

**Charter Township of Hampton  
Planning Commission  
March 14, 2024**

The regular meeting of the Charter Township of Hampton Planning Commission was called to order at 7:00 p.m. by Chairperson Talaga in the Hampton Township Hall.

**PRESENT:** Talaga, Mulders, Wright, Brey, Leinberger

**ABSENT:** Klass, Adamowski (arrived at 7:35 pm)

**ALSO PRESENT:** Sheppard, DeWyse, Daly-Martin, Close and 19 people in the audience.

Motion by Leinberger, seconded by Mulders, that the minutes of the February 8, 2024, meeting be approved as printed and that the reading of the minutes be waived. Ayes: Talaga, Mulders, Wright, Brey, Leinberger. Absent: Klass and Adamowski. Motion carried.

**COMMUNICATIONS:**

None

**NEW BUSINESS:**

**A. Special Use Permit-Contractor Storage Yard, Parcel No. 070-060-200-065-00, W Center Rd. Neil Spencer, Owner**

At the request of Chairperson Talaga, Daly-Martin began with highlighting the parameters for a Special Use Permit to allow for the construction of a 9800 sq-ft building to house a construction business. The building will contain 1200 sq-ft of office space and 6600 sq-ft of storage space. The applicant is also proposing to maintain outdoor storage in the rear yard along the south side of the building. The B-2, Agricultural/Business Transitional District permits construction businesses with outdoor storage by special use permit approval. Daly-Martin asked for clarification on the type of items to be stored in the rear yard and that storage in the front and side yards are prohibited. The applicant needs to submit a revised site plan indicating where a 6 ft tall cyclone fence will surround the outdoor storage area of the rear yard site. Materials on site may not be stockpiled greater than 8 feet. No processing of materials may occur on-site, including any wood cutting or cement crushing, unless authorized by the Planning Commission at a separate special use approval meeting. Clarification is sought for the type of material for the off-street parking, as well as if any of the 22 parking spaces will be deferred. The current site plan is one parking spot deficient. Any parking in the front of the parcel would require appropriate landscaping. Final consideration should be given as to whether a buffer should be provided to mitigate potential negative impacts to neighboring residential land to the east and west, especially for light, sound, and dirt.

The applicant indicated that the building will be used to house his construction business, as he is a carpenter by trade, that the site plan is still being worked out, as the Special Use Permit has been the applicant's focus at this time. Many of the items brought up by the planner will be addressed in the final site plan. The applicant confirmed that concrete or asphalt will be used for the parking surface, that business hours would be normal business hours due to the

small size of the business, and that lumber and general construction materials would be the predominant items housed inside and outside the building.

At this point in the meeting, Chairperson Talaga opened the meeting to the public.

Elizabeth Tyson and Vashal Rathor, 597 W Center Ave, addressed the Planning Commission to voice their concerns about noise, light, and general construction activity as their son has a medical condition and is sensitive to loud noises and lights.

Pat Phillips, 733 N Jones Rd, asked for clarification about the location of the proposed contractor storage yard. The applicant indicated that it would be directly across from the existing Sunoco gas station.

At this point in the meeting, Chairperson Talaga closed the meeting to the public.

The Planning Commission held a discussion on the recommendations made by Daly-Martin. Mulders indicated the possibility of a berm with trees to be included on the site plan to mitigate noise and light from the neighboring property, and suggested deferring parking.

Motion by Mulders, supported by Leinberger, to approve the Special Use Permit under the conditions laid out in items A-K of the planner report, that the site plan address concerns about noise, light, and dust, that parking be clarified on the site plan, and that hours of operation should not be outside of 7am to 6pm Monday through Friday. Ayes: Talaga, Mulders, Wright, Brey, Leinberger. Absent: Klass and Adamowski. Motion carried.

Motion by Mulders, supported by Leinberger, to table the site plan review until the May meeting. Ayes: Talaga, Mulders, Wright, Brey, Leinberger. Absent: Klass and Adamowski. Motion carried.

**B. Special Use Permit/Site Plan Review-Contractor Storage Yard, Parcel No. 070-060-200-025-00, 685 W Center Rd. KIG Enterprises, LLC, Owner**

At the request of Chairperson Talaga, Daly-Martin began with highlighting the parameters for a Special Use Permit to allow for the construction of a contractor storage yard. Due to the lack of a principal structure on the submitted Special Use Permit and Site Plan, Daly-Martin recommended to the Planning Commission that the applicant be instructed to revise and resubmit once a principal structure is identified so back and side yards can be determined.

