



## Zoning Board of Appeals Regular Meeting Minutes, Monday, June 25, 2012

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The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, June 25, 2012 at 7:00 p.m. at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

**ZBA MEMBERS PRESENT:** Joe Geraci, Vice-Chairman; Don Walker, PC Rep. to ZBA; Dan Durham, Board Member; Tony Cook, Alternate; Mary Painter, Alternate

**CONSULTANT PRESENT:** Thomas Berger, Building Official

**OTHERS PRESENT:** Michael Allard, Karen Allard, Ralph Painter, Eugene McNabb, Eugene McNabb, Jr., Phoebe Schutz

- 1. OPEN MEETING:** Acting Chairman Geraci called the meeting to order at 7:00 p.m.
- 2. ROLL CALL:** All scheduled members were present. Chairman Yaros was not scheduled for this meeting and the Township Board of Trustees representative to the ZBA position is currently vacant.
- 3. MINUTES:** Moved by Board Member Durham, supported by Board Member Walker to approve the June 11, 2012 regular meeting minutes as presented. Roll call vote was as follows: Walker, yes; Painter, yes; Cook, yes; Durham, yes; Geraci, yes. **Motion carried 5-0.**
- 4. AGENDA REVIEW AND APPROVAL:** No changes were made to the agenda.
- 5. ZBA BUSINESS**

**A. AB-2012-12, Karen and Michael Allard, 3332 Regency Drive, Sidwell #09-29-257-017:** Acting Chairman Geraci noted that the Petitioner is seeking four variances from Zoning Ordinance No. 78, for a pool and deck (existing): 1)Article VI, Section 6.04, C, 1 - requesting a 2-foot side yard setback variance from the required 10-foot side yard setback for a pool; 2)Article VI, Section 6.04, C, 1 - requesting a 2-foot rear yard setback variance from the required 10-foot rear yard setback for a pool; 3)Article XXVII, Section 27.03, C, 3, b, ii - requesting an 18.5-foot rear yard setback variance from the required 20-foot rear yard setback for a deck; and, 4)Article XXVII, Section 27.02, A, 4 and Article XXVI, Section 26.01, Zoning District R-2, Minimum Yard Setbacks, Each Side Yard - requesting a 2-foot side yard setback variance from the required 10-foot side yard setback for a deck.

Karen and Michael Allard, of 3332 Regency Drive, were present.

Mrs. Allard commented that they are asking to keep their pool where it is currently located along with the deck. The company that installed the pool told them that they would install it quickly, otherwise they would have to wait for over a month and she didn't have time to get the permit. The company told them that they would just have to pay a fine and that they could get the permit after the fact. Since then they have learned that that is not the case. Mr. Tim London, Township Ordinance Enforcement Officer, cancelled their citation and went after the company that installed the pool instead.

Mr. Allard commented that at that time, their ten-year old daughter passed away and that is why they didn't respond to the notices. They are here now to resolve this matter.

Board Member Painter inquired whether they received a copy of the subdivision's regulations when they moved in.

Mrs. Allard noted that they were given a list of the members of the board and a newsletter. She has learned that they did not receive any handbooks or anything that they should have received. Also, that they got the pool design and layout from Home Depot.

Board Member Painter noted that she has no problem with the pool, but does with the deck. She read a disclaimer on the paperwork from Home Depot that states that the petitioner is responsible for meeting the local building codes, materials, and structural safety of the final design. She then asked if they could move the deck.

Mr. Allard replied that it could be moved.

Board Member Painter noted that she does not have a problem with the pool, but would like to see the deck in a different place.

Mr. Allard noted that the reason that the deck is there is so that it wouldn't take up so much of the grass or side yard, but he will move it if need be.

Board Member Durham inquired of Mr. Tom Berger, Building Official, of the progression of events with this case.

Mr. Tom Berger, Building Official, commented that the petitioners were granted additional time from Mr. London due to certain circumstances that occurred. The pool company is being pursued by Mr. London since they misled these people unbeknown to us in the beginning.

