

**GENOA CHARTER TOWNSHIP BOARD**  
**Regular Meeting**  
**Community Bible Church**  
**7372 Grand River, Brighton, MI 48114**  
**February 7, 2022**  
**6:30 p.m.**

**MINUTES**

Supervisor Rogers called the Regular Meeting of the Genoa Charter Township Board to order at 6:30 p.m. at the Community Bible Church. The following members of the Board were present constituting a quorum for the transaction of business: Bill Rogers, Paulette Skolarus, Robin Hunt, Jean Ledford, Terry Croft, Jim Mortensen, and Diana Lowe. Also present were Township Manager Michael Archinal; Kelly VanMarter, Community Development Director/Assistant Township Manager; Joe Seward, Township Attorney; and Amy Ruthig, Zoning Official.

The Pledge of Allegiance was recited.

The call to the public was made at 6:32 pm.

Mr. Jeff Dhaenens of 5494 Sharp Drive has confidence that the Board will make a decision that is best for the private and commercial residents of the Township. He is concerned with the safety and welfare of all people. We are lucky to have the opportunity to state our point and state it with passion. The candidates that are elected and citizens who serve are all citizens of the Township and are all in this together. He learned that the previous meeting became slightly unruly, with vulgarity being spoken and the environment being hostile. No one should ever feel concerned for their safety or be harassed. No one should be threatened or feel unsafe. He hopes all concerns are stated with passion and facts.

The call to the public was closed at 6:36 pm.

**Consent Agenda**

Board Member Lowe noted Item #2 should be changed to "Request to approve Minutes: November 15, 2021 and **December 6, 2021**".

**Moved** by Board Member Lowe, seconded by Board Member Hunt, to approve the consent agenda as amended. **The motion carried unanimously.**

1. Payment of Bills: December 6, 2021, January 3, 2022 and February 7, 2022
2. Request to approve Minutes: November 15, 2021 and December 6, 2021.
3. Request to approve the attached schedule of meetings and holidays for 2022.

4. Request approval to enter into agreements to collect 2022 summer property taxes for the Brighton Area Schools, Hartland Consolidated Schools, Howell Public Schools, and the Livingston Educational Service Agency as submitted by the Township Treasurer.

### Regular Agenda

**Moved** by Board Member Hunt, supported by Board Member Lowe, to approve for action all items under the Regular Agenda as present. **The motion carried unanimously.**

5. **Consideration of a recommendation for approval of a rezoning (adoption of Ordinance Z-22-01) from Industrial (IND) to Planned Industrial District (PID), Planned Unit Development Agreement, Environmental Impact Assessment and Conceptual Planned Unit Development 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 Lease~~t~~ Associates North and South, LLC.**
  - A. Request for approval and adoption of Ordinance Z-22-01 to rezone parcels 4711-08-100-009 and 4711-05-303-015 from IND to IND/PID (requires roll call vote)
  - B. Disposition of Planned Unit Development Agreement dated December 1, 202
  - C. Disposition of Environmental Impact Assessment dated November 24, 2021
  - D. Disposition of Conceptual Planned Unit Development Site Plan revised on September 21, 2021

Mr. Jerry Kyckelhahn has been asked by the applicant to speak this evening. He has read all 600 pages of the packet and every comment by the public that has been submitted to the Township. This plant is in compliance with the current zoning and will have a minimal impact on the community. It does not have a dangerous impact. He has over 30 years of experience in designing concrete and asphalt plants and in three cases, those plants have won environmental plants of the year awards. Capital Asphalt wants to make sure they are a good neighbor and does not want to harm anyone.

The site is currently zoned industrial and as zoned, would allow for an asphalt plant, so there is no need for a PID. The PID is being used to make the plant a better neighbor for everyone. The reason for it is positive; not negative. The future land use is industrial and it does not border on a single piece of residential or commercial property. It is surrounded by railroad tracks and industrial zoning. The property rights of all individuals must be protected. They must be able to invest in their property.

He wants to address the concerns of the public.

