

MINUTES
BEDFORD TOWNSHIP PLANNING COMMISSION
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN
NOVEMBER 28, 2018

PRESENT:

MATTHEW ANGERER, CHAIR
DENNIS JENKINS, VICE-CHAIR
NANCY TIENVIERI, TOWNSHIP BOARD LIAISON
TOM ZDYBEK
RON FRITZ
JOE GARVERICK
DAN STEFFEN, SECRETARY

EXCUSED:

NONE

ABSENT:

NONE

ALSO PRESENT:

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

Angerer called the Bedford Township Planning Commission meeting to order at 7:00 p.m. The Pledge of Allegiance was said. Steffen called the roll. Quorum present.

APPROVAL OF THE AGENDA

Motion by Steffen, supported by Jenkins, to approve the agenda. Motion carried.

APPROVAL OF THE MINUTES OF NOVEMBER 14, 2018

Motion by Jenkins, supported by Zdybek, to approve the minutes of November 14, 2018. Tienvieri abstained. Motion carried.

SET THE DATES AND TIMES FOR THE 2019 PLANNING COMMISSION MEETINGS

Motion by Steffen, supported by Jenkins, to continue with the current meeting schedule for 2019. The first Wednesday of the month shall be utilized on an as-needed basis, with the second and fourth Wednesdays of the month being dedicated as Regular Meetings. All meetings shall begin at 7:00 p.m. and end no later than 10:00 p. m. at the Bedford Township Government Center. However, there shall be flexibility allowed to reschedule any meeting to a different date if so needed.

**Roll call as follows: Voting Aye: Steffen, Jenkins, Zdybek, Fritz, Garverick, Tienvieri and Angerer
Voting Nay: None.**

Excused: None

Motion carried.

PUBLIC COMMENT (LIMIT 3 MINUTES)

None

NEW BUSINESS

- A) OPEN THE PUBLIC HEARING REGARDING THE REQUEST FOR SPECIAL APPROVAL AND FINAL SITE PLAN APPROVAL FOR MALAK POND, ON PARCEL NUMBER 5802-011-023-00, OTHERWISE KNOWN AS 10232 LEWIS AVENUE, TEMPERANCE, MI 48182

Motion by Steffen, supported by Zdybek, to open the public hearing at 7:06 p.m. Motion carried.

Kincaid reviewed the analysis stating the applicant is requesting special approval and final site plan approval for a 51,174 square foot (1.17-acre) pond located on a 35.72-acre parcel on Lewis Avenue, north of Erie Road. The parcel has 400.32 feet of frontage on Lewis Avenue and is approximately 2645 feet in depth.

As designed, the proposed pond meets the setback requirements of fifty feet from the property lines and the dwelling. The proposed side slope of 6:1 at the beach area and the 4:1 slope on all other banks is in compliance with the Pond Ordinance, with the high-water elevation of 636.7'. A test dig indicates ground water is located at an elevation of 636.00' with a low water level at 635.00'. It is noted if necessary, the owner will install a point well to ensure the maintenance of the average and low water elevations with floats set at 635.0 (low) and 636.0 (average).

The pond will be utilized for the land owners' personal recreational purposes and all spoils from the excavation will be redistributed on site as fill around the proposed barn with excess to be used to fill holes and build mounds. Three safety stations are being proposed with 100 feet of rope, and the Planning Department has reviewed and approved the proposed locations.

All disturbed areas are to be final graded, planted with grass seed with straw mulch cover, and maintained as necessary until vegetation has been established. As well, the pond will be kept healthy by natural convection and the addition of aquatic life.

The Bedford Township Fire Inspector has reviewed and approved the submitted site plan however, respectively requests the driveway be maintained at all times to ensure open access to the pond in case of an emergency.

Approvals have been received from the Mannik & Smith Group (10/30/2018) and the Fire Department (11/7/2018). A pond permit must be obtained through the Building Department prior to beginning the pond construction. A Soil Erosion Control Permit must be obtained from the MCDC prior to construction.

