

**KASSON TOWNSHIP PLANNING COMMISSION REGULAR MEETING**  
**Monday, November 18, 2024; 7:00 p.m.**  
**Kasson Township Hall, 10988 S. Newman Road, Maple City, MI 49664**

**DRAFT MEETING MINUTES**

1. Call Meeting to Order / Pledge of Allegiance - the meeting was called to order at 7 pm by Lanham and followed with the pledge of allegiance
2. Roll Call of Commissioners and Staff / Recognition of Visitors
  - A. Commissioners present (roll call): Michael Lanham, Tad Carter, Jerry Roush, David Noonan, T Eftaxiadis
  - B. Staff: Zoning Administrator Cypher, Andria Bufka – Recording Secretary
  - C. Visitors present 20
3. Consideration of Agenda: Additions or Corrections – None – Roush moves to accept the agenda as presented, T seconds the motion, all vote aye and the motion is passed with agenda accepted as is.
4. Declaration of Conflicts of Interest – None noted
5. Approval of Minutes– October 21, 2024 T moves to approve the October meeting minutes as presented – Carter seconds, all vote aye, the October meeting minutes are approved.
6. Correspondence Received – no general correspondence received
7. General Public Comment

Jerry Mansur a Kasson Twp resident for 27 years living on Coleman road states that he has seen gravel activity increase over the years. He has concerns and hopes that they will be addressed by Reith Reily:

1) road dust 2) increase in truck traffic 3) Noise 4) groundwater concerns but no data 5) clarification on when a gravel mine is inactive, wants to know when a mine goes inactive.

Joshua Spencer has lived on Coleman for 18 years. He states that he has concern about traffic from gravel trucks, he has seen scary driving practices, and that has increased. Jake brakes are also a concern because of the noise.

Gabriela Maximiliano – Lives on Coleman and would like a commitment that they will employ safer practices with their trucks. She has seen them on corners on the shoulder of the road. Wants the gravel district to commit that their drivers will follow safer driving practices.
8. Area Reports
  - A. Chairperson – Commissioner Lanham – gravel legislation is coming out of a lame duck session. We should contact the representative about keeping gravel locally controlled.

- B. Secretary – Commissioner Eftaxiadis – States that the public notices were in the paper
- C. Township Board – Commissioner Carter – States that the PC needs updated bylaws to be provided to the township council members and that 5 copies are needed. Cypher states that his is working on it.
- D. Zoning Board of Appeals – Commissioner Noonan – Nothing to report
- E. Zoning Administrator’s Report – ZA Cypher - emailed the report out earlier this month. Reads from report to PC and the PC has no questions.  
Cypher reports that we have initiated a new software program to apply for land use permits. T asks about where it’s located and accessed for township applicants. Cypher responds on the township website Homepage and forms/applications. Lanham – asks what are Elmers hours of operations? Cypher states that Elmers can be open 10-5 on Sundays, but there is nothing specific about hauling. He recommends that people with issues contact him directly.

9. New Business

- i. Public Hearing T moves to open the public hearing, Roush seconds the motion, all vote aye and the public hearing about the Reith Reily (RR) renewal begins.

Presentation by Applicant:

Reith Reily renewal –Keegan Brennan presents: there are 2 sites that are requesting renewal and will have the same requested operation. There is an updated site plan in the materials provided. Nothing is changing, he has nothing else to present or any more documents. He states that the company wants to be proactive and be a good steward. If there are complaints or requests that can be reasonably accommodated, they are willing to address it. They have addressed jake braking with haulers in the past. If a load isn’t tarped, they want to address it directly. Noises could be less invasive. There are some things they can do within their power. It is discussed and agreed that if there are issues, people should report to ZA Cypher and he can pass them on to Reith Reily.

PC Questions/Discussion with Applicant

Lanham asks if the trees are done being planted? RR representative explains that Kasson center road has berm construction going on. To promote healthy trees they will plant on the flat at the top instead of the slope. They made the top wide enough for that, and it will accommodate a water truck. Lanham – how many water trucks? 1 truck, water as needed. T notes that on page 5 it looks like a water feature. Is there a pond? RR responds that yes, they have a pond for washing and the accompanying permits. It’s a recycle system. It is not lined but becomes clay.

