

**CHARTER TOWNSHIP OF LYON
BOARD OF TRUSTEES
MEETING MINUTES
May 3, 2004**

Approved as submitted June 7, 2004.

DATE: May 3, 2004
TIME: 7:00 PM
PLACE: 58000 Grand River

1. **Call to Order:** Supervisor Shigley called the meeting to order at 7:00 PM.

2. **Pledge of Allegiance**

3. **Roll Call:** Present: Joseph Shigley, Supervisor
Patricia Carcone, Treasurer
Pamela Johnson, Clerk
Steven Adams, Trustee
Ray Bisio, Trustee
Dan Cash, Trustee
Lannie Young, Trustee

Also Present: Matt Quinn, Township Attorney
Chris Olson, Township Superintendent
Chris Doozan, Township Planner
Loren Crandell, Township Engineer
Leslie Boisvenu, Township Engineer
Les Cash, Fire Chief
Larry Phillips, Building Official

Guests: 77

4. **APPROVAL OF THE CONSENT AGENDA**
- Approval of Regular Meeting Minutes of April 5, 2004
 - Approval of Disbursements
 - 1st Quarter Financial Reports for 2004
 - Fire Department Monthly Report
 - Engineer Monthly Report
 - Zoning Officer Report
 - Sheriff Department Monthly Report & 2003 Annual Report
 - Building Department Monthly Report
 - Park Schedule Events

Mr. Adams noted that he received a letter from the Home Builders Association of Livingston County (Remodelers Council) asking Lyon Township to declare May, 2004 as Home Remodeling Month. He asked that the following be added to the Consent Agenda:

- HBALC Remodelers Council

Ms. Carcone made a motion to approve the consent agenda as modified. Mr. Bisio supported the motion.

Roll Call Vote: Ayes: Johnson, Bisio, Adams, Shigley, Carcone, Cash, Young
 Nays: None

Motion approved.

5. CALL TO THE PUBLIC ON NON-AGENDA ITEMS

Judy Roscoe, 25700 Milford Road, expressed concern with the building that is going on in her area and how it will affect her well and septic system.

Troy Schilling, 57780 Twelve Mile Road, discussed the Board of Review minutes. He noted that he has not been able to obtain a copy of the minutes for the Board of Review meetings. Mr. Young stated that he would like to see the issue of the minutes from the Board of Review meetings put on the agenda for the next meeting for discussion.

Bill Altgilbers, President, Continental Aluminum, gave an update on the exposure investigation at Continental Aluminum.

Robin Allen, 21550 Tindale Trail, discussed motor vehicles driving on the bike paths. He suggested that metal poles be installed in lieu of the wood posts.

Nancy Cassis, State Senator, presented a plaque to Mark Theisen, who was nominated as Lyon Township Firefighter of the Year.

6. ANNOUNCEMENTS AND COMMUNICATIONS

Mr. Shigley stated that he received a letter from Milford Township with regard to sewer and water. He noted that the City of Detroit has a new water plan and is suggesting that water be available to Lyon Township. He stated that the letter is requesting that the Lyon Township Board of Trustees meet with the Milford Township Board. He passed the letter to Mr. Olson who will try to set up a meeting.

Mr. Shigley stated that Christina Bush was unable to attend the meeting tonight but she did send in a brief status report of the ongoing odor investigation, which he read.

Mr. Shigley noted that many citizens help clean up debris along Milford Road this past weekend. He thanked the citizens for their efforts.

7. APPROVAL OF AGENDA

Mr. Shigley requested that there be a 10:00 PM cut-off time for the meeting tonight.

The following items were added to the agenda under 9b:

- Special Assessment District Bond Resolution
- General Obligation Bond Resolution
- Installment Payment Contracts for Water REU Purchases

The following item was removed from the agenda:

- Woodwind Village Condominium Approval

Ms. Carcone made a motion to approve the agenda as modified and with a cut-off time of 10:00 PM. Ms. Johnson supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

8. Public Hearing on Revised Cost Estimate, Revised Project Description, Revised Special Assessment District Area and Revised General Obligation of the Township for the Proposed Woodwind Well Improvements Special Assessment District and to Confirm the Assessment Roll.

Mr. Bisio made a motion to close the regular meeting and open the public hearing for the Revised Cost Estimate, Revised Project Description, Revised Special Assessment District Area and Revised General Obligation of the Township for the Proposed Woodwind Well Improvements Special Assessment District and to Confirm the Assessment Roll. Mr. Cash supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved. The public hearing was opened at 7:20 PM.