Acting Chairman Geraci inquired who brought Mr. London in.

Mrs. Allard replied that they did. They had the pool installed at the end of last summer and their daughter passed away in September unexpectedly, so there was a lot going on there with those arrangements and the grieving process, they were not at home for a while. When they returned home there were notices in their mail. They went to talk with Mr. London to explain and that he was very understanding. Since it was cold out, there wasn't anything they could do, so he told them to wait until spring and they could take care of it then. They received a new notice from him this spring and they worked with him to fill out all the variance request paperwork and that is why it has taken so long to come here today.

Board Member Durham inquired when the pool physically ended up where it is currently located.

Mrs. and Mr. Allard replied that it was the end of July 2011.

Board Member Walker inquired whether they would be willing to do something with the deck if they were granted a variance for the pool.

Mrs. Allard stated, yes.

Mr. Berger commented that what these people are asking for doesn't seem unreasonable based upon the elements of what's in the neighborhood, but the deck could be moved.

Acting Chairman Geraci offered time for public comments on this case.

No comments were given.

Acting Chairman Geraci commented that the variance is related to the property and not to the homeowner. However, he suggested that if this is approved that it does not go with the land, but with the lifetime of this particular existing swimming pool only.

Mr. Berger noted that there could be a contingency in the motion that if the pool were ever removed that the deck must be removed at the same time and that they would have to comply with the zoning district regulations in which they're located.

Moved by Board Member Painter, supported by Board Member Walker regarding case AB-2012-12, Karen and Michael Allard, of 3332 Regency Drive, Sidwell #09-29-257-017, that the petitioner is seeking four variances from Zoning Ordinance No. 78, for a pool and deck (both existing): 1)Article VI, Section 6.04, C, 1 – requesting a 2-foot side yard setback variance from the required 10-foot side yard setback for a pool; 2)Article VI, Section 6.04, C, 1 – requesting a 2-foot rear yard setback variance from the required 10-foot rear yard setback for a pool; 3)Article XXVII, Section 27.03, C, 3, b, ii – requesting an 18.5-foot rear yard setback variance from the required 20-foot rear yard setback for a deck; and, 4)Article XXVII, Section 27.02, A, 4 and Article XXVI, Section 26.01, Zoning District R-2, Minimum Yard Setbacks, Each Side Yard – requesting a 2-foot side yard setback variance from the required 10-foot side yard setback for a deck. I move that these variance requests **be granted**, because the petitioner has demonstrated that practical difficulties exist. The petitioner has established that compliance with the strict letter of the ordinance would unreasonably prevent the petitioner from using the property for a permitted purpose or would render conformity with the ordinance unnecessarily burdensome, because of the proximity of the existing patio. The petitioner has established that granting the variance requested will not be a detriment to the public safety or welfare and would do substantial justice to the petitioner as well as the other property owners in the district, because this is consistent with other property owners in the area. The petitioner has established that the need for the variance was not self-created because of the existing patio. The petitioner has established that the granting of the variance will not impair the intent or purpose of the ordinance nor will it set a precedent. Also, that the petitioner has stated that they are willing to move or take down the deck. Also, that this motion will become null and void when the pool and deck are removed due to whatever reason, such as, fire, wind, run down, old age, natural disaster, etc., that the motion shall be no longer in effect and shall not run with the land. Roll call vote was as follows: Painter, yes; Cook, yes; Durham, yes; Walker, yes; Geraci, yes.  
**Motion carried 5-0.**

**B. AB-99-02-2012, Dan's Excavating, Inc., 2985 Judah Road, the north 535 feet of Lot 11 of Mt. Judah Farms (Sidwell #09-32-400-056), Lot 11, except the north 535 feet, of Mt. Judah Farms, (Sidwell #09-32-400-057), Lot 12, and the southerly 588 feet of Lots 13 & 14 of Mt. Judah Farms (Sidwell #09-32-400-055) and 3011 Judah Road, Lots 13 & 14, excluding the southerly 588 feet, of Mt. Judah Farms (Sidwell #09-32-400-063):** Acting Chairman Geraci noted that the petitioner is requesting

renewal of an Ordinance No. 99 permit for sand and gravel mining, earth excavation, and/or filling and earth balancing with the hours of operation from 7:00 a.m. to 7:00 p.m. and fencing of working areas.

