

MINUTES- REGULAR MEETING  
BEDFORD TOWNSHIP PLANNING COMMISSION  
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN  
JUNE 28, 2017

**PRESENT:**

JAKE LAKE  
JOE GARVERICK  
DAN STEFFEN  
MATTHEW ANGERER  
ROBYNE BUSH

**EXCUSED:**

TOM ZDYBEK

**ALSO PRESENT:**

MARTY KAMPRATH, LEGAL COUNSEL, LENNARD, GRAHAM & GOLDSMITH  
KAREN M. KINCAID, PLANNING AND ZONING ADMINISTRATOR  
JODIE L. RECTOR, PLANNING AND ZONING, ASSISTANT, RECORDING SECRETARY

Lake called the Bedford Township Planning Commission meeting to order at 7:08 p.m. The Pledge of Allegiance was said. Kincaid called the roll. Quorum present.

***APPROVAL OF THE AGENDA***

**Motion by Steffen, supported by Angerer, to approve the agenda. Motion carried.**

***APPROVAL OF THE MINUTES***

**Motion by Steffen, supported by Angerer, to approve the minutes of June 14, 2017. Motion carried. Bush Abstained.**

***PUBLIC COMMENT (LIMIT 3 MINUTES)***

*None*

***NEW BUSINESS***

- A) REQUEST FOR A RECOMMENDATION FOR TENTATIVE PRELIMINARY PLAT APPROVAL FOR VILLAGE MEADOWS PLATS III & IV ON PARCEL NUMBER 5802-014-067-02, LOCATED ON TEMPERANCE ROAD EAST OF LEWIS AVENUE.

Kincaid reviewed the analysis stating the subject site consists of 23.8 acres where 8.435 acres are being proposed for development. Plat three consists of 11 lots and Plat four 14 lots for a total of 25 R-3, Single Family Residential, parcels. There are a total of 96 lots within Plats I and II, and with the additional proposed 25 lots, there will be a total of 121 lots within the Village Meadows Subdivision where there are two means of ingress/egress off Temperance Road (Bush Drive & Village Meadows Drive).

Kincaid continued saying the proposed plats are an extension of the Village Meadows Subdivision located on Temperance Road east of Lewis Avenue which was approved on 8/19/2003. Plat Three was granted a Final Preliminary Plat approval extension on 8/16/2005, which since has expired. The property was under different ownership at that time and due to the market Plat Three was never developed.

Kincaid stated the MCRC has approved the Tentative Preliminary Plats (June 13, 2017), the MCDC has approved the Tentative Preliminary Plats (June 6, 2017), MSG has approved the Tentative Preliminary Plats (April 21, 2017), the FD has approved the Tentative Preliminary Plats (June 22, 2017), and the plat has not been reviewed by the MDEQ; however, should a review be required, all reviews will be conducted prior to Final Preliminary Plat Approval, and an MDEQ permit will be issued prior to Final Plat Approval.

Kincaid noted the following should be considered if Tentative Preliminary Plat approval is recommended: any and all issues outlined in the MCRC, MCDC, The Mannik & Smith Group, and the Bedford Township Fire Department letters shall be addressed prior to Final Preliminary Plat submittal.

**Bryce Bankowski- Woodland-** Mr. Bankowski stated the plan is an extension of the existing subdivision.

Lake advised the applicant he would need a majority vote to approve if wanting to move forward or reschedule with full commission. The applicant waived the right to defer and requested to move forward.

Bush made reference to previous approval and under different ownership. Angerer stated in his opinion the layout is a good continuation to the subdivision, Lake agreed.

