

**GENOA CHARTER TOWNSHIP  
PLANNING COMMISSION  
PUBLIC HEARING  
OCTOBER 12, 2021  
6:30 P.M.  
MINUTES**

CALL TO ORDER: Chairman Grajek called the meeting of the Genoa Charter Township Planning Commission to order at 6:30 p.m. Present were Chris Grajek, Jeff Dhaenens, Jim Mortensen, Marianne McCreary, Eric Rauch and Glynis McBain. Also present were Michael Archinal, Township Manager; Brian Borden of SafeBuilt Studio; and Gary Markstrom of Tetra Tech.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

APPROVAL OF AGENDA:

**Moved** by Commissioner Dhaenens, seconded by Commissioner Mortensen, to approve the agenda as presented. **The motion carried unanimously.**

DECLARATION OF CONFLICT OF INTEREST: None

CALL TO THE PUBLIC: The call to the public was made at 6:31 pm with no response.

**PRESENTATION BY LIVINGSTON COUNTY PLANNING COMMISSION**

Ms. Kathleen Klein-Hudson, the Director of the Livingston County Planning Department, and Mr. Dennis Bowdoin, who is on the County Planning Commission, were present. Ms. Klein-Hudson provided an update of the Planning Department, including changes to their submission deadlines, specific projects they are working on, and a current Board vacancy. She also stated that the new Filmore park has been very busy throughout the pandemic and they are gathering data on trail usage and vehicle traffic.

**OPEN PUBLIC HEARING # 1...**Review of a special use application, environmental impact assessment and site plan for a commercial stable located at 7318 Herbst Road, south side of Herbst Road, east of Hubert Road. The request is petitioned by the Nancy Merlo, Brighton Equestrian Club.

- A. Recommendation of Special Use Application
- B. Recommendation of Environmental Impact Assessment (5-1-19)
- C. Recommendation of Site Plan (7-16-21)

Ms. Nancy Merlo, Mr. Clay Thomas, and Daniel LeClair of Greentech Engineering were present.

Mr. Thomas stated that their requested use complies with the Township Ordinance and the Right To Farm Act. This is a very beautiful facility and it is a great use of the site, keeping with the agricultural zoning. They have received the review letters. They would like to discuss these this evening. They will be meeting with the Fire Department regarding the comments in their letter. They will meet all of their requirements.

While the ordinance speaks to a hard surface, the ordinance allows for the Planning Commission to waive this requirement. They would like to keep the existing gravel surfaces instead of asphalt. The gravel is more environmentally friendly. There was a comment regarding cleaning up equipment stored on the site. The site is very neat and orderly. The equipment is stored inside or neat and orderly on the site if outside. They are not seeking to expand the site or its use or add additional buildings, etc.

Mr. Borden reviewed his letter dated September 8, 2021.

- The special land use standards of Section 19.03 are generally met, though the current zoning (AG) and future land use (LDR) do not align. Furthermore, we request the applicant provide additional information regarding the frequency of events.
- Any comments provided by the Township Engineer and Brighton Area Fire Authority must be addressed as part of the special land use and site plan review.
- The revised submittal demonstrates compliance with the use conditions of Section 3.03.02(h).
- The existing parking spaces, drive aisles, and driveway are surfaced with gravel, though hard surfacing is required by Ordinance; however, the Planning Commission can allow the gravel to remain as an alternative paving material. If gravel is allowed to remain in place, the applicant must apply dust control measures (as noted in the revised submittal).
- An internal drive aisle does not provide sufficient width for two-way travel. It must either be widened to 24' or signed for one-way travel only.
- The applicant should confirm that the "curb carts" are sufficient to handle the refuse generated by the number of people anticipated (maximum occupancy of 150 noted).
- Township Staff has requested that the applicant be required to clean up equipment stored on the site as part of this project/review process.
- There are new(er) structures visible on aerial photos that are not depicted on the site plan (pasture areas, a barn, and a pavilion).