Mr. Brett Baker, of Dan's Excavating, Inc., was present.

Acting Chairman Geraci noted that when the petitioner was here originally, this case was postponed to today to allow them time to comply with the Township Engineer's issues that they had in their review letter and to talk with the Road Commission for Oakland County (RCOC) about finding out about their haul route and the issues of dust control. Now we see that you have been to RCOC and there is a haul route that has been renewed. What that will do is when there is truck traffic and it causes a dust problem, the RCOC will perform all the normal maintenance, such as, dust control, additional grading, gravel resurfacing, pavement repair, shoulder restoration, and other related items at the expense of the licensee. It will be the responsibility of the permit holder to sweep, clean, or scrape the adjacent roadway when conditions warrant. Also, your driveway must also be kept dust free and within a minimum distance of either side of 300 feet from the road.

Mr. Tom Berger, Building Official, commented that he met with Mr. Baker, the weigh master, and the Township Engineer, and they concluded that if there are problems within the haul route, then the weigh master has to be notified, and then he would use the supervisor and/or foreman for that location from the RCOC to then go out and visually look at the roadway and if there's additional sodium chloride or dust control that needs to be applied, they would then request that to be done and the expense of it is taken directly from the petitioner's bond. Documentation to verify this process is expected to arrive at the Building Department soon. The responsibility of the driveway from the road right-of-way on into the property is Mr. Baker's. If that is a problem, then the Township has to enforce that the petitioner takes care of that.

Acting Chairman Geraci inquired if the dust control can be done preventively or do they have to wait for a complaint to address it.

Mr. Berger noted that he would have to check with the weigh master on that. However, either citizens or the Township can initiate a complaint to have it addressed.

Mr. Baker noted that when they are certain that they will be running trucks ahead of time, that he could contact Mr. Berger or the weigh master and give them a heads up.

Acting Chairman Geraci noted that he believes that would be a better solution.

Mr. Baker noted that they repaired their fence on the hill with some guard rail in between those couple of posts where they had cut the fence, so it would be very hard to get through that now.

Acting Chairman Geraci reviewed the Township Engineer's review letter dated April 16, 2012\* in which they recommended that the following items be conditions of the approval: 1)to become compliant with the area on the east side of the gravel pit within the 100-foot setback area should continue to be restored to its final condition and that the filling operation be monitored throughout the permit year to ensure that the area is being filled properly and that no unsuitable fill material is being used; 2)the applicant shall address the bond/guarantee and insurance information; 3)the applicant shall note that tracking of material and dust control issues, which we just handled; 4)the fence repair on top of the hill was the

other issue and the applicant has installed a guard rail to help keep the four-wheelers and people out of that area; 5)the applicant has requested that the hours of operation be from 7:00 a.m. to 7:00 p.m.; 6)the applicant has agreed to 40,000 cubic yards of fill and 100 trucks per day; and, 7)another issue is that there is asphalt within the fill material on the site. He has researched whether this material is a contaminant and was not able to determine it as a hazardous waste or a detriment to the environment. However, our ordinance doesn't stipulate that and is not clear on that. He proposed that the Township have an engineering firm to go onsite to make that determination of how to handle this. He also would like to have the Township Attorney look at it.

Board Member Durham noted that asphalt is a petroleum product and would also like some answers to whether it would leach into the earth over time or whether a certain percentage is all right and how deep the aquifer is, etc.

Acting Chairman Geraci noted that he just wants clarification of our own ordinance, what is suitable fill material, whether it needs an engineering firm's input or geology issues, because there is a lot of asphalt out there. The Board needs to know whether it meets Ordinance No. 99 requirements.