Air pollution - The plant must meet the requirements of Michigan's Department of Environmental Great Lakes and Energy (EGLE), which is one of the foremost environmental agencies he has worked with. He works all over the country. They pay attention to detail. They will not approve this plant until it meets their standards. Air quality and stormwater prevention permits must be obtained from EGLE. These approvals are not what is being discussed this evening. This will

come after this meeting. Tonight, the Township is voting on allowing an asphalt plant on this site.

Height variance. The ordinance allows plants to be built on industrial properties and because there is a height restriction, a variance would be required. There are no asphalt or concrete plants that would meet the height requirements in the ordinance. He acknowledged that it will be seen from the expressway.

This rezoning has been recommended by the Planning Commission because it is within the zoning and allowed to be developed on this site.

Mr. Wayne Perry of Desine, Inc. reviewed the site plan, detailing the paving plan, building locations, material storage, site access, and the process and operations of the asphalt plant. The property is a total of approximately 16 acres and the site will be paved. The developer will improve Toddiem Drive from a two-track to a full roadway.

Ms. Katherine Gunkle, an environmental engineer consultant for Capital Asphalt, was present. She has approximately 40 years' experience working with asphalt plants. In 2002 the US EPA determined that an asphalt plant will never be a source of hazardous air pollutants and EGLE will not permit an air pollution source that will negatively impact public health or the environment. She has seen the asphalt plant industry address environmental and employee safety issues throughout her time working in the industry.

Board Member Hunt stated that a PUD is an exchange for high quality development while allowing flexibility for the developer. The applicant is requesting an 86-foot- high stack and the maximum allowed is 30 feet; they are requesting to store 1,000, 2,000 and 1,504,000 gallons of liquids and 300 gallons are allowed; they are requesting to reduce the landscape buffer, they are below the required lot size, and they are proposing to manipulate the existing wetlands for stormwater management. In exchange for all of these variances, the Township will get a 66-foot-wide connection road, which does not meet the Township's requirements, a water connection, and they will be cleaning up of the existing site. Based on this, she cannot support this PID.

Board Member Skolarus stated that the Township received 435 letters objecting to this petition moving forward. She has been elected by the residents to be the Township Clerk for 37 years and she cannot support this project. She would not want it in her backyard. It will not make the lives of the residents any better. They are requesting an 86-foot-high tower, which exceeds the 30-foot maximum, and this project will affect the water aquifer. She is not prepared to approve this and would be willing to make a motion to deny the request.

Board Member Lowe stated there was no opposition to this until after the November 15, 2021~~October 2021 Board Meeting-Planning Commission meeting~~. Since that time, the Township Board has received hundreds of emails stating that this is not what the residents want. She received only three emails in support. She cannot support his project.

Board Member Ledford agreed with her fellow Board Members and cannot support this project.

Supervisor Rogers feels that less than 1 percent of the Township is industrial zoning. There are 23,040 acres in the Township and 306.95 of them are zoned industrial. This is the only corridor as industrial and that zoning is not changing. He appreciates the comments from the public; however, the zoning on this site is appropriate to allow both concrete and asphalt plants. The petitioner's existing site in Lansing currently holds the plant and is near a metal scrap yard, a residence, and a Township park with ball parks.

Mr. Chris Smith, a senior project manager for Capital Asphalt stated they have never received a single complaint. He stated that they take the health of their employees very seriously. He is not aware of any health issues with his employees.

Supervisor Rogers stated that the Township Manager reached out to Delta Township to ask if they have received any complaints regarding smell, noise, traffic, etc. due to Capital Asphalt. They stated they have not received any complaints regarding that facility from their neighbors.

Board Member Mortensen, who is also on the Planning Commission, noted that they made a recommendation to approve this, which was in October of 2021, and since that time, there have been specific documented concerns by the residents. He stated that the Township Community Develop Director / Assistant Township Manager is recommending that if this goes forward, a pollution prevention plan shall be provided and at the time of final site plan approval, the impact assessment shall provide an analysis by an air quality expert of the Township's choosing, including any mitigation measures necessary. If this is not done, then he is not in favor of approving this request.

The call to the public was made at 7:16 pm.

Dr. Donna Kashian of 6385 Grand Circle Drive is a scientist and provided her professional degrees and work history. She gave a detailed description of the operations of an asphalt plant and their negative impacts to the environment. She is opposed to the asphalt plant due to these impacts.

