

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION MINUTES
AUGUST 8, 2012**

Chairperson Thompson called the meeting to order at 7:30 p.m. Present: Johnson, Boynton, Kelley, McKenna, Budd, Guenther and Thompson. Staff Present: Director Carroll and Secretary Harman. McKenna Associate present: Sally Hodges. Wade Trim Representative present: David Nummer. There were 11 people in the audience.

APPROVAL OF AGENDA:

Motion McKenna, Boynton second to approve the agenda of August 8, 2012 as presented.

Motion carried.

MINUTES:

Motion Johnson, Kelley second to approve the minutes of July 11, 2012 as presented.

Motion carried.

NEW BUSINESS:

ITEM #1

CASE # PRESENTATION

TITLE: AJAX PAVING INDUSTRIES, INC. HAS APPLIED FOR TEMPORARY LAND USE PERMISSION TO LOCATE A BATCH CONCRETE PLANT UNDER SECTION 4.44 (a) (11) AND SECTION 4.44 (a) (12) OF THE TOWNSHIP ZONING ORDINANCE 06-02-92, AS AMENDED.

LOCATION: PARCEL NUMBER V125-83-097-99-0009-701 ALSO KNOWN AS 13558 HANNAN ROAD. THE SUBJECT SITE IS LOCATED NORTH OF ECORSE ROAD AND EAST OF HAGGERTY ROAD.

A presentation was given by representatives from Ajax Paving Industries. Ajax has a 100 day concrete paving contract with MDOT for paving of the Ecorse Road overpass on I-275. Concrete will only be produced on the site for about 12 days. Having the batch plant on site will eliminate the need for transit concrete mixers. Storm water and air quality permits will be obtained through MDEQ. The ideal location on the parcel is 15 feet off the construction limit zone. The applicant is asking permission for the facility and to begin paving in about 2 weeks. Applicant noted several other communities as references of previous work.

Director Carroll noted the hours of operation need to be determined. Normal operation for Ajax is to pave during the day, Wayne County has asked for night paving. The site will need to be hedge hogged and have 3-4 trees removed. He recommends an increased restoration bond of \$10,000.00 for the site area to be insured, restored and trees replaced.

Commissioner Johnson inquired about noise and lighting concerns and how close the closest neighbor is to the site. The closest neighbor is 12-15 hundred feet away. Commissioner Boynton would like to have lights facing away from residential properties and concrete mounds and the applicant to stay within guideline parameters of the drain on the property. The applicant noted the area in use will be a 250 foot by 250 foot spread and there is also a tree line buffer to help with noise. Commissioner Budd inquired how long the applicant will be on the site. Applicant stated approximately 90 days, only producing concrete 12 days, providing there are no delays.

David Nummer of Wade Trim spoke with Wayne County and they would like operation to commence at night. Light towers will be used to assist loaders in pulling stuff off of stock piles at night. Soil erosion will require a contractor who will monitor the conditions throughout the project, an Inland Lakes and Streams permit is required through the MDEQ and a permit will also be required from Wayne County for driveway access. The McClaughrey drain crosses through the property and there is a culvert over the drain. Wayne

County is looking into whether the culvert is rated for fully loaded cement trucks to cross. Restoration of the site will not be monitored by Wayne County, and Wade Trim would like to see an increased restoration bond.

Commissioner Budd inquired how dust will be controlled on the site. Dust will be monitored by both Wayne County and MDOT. Ajax will maintain dust with water, vacuum and sweeper trucks. A water truck will be located at the batch plant at all times. Nummer of Wade Trim noted that the applicant has been working with the Water Department in regards to a hydrant permit for the site.

Resident inquired of the exact location of the site and about tree removal.

Motion Boynton, McKenna second to approve the application from Ajax Paving Industries for temporary land use to locate a batch concrete plant under section 4.44 (a) (11) and section 4.44 (a) (12) of the Township Zoning ordinance 06-02-92 as amended along with the tree removal permit, \$10,000.00 for restoration and tree replacement with a deadline of December 31, 2012 for special land use for the batch concrete plant. Motion Carried.

UNFINISHED BUSINESS:

ITEM #1

CASE # 12-002 SPR, CONTRACTOR'S STEEL

TITLE: THE APPLICANT, CONTRACTOR'S STEEL, IS REQUESTING FINAL SITE PLAN APPROVAL TO CONSTRUCT A 4,326 SQ. FT. ADDITION TO THEIR 434,396 SQ. FT. EXISTING MANUFACTURING FACILITY.

LOCATION: PARCEL NUMBER V125-83-017-99-0014-702 ALSO KNOWN AS 48649 SCHOONER DRIVE. THE SUBJECT SITE IS LOCATED SOUTH OF MICHIGAN AVENUE AND WEST OF BECK ROAD.