Angela Malak- 10232 Lewis Avenue—Ms. Malak was available to answer any questions.

Motion by Jenkins, supported by Steffen, to close the public hearing at 7:07 p.m. Motion carried.

Tienvieri referred to the Fire Departments review letter on maintaining the drive access to the pond. Ms. Malak stated the material will hold up and the drive will be clear for emergency access. Steffen asked if the drive would be clear with snow removal as well. Ms. Malak stated yes. Garverick spoke on maintaining the large parcel for wild life with adding the pond and stated he supports the request with the condition of maintaining access to the pond.

MOTION BY STEFFEN, SUPPORTED BY JENKINS, TO APPROVE THE REQUEST FOR SPECIAL APPROVAL AND FINAL SITE PLAN APPROVAL FOR MALAK POND, ON PARCEL NUMBER 5802-011-023-00, OTHERWISE KNOWN AS 10232 LEWIS AVENUE, TEMPERANCE, MI 48182 CONTINGENT UPON ADDRESSING ALL CONDITIONS IN THE MSG AND THE BEDFORD TOWNSHIP FIRE DEPARTMENT REVIEW LETTERS, ALSO OBTAINING A BUILDING PERMIT FROM THE BEDFORD TOWNSHIP BUILDING DEPARTMENT AND A SOIL EROSION PERMIT FROM THE MCDC.

Roll call as follows: Voting Aye: Steffen, Jenkins, Zdybek, Fritz, Garverick, Tienvieri and Angerer

Excused: None

Absent: None

Motion carried.

- B) OPEN THE PUBLIC HEARING REGARDING THE REQUEST FOR SPECIAL APPROVAL AND FINAL SITE PLAN APPROVAL FOR GATTER POND, ON PARCEL NUMBER 5802-024-003-57, ON A VACANT PARCEL LOCATED ON MINX ROAD BETWEEN E. SUBSTATION ROAD AND TEMPERANCE ROAD

Motion by Jenkins, supported by Zdybek, to open the public hearing at 7:16 p.m. Motion carried.

Kincaid reviewed the analysis stating the applicant is requesting special approval and final site plan approval for a 37,743 square foot (.87-acre) pond located on a 5-acre parcel on Minx Road, north of E. Substation Road. The parcel has 359.00 feet of frontage on Minx road and is approximately 609 feet in depth.

As designed, the proposed pond meets the setback requirements of fifty feet from the property lines and the dwelling. The proposed side slope of 6:1 at the beach area and the 4:1 slope on all other banks is in compliance with the Pond Ordinance, with the high-water elevation of 597.0'. A test dig indicates ground water is located at an elevation of 596.50' with a low water level at 595.5'. It is noted if necessary, the owner will install a point well to ensure the maintenance of the average and low water elevations with floats set at 595.5' (low) and 596.5' (average).

The pond will be utilized for the land owners' personal recreational purposes and all spoils from the excavation shall be redistributed on site, per Section 251.008.f "Pond Design Requirements" No earth matter or soil material excavated, graded or disturbed as a result of the construction of the pond, shall be removed from the property; and pond approval shall be contingent upon a building permit submitted and approved from the Building Department as per Section 251.006 "Location of Ponds" The location of a pond may only be permitted as an accessory use incident to a public park facility, golf course, or single-family dwelling on a parcel of land not less than five (5) acres in size in agriculturally zoned districts, or as an accessory use incident to a public park facility or golf course on a parcel of land not less than five (5) acres in size in single-family residential zoning districts R-1 through R-3, or as an accessory use incident to a single-family dwelling on a parcel of land not less than ten (10) acres in size in single-family residential zoning districts R-1 through R-3, subject to special approval as established and allowed by the Township of Bedford Zoning Ordinance, (Bedford Township Ordinance No. 44), as may be amended, or any similar successor Ordinance.