Ms. Beth Book of 2877 Coldwater Drive asked if the Board has considered if putting an asphalt plant next to a low-income apartment complex is environmental justice. The plant will emit fumes that cause many health issues. There will also be noise and vibrations. She asked the Board to deny the request.

Mr. Diab Rizk of 426 Natanna Drive, which is ½ mile from the site, noted that Genoa Township is not the same as Delta Township and it cannot be compared to Capital's other plant. He is concerned about property values, health impact to residents, odors, and traffic. The request does not meet the standards due to the size of the site. There are many reasons why this is bad for the Township. He appreciates how the Township Board keeps the Genoa Township residents safe. He provided a summary of why this request should be denied.

Mr. Craig Lesley of 5680 Griffith Drive is a former member of the Genoa Township Planning Commission. He is opposed to the rezoning and petition. His reasons why this should be denied are: The proposal is in direct conflict with the Master Plan; the applicant only listed close neighbors in their application, which are industrial uses, but did not note the several nearby residential neighborhoods, Cleary University, and the daycare center; and the proposal does not

meet the standards of the zoning ordinance. He asked what is next and if they will be voting today?

Mr. John Palmer of 560 Black Oaks Trail stated that five of the members of the Board have expressed that they are not in favor of the proposal.

Ms. Sheila Balogh of 4770 Chestnut Springs Drive stated she and her husband are new to Genoa Township and were concerned about a gravel pit being put on the edge of her property now she is concerned about asphalt fumes. This Township is beautiful and the residents want to keep it beautiful. She asked the Board to deny this request.

Tom Reder of 3478 Snowden has contacted Delta Township and they have no problems with the asphalt plant. It is next door to the Detroit Edison power station. Spartan Asphalt in Lansing is next to the Grainger recycling facility. He has neighbors who live next to the Grainger facility and they can smell the asphalt plant.

Ms. Dawn Condon of 3466 Pineridge Lane agrees with what the other residents have said.

Ms. Sue Kelly lives in Brighton Township and is on the Conservation Committee of the Sierra Club. They have submitted letters to the Township. She is relieved that the Board Members have looked through the materials and saw the concerns about the toxins. The residents of Genoa Township have worked very hard to bring accurate information and their concerns to the Board.

Ms. Dianne Musch of 3500 Pineridge Lane spoke on behalf of Donnie Bettes who is a doctor and a property owner in the Township. She read a letter written by Dr. Bettes, which listed the human and animal carcinogens that are emitted by an asphalt plant.

Mr. Wyatt Gregory of 960 Victory Drive owns High Flyers Gymnastics on Victory Drive and his family has been in the community since 1836. He has 348 athletes in his facility and is concerned this asphalt plant will negatively affect his enrollment. They are on well water. There is a lot of runoff in the spring on Victory Drive.

Ms. Ilene Berger of 3497 Dewdrop Lane agrees with what the other residents have said.

Mr. Gary Revenaugh of 404 Cloverview Lane agrees with what the other residents have said.

Ms. Jeanine Iyer of 2396 Brighton Road lives within five miles of the proposed site. The residents do not want an asphalt plant in the community. She thanked the board members who have stated they are against this project. She asked the Board to vote down the proposal. She is a Cancer survivor, her husband has asthma, and she has neighbors who have COPD. They do not need the toxins from the asphalt plant. If the plant is allowed, she will move.

Ms. Susanne Cunningham of 3413 Dewdrop Lane stated she moved to Genoa Township two weeks ago to be near her grandchildren. If this is approved, she will move and knows that many of her neighbors will do the same. Asphalt plants cause harm to people who live near them. They should be moved far away from residences.

Mr. Andrew Barrett of 388 Cloverview Lane is an attorney and a father of two boys. He has lived in 11 places in his life and Genoa Township is his favorite. He is concerned with the health implications. The regulations of EGLE do not keep up with science. He quoted information regarding the dangers of silica dust.

Mr. Bob Musch of 3500 Pineridge Lane agrees with what the other residents have said.

Ms. Linda Fish of 3711 Stratton Lane agrees with what the other residents have said.

Mr. Charles Langolf of 4985 Oak Bluff Court is concerned with the health effects of the asphalt plant on his children. The improvements that the applicant is proposing are not sufficient.