***MOTION BY BUSH, SUPPORTED BY STEFFEN, TO RECOMMEND APPROVAL FOR TENTATIVE PRELIMINARY PLAT APPROVAL FOR VILLAGE MEADOWS PLATS III & IV ON PARCEL NUMBER 5802-014-067-02, LOCATED ON TEMPERANCE ROAD EAST OF LEWIS AVENUE, CONDITIONED UPON ADDRESSING ALL THE ISSUES OUTLINED IN THE REVIEW LETTERS FROM MCRC, MCDC, MSG AND THE BEDFORD TOWNSHIP FIRE DEPARTMENT.***

***Roll call as follows: Voting Aye: Bush, Steffen, Angerer, Garverick and Lake.***

***Voting Nay: None***

***Excused: Zdybek***

***Motion carried.***

- B) OPEN THE PUBLIC HEARING REGARDING THE COMMERCIAL COMPOSTING FACILITIES ORDINANCE AMENDMENT TO SECTION 400.1502, I-2, LIGHT INDUSTRIAL DISTRICT WITH SPECIAL APPROVAL, AND THE AMENDMENT TO SECTION 201, "DEFINITIONS" TO ADD DEFINITIONS REGARDING COMPOSTING

***Motion by Bush, supported by Angerer, to open the public hearing at 7:16 p.m. Motion Carried.***

Kincaid stated addressing the comments that were supplied to the Planning Department will also be discussed. Kincaid reviewed the memo supplied to the commission stating the public hearing is being held for an ordinance amendment to allow commercial composting facilities in I-2 zoning districts with special approval. Kincaid stated this topic was briefly discussed at the June 14, 2017 Planning Commission meeting and the Planning Department supplied the additional information that was requested at that meeting. Kincaid stated the Planning Department requested the Commission to review the language and provide any comments, concerns, input (etc.) prior to the scheduled public hearing to allow the Planning Department time for further research, should it be required. Kincaid advised no changes have been made to the draft with respect to the received comments, saying any proposed changes will be made after Planning Commission review and discussion, and as directed by the Planning Commission as a whole.

**Stephen Spradlin- 2077 Fountain Circle-** Mr. Spradlin spoke in favor of the proposed ordinance. Mr. Spradlin referred to other communities and the benefit a composting site will be for Bedford Township. Mr. Spradlin added this operation could be a resolution to open burning within the township.

**Andrew Nycz-** -Mr. Nycz is a proposed applicant for a composting operation. Mr. Nycz explained everything brought to the site will be recycled and turned into a usable product. Mr. Nycz felt this operation will be a benefit to the residents of Bedford Township. Mr. Nycz explained the operation

process, the layout of a site and that the excepted material will only be yard waste. Mr. Nycz currently has a location in Perrysburg Township, and stated concerns normally come from smell or nuisances that may arise. Mr. Nycz reassured he has the knowledge to resolve those issues and offered to answer any concerns or questions the Commission Members may have.

Bush inquired on the proposed language of 500' setback requirement. Bush stated the setback requirement should not be more restrictive than the MDEQ. Mr. Nycz voiced opinion on the language amendment of a 200' setback from a residential dwelling and 100' from a residential property line from the actual composting area. Garverick asked on the turning process. Andrew advised the temperature of the compost is very important and 180 degrees is a target depending on weather conditions. Steffen asked if there are any industry standards. Mr. Nycz explained the EPA has standards for the Country and the State (MDEQ) and local municipalities can be specific on the type of composting and restrictions. Mr. Nycz stated the finished product must be screened, a daily log kept, and the total amount of incoming yard waste at the end of each week. MDEQ requires an annual inspection/meeting. Lake stated he appreciated the expertise information that Mr. Nycz was supplying to the Commission, however discussion needs to be specific to the proposed language of the proposed ordinance. Bush referred back to the setback language requirement. Kincaid referenced the information that was researched and that the compost operation requires a site plan approval with special approval. Kincaid also added that this ordinance will not regulate the Right to Farm Act regarding agricultural properties having a composting operation.