Three safety stations are being proposed with 100 feet of rope, and while there is approximately 20' of area without coverage, relocating or adding an additional safety station will still not serve the area. The Planning Department has reviewed and approved the proposed locations.

All disturbed areas are to be final graded, planted with grass seed with straw mulch cover, and maintained as necessary until vegetation has been established. As well, the pond will be kept healthy by natural convection and the addition of aquatic life.

The Bedford Township Fire Inspector has reviewed and approved the submitted site plan; however, requests the driveway be maintained at all times to ensure open access to the pond in case of an emergency.

Approvals have been received from the Mannik & Smith Group (10/31/2018) and the Fire Department (11/7/2018). A pond permit must be obtained through the Building Department prior to beginning the pond construction. A Soil Erosion Control Permit must be obtained from the MCDC prior to construction.

Shane Gatter- 50 Cabernet Lane-Oregon, OH- Mr. Gatter was available to answer any questions.

Larry Dickinson-664 E. Substation-Mr. Dickinson spoke on concern of water flow, location of existing field tile and drainage issues. Garverick spoke on the positive aspects of a pond in respect to drainage. Mr. Dickinson stated other parcels to the north also drain directly onto his parcel. Mr. Kamprath inquired from Mr. Dickinson if he knew the direction of water flow. Mr. Dickinson stated he believed south. Mr. Kamprath advised the parcels about Flat Creek and possibly flows downhill. Mr. Kamprath advised if the parcel had been or is being farmed there may or may not be field tile. Mr. Dickinson stated there is a location of a large pipe with water drainage.

Mr. Kamprath advised it would be private field tile, which would not be under the jurisdiction of the Township nor the Monroe County Drain Commission until the water was in the drainage ditch. Mr. Kamprath advised it would be a private matter and suggested the applicant, neighbors, excavator and engineering firm work together on the determination of the location of the tile and the flow of the grade. Mr. Kamprath advised this is not a topic of the site plan approval.

Motion by Steffen, supported by Jenkins, to close the public hearing at 7:24 p.m. Motion carried.

Tienvieri asked Mr. Gatter on plans to maintain the driveway per the Fire Departments review letter. Mr. Gatter advised the driveway would go from Minx Road to the new home and then there would be a grassy/soil access from the new home to the pond. Mr. Gatter stated he is willing to work with the Fire Department on what they would like to see installed for emergency access purposes.

MOTION BY JENKINS, SUPPORTED BY STEFFEN, TO APPROVE THE REQUEST FOR SPECIAL APPROVAL AND FINAL SITE PLAN APPROVAL FOR GATTER POND, ON PARCEL NUMBER 5802-024-003-57, ON A VACANT PARCEL LOCATED ON MINX ROAD BETWEEN E. SUBSTATION ROAD AND TEMPERANCE ROAD CONTINGENT UPON ADDRESSING ALL CONDITIONS IN THE MSG AND THE BEDFORD TOWNSHIP FIRE DEPARTMENTS REVIEW LETTERS, ALSO OBTAINING A BUILDING PERMIT FROM THE BEDFORD TOWNSHIP BUILDING DEPARTMENT AND A SOIL EROSION PERMIT FROM THE MCDC.

Roll call as follows: Voting Aye: Jenkins, Steffen, Garverick, Tienvieri, Fritz, Zdybek and Angerer

Excused: None

Absent: None

Motion carried.

PUBLIC COMMENT – None

INFORMATION –

Kincaid advised there are items that may be ready for the December 12th meeting, however the meeting for December 26th will be cancelled.

COMMISSION / STAFF COMMENT –

Jenkins reminded the Commission and Staff that the Master Plan will be coming up for the 5-year review process.

ADJOURNMENT –

The meeting was duly adjourned at 7:30 p.m.

Respectfully submitted, Jodie L. Rector, Recording Secretary