

**CHARTER TOWNSHIP OF VAN BUREN  
ENVIRONMENTAL COMMISSION AGENDA**

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**Wednesday, March 16<sup>th</sup>, 2016 – 7:00 PM  
Denton Room**

**CALL TO ORDER**

**ROLL CALL**

**ENVIRONMENTAL COMMISSION**

Chairman Brownlee	_____	Commissioner Merritt	_____
Commissioner Ahamiojie	_____	Commissioner Wilson	_____
Commissioner Debuck	_____	Board Representative Jahr	_____
Commissioner Gibson	_____	Director Akers	_____
Deputy Director Best	_____	Recording Secretary Halstead	_____

**APPROVAL OF AGENDA**

**ACCEPTANCE OF THE MINUTES OF THE PREVIOUS MEETING**

1. January 20<sup>th</sup>, 2016 Minutes

**COMMUNICATIONS**

**UNFINISHED BUSINESS**

1. Lakeshore Ordinance Update
2. Coal Tar Sealant Contractor Workshop
3. Recycling Road Map

**NEW BUSINESS**

**ADJOURNMENT**

***\*\* If you are unable to attend, please contact Developmental Services at 699-8913 before noon on March 16<sup>th</sup>, 2016\*\****

**CHARTER TOWNSHIP OF VAN BUREN**  
**Environmental Commission**  
**Wednesday-January 20, 2016**  
**MINUTES - DRAFT**

The meeting was called to order at 7:02 pm in the Denton room by Chairperson Brownlee.

**ROLL CALL:**

Present: Brownlee, Ahamiojie, Debuck, Gibson, Merritt, Wilson

Absent Excused: Akers, Jahr

Staff: Best, Halstead

Audience: 9

**APPROVAL OF AGENDA:**

Motion to approve the agenda as presented Merritt, Seconded by Gibson.

Motion Carried

**APPROVAL OF MINUTES:**

Motion to approve the Minutes from December 16, 2015 Wilson, Seconded by Merritt.

Motion Carried

**CORRESPONDENCE:** None

**UNFINISHED BUSINESS/UPDATES:**

***Recycling Road Map:*** Brownlee suggested we start calling the Recycling Road Map the "Van Buren Township Recycling Guide" to make it more specific. Brownlee briefly went through the information that was on the spreadsheet he sent out, plus the items that the commissioners added, to better clarify the information.

**NEW BUSINESS:** None

**GENERAL DISCUSSION:**

- 1) *Coal Tar Effort:*** This is now an approved numbered ordinance. The City of Belleville is in progress to adopt a similar ordinance. Audience reported that at the Sumpter Twp. Planning Commission meeting they made a motion to invite Commissioner Wilson to come and present the Coal Tar Ordinance. Wilson suggested petitioning the Twp. to amend the reporting limit of PAH's from 1.0% to 0.1%. Best said he would ask the elected officials if they would entertain a change to the ordinance. Best mentioned that he and Rebecca Esselman were working on a public workshop for commercial applicators. Time frame would probably be sometime after March.
  
- 2) *Shoreline Ordinance:*** There will be a series of public meetings held at the township on the proposed Shoreline Ordinance. Best asked that instead of the regularly scheduled meeting on February 17, 2016, the Commission would host the public informational meeting. He suggested we could also set up another date to take the place of the regularly scheduled

meeting. Informational meetings will be on February 22 & 23. They will be open house-style meetings so residents can meet with Staff to get their one-on-one questions answered. The final meeting scheduled is the Public Hearing on February 24 at the Planning Commission.

- 3) *Iron Belle Trail:*** Best reported that the Parks and Recreation Department has sent in their grant application to the Michigan Department of Natural Resources to begin their exploratory work into our section of the Iron Belle. If selected, the beginning steps will be to set up exactly where the trail for the Iron Belle will be in Van Buren Twp.

**COMMENTS:** Best introduced everyone to Randall and Eric Robinson. Randall is from the New Tech Program out of Belleville High School. Randall gave a report of the different projects they have been working on at New Tech.