Cypher asks RR if the tree planting schedule is completed for fall. RR representative confirms that there were 600 trees planted today, and they plan to plant 400 tomorrow unless it rains. 3-year-old trees are what are being planted. They are mixed trees; spruce, white pine, Norway spruce. Cypher asks if they are aware of the diseases we’re running into? He thinks spruces are on the list. RR representative agrees that they are responsible to maintain a healthy order and keep the trees planted alive or replace them. Cypher instructs RR that if they get a complaint directly, to please let him know for the

township records. RR states that their representative at the exit tells the drivers about tarping and jake braking. Cypher states that they should email ZA Cypher if they have a complaint. ZA would like to know which companies are getting complaints. Is this frequent or only on occasion. If it isn't tarped when it leaves the facility, there's no recourse.

RR states that they will put up another sign. All loads must be tarped. Maybe the loads could be tarped at their site? T – asks ZA about complaints about dust. Cypher states that he receives very few if any complaints and reiterates that the Public should call and create a record with the Zoning Administrator.

Public Comment:

Dave Kalena: States that there is excessive dust on certain days with a west wind. Asks if they can control dust at Elmers pit? Lanham informs that the ZA will look into it.

Jerry Mansur – states that he is concerned about groundwater. He doesn't know what the aquifer does under the ground. Are we asking qualified people to look at this and add it to the certification process?

Susan Wheadon– Lives on Good Harbor Trail and asks about the holding pond, wants to know what goes into it? What chemicals are being used? Will the holding pond be a problem for wildlife? Is the air quality ever monitored? It's a very high pollution operation.

Joshua Spencer: states that in the last 2 years he's replaced 4 windshields, and has been here 18 years. He attributes this to the trucks not being tarped and says they should be tarped.

Joe Pecak –lives on Kasson Center -asks if it is possible for gravel companies to use a sweeper and sweep the roads? It can be like a snowstorm sometimes. He believes the non tarping is from out of town drivers.

Dave Kalena – asks if can they deny loading if drivers come in with straight pipes?

Applicant response to the public:

RR Representative states that the wash plant uses the water fines, the clay portion of a stone or sand. Rinsing out the fines or clay portions of certain types of gravel is required for cement. The brine they use on the road comes from an approved well, and all the county roads use the same brine. It pulls the moisture out of the air, that's why it looks like it's been wetted down. It's important to keep the water on it.

Regarding the tarping of the trucks – as soon as they are notified, they always pass it on to the drivers. They are putting up another sign about this and jake braking. Aquafers – they don't know that there's even an aquifer under the site. Brennan: He can't address it now. Sweeping of the roads – Bob has swept the intersection. EGLE (Environment, Great Lakes and Energy) and MSHA (Mine Safety and Health Administration) standards require air quality standards, they state that they adhere to that. ZA requests copies of their permits from the other regulatory agencies for the file.

Cypher asks if there's no tarp at the weigh station, could they police that? Hypothetically they could refuse service if there's no tarp. They tell the drivers to follow DOT rules right now. Carter asks: does the EPA monitor the air quality of the pit? EGLE does at local level and MSHA does regular inspections, but there is no device that monitors 24/7.

Roush has 1 comment about broken windshields– he states that once drivers leave the pit, they are on a public highway. Reith Reily has no concern about that, it's up to the police to police that.

FINDINGS OF FACTS:

ZA - Did a site visit on Wednesday the 6<sup>th</sup> of November, got free access. Encourages public to notify him if there are issues via phone or email but not to text as it is not a legal communication for township govt. Page 2 noted acreage sizes, and that Public Notice went out as did 300' letters. Section 7.7 is the basis for determination. He found nothing new, but will add today's minutes to the file made by the Applicant to step up efforts on a few things.