***Motion by Bush, supported by Angerer, to close the public hearing at 7:36 p.m. Motion Carried.***

Discussion continued on the proposed language of the setback requirements. Lake stated after concern expressed from trustees, the Supervisor and Commission Members, he felt the setback language should be more simplified. Bush and Steffen agreed. Garverick referred to the composting currently at the Indian Creek Zoo as an AG District and the requirements from MDEQ. Commission Members discussed developed/undeveloped and what guidelines to impose on the setbacks and what is a good distance. Discussion on the setback requirements from residential to the proposed 500' setback language on page 3 e number 7 regarding church or other house of worship, hospital, nursing home, licensed daycare center or school etc. Mr. Kamprath stated MDEQ guidelines are minimal as they apply for all properties. Mr. Kamprath added as Bedford is known as a "bedroom" community the Township can adopt more restrictive language. Mr. Kamprath added this operation can be beneficial to the community, but advised the Commission to keep in mind they need to consider the community when deciding on the setback requirement. Angerer inquired if a variance could be sought on the setbacks. Mr. Kamprath advised a variance on a Special Approval is not permitted. Commission Members further spoke on the language of the setbacks, the areas where this use could be proposed with an Industrial Zoning and the type of yard clippings permitted. Commission Members agreed on page 2, definition of "YARD CLIPPINGS" to remove vegetable and other garden debris in the first line and add to the last sentence "Yard clippings do not include stumps, agricultural waste, animal waste, roots, sewage, garbage or vegetable and other garden debris" and on page 3e, to remove the language from numbers 1 & 2, and state 250 feet from any property line. Angerer suggested on page 3 e, number 3 to add ponds to the setback requirements from a body of water. In reference to e number 7 after discussion the decision was to keep the language as presented. Commission Members all agreed on the above proposed changes.

Commission Members continued discussion on the responses submitted on the proposed language to the language on pages 4 and 5 in regards to records, windrow height and a decision on how to address complaints, determining anaerobic conditions and fees. Commission Members began discussing to allow a specific amount of time frame to make records available to the Township. Members agreed to add the language to provide to the Township within three business days to letter l. Discussion began on letter n and Mr. Kamprath advised larger windrow piles could increase anaerobic conditions and could cause an

increase in odors. Kincaid added MDEQ determines size of windrows on an operation's available equipment; such as, a bucket loader a windrow height of 6 to 12 feet however, with a tractor drawn possibly only 4 to 9 feet in height. Commission Members discussed the proposed 8' in height and felt that may not be enough of an area, agreeing to amend the language to 12 feet in height. Letter q was the next proposed language discussed and Mr. Kamprath advised if a complaint was submitted, the Ordinance Enforcement would visit the site and make a determination if the complaint was valid. Mr. Kamprath continued saying the Township would trust that the Ordinance Department would use reason and communicate with the owner/operator on issues that needed to be addressed and resolved. Mr. Kamprath advised if this section was to be removed there would be no means of enforcement. After further discussion all members agreed to leave the proposed language to letter q as submitted.

Page 6: There was no discussion, just an agreement to change the proposed language in y from the site shall be level to the site shall be graded no greater than 3 percent and well drained.

Page 8: Kincaid referred to the comments submitted from the Fire Chief and a decision was made to amend the language to allow for the recommendation from the Fire Chief to be on a case by case basis as the Fire Chief reviews all submitted site plans. Mr. Kamprath advised a recommendation by the Fire Chief is required as that is where the expertise information will be provided. Discussion continued on page 8 regarding gg on truck traffic where Kincaid supplied the adopted truck route. Lake voiced opinion on the language being restrictive as the proposed use is in an Industrial Zoning District. Lake felt truck traffic would already be addressed within that zoning district. Bush agreed. Mr. Kamprath explained the intent of the language is to help control the larger vehicles comings and goings during peak hours of high traffic volume and to minimize flow of commercial vehicles during those hours. Commission Members agreed with Lake and a decision to remove the entire proposed language in section gg.