A brief overview was given by Architect Kenneth Van Tine from Inform Studio. This is for a small addition to the existing facility. All building materials have been matched to the existing facility and 3 parking spaces have been added to the west side of the addition creating 133 future parking spaces.

Sally Hodges of McKenna Associates review letter dated August 1, 2012 recommends the Planning Commission grant final site plan approval, subject to the approval of the Township Engineer. There were no comments from the Township Engineer. Director Carroll referenced approval letter dated June 19, 2012 from the Department of Public Safety.

Motion Budd, Johnson second to grant final site plan approval to Contractor's Steel to construct a 4,326 sq. ft. addition to their 434,396 sq. ft. existing manufacturing facility located at parcel number V125-83-017-99-0014-702 also known as 48649 Schooner Drive. Motion Carried.

ITEM #2

CASE # 10-012 SUP, SPR & TPR

TITLE: THE APPLICANT, VISTEON CORPORATION/HOOSIER ENERGY, IS REQUESTING FINAL SITE PLAN APPROVAL, AND TREE PERMIT APPROVAL TO CONSTRUCT A LANDFILL GAS TO ENERGY PROJECT.

LOCATION: PARCEL NUMBER V125-83-045-99-0020-705 ALSO KNOWN AS 1 VILLAGE CENTER DRIVE, AN APPROXIMATELY ONE AND 1 HALF (1.5) ACRE SITE. THIS SITE IS LOCATED ON THE SOUTH SIDE OF ECORSE ROAD, BETWEEN I-

275 AND HANNAN ROAD, ON THE FAR WEST SIDE OF THE GRACE LAKE CORPORATION CENTER.

Jeff Stander of Amersco gave the presentation for the applicant. All information has been supplied and issues have been discussed. Stander came to answer questions from Commission members and the audience.

Sally Hodges of McKenna Associates review letter dated August 2, 2012 recommends the Planning Commission approve the Final Site Plan subject to the following:

1. Performance guarantees, in the form as determined by the Township must be submitted in the following amounts: Noise Compliance \$545,000, Landscaping \$124,479; and Stack Coating Maintenance \$22,600. The landscape maintenance guarantee shall be retained for a period of two years from the date of Certificate of Occupancy to ensure that the plant materials are properly installed and established.
2. The Noise Compliance Evaluation (NCE) dated June 6, 2012, as approved by the Planning Commission must be executed by the applicant, and submitted to the Township. The use must cease and desist if it is not in compliance with the document.
3. The screen wall must be 20 feet along its entire length as agreed by the applicant, and the site plan revised accordingly.
4. The building roof and façade, screen wall materials and colors, and a sample of the proposed coating for the stacks must be presented to the Planning Commission and are subject to its official approval. The approved coating material sample shall be kept on file for comparison in the required annual stack appearance evaluation.
5. If the facility ceases to be a “cogeneration” plant, it must immediately stop operation and the Township must be notified within 30 days of cessation.
6. Approval of all regulatory agencies with jurisdiction is required, including the Wayne County Drain Abandonment permit. A signed copy of the ITC pipeline easement must be submitted to the Township and up-to-date copies of all permits must be provided to the Township before issuance of any building or construction permits.
7. Final site plan approval for the DTE substation. No building or construction permits shall be issued for the Hoosier site until the DTE site has received final site plan approval.
8. The approval is only valid for the facility as represented on the final site plan, any expansion or modification, including but not limited to installing a fifth engine/stack shall require compliance with Township codes and ordinances at that time and site plan approval from the Township. Submittal of valid Air Quality permits, noise compliance testing and approval for the facility, compliance with the Stack Coating Maintenance, new performance guarantees including but not limited to noise compliance will also be required at that time.
9. The Stack Coating Maintenance Plan dated 8-2-12 shall be executed and the stacks shall be maintained with a clean, white, high tech appearance.
10. An Emergency Response Plan specific to the site must be provided and is subject to approval by the township.
11. Approval by the Township Engineer.
12. Approval by the Police and Fire Departments.
13. Compliance with all conditions of the Township’s special approval.
14. Tree removal permit approval by the Planning Commission.

David Nummer of Wade Trim has reviewed the engineering plans and they comply with Township standards. Wade Trim cannot make a recommendation at this time because the design is predicated on the abandonment of the drain. If the drain is not abandoned it will require a significant redesign.

Sally Hodges of McKenna Associates review letter dated July 31, 2012 recommends the Planning Commission approve the Tree Removal Permit subject to the approval of the Final Site Plan, and the tree removal permit shall not be issued until all conditions of Final Site Plan approval have been met.

Van Buren Police Department letter dated 2-21-12 and Van Buren Fire Department letter dated 2-16-12 support approval of the site.