Mr. Quinn explained that this public hearing is in regards to the revised cost estimate for the SAD. The reason for the amendment is that the costs went up based upon the Engineer's estimate. The revised project description – the project is being expanded because there is an increase in the number of water lines that need to be laid. The revision of the SAD area – the area was decreased and had to be reflected in the new resolutions. The public hearing is also for the confirmation of the roll.

Ms. Boisvenu using a displayed plan, explained the project and the costs associated with the SAD.

There were no public comments. Mr. Shigley then closed the public hearing.

Mr. Bisio made a motion to re-open the regular meeting. Mr. Cash supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved. The public hearing was closed at 7:24 PM.

9. UNFINISHED BUSINESS

a. Amended Resolution Determining the Necessity of Improvements and Designating Special Assessment District for Woodwind Well System Special Assessment District

Mr. Shigley explained that the resolution is in the amended form for the reasons he stated earlier. He noted that this resolution is in a form ready for the Board's consideration.

Ms. Carcone questioned when the Township would collect their portion of the REU's. Ms. Boisvenu responded that this part will be bonded with the rest of the project. The participants in the SAD have an agreement to make installment payments. It was noted that the money would be divided into equal payments over ten years.

Mr. Adams questioned if there is a guarantee for the costs presented. Ms. Boisvenu responded that these costs have been agreed upon between the contractor and the Township Engineers. She noted that they have worked with the contractor to come up with the complete estimate.

Mr. Adams questioned if there will be a performance guarantee with the contractor to assure the Township that the prices will not increase. Ms. Boisvenu stated that they do not have a contract yet, but these will be the numbers per a fee agreement.

Mr. Quinn stated that the East Grand River project was a special case because there was an old agreement that said that the Township could not reassess the property owners if the project went over the specified amount. This agreement allows the Township to reassess property owners if the project exceeds the amount of the first assessment. He noted that this is the guarantee for the Township.

Mr. Young made a motion to adopt the amended resolution determining the necessity of improvements designating a special assessment district pertaining to the Woodwind well per the language on the form provided. Ms. Carcone supported the motion.

Mr. Shigley asked if there were any comments regarding the motion from the Board. There were none. He then asked if there were any public comments. There were none.

Roll Call Vote: Ayes: Adams, Bisio, Young, Shigley, Cash, Johnson, Carcone
 Nays: None

Motion approved.

b. Resolution Confirming Woodwind Well Improvements Special Assessment Roll

Mr. Quinn stated that the Engineers have prepared the roll splitting up the costs of the special assessment district between the property owners, Woodwind Development, LLC and Curtis A&M Northville, LLC. The resolution states that the amount of this SAD will be paid in ten equal annual installments of principle ending in the year 2014.

Mr. Quinn stated that the next resolution, the Bond Resolution, states that the bonds will be sold and the interest rate on these bonds will be set pursuant to the bond sale. He stated that this resolution in ready for Board approval this evening.

Ms. Johnson stated that there is a revised copy of the resolution left on the Board table this evening. She explained the changes that were made.

Mr. Adams made a motion to adopt the resolution confirming the Woodwind Well Improvements Special Assessment Roll. Ms. Johnson supported the motion.

Mr. Shigley asked if there were any comments regarding the motion from the Board. There were none. He then asked if there were any public comments. There were none.

Roll Call Vote: Ayes: Young, Johnson, Adams, Shigley, Bisio, Carcone, Cash
 Nays: None

Motion approved.

Special Assessment District Bond Resolution, Series 2004A

Mr. Quinn stated that this bond was prepared by Bond Counsel, Paul Wygowski. The bond will total \$2,030,00.00 on the dates that Ms. Johnson stated. This resolution is in proper form for Board consideration and approval.

Mr. Bisio made a motion to approve the Bond Resolution, Special Assessment Bonds, Series 2004-A. Mr. Cash supported the motion.

Mr. Shigley asked if there were any comments regarding the motion from the Board. There were none. He then asked if there were any public comments. There were none.

Roll Call Vote: Ayes: Shigley, Cash, Bisio, Adams, Carcone, Young, Johnson
 Nays: None

Motion approved.

General Obligation Bond Resolution, Series 2004

Mr. Quinn stated that is the Township's portion of this special assessment district in the amount of \$990,000.00.

Mr. Bisio made a motion to approve the General Obligation Bond Resolution, Series 2004 in the amount of \$990,000.00. Mr. Adams supported the motion.

Mr. Shigley asked if there were any comments regarding the motion from the Board. There were none. He then asked if there were any public comments. There were none.

Roll Call Vote: Ayes: Carcone, Bisio, Shigley, Adams, Young, Cash, Johnson
 Nays: None

Motion approved.