Cypher states that he appreciates the public being here and providing comments, as well as Reith Reily. T asks - The original special use permit – did it have any requirements for trees? That was 2 years ago. Cypher states that they used to have individual plant sites, but they consolidated the various sites to simplify the administration of their permits. There is also a bond that they carry. Carter asks if it's sufficient. Cypher says yes, and that it has been reviewed by the township attorney. Lanham asks if it's to ordinance and Cypher states yes. Carter inquires about yearly consumption – how many more years of the pit? ZA - We're renewing both pits tonight. We could ask for an assessment on file each time it comes up for renewal. The PC discusses what they are doing now to control some of the issues. Lanham asks if everyone on the PC is satisfied with the findings of fact and they agree that they are.

Motion and actions:

Roush moves that based upon general findings of fact and the basis for determination that subject to any special conditions that may have been approved, they approve renewal, T seconds the motion. A roll count vote is taken and all vote yes to pass and the renewal is approved. T moved to close public hearing, Roush seconded, all vote yay to approve, the motion was passed and the public hearing was closed.

ii. New Cass, LLC – zoning amendment resubmittal

Open public hearing motion made by Roush, Carter seconds, all vote aye and the Public Hearing for New Cass, LLC is opened.

Applicant presentation:

Mark McKellar, the attorney for New Cass is here again and states that they have come in with a rezoning request for workforce housing. Under current zoning, the request they could have had would have been up to 16 units. In their previous presentation, Noonan had concerns about traffic load, so they withdrew and had a traffic study done.

They reduced the request to a max of 8 new dwelling units in addition to the existing home that's there. Other than that, the application is the same. Master Plan is aligned with what they are trying to do. It is a big ask from Cherry Republic. They are trying to centralize their operation in Leelanau County. They believe that they could fill 30-40 units, but 8 is a start for them. Carter asks them to define a unit. It could be a SF dwelling, apartment, condo. Bob Sutherland states that they want to build two 4-unit apartment

buildings. They need housing for younger staff. He feels that they need rental apartments.

T discusses workforce units and feels once it's rezoned, they can put anyone in there, it might not be workforce. McKellar – setbacks and height restrictions dictate what they can do. Lanham clarifies that if this gets approved, they have to come back to the PC with plans before building anything. Lanham asks where they will put the structures on the lot. McKellar – predominantly on the north and east side of the property. Site conditions could change that. He thinks they will look like townhouses. Sutherland states that they will go where there are currently mobile homes.

Cypher: wants to verify they won't ask for a variance. McKellar agrees they will never ask for a variance and will self-limit the dwelling units to 9, so 8 additional. Traffic study was done between Christmas and New Year's – Cypher found that odd. McKellar says they used info from the road commission. McKellar spoke to Craig Brown, the study was done to protocol.

Public comment:

Tom Deering – Lives on Maple Street – States that he is against this rezoning and feels 8 units is too many. He feels that the traffic study has little or no bearing because of the timing of the study. It will be a lot of cars – there are children in nicer weather. Parking issues will lead to it becoming a one way street. More traffic won't do that any good.

He and Sutherland talked about him buying some of Deering's land. He would be open to it. He's concerned about so many people and units on one property. It's a single family dwelling neighborhood. They have parties, he can hear noise at 2 am. He has concerns about noise and parking, and more people coming over for parties and football games. He states that the Habitat community is good for those people. More people will change it for the worse.

Rebecca Benedict states that she is for the rezoning. She has worked at Cherry Republic for 5 years but can't find housing in Leelanau. She's a chamber member in Glen Lake, no kids, and needs housing. She currently rents from Sutherland. She thinks Maple City is a nice city and anyone living there would contribute to the local economy in Maple City. Linda Kuhn– not crazy about having it rezoned and having apartments there. The one house has 6 bedrooms, has 4 people living there now. Individuals now. More of what they have now is a bad thing. This is spot zoning, doesn't want an apt complex in the middle of a single family neighborhood. There are a lot of parties there. Concerned about traffic on that street (Maple Street).

John Kuhn: he's also against the rezoning. Has concerns about people coming out of the address in question. They don't look when pulling out. There's no control across the street.

Roy Romanowski – doesn't agree with the zoning change and thinks they should build at Sugar Loaf

Doug Hull - Hill Street – septic system – does existing zoning allow for this size building?