Mr. Berger inquired whether he is looking for a representative from OHM to investigate that.

Acting Chairman Geraci replied, yes.

Mr. Berger noted that the petitioner should be the party to pay for the engineer and attorney reviews.

Acting Chairman Geraci commented that he is asking for the Township Attorney and OHM to clarify what suitable fill means and a clarification of what asphalt is and whether it is clean fill or not. If it turns out to be not suitable fill, then the petitioner will have to clean up the site.

Board Member Walker noted that he's not sure that we should look for someone to pay for the opinion. That may fall on us as a Township to clarify what our own ordinance says, but with regard to the clean up, if determined necessary, that would be on the petitioner.

Acting Chairman Geraci agreed.

Board Member Durham commented that it seems that there may be an allowable percentage. He would also like to know if they believe it would be more of a problem in a broken or crushed form than it would be in more solid slabs.

Mr. Berger inquired where the asphalt is coming from.

Mr. Baker replied that it comes from road reconstruction. If the asphalt is chunked off, the majority of it goes to an asphalt plant where it is crushed there and put it back into new asphalt. It's not something that is used as fill as a general rule, however, the amount that is on the site is the last little bit that gets left on the grade before you start taking that soil out.

Board Member Cook inquired of the petitioner whether he can trim back the brush by the driveway on the subject site to improve the sight distance as they had discussed on the site walk.

Mr. Baker noted that he will take care of the brush.

Acting Chairman Geraci offered time for public comments on this case.

Mr. Eugene McNabb, Jr., of 680 E. Silverbell Road, inquired who would set the haul route agreement in motion.

Mr. Berger commented that he was told by the Chief Weigh Master that you call directly to the Road Commission and then he comes out to identify the complaint and then he calls the people responsible within that district. It was an agreement made between the Township and the Weigh Master and we are still waiting for something in writing from them. He noted that Mr. McNabb or Mr. McNabb, Jr. can call them directly, too, if they would like to. He also noted that the petitioner has now completed all the requirements of the ordinance regarding the bond monies, etc.

Mr. McNabb, Jr. inquired whether the petitioner is going to start documenting how much fill material, what kind of fill, where the fill is placed and when, etc. He noted that he believes that asphalt would be a contaminated fill material and is concerned that wheel weight leads are also in the road material. He also believes that the site has been mined down to the aquifer and may affect the water wells in the area.

Mr. Eugene McNabb, of 2981 Judah Road, commented that the EPA considers the wheel weight lead to be hazardous material and shouldn't be used as fill. The permit the petitioner is asking for today says he's not supposed to come within 535 feet of Judah Road on the north end, but where the watershed was filled in and where the elevation went to about 10/70 that is on the property that he's not even supposed to be working on, but he filled it in, filled the watershed in, and put a fence up there. About the fence, for years there was a construction fence to keep people out of the pit area. Last year, he tore it down and put up another fence that looks good, but that fence went through the pit, it didn't go around the pit that was there for protection, it went through the pit itself. Both sides of that fence need to be worked on. That fence isn't even on his property line, it's set eight feet in, so it doesn't even surround his own property on the east side.

Board Member Cook inquired of Mr. McNabb whether he gave permission for the petitioner to put the fill material on his property.

Mr. McNabb replied, that was material that was no good to them. It was topsoil and they wanted the sand under it, so it was pushed onto my property, because they didn't have room in the pit, because they had a hole in the pit, so that was shoved onto my property and it's still there.

Board Member Cook inquired whether the petitioner could now use that material for fill and if the petitioner were willing to move that material back into the pit, would he give the petitioner permission to come and get it.

Mr. McNabb stated, are you kidding me? No they're not willing to move it.

Board Member Cook commented, if they are, will you allow them to come and get it?