Mr. Markstrom reviewed his letter dated September 2, 2021

- The proposed use should be approved by the Fire Authority to ensure there is adequate fire protection and site access for hosting 150 people in the existing building. Written approval from the Fire Authority should be provided to the Township.
- The use must be approved by the building department. Written approval from the Livingston County Building Department should be provided to the Township.

- The aerial of the property shows a second building at the back of the site to the east, but this building is not shown on the provided site plan. The site plan should depict the current site accurately.
- The petitioner provided calculations on the size of the existing pond on the site but did not provide any calculations on how the proposed improvements would impact onsite drainage. If additional impervious surface is proposed, onsite detention will be required to handle the additional drainage.
- Genoa Township Standards require that parking lots be paved with curb and gutter. Storm drainage facilities will also need to be incorporated into the parking lot improvements. The Petitioner does not propose curb and gutter behind some of the proposed parking, but it is unclear if paving is proposed. The site plan should clearly show paving limits if any are proposed. The Planning Commission may choose to consider an aggregate parking lot as a Low Impact Development Alternative to the zoning requirements.
- Increasing the number of guests in the facility will increase the loading on the existing septic system. Approval by the Livingston County Health Department has been provided to the Township via email.

Commissioner McCreary asked if this is a members' only club. Ms. Merlo said there is no membership to use her facility. Commissioner McCreary also asked if there are other events that are held there that were not provided in the application. Ms. Merlo stated it is also used as an equine therapy program.

Commissioner McCreary asked where the participants come from. Ms. Merlo stated the riding program is mostly students from Brighton Area Schools. They are local residents. She has 30 students.

Commissioner Rauch stated the Impact Assessment noted there are occasional events of up to 150 people held on this site. He asked how frequent they are held and is there any sound amplification. Mr. Thomas stated they are no more than twice per year and there is no outdoor amplification. They are around the barn and do not use the entire property. Ms. Merlo said she does not have events with alcohol and she does not host weddings. Commissioner Rauch would like the details of these events to be included in the Impact Assessment. He noted that Mr. Borden and Mr. Markstrom's concerns must be met.

Commissioner Rauch asked if there is any production of commercial farm products? Mr. Thomas said they grow corn and hay.

Commissioner Dhaenens noted there is a clubhouse that is rented to outside organizations and the applicant does not monitor what events they have. He has been on Herbst Road when there were cars parked there for an event. He noted that the neighbors are concerned with the pond and how the horse manure would affect that. Mr. Thomas stated the manure is now away from

the neighbors' property lines or the pond so this should no longer be a concern. It was addressed. He agrees with the comment regarding the rentals and there should be clear rules.

Chairman Grajek asked the applicant if they would be able to meet the requirements of the Brighton Area Fire Marshal. Mr. Thomas stated they will meet with the Fire Marshal and work to meet his concerns.

Commissioner Mortensen asked what is being changed for this application. Mr. Thomas stated the use is not changing. They are trying to "clean up this use". It has been used in this way for approximately five years.

The call to the public was made at 7:09 pm.

Mr. Kenneth Stahl of 2846 Spring Grove Drive stated he would like to leave the gravel surface instead of installing a hard surface. There was manure being spread within 50 feet of the pond so he is concerned that it could continue. He is also concerned that if there are a lot of people at a gathering on this site, the lake could be a liability. He is concerned with the label of "Commercial Stable".

Mr. Mark Faulkner of 2496 Spring Grove stated his property is to the east of the barn and for several years, they were spreading manure up to his boundary, approximately 100 feet from their well. He spoke to Nancy and it was relocated and he appreciated that. He would like assurance that it won't be moved back near his property and near the pond.

Ms. Heather McCaig 7617 Herbst stated she lives across from the western edge of the property. All interactions of the owner and the staff here have always been positive. They appear to work with the neighbors to be good neighbors.

Ms. Mary Faulkner of 2496 Spring Grove stated the view from their home looks at where the equipment is stored. She has spoken to Ms. Merlo and asked to have some screening placed around it.