Klass and Adamowski arrived at 7:35 pm

At this point in the meeting, Chairperson Talaga opened the meeting to the public.

Blaine Bucholtz, speaking on behalf of the applicant, explained the lack of a structure results from site prep work needing to occur first, including removing existing structures, installing a temporary turnaround, use existing dirt piles to fill in and level the grade, eventually installing fencing to shield items in the parking lot. Bucholtz asked the Planning Commission to table the Special Use Permit and Site Plan Review for up to 12-months as the site is prepared for future development.

Sheppard explained that a demolition and grading permit can be issued by the building inspector, and that the applicant should demonstrate in the site plan clear intent to mitigate noise, dust, and traffic, similar to the expectations discussed in the previous agenda item.

Daly-Martin offered pre-planning meeting to help streamline the applicant's next time in front of the Planning Commission

neighborhood. The representative from Fisher indicated that dust control would be used to minimize the amount of airborne dirt impacting nearby homes.

At this point in the meeting, Chairperson Talaga closed the meeting to the public.

Discussion by the Planning Commission included Mulders would like feedback from the Drain Commission as to how the increasing number of ponds will impact the existing ditches, Sheppard suggesting an engineering analysis regarding appropriate setbacks for deep ponds and future maintenance. Other discussions included the need for safety measures during construction such as ladders and leaving the access incline, establishing hours of operation and the haul route from Center to Pine.

Motion by Mulders, seconded by Leinberger, to approve the Special Use Permit with the recommendations within the Planner's report, as well as hours of operation from 7am to 6pm Monday through Saturday, a 25-foot setback unless the engineer review determines less is appropriate, Drain Commissioner review of discharge capacity, Road Commission approval for discharge, appropriate bonding from the Road Commission, overlapping life rings, and ladders opposite the ramp during construction. Ayes: Talaga, Mulders, Wright, Brey, Leinberger. Did not participate: Klass and Adamowski. Motion carried.

### **UNFINISHED BUSINESS**

#### **A: Discussion of Ordinance Amendment**

##### **i) Finalize Proposed Pond Amendment Language**

Daly-Martin provided the Planning Commission with revisions to Section 3.35 Ponds, including requiring a minimum setbacks of 20 feet, and that setbacks increase for ponds deeper than 20 feet by a 1:1 ratio of setback to depth, that ponds less than two acres and/or less than 30 feet in depth provide a Type I Site Plan, that ponds larger than two acres and/or exceeding 30 feet in depth provide a Type II Site Plan, and for those larger ponds a minimum setback for side and rear lot lines be 50 feet.

Discussion by the Planning Commission included the use of the 1:1 ration makes sense, but should there be a cutoff? Is a 50 feet setback necessary for a pond with a depth of 50 feet? Talaga asked if we should consider prohibiting ponds without permanent residences on site? Sheppard questioned whether that limitation would infringe on the Right to Farm Act.

The Planning Commission directed Daly-Martin to look into the restrictions for vacant land vs. farm protections. Other concerns exist if a property owner became delinquent on taxes on a pond, should the Township require a bond to restore the land to its original state? Daly-Martin will contact the Department of Agriculture for guidance. The Planning Commission supports the 20' minimum setback and 1:1 depth to setback ratio exceeding that, as well as changing the rise to run to 4:1 from 3:1.

Should there be a tiered system for small and large ponds - is a Type I vs Type II site plan necessary? Mulders asked Daly-Martin for more information on discharge pipe that is appropriate for pond size and capacity of the ditches; Sheppard suggests 4" or as recommended by the Drain Commission' so that it is unique to the pond and distance to travel; Mulders will contact Drain Commission for feedback.

Motion by Mulders, seconded by Talaga, to approve the Site Plan Review for Rivard Pond with the expressed condition to allow administrative approval by DeWyse and Daly-Martin

Terry Dora, 881 Wagner, asked Bucholtz if more material would be brought in before any construction begins.

Ross Jones, 699 W Center Rd, told the Commission that he will wait until the final site plan to comment.

At this point in the meeting, Chairperson Talaga closed the meeting to the public.

Motion by Mulders, seconded by Talaga to table the Special Use Permit and Site Plan Review until the applicant returns with complete paperwork. Ayes: Talaga, Mulders, Wright, Brey, Leinberger. Did not participate: Klass and Adamowski. Motion carried.

