

ATTICA TOWNSHIP
MINUTES OF THE
PLANNING COMMISSION

April 25, 2019

At a regular meeting of the Attica Township Planning Commission held on the 25th day of April, 2019, at the Attica Township Hall, 4350 Peppermill Road, Attica, MI 48412.

The meeting was called to order by Chairman Penzien at 7 p.m. The following members were PRESENT: Dave Penzien, Phil Madeline, Kent Gierman, Mark Ochadleus, Geri Berry and Maureen Lemons. ABSENT: Robert Stockwell. ALSO PRESENT: Planner Caitlyn Habben and Attorney Chris Stritmatter and the public per the attached sheet.

REVIEW MINUTES:

The Board having reviewed the minutes of the March 28, 2019 regular Planning Commission meeting minutes and there being no corrections, additions or deletions:

MOTION by Berry, seconded by to Gierman approve the March 28, 2019 regular Planning Commission meeting minutes as presented. A vote was taken. Ayes: All. Nays: None. Absent: One (Stockwell). **MOTION CARRIED.**

PUBLIC HEARING: Owen Tree Service

Chairman Penzien opened the Public Hearing for Owen Tree Service at 7:01 p.m.

Owen Tree Service Attorney Tim Denney gave a video presentation and reviewed the Special Land Use request of Owen Tree Service.

Randy Owen answered questions regarding the hours of operation.

Attica Township Planner Caitlyn Habben, of Rowe Professional Services, presented the Site plan and reviewed the general standards for approval of the Special Land Use.

Public comments:

- 1) Michael Larry, of 140 S. Lake George Road, stated that he has lived in his home for 24 years and has never had an issue with Owen Tree Service truck noise or traffic.
- 2) Angela Halley, of 561 Lake George Road, lives next door to the site and voiced

her concerns and objection to the Special Land Use approval.

- 3) Tom Tullio, of 4142 Belle River Road, voiced his objection to the Special Land Use approval and presented pictures of the buffer to the Planning Commission.
- 4) Joel Prescott, of 1531 S. Lake George Road, voiced his objection to the Special Land Use approval due to the smell of mulch and traffic problems.
- 5) Scott Harrington, of 4705 Attica Road, and voiced his objection to the Special Land Use approval due to noise created by the business.
- 6) John Russell, of 959 S. Lake George Road, stated that he lives across the street and has never had a problem with noise or smell from the mulching operation.
- 7) Bill Baden, of 371 N. Lake George Road, voiced his support of the Special Land Use.
- 8) Earl Madeline, of 47911, Attica Road voiced his support of the Special Land Use approval due to Randy Owen's good character.
- 9) Bernie Long, of 4338 Newark Road, voiced his objection to the Special Land Use approval due to noise and smell.
- 10) Dina Long, of 4338 Newark Road, voiced her objection to the Special Land Use approval due to noise and smell.
- 11) Joe Cavelli voiced his objection to the Special Land Use approval due to noise and smell.
- 12) A resident, of 94 N. Lake Pleasant Road, voiced his objection to the Special Land Use approval due to the effects of truck traffic on the road.
- 13) Dottie Wolchezki voiced her objection to the Special Land Use approval due to the effects the business will have on the Attica Pines Campground.
- 14) Peter Spotham, of 1527 Lake George Road, voice his objection to the Special Land Use approval.
- 15) Paul Dandy, of 1524 S. Lake George Road, voiced his objection to the Special Land Use approval due to noise and traffic.
- 16) Dale Zehr voiced his support for the Special Land Use approval due to the good character of Randy Owen.
- 17) Nate Rozeski voiced his objection to the Special Land Use approval due to the

smell, noise and traffic.

- 18) Mary Tullio, of 4142 Belle River Road, voiced her objection to the Special Land Use approval due to Lake George Road not being a primary road, smells, prevailing winds, greenbelt buffer and the Master Plan.
- 19) A member of the Public voiced his opposition to the Special Land Use approval due to traffic, effects on the roads and noise.
- 20) Tom and Mary Tullio's attorney, Jim Porritt, stated that the Planning Commission must make a factual determination if this is an agribusiness and discussed the ZBA decision regarding the business.
- 21) Brian Halley, of 561 Lake George Road, stated that he is the closest neighbor and opposes the Special Land Use approval due to the noise, the effects on his business and Lake George Road not being a primary road.

Planning Commission Chairman Dave Penzien closed the Public Hearing at 8:22 p.m.

OLD BUSINESS:

1. Discussion and Motion for Owen Tree Service Special Land Use:

There was discussion.

MOTION by Lemons, seconded by Berry to recommend the Attica Township Board grant a Special Land Use to Owen Tree Service (Parcel I.D. #44-003-021-014-00) for an agrobusiness in an AG District, with the attached conditions. A vote was taken on the amended motion. Ayes: All. Nays: None. Absent: One (Stockwell). **MOTION CARRIED.**

There was discussion.

Motion by Gierman second by Lemons to amend the motion to change the time allowed for tub grinding to 8 a.m. to 3 p.m. and the business hours to 6 a.m. to 6 p.m. Loaded trucks will be allowed to leave the site at 4 a.m. A vote was taken. Ayes: All. Nays: None. Absent: One (Stockwell). **MOTION CARRIED.**

MOTION by Lemons, seconded by Penzein to

recommend the Attica Township Board approve the Site Plan for Owen Tree Service (Parcel I.D. #44-003-021-014-00) for the reasons stated in the letter submitted by Rowe Engineering dated April 17, 2019 subject to the conditions therein. A vote was taken. Ayes: All. Nays: None. Absent: One (Stockwell). **MOTION CARRIED.**

NEW BUSINESS: None

PUBLIC TIME: None.

COMMUNICATIONS AND SECRETARY'S REPORT: None.

PLANNER'S REPORT: None.

ATTORNEY REPORT:

There being no further business before the Planning Commission, **MOTION** by Berry seconded by Gierman to adjourn the meeting at 8:43 p.m. A vote was taken. Ayes: All. Nays: None. Absent: One (Stockwell). **MOTION CARRIED.**

Maureen Lemons, Secretary of the
Planning Commission

Valerie Schultz, Recording Secretary