Mr. Roy Bailey of 1333 W Grand River, Apt D-1 stated he will not allow his two granddaughters to visit him and breathe in the smoke from the plant.

Ms. Kathleen Rodriguez of 2964 Atwood Drive lives 1/2 mile from the plant. She thanked the Board Members who stated they are against the proposal. She agrees with the statements made by her neighbors.

Mr. Joe Johnson of 3842 Sugarbush Drive stated the community character and to protect natural resources is in the Master Plan and this proposal will destroy both of these.

Ms. Suzanne Kowlaski of 5341 E. Grand River Avenue agrees with what the other residents have said.

Dr. Carly Nowicki of 2909 Clivedon is a toxicologist and works in oncology. She provided her work history and studies she has completed. The main concern of the asphalt plant is the dust particles. These types of contaminants cause lung cancer. She knows what this plant will do to her children. If this is approved, she will move.

Ms. Jennifer Krueger of 3133 Stillriver Drive is vehemently opposed to this proposal. She asked the Board to deny this request. She thanked the board members who spoke and would like to hear from the others.

Ms. Theresa Coloske of 5195 Glenway is speaking for herself and her partner, Mr. Michael Marko. She stated her daughter is working on a study of the links between asphalt plants and unborn babies and cancer. She is disappointed that the residents have to fight against this proposal, just as they did with the gravel pit. She noted that EGLE's regulations are only in place for the employees and not the residents. There are places that are more suitable for an asphalt plant. She asked if the Township Board is for the residents or for businesses.

Ms. Stephanie Miklos who lives in the City of Howell noted that the applicant's environmental expert cited a report from 2002. She would like to know what the positive benefits are for the community. If this passes, there will be a lot of questions to be answered. She asked the Board to listen to the residents.

Mr. Carmen Billier of 3305 Dewdrop Lane lives 1/2 mile from this site and he agrees with what the others have said. As time goes on, it has been proven that what science has said was fine, we later find out that it is not. This is the future of the property values and the environment and the Board is in charge of that. He asked if there are any benefits to the Township.

Mr. Bill Reiber of 3154 Stillriver Drive agrees with what that other residents have said.

Ms. Leah Dubac-Muega of 3052 Atwood Drive has three children and they are outside all of the time. She grew up down the road from where she lives now. She has lived in Tokyo and England and moved back to her hometown of Genoa Township. There are low income and elderly residents in the apartment complex near this site. The wetlands by her home have already been compromised that caused issues with her property. The wetlands cannot handle any more development.

Ms. Anna-Marie Pelizzari of 8209 Robins Drive asked the residents present to stand to show the Board who are against the plant. A majority of the members of the public stood.



Ms. Anne-Elise Patterson of 1789 S. Hughes Road is a real estate professional. The people who are concerned about their property values are correct. The Board members are elected and they work for the residents. They should abide by the Federal and State Constitutions and those are above the codes and ordinances of the Township.

Ms. Paula Murphy of 320 S. Hughes Road found information online that stated in Michigan only 11 pollution permits have been denied and 1,700 pollution permits have been approved in the same time period. She is concerned about the water and the wildlife.

Mr. Dave DeBoer of 2344 Chilson Meadows moved here four months ago from Lyon Township because of the growth, the asphalt trucks, and Amazon trucks there. The residents do not want this plant.

Mr. Brain Lagler of 5490 Timber Bend Drive lives in the Township and recently purchased a building near to this site to house his business. He is concerned that he and his employees will be able to smell the fumes from the plant.

Mr. Leroy Shepherd of 3859 Snowden Lane has lived here for 18 years. He is an engineer and agrees with the toxicologist. Silica is a heavy metal that is a carcinogen. It gets into the water and air and poisons animals and humans. He is thankful for the members of the Board who spoke against this proposal.

Mr. Mark Surel of 3333 Pineridge asked if anyone here has an ownership stake in Capital Asphalt and no one answered. In his previous emails to the Board, he asked how this benefits the Township. One answer was 30 jobs and the second is the improvement of the current site. It is the responsibility of the Township and the owner to have the site cleaned up. It shouldn't have been that bad in the first place. Is 30 jobs worth this? Have other projects been approved with the number of variances being requested for this project? What are the benefits? The hydrants and the roadways? Those are not for the residents; they are for the property owner. He asked the Board members who have not already spoken up to speak.