Mr. Robert Johnson 2624 Spring Grove stated this is a kettle pond so there is no entrance or exit but it collects what is put in it.

Mr. Bill Kapelanski of 2636 Spring Grove Drive is concerned with the constant gun fire that occurs on this site.

The call to the public was closed at 7:19 pm.

Mr. Thomas stated the pond is not used. It is in the back of the property. The manure is now being spread approximately 1,000 feet from the pond and there is no intention of moving it from its current location.

Mr. LeClair showed the site plan explaining that there is approximately 600 feet of separation between the barn and the neighboring properties. He noted that this area is master planned for residential one-acre lots.

Commissioner McCreary asked if a GAMP inspection had been done. Ms. Merlo stated it was done in 2017 and they approved their operations. Commissioner McCreary asked if the applicant would be open to having another one done. Ms. Merlo agreed to having another inspection done.

Chairman Grajek noted that a number of residents have submitted correspondence and they were all shared with the Planning Commission.

Commissioner Rauch is not concerned with the daily activities; however, it is the other events that have 150 or more people. Is it a commercial stable or an event rental space? He would like more clarification on these events and would not be comfortable moving this request forward until that information is provided.

Commissioner Dhaenens agrees. He is concerned with the clubhouse rentals and would like to see more detailed information as noted by Commissioner Rauch.

Commissioner McBain agrees with wanting to see more information regarding the rental space and the approvals from the Fire Authority. She would like the neighbors' concerns to be addressed.

Chairman Rauch questioned the construction equipment being stored on the site. Mr. Thomas stated there is no longer any of this equipment being stored on the property.

Commissioner Mortensen stated the Impact Assessment and the site plan do not include all of the existing buildings. The applicant should submit revised documents. He would like to know the detail of where the manure pile be placed as well as where it is being spread.

The Planning Commission and petitioner agreed that this item should be postponed this evening.

**Moved** by Commissioner Dhaenens, seconded by Commissioner Mortensen, to postpone, per the petitioner's request, the recommendation for the Special Use Application, Environmental Impact Assessment, and the Site Plan for a commercial stable located at 7318 Herbst Road, south side of Herbst Road, east of Hubert Road until the November 8, 2021 Planning

Commission meeting to allow the applicant to address the comments made by the Planning Commission this evening. **The motion carried unanimously.**

**OPEN PUBLIC HEARING #2...** A request of a rezoning from Industrial (IND) to Planned Industrial District (PID), Planned Industrial Development Agreement, Environmental Impact Assessment and Conceptual PID site plan for a proposed asphalt plant at 3080 Toddiem Drive, located at Victory Drive and Toddiem Drive intersection. The rezoning includes the following parcels: 4711-08-100-009 and 4711- 05-303-015. The request is petitioned by Net Least Associates South, LLC.

- A. Recommendation of Rezoning and PUD Application
- B. Recommendation of PID Agreement
- C. Recommendation of Impact Assessment (9-1-2021)
- D. Recommendation of Conceptual PUD Plan (9-21-2021)

Ms. Abby Cooper, the attorney for the applicant, Mr. Wayne Perry, the engineer, Mr. Daren Zimmerman and Mr. Chris Smith, representing the applicant, Ms. Kathleen Gunkle, an environmental engineer, and the sellers of the abutting properties were present.

Ms. Cooper stated they are proposing to develop a state-of-the art asphalt plant on this site. The applicant runs an asphalt plant in Lansing and would like to operate one here in Livingston County. She noted that the use and the project are compatible with the surrounding neighborhood. The applicant will be bringing Toddiem Drive up to Livingston County Road Commission standards. Municipal water and a new stormwater management system will be installed and the existing outdoor storage of metal scrap will be removed as part of this project.

Mr. Perry reviewed the site plan, detailing the paving plan, building locations, site access, and the process and operations of the asphalt plant. He explained where the material is brought in and through the site to the stockpile locations. They are requesting that the Buffer Zones B requirement be waived for three sides of the property. They will meet the requirements along Toddiem Drive. Due to the existing topography, existing foliage and surrounding uses, additional plantings would be unnecessary. They are also requesting approval to store liquids on the site.