**Motion Debuck, seconded by Wilson to adjourn at 8:16 p.m.**

**MOTION CARRIED**

Respectfully submitted,

Anna Halstead, Recording Secretary



# Charter Township of Van Buren

## BOARD OF TRUSTEES

SUPERVISOR Linda H. Combs	CLERK Leon Wright	TREASURER Sha'ry A. Budd	
TRUSTEE Phillip C. Hart	TRUSTEE Jeffrey L. Jahr	TRUSTEE Brenda J. McClanahan	TRUSTEE Reggie Miller

February 19, 2016

Planning Commission  
Charter Township of Van Buren  
46425 Tyler Road  
Belleville, MI 48111

**Subject: Belleville Lake Shoreline Districts Ordinance**

Dear Commissioners:

The Township gave a presentation outlining the proposed Belleville Lake Shoreline Districts Ordinance to the Belleville Yacht Club and held a public presentation/informational session here at Township Hall. Both meetings were well attended, with close to eighty (80) people showing up to each. During those meetings there have been several comments and questions which were presented to staff regarding the proposed ordinance. I have attached to this letter a summary of some of the questions and comments received at those two (2) meetings.

The most frequent comment/concern received, which was specific to the proposed ordinance, was focused on the provisions of the ordinance which stated that no buildings or structures were vested on Township owned property and that the Township could force the removal of buildings or structures at any time with out without cause and place a lien upon the adjacent property for the cost of removal (section 16.04C.a). While there was language built into the proposed ordinance to address lawful existing uses, many of the people who attended the presentations felt that a written clarification in the proposed ordinance was needed to further define what the specific meaning of "lawful existing" is.

Another comment/concern which was commonly received was that members of the public felt that additional public input should have been sought during the development stages of the proposed ordinance. Many of the residents who attended the two (2) meetings were concerned regarding the amount of authority the proposed ordinance gave the Township and potential long term impacts of this authority.

### RECOMMENDATION

Based on the items listed above and comments received in the public informational meetings, it is clear that the majority of the residents who reside around the lake have serious concerns regarding the provisions of the proposed ordinance. It is my belief that at this point in order to address the issues and problems that the proposed ordinance was intended to resolve, the Township will need to make further efforts to work with residents and stakeholders to come to a mutually agreeable solution.

Our recommendation is to remove the proposed Belleville Lake Shoreline Districts Ordinance from consideration after receiving public comment at the Planning Commission meeting.

Respectfully submitted,

Ron Akers, AICP  
Director of Planning & Econ. Development  
Charter Township of Van Buren

Matthew Best, M.S.  
Deputy Director of Planning & Econ. Development  
Charter Township of Van Buren

## Lakeshore Informational Meeting Questions/Comments - Feb 17, 2016 & Belleville Yacht Club – February 16, 2016

1. Why are we doing this?
2. Is this about Money?
3. What is considered a “lawful” structure?
4. Is this going to be a changing document?
5. What was the extent of the City of Belleville’s involvement?
6. Is there a list of the residents that were contacted?
7. Are you voting the ordinance in on the 24<sup>th</sup>?
8. Can we get more information on FERC licensing?
9. What is the hourly rate of McKenna Associates?
10. How much revenue does the Township make yearly from FERC?
11. Where is the Power plant at?
12. How many members of the Planning Commission live on the lake?
13. How does having a flat roof affect the lake?
14. Why do all roofs need to be regulated?
15. If I were to sell my home would I need to give the new owners my lake letters?
16. At what point would you decide this ordinance is not a good idea?
17. Can the Township, with or without cause, order a structure to be torn down?
18. Will Permits be given without precedence?
19. If something is built out on the lake, but comes up unto my property can the Township tear it down?
20. Is an existing dock that is not within the size requirements of the new draft ordinance going to be “Grandfathered” in, or will it be torn down by the Township?
21. If the MDEQ issued a permit, is that considered a lawful structure that township couldn’t tear down?
22. Can we get dates or a timeframe for when the Lakeshore Ordinance was started?
23. Comment was made that lakeshore owners should consider getting involved with the Planning Commission and attend meetings so they could have more of a part in the writing of the Ordinance.
24. Will the next meeting have all the answers to tonight’s questions?
25. Who started the Process of getting McKenna Associates involved?
26. What has been the cost of having McKenna Associates work on the Lakeshore Ordinance?
27. Who is on the BZA?
28. Would there be a penalty from FERC if we did not adopt an ordinance?
29. Would there be fines if the ordinance were not adopted?
30. Why would the comments from the residents not be included in the process of drafting this ordinance?
31. Was the Ordinance put out in the newspaper?
32. What has been published as far as notices to the residents?
33. Is there any mention of floating docks in the ordinance?