Page 9: In reference to mm, Lake requested clarification of twelve months of production. Bush voiced opinion on whether or not the Township requires this of other commercial locations, such as a landscape service or nursery, to move their finished products within a specific time frame. Mr. Kamprath advised this language is to prevent a stockpile of composted material and to avoid the site maintaining a large inventory. Mr. Kamprath added the storage pile of production and record of production will be for the first year before a year of production would be on site for over twelve month. Commission agreed to leave language as submitted. Kincaid stated Ms. Hershberger via email voiced concern on hours and the clarification of holidays. Lake agreed and stated hours of operation should be less restrictive and voiced opinion on how to determine specific holidays. Steffen agreed. Angerer suggested allowing hours for legal holidays. Lake said he felt holiday hours should be decided on by the owner as some residents may only have holidays off to be able to utilize the location. Commission Members agreed to allow hours from 7:00 a.m. but no later than 9:00 p.m. and to remove the language of no operations are permitted on holidays.

Page 10: In section rr a lengthy discussion on the interpretation of the language ensued. Bush inquired on the length of time for the process and who in the Township is the decision maker of the request. Mr. Kamprath stated it is with the alleged violations of the condition with the Special Approval. Bush asked under whose authority. Mr. Kamprath advised it would correspond with the authority to enforce the ordinance with the approved operation. Bush felt the decision should be by the Township Board and not just one individual. Lake added that could become a lengthy process. Steffen felt an elected official could be the one to make the decision. Lake interpreted the language as the owner/operator would pay for the compost engineer's findings only to bring the operation back into compliance. The Planning Department interpreted the language to be all at the cost of the owner/operator. Commission Members agreed to amend the language if the Township retains the services of an independent compost engineer and there are no violations found, the cost would be to the Township, otherwise all cost for the

independent compost engineer including the repairs of the violations of the special approval would all be at the owner/operators expense.

Page 11: Bush voiced concern on requiring a bond with an undetermined amount for the restoration of the site as currently there are no businesses required to meet this requirement. Garverick voiced opinion it would depend on a case by case basis due to the use on the site. Lake and Steffen agreed if this type of business was to not succeed there could be a great expense on the future property owner. Bush felt that if that is going to be included as a requirement for this commercial use, the requirement should be for all future commercial businesses with potential site restoration. Lake said the requirement of the bond would protect the parcel within the township. Mr. Kamprath said this is a unique situation and use and should not be compared to another commercial use. Mr. Kamprath advised of a \$50,000.00 bond for the location for cleanup and restoration of the site. Bush stated she would push for any future commercial business to meet this standard if approved and asked Mr. Kamprath if an insurance policy could cover this type of loss. Mr. Kamprath stated the Township would have to have a qualifying person to review the insurance policy to ensure the coverage, the township would not be the beneficiary, unless noted, or a rider policy must be kept in force. Mr. Kamprath said who would monitor if the premiums were paid, and advised it would be a risk factor to the township if the language was to be removed. Lake was unsure of how to move forward with portion of the language. Steffen agreed with requiring a bond, just unsure of what amount to require. Bush reiterated her dissatisfaction with this requirement. Mr. Kamprath advised if the bond requirement is removed there will be no resolution to review as Special Approval does not go before the Township Board. Steffen spoke on the proposed \$50,000.00 and agreed on the amount adding that may not even cover the cost for a cleanup depending on the amount of finished product or composting remaining.

Bush asked if Mr. Sheppard could speak regarding the bond requirement. Mr. Kamprath advised at the discretion of the Chair. Lake said the question warrants expertise. Lake asked Mr. Sheppard to speak for some clarification.

**Jason Sheppard- 7235 Bentcreek-**Mr. Sheppard advised of three things for consideration: 1) there are banks involved 2) an insurance policy that would state all these provision within it, and 3) the MDEQ, which they will not allow the site to just become an abandoned site. Mr. Sheppard commented on requiring a \$50,000.00 bond on an operation that does not do \$50,000.00 of production. Mr. Sheppard reminded the Commission the site is taking in free waste for the township to get the operation started. Mr. Sheppard advised if the bond language was to remain there should be a provision added stating if there is an insurance policy that covers this type of cleanup, then it would relax the requirement of the bond. Mr. Sheppard stated other locations such as a gas station, landfill, car dealership, nursery, etc. are not required to supply a bond. Mr. Sheppard requested the Commission to be mindful of future potential issues if approving the bond language requirement.