Ms. Stacy Carroll of 6418 Challis Road wanted it to be noted that the property owner of the site is Elizabeth Hundley and one member of the Board has been seen on Facebook with her. She asked how this would benefit the township. She thanked the five members who spoke.

Mr. Akram Namou of 24775 Greenfield Road, Southfield, MI is building a hotel off of Latson Road that will bring 40 jobs to the community. He has made a significant investment here. The visitors he is bringing here will see trucks and smell the odor from the asphalt plant.

Ms. Janene Spencer of 699 Sunrise Park has been a realtor with Remax Platinum for 20 years and stated that if this is passed, the tax revenue will decrease because any homeowner that lists their home for sale will have to disclose that there will be an asphalt plant being built and that will affect sales. She recommends that this be denied.

The call to the public was closed at 8:56 pm.

Board Member Hunt is concerned that many residents are not aware of the process. If someone applies to develop their property, by law, the Board has to hear their request. She did not pick this project. She finds it unfortunate that people attacked her regarding this proposal and they are now aware of the process.

Board Member Croft stated that he didn't speak in the beginning; however, he asked that he not be judged because of this. The public knows how he feels. He is definitely against this proposal.

Board Member Skolarus stated that whoever owns property in this community and wants to develop it, has a right to come to the Township and ask. The Planning Commission did not hear from anyone at all expressing any negative comments when this item was before them. She appreciates the comments this evening and thanked the public for being respectful. The Board is here for the residents.

**Moved** by Board Member Hunt, seconded by Board Member Ledford, to deny the rezoning request and adoption of Ordinance Z-22-01 to rezone parcels 4711-08-100-009 and 4711-05-303-015 from IND to IND/PID due to the proposed PID not complying with the qualifying conditions of Sections 10.03.02 and 10.07.01 and it fails to satisfy the requirements of 22.04 of the Township Ordinance. The construction and paving of Toddiem Drive, the extension of municipal water, and the removal of the outdoor scrap metal and trailer storage does not give enough direct benefit to the Township for the request to exceed the maximum building height, not meet the high-quality architecture and design standards, and not meet the minimum lot size. Additionally, Township Staff shall enforce the cleanup of the existing site. **The motion carried with a roll call vote (Ledford - yes; Croft - yes; Hunt - yes; Mortensen; yes; Lowe - yes; Skolarus - yes; Rogers - no)**

**Moved** by Board Member Hunt, seconded by Board Member Lowe, to deny the Planned Unit Development Agreement dated December 1, 2021 due to the proposed PID not complying with the qualifying conditions of Sections 10.03.02 and 10.07.01 and it fails to satisfy the requirements of 22.04 of the Township Ordinance. The construction and paving of Toddiem Drive, the extension of municipal water, and the removal of the outdoor scrap metal and trailer storage does not give enough direct benefit to the Township for the request to exceed the maximum building height, not meet the high-quality architecture and design standards, and not meet the minimum lot size. Additionally, Township Staff shall enforce the cleanup of the existing site. **The motion carried with a roll call vote (Ledford - yes; Croft - yes; Hunt - yes; Mortensen; yes; Lowe - yes; Skolarus - yes; Rogers - no)**

**Moved** by Board Member Hunt, seconded by Board Member Skolarus, to deny the Environmental Impact Assessment Planned Unit Development Agreement dated December 1, 2021 due to the proposed PID not complying with the qualifying conditions of Sections 10.03.02 and 10.07.01 and it fails to satisfy the requirements of 22.04 of the Township Ordinance. The construction and paving of Toddiem Drive, the extension of municipal water, and the removal of the outdoor scrap metal and trailer storage does not give enough direct benefit to the Township for the request to exceed the maximum building height, not meet the high-quality architecture and design standards, and not meet the minimum lot size. Additionally, Township Staff shall enforce the cleanup of the existing site. **The motion carried with a roll call vote (Ledford - yes; Croft - yes; Hunt - yes; Mortensen; yes; Lowe - yes; Skolarus - yes; Rogers - no)**