34. What about Multi-Family dwellings?
35. If FERC approved something would the Township be able to overrule it?
36. Is there a reason the meetings have come up so fast?
37. Why are the meetings being scheduled so close together?
38. Could Lake Owners form a committee that could meet with the Township regarding rules and regulations pertaining to the lake?
39. FERC can come in and tell us to take something down; Does the ordinance protect from that or would it do the same thing?
40. Is the intent of this meeting going to be in the next planning commission meeting and will the comments be brought up?
41. Can the action be tabled at the next planning commission meeting?
42. How many Private properties abut the lake?
43. Why can't a letter be sent out to Lakefront owners?
44. What is driving the proposal of the ordinance?
45. Are we currently complying with FERC Requirements?
46. Another reason to table the action is to better notify the City of Belleville.
47. How is MDEQ involved?
48. Has McKenna Associates done similar work for other cities or townships with Lakes?
49. The biggest soil erosion is Van Buren Park.
50. The proposed regulations went too far.
51. The ordinance is not clear regarding grandfathering existing structures.
52. Why does the Township have interest in regulating people's front yards.
53. Concern regarding the ordinance giving the Township too much authority.
54. The Township should vest existing structures.
55. Did not support any ordinance.
56. Township will have a lawsuit on its hands if the ordinance passes.
57. Do not agree with having to remove dead trees from Township owned property.
58. Don't understand why flat roofs are an issue.
59. Concern regarding the width of docks allowed.
60. Lot coverage makes it unreasonably difficult to place docks on narrow lots.
61. Concern that language which allows Township to remove any structure for any reason will be abused.
62. DEQ regulates buoys and navigational markers, not the Township.
63. Restricting signs is a first amendment violation.
64. Concern that people will have to remove non-conforming structures when they sell their home.
65. Need large dock width for sailboats.
66. Unsure if ordinance would allow major regrading necessary for bank stabilization.
67. Thought addresses along the water was unreasonable.
68. Concern ordinance prevented people from having guests docking their boat on their dock.
69. Six boats is arbitrary when FERC allows ten.
70. Concern Ordinance would prevent homeowners from dredging a channel.
71. Felt Township was irresponsible with files.
72. Did not like Township being able to write tickets.
73. Concerns regarding boardwalk width, wanted to be able to have deck adjacent to lake.

74. Concern that docks for duplexes would require FERC approval.
75. Many lake front owners are out of state for the winter and were unaware of this proposed ordinance.
76. This seems like a money grab from the Township.
77. The Township should talk to the city before adopting any ordinances.



# Charter Township of Van Buren

## BOARD OF TRUSTEES

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CLERK  
Leon Wright

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Jeffrey L. Jahr

TRUSTEE  
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TRUSTEE  
Reggie Miller

March 7, 2016

Company Name  
Address  
City State ZIP

Dear Owner/Operator:

In December of 2015, Van Buren Township adopted an ordinance banning the use of coal tar based sealants within its community. This ban prohibits the use and sale of sealant products containing >1% Polycyclic Aromatic Hydrocarbons (PAHs) by weight, in order to protect, restore and preserve the quality of its waters, preservation of wildlife and to protect the health of Township residents.

Coal tar based sealcoats are incredibly high in Polycyclic Aromatic Hydrocarbons (PAHs.) PAHs are of concern because many of these compounds have been identified as toxic, mutagenic, teratogenic (causing birth defects) and/or probable human carcinogens. Coal tar sealants **contain 1000 times more PAHs** than *asphalt-based sealants* (a readily available alternative) and are the number one source of PAHs in lake sediments. In fact, studies show up to 50-75% of all PAHs found in sediments within the Great Lakes region comes from coal tar sealcoat.

For someone who spends their lifetime living adjacent to coal tar sealcoated pavement, the average excess cancer risk is estimated to be 38 times higher. Much of the increased risk occurs during early childhood. Children play on and near these surfaces and are, therefore, more likely to inhale or ingest PAHs associated with coal tar sealcoat.

On Thursday, March 31, 2016 at 7:00 PM, Van Buren Township invites you to a workshop on Coal Tar Based Sealants and the Township's new Ordinance banning the use of those sealants within the Township. This workshop will take place in the Van Buren Township Hall Board Room. The purpose of the workshop is to inform participants of the reasons for the Coal Tar Sealant ban and how the Township will proceed in the enacting of its ordinance.

Van Buren Township is committed to providing information that local businesses will need to allow for the transition to non-coal tar based sealants. This workshop will be the first step in that process. Please R.S.V.P for the workshop by Monday, March 28, 2016 by 4 pm by phone at 734-699-8913.

If you have any questions, please feel free to contact me at 734-699-8913.

Thank you,

Matthew R. Best, M.S.  
Deputy Director  
Planning & Economic Development  
Charter Township of Van Buren