Kincaid reminded the Planning Commission of the mandatory 10:00 p.m. adjournment time unless there was a unanimous vote to extend the meeting in 30 minutes increments. Commission Members moved forward with a decision.

Commission Members discussed and agreed to Mr. Sheppard's explanation and made a determination to remove xx to require a bond requirement.

***MOTION BY BUSH, SUPPORTED BY STEFFEN, TO RECOMMEND TO APPROVE THE COMMERCIAL COMPOSTING FACILITIES ORDINANCE AMENDMENT TO SECTION 400.1502, I-2, LIGHT INDUSTRIAL DISTRICT WITH SPECIAL APPROVAL, AND THE AMENDMENT TO SECTION 201, "DEFINITIONS" TO ADD DEFINITIONS REGARDING***

**COMPOSTING WITH THE FOLLOWING PROPOSED LANGUAGE CHANGES TO THE FIRST DRAFT FOR PUBLIC HEARING ON 6/28/2017:**

**Page 2**

*Yard Clippings. Means leaves, grass clippings, shrubbery, brush or tree trimmings less than four feet in length and two inches in diameter, that can be converted to compost humus. Yard clippings do not include stumps, agricultural waste, animal waste, roots, sewage, garbage, or vegetables and other garden debris.*

**Page 3**

*e) 1 & 2: Change the proposed language to: 250 feet from all adjacent property lines.*

*e) 3: Add ponds to the language*

**Page 4**

*l) Change the proposed language to: The owner or operator maintains, and provides within three business days of a request, all of the following:*

*n) Change the proposed language to: The maximum height of all windrows or any other material being stored on-site shall not exceed a total height of twelve feet.*

**Page 6**

*y) Change the proposed language to: The site shall be graded with a slope no greater than 3 percent with all run-off into controlled drains.*

**Page 8**

*ee) Change the proposed language to: At the review and recommendation of the Fire Chief.*

*gg) Remove all proposed language*

**Page 9**

*pp) Change the proposed language to: The hours of operation shall be permitted from 7:00 a.m. to 9:00 p.m., seven days per week.*

**Page 10**

*rr) Change the proposed language to: When the Township retains the services of an independent compost engineer to evaluate the site plan and CFOP, the owner/operator shall pay for, and comply with the conditions of the compost engineer's review. These conditions shall be included as conditions of special land use approval. In the event the Township retains the services of an independent compost engineer to investigate an alleged violation of the approved site plan or special land use approval or conditions, the owner/operator shall pay for such engineer's services, however, only if a violation is confirmed.*

**Page 11**

*xx) Remove all proposed language*

*Roll call as follows: Voting Aye: Bush, Steffen, Angerer, Garverick, and Lake.*

*Voting Nay: None*

*Excused: Zdybek*

*Motion carried.*

***PUBLIC COMMENT –***

**Andrew Nycz-2124 Reitz-Toledo, Ohio-** Mr. Nycz requested clarification on the setback requirement if to include active composting or the entire site. Commission Members stated they believed the active compost. Mr. Kamprath stated the language reads storage of materials, yard clippings, compost, and residuals occurs in an area that is not in the 100 year flood plain and is the following distance from each of the following features. Mr. Kamprath stated the distance of all materials on any property line. Commission Members agree the interpretation was active compost. Lake advised the public hearing is closed. Kincaid stated it will be a part of public comment.

***INFORMATION –***

None

***COMMISSION / STAFF COMMENT –***

None

***ADJOURNMENT –***

**The meeting was duly adjourned at 9:50 p.m.**

*Respectfully submitted,  
Jodie L. Rector, Recording Secretary*