Applicant response to public comment:

McKellar clarifies that they used data from December, but made calculations and modeled from existing data. Parking would have to be internal to the property not on the street. Land Use regulates number of parking spots. Police power ordinances will regulate the other issues like noise. Sewer and water – those are regulated by 3<sup>rd</sup> parties. Cherry Republic won't build if EGLE doesn't approve. They won't give conditional approval without land use approval.

Regarding Sugar Loaf they can't get that zoning out there. There are very few places this zoning can take place, and Maple City is one of them. He thinks there's something to be said for employees renting from their employer, and the employer won't tolerate them being bad neighbors. Bob Sutherland states that it's the first he's heard of any issues with the dwelling. Seasonal housing exists right now in the home. They are trying to improve that. Most are college kids but they plan to have a mix of both college kids and also adults. Apartments would be year round apartments. Ideally it's for 1 person per apartment.

Rousch asks how many separate structures will there be? 2 four-unit structures. No garages – just parking spots. Blended spots at each building. Each structure about 2500-3000 square feet.

PC discussion with Staff:

Cypher clarifies that they are asking to change zoning. Lanham clarifies what surrounding properties are zoned as. Cypher also informs the PC that there was a letter from the Kuhns. Tom Deering states that every piece of commercially zoned property is across Maple City Hwy,

Noonan states that he understands where Cherry Republic is coming from. Asks if they will rent to anyone other than employees. Sutherland says no, only for year-round employees. Sutherland states that they will build one building first, and then once it's stable they'll build the next building.

McKellar says it allows PC to see how it's going. Noonan has concern about well and septic. What stops them from putting 3-4 people in a unit and not 1-2 people?

Sutherland can regulate occupancy levels. Health code is based on bedrooms, not bathrooms. These types of buildings are pretreated or monitored, and Leelanau county is really strict. They would bring this information on a site plan to the PC. Sutherland states that the buildings will only be for couples and single people. Noonan says sometimes you don't have control. Sutherland says he's doing the placing. McKellar says they can put restrictions in the lease to control this.

Findings of Fact:

Cypher: public hearing notice was published on October 31<sup>st</sup>, and 300' foot letters went out. Requesting a village high density district change. The Master Plan referenced and criteria is read to PC. Cherry Republic is bringing conditions forth now and informing the PC up front. They are self-regulating the number of units even though they can have more units. Section 12.4 of the findings – the PC shall consider each proposed amendment as set forth in the master plan. He reminds the PC that they will still have to come back for site plan requirements. Lanham asks if the findings of fact are satisfactory.

Noonan asks about critical path of the process. Cypher informs that this goes to county planning commission, and township board has to decide if the amendment meets criteria. This is the first step of 3.

PC motions and actions:

T moves that the rezoning application for New Cass, LLC, parcel number 007-002-013-01, go from medium and small lot to commercial core and mixed use and the zoning be approved with the condition that no more than 9 dwelling be constructed on the property, Noonan seconds the motion, and there is a roll call vote

T yes

Roush No

Carter No

Noonan Yes

Lanham Yes

The rezoning is been approved. Rousch moves to close public hearing, T seconds, all vote in favor and the public hearing is closed.

Noonan wants questions answered about concerns brought by the public by Cherry Republic and hopes they will correct issues. Lanham thinks the concerns are genuine but that's a law enforcement issue. The PC agrees to send minutes to county.

10. Old Business

A. Ordinance updates discussion - tabled

B. By-Laws review – tabled until next month

11. General Public Comment - none

12. Comments from the Commissioners - none

13. Next Meeting: Monday, December 16, 2024; Kasson Township Hall

14. Adjournment – Roush moves to adjourn, Noonan seconds, all vote in favor and the meeting is adjourned at 8:50 pm.

**Protocol for Public Hearings**

- iii. Presentation by Applicant
- iv. PC Questions/Discussion with Applicant
- v. Public Comment (limited to three minutes per person unless extended by ZBA Chair)
- vi. Applicant's Response to Public Comment
- vii. PC Discussion with Staff (ZA)
- viii. PC Deliberation/Findings of Fact
- ix. PC Motions/Action