Zalut that the public hearing be closed. All ayes public hearing closed.

Board continued with other business. J. Minor briefly discussed the new Enabling Act which took effect July 2006. We have been unable to obtain new books since they are already making changes to the Act and have stopped production on them. Election of officers was next item of business. Motion by Larry Zalut for John Minor as Chairman, support Terry Maki. All ayes motion carried. Motion by Larry Zalut for Dave Shannon Vice Chairman, support Terry Maki. All ayes motion carried. Motion by Terry Maki for Larry Zalut as Secretary, support Richard Hart. All ayes, motion carried. J. Minor talked about the new regulations and that this Board is a court to govern the zoning of this township. We are to base our decisions on fact and that we need to be able to justify our decisions for approval or denial. Meeting adjourned 9:20 P.M.

Respectfully submitted,

Marie J. Muller
Wales Township
Zoning Board of Appeals