Mr. McNabb stated, if the process was taken care of according to Ordinance No. 99, the Planning Map, and what the ZBA has said in the past, I have no control over it, because the Township can give them the permission to use my property and put my property on the permit without me signing it. I didn't sign the permit when it was on there. The Township gave Dan a permit without my name being on it, on my property. They had control of my property. The Township and Dan's had control of my

property, so as far as I know, they still got control of my property. They took control of it once, the Township, and Dan's took control of it once. I still don't have control of my property. It gets into a legal argument and I can't tell you because I'm not a lawyer.

Board Member Cook stated, but you are the landowner, so at one point you say they took over your property and they removed your property from the permit, so it's going both ways and what I'm trying to say is, and get a direct answer, yes or no, is if Dan's is willing to come and take that material off of your property, are you ok with them doing that?

Mr. McNabb stated, this is a legal decision and I can't make it, because there's so many- A lawyer will tell you that I can't commit to it when it's already in negotiation.

Board Member Cook stated, ok. I wasn't aware of any outside dealings.

Mr. McNabb stated, this property has been bonded and the bond disappeared. It was taken care of when it was already bonded and something happened that the Township didn't take care of the bonding process so nothing happened to the property. So, I don't know what's going on so I can't tell you, but Ordinance No. 99 says it has to be taken care of and there are rules on how the property is supposed to be taken care of and that is in Ordinance No. 99 and I have no control over Ordinance No. 99, that's the Township's ordinance.

Board Member Cook stated, please clarify one thing for me. The bond that disappeared that you're referencing, what piece of property are you speaking of?

Mr. McNabb stated, I have no records of what's in the Township, but it was bonded, so maybe it's still bonded. I do not know, but it never has been taken care of.

Mr. McNabb, Jr. stated, he wants to know what lot you're talking about.

Mr. McNabb stated, both Lots #9 and #10 at one time were bonded. There's a big argument over Lot #9, but it was bonded at one time and Lot #10 was bonded, both Lots #9 and #10.

Board Member Cook inquired, what is your lot number, sir?

Mr. McNabb stated, #9 and the one my house sets on is #10.

Board Member Durham stated, the water you were talking about earlier, on your property about half way back that freezes sometimes and you said you used to have to break the ice off, so it would run away, is that water generated on your property and can't leave because of the pit or it's generated on the pit and goes to your property?

Mr. McNabb stated, no, no, it's generated off of Lot #10, which is mine, Lot #11 and Lot #12 and it slopes and comes around and goes in the back of my property around this big berm. The big berm was put in to stop the noise and the dust and instead of putting a trench through the berm and run it around it and then there was a hole dug, this was years ago, for the water to run back in on Lot #11 and that served as a watershed for years.

Board Member Durham stated, so it is coming onto your property and it can't leave because of the situation created by the pit.

Mr. McNabb stated, correct.

Mr. McNabb, Jr. stated, maybe I can help you out. What had happened was that big berm that's there on the front of the pit area, that was put up as a temporary barrier for the sound and noise and the water would run off the back of all those pieces of property and would hit the berm and then it would go on an eastward track that would go around the berm and then it would drain through that corner area where I pointed out to where it was filled allegedly too high. So, if the berm is removed, it's still filled too high. It still has to take that course, because they've already got it filled too high and when they put their nine inches of topsoil on it, it's going to bring it up even higher, so even if that berm was gone, it's still going to run around, and run around, and it's still going to possibly dam up in that corner that I pointed out to you guys on the walk through (site walk).

Acting Chairman Geraci stated, as I recall, the construction fence was a constant bother and that's why you agreed to put a perimeter permanent-type fence up and you had done that.

Mr. Baker stated, yes that was suggested by the Board a couple of years ago.