**Moved** by Board Member Hunt, seconded by Board Member Skolarus, to deny the Planned Unit Development Site Plan Agreement dated December 1, 2021 due to the proposed PID not complying with the qualifying conditions of Sections 10.03.02 and 10.07.01 and it fails to satisfy the requirements of 22.04 of the Township Ordinance. The construction and paving of Toddiem Drive, the extension of municipal water, and the removal of the outdoor scrap metal and trailer storage does not give enough direct benefit to the Township for the request to exceed the maximum building height, not meet the high-quality architecture and design standards, and not meet the minimum lot size. Additionally, Township Staff shall enforce the cleanup of the existing site. **The motion carried with a roll call vote (Ledford - yes; Croft - yes; Hunt - yes; Mortensen; yes; Lowe - yes; Skolarus - yes; Rogers - no)**



- 6. Consideration of a recommendation for approval of an environmental impact assessment (11/22/21) for a proposed 73-space parking lot on the west side of the site located at 7372 Grand River, Brighton for Community Bible Church. The request is petitioned by Community Bible Church.**

Mr. Brent LaVanway of Boss Engineering provided a review of their proposal.

**Moved** by Board Member Ledford, seconded by Board Member Croft, to approve the Environmental Impact Assessment dated November 22, 2021 for a proposed 73-space parking lot on the west side of the site located at 7372 Grand River, Brighton for Community Bible Church. **The motion carried unanimously.**

- 7. Request for approval of Resolution 5A (amending the Special Assessment Roll) for the Darlene Drive Road Improvement Project Amendment for a project cost reduction of \$30,558.49. Roll call vote.**

Mr. Archinal stated that the estimate assumed that base improvements would be necessary; however, they found the road base was in decent shape. The problems with the road were due to poor drainage.

**Moved** by Board Member Lowe, seconded by Board Member Skolarus, to approve Resolution 5A (amending the Special Assessment Roll) for the Darlene Drive Road Improvement Project Amendment for a project cost reduction of \$30,558.49. **The motion carried unanimously with a roll call vote (Ledford - yes; Croft - yes; Hunt - yes Mortensen; yes; Lowe - yes; Skolarus- yes; Rogers - yes)**

- 8. Request for approval of an intergovernmental agreement for cooperative paid assessment intern, mentoring and training. Roll call vote.**

**Moved** by Board Member Lowe, seconded by Board member Hunt, to approve the Intergovernmental Agreement for Cooperative Paid Assessment intern, mentoring, and training. **The motion carried unanimously with a roll call vote (Ledford - yes; Croft - yes; Hunt - yes Mortensen; yes; Lowe - yes; Skolarus- yes; Rogers - yes)**

- 9. Request by the Township Assessor to approve Resolution 220207 establishing guidelines for granting Poverty Exemptions from property taxes pursuant to MCL.211.7U and establishing beginning date for the Board of Review. Roll call vote.**

**Moved** by Board Member Skolarus, seconded by Board Member Hunt, to approve Resolution 220207 establishing guidelines for granting Poverty Exemptions from property taxes pursuant to MCL.211.7U and establishing beginning date for the Board of Review. **The motion carried unanimously with a roll call vote (Ledford - yes; Croft - yes; Hunt - yes Mortensen; yes; Lowe - yes; Skolarus- yes; Rogers - yes)**

#### Correspondence

Correspondence was received from Charter Communications and Comcast.

2-7-22 Board of Trustees

~~Un~~approved Minutes

A copy of the CVTRS report, that is required by the State of Michigan annually, was provided by Pfeffer, Hanniford and Palka CPA's, PC. to the Board members.

The 2022 Livingston County Planning Commission meeting schedule was included in the packet for all Board Members.

Member Discussion

Board Member Skolarus stated that the State of Michigan now requires a 20-page review of the Township polling locations with regard to ADA requirements. Mr. Jim Rowell from the Livingston County Building Department has offered to perform this work as he is a resident of the Township. She wanted to thank him publicly for his commitment to the community.

Adjournment

**Moved** by Board Member Lowe, seconded by Board Member Mortensen, to adjourn the meeting at 9:13 pm. **The motion carried unanimously.**

Respectfully submitted,

Patty Thomas  
Recording Secretary

APPROVED