Installment Payment Contracts for Water REU Purchases

Mr. Quinn stated that this is the installment purchase agreement for the water REU's. This purchase agreement will allow for the REU's to be paid for over a ten year period. He stated that these installment purchase agreements back up the general obligation bond of the Township of the \$990,000. He read the Tax ID numbers and the amount of REU's purchased that are involved in this agreement.

Ms. Carcone made a motion to approve the installment payment agreement to supply the purchase of REU's from the Charter Township of Lyon. Ms. Johnson supported the motion.

Mr. Shigley asked if there were any comments regarding the motion from the Board. There were none. He then asked if there were any public comments. There were none.

Roll Call Vote: Ayes: Young, Johnson, Carcone, Bisio, Adams, Shigley, Cash
 Nays: None

Motion approved.

c. 2004 Amendments to the Tree Protection Ordinance (#46C-04) – Second Reading and Proposed Adoption.

Mr. Quinn explained that this was approved by the Board at the last meeting and is now ready for a second reading and adoption.

Ms. Carcone made a motion to approve the second reading and adoption of the Ordinance

for the 2003 amendments for tree protection. Mr. Adams supported the motion.

Mr. Shigley asked if there were any comments regarding the motion from the Board.

Ms. Johnson questioned if anyone knew if the proper paperwork has been filed for both parcels for farm. She stated that there were some questions on that at the last meeting and it was going to be investigated by Megan. Mr. Doozan stated that he would have to get back to the Board.

Mr. Shigley asked if there were any public comments. There were none.

Roll Call Vote: Ayes: Johnson, Carcone, Shigley, Bisio, Adams
 Nays: Cash, Young

Motion approved.

d. 2003 International Fire Code – Second Reading and Proposed Adoption (#35B-04)

Mr. Quinn stated that this was approved at the first reading. He noted that there have only been typographical errors corrected since then. He stated that it is proper form for a second reading and approval by the Board this evening.

Mr. Adams made a motion to approve the second reading and adoption of the 2003 International Fire Code, #35B-04. Ms. Carcone supported the motion.

Mr. Shigley asked if there were any comments regarding the motion from the Board. There were none. He then asked if there were any public comments. There were none.

Roll Call Vote: Ayes: Shigley, Adams, Young, Carcone, Bisio, Johnson, Cash
 Nays: None

Motion approved.

e. Sanitary Sewer Operation and Maintenance Agreement for Asbury Hill Villas Condominium Association, Asbury Hill Village Condominium Association, Asbury Building Development LLC and Lyon Township

Mr. Quinn explained that this was on the agenda at the last meeting. The language regarding the creation of certain escrow accounts has been removed from the maintenance agreement. He noted that the only other change that has been made is that there has been a party added to the agreement, The Asbury Hill Condominium Community Association. He stated that the purpose of this agreement is that this development is going to have sanitary sewer lines run internal and will be attached to the Grand River sewer lines at the pump itself. The Association will be responsible for everything interior away from the municipal lines. If the Association fails to maintain the sewer lines, then the Township has the right to go in and make the corrections and then assess all the property owners for the cost incurred by the Township. He stated that the Associations are all signing this agreement, therefore, making it binding against them. This will be recorded and will be binding against the property owners.

Ms. Carcone questioned if these condominiums will have individual owners or will they be rented. Mr. Doozan responded that there will be ownership. Mr. Quinn noted that there are two projects within the overall project. They are the Asbury Hill Villas and the Asbury Hill Village. Mr. Doozan noted that one is single family and the other is attached condominiums. Mr. Quinn stated that they both are legal entities with Articles of Incorporation that are filed with the State. He noted that the third entity, Asbury Hill Condominium Community Association, is also a legal entity. This

will be the umbrella association over the other two associations.

Ms. Boisvenu explained why the developer requested that this be done this way. Mr. Shigley asked if this is an advantage for the developer or the Township. Ms. Boisvenu responded that it is an advantage for both.

Mr. Cash made a motion to approve the Sanitary Sewer and Operation Maintenance Agreement for Asbury Hill Condominium Association. Mr. Adams supported the motion.

Mr. Shigley asked if there were any comments regarding the motion from the Board. There were none. He then asked if there were any public comments. There were none.

Roll Call Vote: Ayes: Cash, Young, Adams, Johnson, Shigley, Bisio
 Nays: Carcone

Motion approved.

10. NEW BUSINESS

a. Rezoning Request to Rezone 15 acres of parcel 21-03-127-002 from RM-2, Multiple Family Residential to B-3, General Business (South side of Pontiac Trail, east of Milford Road and north of (-96)

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated April 5, 2004. He noted that the one thing that has changed since this was before the Planning Commission is that the developer is now offering a 60' wide buffer in lieu of a 40' wide buffer between this development and the residential.