Acting Chairman Geraci stated, there's nothing in the ordinance that states that the fence cannot be on the inside of your property. It's not required to be on the property line itself. If you wanted to put up a six-foot privacy fence and you didn't want to get a variance for the property line, you would actually put it ten feet inside of the property line according to our ordinances. Me, personally, the fence is an issue and we tried going through the Oakland County Sheriff Dept., but nobody's there 24/7 other than Mr. McNabb and I think that the effort's been made to keep out the people with that more permanent type of perimeter fence. Ordinance No. 99 does stipulate under Section 5,E, that all types of material shall be removed or placed to be identified at specific places on the property where each material or fill is to be removed or placed, detailed statement as the methods of operation, the type of machinery or equipment to be used, and the estimate estimated prior to the time of the operations. We rely on OHM, our Township Engineer, for the boundaries, for the lots, what property is affected, the fill, the topo that's provided by the petitioner- Is there something more or is there something that OHM should be reviewing more each year when we do this by locating the areas that have been filled?

Mr. Berger stated, the difficulty for me, when Mr. McNabb talked about the quantities and the materials that go in and out of the site, nine out of ten times, I don't know when they're going to be delivered. So, unless you had someone that was watching it more often, unless I could get help like a representative through OHM or someone that could look at those quantities and give us a better statement, I'm looking for the Board to make some kind of recommendation along those guidelines that we would utilize on behalf of them to help us do that as part of the condition of granting this process. We used to have three ordinance enforcement officers and technically, we have zero ordinance enforcement officers now. I'm utilizing a building inspector to help with ordinance enforcement, but when the other building inspector is gone, then he does building inspector work, with the demand of the work load and then he goes back and does ordinance enforcement when the time permits. We don't have the number of staff that we used to have.

Acting Chairman Geraci stated, since we're going to be talking to OHM anyway about the asphalt, maybe we can ask them about Section 5,E, on what we should do.

Mr. Berger noted that OHM has previously stated that they are willing to do whatever work is needed on these cases.

Board Member Cook inquired why they are asking for extended hours this year from 7:00 a.m. to 7:00 p.m. and what the benefit would be to do that.

Mr. Baker commented that they may not need it, but they don't get to dictate hours of operation on projects, whether it's MDOT putting on a project or someone else, so the more hours we have, the more time that we can get fill material in there when needed.

Acting Chairman Geraci again offered time for public comments.

Mr. McNabb, Jr. commented that it's the petitioner's responsibility to provide the Township with the information pertaining to what goes in and what goes out and it's supposed to be provided by a State-certified inspector. It would not be the Township's responsibility to have one of Mr. Berger's employees stand out there and monitor what goes in and out. The application provides a list of all the things that a petitioner provides to the Township, that's the way I'm reading it.

Board Member Durham commented that with a permitted operation, there's no reason why you'd have to monitor it on a regular basis. If they're holding a permit, that is stating that they intend to do what it is they're supposed to do. Bringing OHM in, would that be sufficient once a year to detail an area of the site that could be filled that year and then they're also out of the picture?

Mr. Berger commented that he is looking for something that would identify during the fill process that they would then visit the site. I'm not looking for something continuously every day, but more often to then relate to us as an estimate of what the work is being done in conjunction with what was permitted and they're following the criteria that needs to be met. That's all. They're on that site, they go through the whole review process, they're the ones that review all the topography, all the documents, the grids that are established, the ones that were supposed to be originally done, and then the ones that were supposed to be re-done every five years as a minimum and they're re-evaluated as to whether they're filling the property back to the conditions of what it was when it was originally started. That operation has been going since before I ever came to the Township and it seemed to be working pretty smooth when I first arrived here, but they were taking a lot of product out and the product of filling didn't really start until actually under a recent condition. They mined a lot of soil out of there for a long time and now they're just importing material into the property. Do we want it to occur? Yes, most definitely. Do we want the property brought back up? Yes and that's what the whole fill process is all about. It's to the benefit of all us to bring the property back up.

Acting Chairman Geraci commented that once that is filled, there's going to be a final grade established, the fence will come down, everything will go back to the way it was. What we see right now is not the final grade.

Board Member Durham commented that it is his understanding that that's part of what these permits are for, we issue the permit, set down the stipulations, and then stay back from the process and let it occur.