Commissioner Johnson has emission concerns based on a Golder Associates letter dated 7-21-10 in which Golders predicted increased impacts that are still below all impacts levels except for 1 out of 3. Butadiene only passes the secondary level if it does not affect a sensitive receptor. A sensitive receptor refers to population with health concerns (places such as hospitals, nursing homes or schools). This could restrict future development in the Township. Johnson would like to see measures taken to have all within the first standard and not expose sensitive receptors. Also the facility is in close proximity to a highly populated area and in event of combustion it will continue functioning causing concern for the health and safety of residents. Commissioner Johnson feels that extra measures are needed to probe and analyze gas leaving the station and at the top of the stacks in order to monitor and notify residents in the event of combustion. There is no emergency preparedness plan and it is so close to residents.

Stander noted that the MDEQ has requirements; however continuous emission and gas monitoring are uncharted territory. He gave Ford Motor Company as a safe example of a company that has utilized combustion engines in the past.

Chairperson Thompson inquired about the emergency plan. Stander noted the emergency plan will be developed when the plant is there and will be specific to the facility. The applicant has agreed to do the plan when the project is approved and will follow FERC national and state guidelines. Commissioner Budd inquired if there are testing instruments that can sit in the pipe. Stander stated that none of their plants have anything. Landfill gas is 45-50% methane. Stander noted that gas can be captured and sent away to a lab for testing, it will take 2-3 weeks for the results. Chairperson Thompson asked Hodges of McKenna Associates about the noise protocol. Hodges informed that a third party expert, Kolano and Saha Engineers, Inc. was hired by the Township. The expert found the cogeneration facility is expected to comply with the required noise criteria and recommends approval. A Noise Compliance Evaluation and a Stack Coating Maintenance plan were devised. The stack coating maintenance plan will assure that the stacks are maintained and requires an annual written report.

Resident expressed concerns with wetlands, drain abandonment and safety/protection for residents.

Nummer of Wade Trim informed that the Robinson Drain is at the edge of the parking lot portion only and drains the properties storm water to catch basins and on into Grace Lake. Commissioner Budd inquired about water being pumped out on the field and what will happen with it. The water runs to the north and will continue to run to the north with the water on the site going back into Grace Lake. Commissioner McKenna noted that water had been pumped out of Grace Lake to a wetland or flood plain area to relieve high water levels.

Residents commended Commissioner Johnson for the concerns he brought forward. Residents are concerned with air quality, the possible breathing in of toxins and the impact on wetlands and wildlife.

Nummer stated that with the abandonment of the drain, storm water will drain to the south instead of the north and there is a storm water treatment device in the storm sewer. Stander noted that the air quality permit has a requirement for any future protocols and they will have to comply with current specs to receive the permit.

5 minute break at 9:15 p.m. Meeting resumed at 9:20 p.m.

Hodges of McKenna Associates noted that most of the 14 conditions in her review letter have ongoing compliance like the air quality permit. Chairperson Thompson inquired when the Emergency Plan is submitted to public safety for review and comment if it would be possible to have Planning Commission members sit in on the review. Commissioner Budd asked Commissioner Johnson what he thinks of the stacks. Commissioner Johnson stated there needs to be a way to notify employees and neighboring residents when something is wrong. Either when something is coming out of the engines or stacks to be able to shut the building down and have a warning system. Commissioner Budd inquired if the permit is good. The applicant has permit to construct right now but is subject to meeting new criteria, so they do not have approval.

Chairperson Thompson gave a statement that the Planning Commission has taken more than a couple years on the request, have facts represented in meeting minutes, noise studies and municipal law. She has spent hours going over all the information and has found in her own research hundreds of cogeneration facilities at major corporations and universities. Cogeneration facilities decrease greenhouse gas emission and reduce the carbon footprint of the community. Chairperson Thompson supports the approval of the cogeneration facility and thanked the audience, commissioners and staff.

5 minute recess at 9:30 p.m. Meeting resumed at 9:40 p.m.

Commissioner Boynton inquired about Commissioner Budd's question pertaining to the permit to construct and asked if they have gone back to the MDEQ yet. Stander noted that Hoosier met with the DEQ on deadlines and new information to supply to meet the new criteria. They will have to go back and do the permit again. Commissioner Boynton also asked Stander with regards to Commissioner Johnson's mention of monitors, if he is aware of anything existing. He is not aware of anything existing, but there is a possibility that it exists at other facilities.

Motion Boynton, Kelley second to table the discussion at this time to get further questions answered and see an emergency evacuation outline from Hoosier. Motion Carried.

GENERAL DISCUSSION:

**Motion Boynton, Johnson second to adjourn at 9:50 p.m.
Motion carried.**

Respectfully Submitted,

Christina Harman,
Recording Secretary