Commissioner McCreary asked if there will be a maintenance agreement for Toddiem Drive after it is paved. Mr. Perry stated it is a private drive so a maintenance agreement would need to be made between all four of the adjacent property owners.

Mr. Zimmerman showed a photograph of his existing plant. They pave the site so that they can use dust control measures. It is also swept multiple times per day. He explained the environmental requirements they must follow with the State of Michigan.

Commissioner Rauch stated that this site is the best one in the Township for this type of use. While the residential areas are not in the near vicinity to this site, he asked what the impact is on

them. Mr. Zimmerman said that they very rarely work at night or on weekends. Ms. Gunkle stated that air quality permits are required and for that permit, they need to assess the emissions from the site. If the odor does become a problem, a remedy could be put in place. She noted that due to the location of the residential neighborhoods and the prevailing winds, they would not be impacted by the odor or the dust. Commissioner Rauch requested to have the Impact Assessment contain language stating that if odor does become an issue for the residents, a remedy would be put in place. Mr. Smith stated they will include that.

Commissioner McBain is concerned with the impact on the adjacent public roads. Mr. Archinal stated that having Toddiem Drive paved will allow for other businesses off of Victory Drive to use it to access I-96 and this will ease the traffic and impact on Grand River. Mr. Borden noted that the Livingston County Road Commission has to provide their approval at the time of final approval.

Mr. Zimmerman stated that this plant will employ 30 plus people.

Mr. Borden reviewed his letter dated October 5, 2021

- The proposal generally meets the Planned Unit Development (PUD) qualifying conditions, provided the following are addressed:
  - The Township authorizes a reduction in the conventional lot area requirement;
  - The applicant extends public water to serve the site; and
  - The applicant addresses any concerns raised by the Township Engineer, Utilities Director or Fire Authority.
- Rezoning to the PID overlay is consistent with the Master Plan and Future Land Use Map, and generally meets the rezoning criteria for a PUD.
- The applicant seeks deviations via the PUD for building/structure height and materials, as well as from use requirements related to roadway access for an asphalt plant, and size of storage tanks for fuel.
- If approval is granted, the applicant will need to apply for review and approval of special land uses and a final PID site plan. A PIP Plan will also be required.
- The parking calculations note that 23 spaces are provided; however, the plan depicts only 19.
- The final site plan submittal must include a full lighting plan.
- There are discrepancies between the landscape plan and planting table with respect to quantities.
- We suggest the Township require tree protection fencing around the dripline of areas to be protected during construction activities.
- The applicant requests deviations from Buffer Zone “B” requirements in multiple locations due to existing site conditions (existing wooded areas, adjacency to a railroad, and significant topographic changes).
- The applicant must address any concerns raised by the Township Engineer, Utilities Director or Brighton Area Fire Department.

Commissioner McCreary questioned the deviations that are being requested. She asked if the Township should revise the height requirements in this zoning district Mr. Borden stated the PID allows for the Township to approve the deviations and this is a good tool for this type of project in this zoning.

Mr. Markstrom reviewed his letter dated October 6, 2021.

- The final site plan submittal should include more detail such as dimensioning of drives and parking, detention basin details, and curb and gutter. Additional detail will also need to be provided for the improvements to Toddiem Drive.
- The proposed improvements will need to be approved by the Brighton Area Fire Authority. This approval should be obtained and provided to the Township prior to site plan approval.
- A soil erosion and sedimentation control plan should be submitted as required by Genoa Township Engineering Design Standards for sites with more than one acre of disturbance.
- A traffic plan should be submitted with the final site plan as required by Genoa Township Zoning Ordinance. The traffic plan will need to show access to the site and detail the projected amount of truck traffic.
- The Livingston County Drain Commissioner will need to review and approve the proposed storm plan, as the proposed detention basin will outlet to their system. This approval should be provided to the Township prior to site plan approval.
- The petitioner is proposing to connect to the existing water main on Grand Oaks Drive. We suggest the water main be looped to the main north of the site in Victory Drive. The size of the pipe to Grand Oaks as well as to Victory Drive should be discussed with MHOG to confirm it matches the Authority's Master Plan for utilities in this area. The petitioner should provide information on their expected water uses to better understand the water improvements needed for the site.
- After site plan approval, water main and sanitary sewer construction plans must be submitted to MHOG for their review and approval, along with permitting through EGLE. The construction plans will need to include more detail on the proposed connections and include plan and profile.
- It is possible that the petitioner will be required to pay connection fees to connect to municipal water and sanitary sewer prior to obtaining a land use permit. This fee would be determined using Genoa Township's REU Table.