Mr. McNabb, Jr. noted his concern that for years no one had to worry about the material that was being taken out of the pit, but now they're bringing in fill material that should be monitored and is concerned about the asphalt being brought in.

Moved by Board Member Walker, supported by Acting Chairman Geraci regarding case AB-99-02-2012, Dan's Excavating, Inc., 2985 Judah Road, the north 535 feet of Lot 11 of Mt. Judah Farms (Sidwell #09-32-400-056), Lot 11, except the north 535 feet, of Mt. Judah Farms, (Sidwell #09-32-400-057), Lot 12, and the southerly 588 feet of Lots 13 & 14 of Mt. Judah Farms (Sidwell #09-32-400-055) and 3011 Judah Road, Lots 13 & 14, excluding the southerly 588 feet, of Mt. Judah Farms (Sidwell #09-32-400-063) requesting renewal of Ordinance No. 99 permit for sand and gravel mining, earth excavation, and/or filling and earth balancing with the hours of operation from 7:00 a.m. to 7:00 p.m. and fencing of working areas. I move that we **approve** the annual permit with the condition that the Township Engineer, of Orchard, Hiltz, & McCliment, Inc.(OHM), will be required to review the fill area to determine if the asphalt in the fill material is in excess of that allowable under Ordinance No. 99. We will know more about that after the meeting with the OHM people and the Township Attorney. This finding will be brought back to the Building Department within 60 days. If the amount of asphalt in the fill material is unacceptable per Ordinance No. 99, Dan's Excavating will be in violation of the ordinance and the permit shall be suspended. Dan's Excavating would also be required to clean up the site as recommended by OHM. Once OHM verifies that the site then meets Ordinance No. 99 requirements for backfill contaminants, the fill permit will be re-instated. The petitioner shall bear the reasonable cost of this investigation. The petitioner has requested that 40,000 cubic yards of fill material to be brought in and 100 vehicles per day to visit the site throughout the permit year. Under Ordinance No. 99 the following conditions must have been met by June 22, 2012 and failure to comply with all conditions stated in this motion will cause the permit to be revoked: 1)per Section 6, the applicant shall address the bond guarantee and insurance information with the Township if this has not already been done; 2)per Section 7,L, the applicant shall note the tracking of material and dust control issues that have become a nuisance to the residential areas. The petitioner, Mr. Brett Baker, of Dan's Excavating, shall contact the Building Department when he uses the site for the Township to monitor and request improvements through the permit year. Mr. Baker must chloride his site at the discretion of the Township Building Department; 3)per Section 8,A, the area on the east side of the pit within a 100-foot setback shall continue to be restored to its final condition. We recommend that that area be monitored throughout the year to ensure proper restoration; 4)per Section 8,C, the petitioner is to repair the fencing on the southeast and southwest corners and must also establish a haul route with the Road Commission for Oakland County (RCOC) for Judah Road from Baldwin Road east one mile to Joslyn Road south four miles to Brown Road. This will provide chloride dust proofing, additional gravel, gravel resurfacing, pavement repair, shoulder restoration, and other related items shall be performed by the RCOC at the expense of the licensee. At the time of closure, coordination with Bob Warren Trucking will need to take place to the south property line to ensure final grade. Also, additional topsoil may be required to establish sufficient vegetation on the site. The hours of operation shall be from 7:00 a.m. to 7:00 p.m. on Monday through Friday and on Saturdays from 7:00 a.m. to 5:00 p.m. Roll call vote was as follows: Cook, yes; Durham, yes; Walker, yes; Painter, yes; Geraci, yes. **Motion carried 5-0.**

6. **PUBLIC COMMENTS:** None further.

7. **COMMUNICATIONS:** None.

8. **COMMITTEE REPORTS:** None.

9. **MEMBERS' COMMENTS:** Members discussed fireworks regulations.

10. **ADJOURNMENT:** Moved by Board Member Painter, supported by Board Member Durham to adjourn at 8:48 p.m. **Motion carried unanimously.**

\* on file