

**KINROSS CHARTER TOWNSHIP
PLANNING COMMISSION
SPECIAL MEETING**

Payne & Dolan's Operation of Asphalt Plant

July 22, 2013

4884 W. Curtis St., Kincheloe

MEMBERS PRESENT

Gerda Frimberger, Vice Chairman
Kathy Noel, Trustee member
Richard Bernhardt, Chairman
Arthur Brood, Secretary

MEMBERS ABSENT

Mike McMahan

Others Present: Supervisor Moore, Trustee Mitchell, Zoning Administrator Hall, Gery Hartmann of Payne & Dolan, Gary Collins of Arbor Ridge, & Judy Wright

Other Members of the Public: 7

Chairman Bernhardt called the meeting to order at 6:35 PM.

Mr. Hartmann stated that he had requested the meeting to clarify why they had received the letter dated June 17, 2013, from Supervisor Moore, given that Payne & Dolan had been open and forthright with the Planning Commission and Township about their intentions before purchasing the property from Frank Huyck & Son. He offered the following information:

- They have secured necessary permits from EPA, DEQ, etc.
- They had received approval from the Zoning Administrator in July 2012 for their operations.
- Copies of the approved zoning permit applications completed by both Payne & Dolan, Inc. and Frank Huyck & Son Co. were produced.
- The operation of an asphalt plant at a quarry is standard operating procedure within the industry. The liquid asphalt is trucked into the quarry site. Aggregate is dried and added to the liquid. The asphalt is then transported to the job location.
- The only processes that are actually done on site is the drying of the aggregate and mixing with the liquid asphalt. No other chemical processes take place at the quarry.
- It would be cost prohibitive to transport the aggregate to the plant manufacturing the liquid asphalt and then transport the road-ready asphalt to the job site.
- It is our intention to move the same physical plant to our Caldwell Road property that is currently being operated on Wilson Road, in Pickford Township.
- According to Zoning Ordinance #1.100 a special use permit for quarrying in an agricultural district would allow the asphalt plant as an accessory use.

Questions asked by members of the audience were:

- Why haven't the nearby property owners been advised of this operation?
- Do the DEQ, DNR & EPA know about this business?
- Why would someone purchase property knowing that it would have to be rezoned?

- This property is surrounded by state owned parcels intended for recreation and preservation. Are they okay with the operation of the asphalt plant here?
- What will be done about the noise and the odors associated with the operation of the plant?

Members of the Planning Commission stated the following:

- Public Act 113 of 2011 prevents a municipality from limiting where quarrying may be carried out.
- The Act does allow a local unit of government to establish reasonable regulations for the operation of such activities.
- It is currently the opinion of the Commission that the asphalt plant is not an extraction related associated activity but rather a manufacturing process.
- The subject property is zoned agricultural.
- Rezoning of the property was discussed at both the July 2012 and September 2012 Planning Commission meetings.
- It is the Commission's opinion that the property should be rezoned to an industrial classification to accommodate the manufacturing asphalt.
- The Commission does not have knowledge of a site plan and/or reclamation plan being filed, as required by Quarrying Ordinance #47A.
- Before a new quarry is opened a public hearing is supposed to be held.
- Rezoning requires a public hearing.

Meeting adjourned at 7:30 PM.

Arthur Brood, Secretary

Minutes taken and typed by Judy Wright