Chairman Grajek noted that BAFA

The call to the public was made at 8:50 pm with no response.



Commissioner Dhaenens asked if different materials could be used for the building as it does not meet the ordinance. Mr. LeClair said they were not planning on changing any of the materials of the existing buildings.

**Moved** by Commissioner Rauch, seconded by Commissioner Dhaenens, to recommend to the Township Board approval of the Rezoning and PUD Application for a proposed asphalt plant at 3080 Toddiem Drive, located at Victory Drive and Toddiem Drive intersection for Net Least Associates South, LLC because the Planning Commission finds that the PUD proposal generally meets the PUD qualifying conditions. This recommendation is conditioned upon the following:

- The reduction of lot size requirements is acceptable as the application will extend the water main to their site
- The applicant shall address concerns from the Township Engineer, Brighton Area Fire Authority
- The Planning Commission acknowledges that the applicant seeks the following deviations as noted in the Site Plan and PUD Application
  - Building/structure height and materials
  - Use requirements related to roadway access for an asphalt plant
  - Size of storage tanks for fuel.
- The petition will take into account the opportunity to make improvements to the existing building.

**The motion carried unanimously.**

**Moved** by Commissioner Rauch, seconded by Commissioner Dhaenens, to recommend to the Township Board approval of the Environmental Impact Assessment September 1, 2021 for a proposed asphalt plant at 3080 Toddiem Drive, located at Victory Drive and Toddiem Drive intersection for Net Least Associates South, LLC with the future inclusion of text stating that if odor is an issue in the future for adjacent residential properties remedies as mentioned this evening will be added to the facility operations. **The motion carried unanimously.**

**Moved** by Commissioner Rauch, seconded by Commissioner Dhaenens, to recommend to the Township Board approval of the Conceptual PUD Plan dated September 21, 2021 for a proposed asphalt plant at 3080 Toddiem Drive, located at Victory Drive and Toddiem Drive intersection for Net Least Associates South, LLC, based on the following conditions:

- The parking calculation discrepancy will be updated
- The final site plan will include a lighting plan, a landscape plan with tree protection measures outlined
- The applicant's request for deviations from Buffer Zone #B are acceptable due to the existing site conditions, such as existing wooded areas, adjacency to a railroad, and significant topographic changes.
- The applicant shall address concerns from the Township Engineer, Brighton Area Fire Authority, and MHOG

**The motion carried unanimously.**

ADMINISTRATIVE BUSINESS

**Staff Report**

Mr. Archinal had nothing to report this evening.

**Approval of the September 13, 2021 Planning Commission meeting minutes**

Needed changes were noted.

**Moved** by Commissioner McCreary, seconded by Commissioner Dhaenens, to approve the minutes of the September 13, 2021 Planning Commission Meeting with the corrections noted. **The motion carried unanimously.**

**Member Discussion**

Commissioner Dhaenens may not be in attendance at November's meeting.

Mr. Archinal stated they have a potential replacement for Commissioner Rickard.

**Adjournment**

**Moved** by Commissioner Mortensen, seconded by Commissioner McCreary, to adjourn the meeting at 9:08 pm. **The motion carried unanimously.**

Respectfully Submitted,

Patty Thomas, Recording Secretary