**C. Special Use Permit/Site Plan Review-Residential Pond, Parcel No. 070-060-100-140-01, W Center Rd. Paul & Cynthia Rivard, Owner/Fisher Cont.**

At the request of Chairperson Talaga, Daly-Martin began with a reminder that this pond was originally approved in 2022, but that no construction has occurred, that no structure is on the property, and that the site plan has been modified decreasing the size of the pond by .35 acres from the original application and has shifted further to the west. As the planner's report indicates, all yard requirements are met, but there needs to be clarity on fencing, stagnation prevention, discharge pipe easement and Drain Commission approval, how the pond will be filled, the haul route of spoils and hours of operation.

Mr. Rivard and a representative from Fisher Construction addressed the Commission. Hours of operation would be Monday through Saturday, 7am to 6pm during summer haul, with Saturday used only for delays caused by weather. The drainage tile crosses adjacent property for approximately four feet and has for the last 12 years. A temporary drive will be established between two houses due to direct access to Center Road. Fisher has talked to neighbors regarding any nuisance issues and will employ dust control with water. Expected traffic is 7-10 trucks per hour at the height of hauling for 2-3 months of excavation. Regarding fencing, the closest homes are off of Jones Rd and roughly 500 ft from homeowners' property and there is a lack of children in the area. However, Rivard said that fencing would be appropriate in the future if it were closer to kids, or if kids moved in. Mulders and Sheppard indicated that without a fence an appropriate number of life rings with overlapping rope, ladders, and/or boat on site would need to be clarified on the site plan. Mulders expressed concern with possible sand that could erode the edge of the pond and suggested a wider setback may be necessary so when the pond is established maintenance will be possible. Mulders also expressed concerns about the discharge pipe sizing so that the volume doesn't detrimentally impact the ditches downstream during large rainfall events. Fisher representatives indicated that the response from the Road Commission is that the ditch can handle the overflow. Talaga asked for clarification on how stagnation will be addressed. The applicant indicated that the pond will be stocked with plants and fish, with hopes of stocking walleye.

At this point in the meeting, Chairperson Talaga opened the meeting to the public.

Jody Weber, 900 W Center Rd, asked if the pond is a public pond and is there an access road for a private pond. The applicant indicated that it will be posted as private property and is visible from his residence. Weber expressed that a personal pond that deep is a danger.

Dan Martin, 1182 Ivy Leaf Ct, expressed issues with the previous haul route Fisher used on a pond near his home. Is concerned that the noise and dirt from the increased traffic will be detrimental to his home's exterior as well as the peace and quiet he expects from his

based on items included in the above discussion. Ayes: Talaga, Mulders, Wright, Brey, Leinberger. Did not participate: Klass and Adamowski. Motion carried.

**B: Consumers Energy Lake/Pond Annual Report**

DeWyse provided copies of the annual report as requested by the Planning Commission in the April 2023 meeting. Sheppard clarified that Consumers needs to give an annual update and that fencing should follow the progress of the pond, as needed.

Motion Leinberger, supported by Talaga to accept the report as adequate progress and authorize the building inspector to renew the permit for another building cycle. Ayes: Talaga, Mulders, Wright, Brey, Leinberger. Did not participate: Klass and Adamowski. Motion carried.

**OPEN TO THE PUBLIC**

At 8:31 pm the meeting was open to the public.

Dan Martin, 1182 Ivy Leaf Ct, questioning the large pond being installed on NSE Boutell Rd and concerns about truck route, hours of operation, dust from previous pond construction and impact on cleanliness of his house, ability to enjoy his yard and property, construction on weekends - as he doesn't want to lose the summer and the area's peace and quiet. The proposed haul route will be due north, adjacent to his property. Would like to see hauling rerouted.

Terry Dora, 881 N Wagner, asking about property sold nearby his home, 18.9 acres, and who it was sold to and for what purpose?

At 8:37 pm the meeting was closed to the public.

**ANNOUNCEMENTS**

None

Motion to adjourn made by Mulders, seconded by Talaga. Ayes: Talaga, Mulders, Wright, Brey, Leinberger. Did not participate: Klass and Adamowski. Motion carried.

Meeting adjourned at 8:38 pm.

Respectfully submitted:

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Tony Brey, Secretary

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Presiding Officer, Gerry Talaga,