Kevin Mechigian, President, Bob Saks, submitted a copy of a letter written by Seymour Mandell and a booklet from the Michigan Automobile Dealers Association. He gave a brief history of the steps that they have taken to get them to this stage today. He stated that it was indicated to them by a consensus of the Planning Commission that the AIS parcel would be a better location than the Lyon Crossing site.

Larry Behrenwald, AIS Owner, stated that he has been a long time property owner in Lyon Township and has had a business, AIS, for over thirty years. He noted that he has had the opportunity to sell this parcel twice before, but has turned down the offers because of his relationship with the neighbors. He further discussed his relationship with the neighbors and the Township.

Seymour Mandell, Attorney/Architect, briefly discussed his letter of April 15, 2004 addressed to the Township Board. He noted that with regard to taxes, this dealership would create over \$6,000,000 in taxes. He stated that this would be a mid-size dealership on the 15 acre site. He noted that as the dealership grows over the years, they would expand as necessary. He stated that they believe that this is a good project for the neighborhood.

Mr. Shigley asked if there were any other comments from the developer. There were none. He stated that since there is a lot of residents present for this issue, he would like to give the public an opportunity to speak before the Board gives their comments.

Andrew McCord, 30993 Pammar Drive, submitted a petition with over 100 signatures on it of residents who oppose the rezoning of this property. A copy of this petition is on file at the Township offices. He stated that with regard to AIS being good neighbors, he is the one that complained about all the dust blowing into the residential section. He briefly discussed some of the other things that AIS has been doing and stated that he does not consider AIS good neighbors.

Antonio Ortiz, 56135 Pontiac Trail, stated that he does not understand why the Township would put a business like this right next to residential especially since there is a lot of other property in the Township already zoned for this. He noted that the Planning Commission voted overwhelmingly against the rezoning of this property. He stated that the plan is nice but questioned what kind of enforceability does the Township have to make sure that this is what is going to happen on this property. He questioned what is going to stop them from building something else in this area at a later date.

Selma Butterfield, 55401 Pontiac Trail, stated that her biggest concern is with the traffic. She stated that the traffic on Pontiac Trail right now is terrible and is backed up to Old Plank Road most of the time. She questioned why they need another dealership in this area. There is already a Ford dealership and a Chevrolet dealership that is going to be constructed. She did not like the idea of having more lights glowing at night. She felt that the property value will go down. She noted that there are a lot of homes that will be going in on the other side of Milford Road in Milford Township that will contribute to the traffic also.

Bob Isenegger, 58966 Travis Road, stated that he is concerned with the 60' buffer and questioned the kind of plantings and trees that will go into that buffer. He felt that the amount a tree grows per year should also be taken into consideration because they don't grow that fast.

Mary Roux, 55122 Park Place, discussed the lighting impact. She stated that with regard to the amount of trees, she would like to see bigger trees and more of them. She stated that she does not want this in her backyard.

Phyllis Knight, 55711 Pontiac Trail Court, discussed the traffic situation along Pontiac Trail. She stated that there are times where she has had to wait about 15 minutes to get to Milford Road from Pontiac Trail Court. She did not feel that this is acceptable. She stated that she can see the lights from the Ford dealership and does not want to have another dealership with lights in the neighborhood.

Cheryl Boylan, 56199 Pontiac Trail, stated that her home is right next door to the AIS property. She stated that she bought her house on October 30, 2004 and found out that this was in the works on November 11, 2004. She stated that if she knew this was happening, she would not have bought the house. She discussed the property value of her home and how it will decrease. She felt that the traffic is terrible now and it will be even more dangerous for the children waiting for the school buses.

Leo Roux, 55122 Park Place, felt that this dealership should go into the property west of Milford Road, Lyon Crossing and not to a residential area.

Terry Lawrence, 31004 Pammar Drive, discussed the size of the dealership and what could possibly be put in there in the future. He noted that he does not like the idea of having a parking lot out his front window.

Matthew McCord, 30993 Pammar Drive, read a statement he wrote into the record. The statement is on file at the Township offices. Matthew's friend, Greg, also voiced his objections to this project.

Mark Szerlag, Thomas Duke Company, stated that he has been to many Planning Commission meetings as well as Board meetings in the past when there have been rezoning requests. He stated that the requests that were denied had a very common element, they did not meet the Master Plan. He noted that the Planning Commission has been very consistent in their defense of the Master Plan. He stated that the rezoning request that they are discussion tonight is consistent with the Master Plan. It is also consistent with the non-residential uses on the north side of I-96. He

stated that the Township's Planning Consultant has supported the rezoning request.

Ted Soper, 27565 T.F. Hicks Court, stated that he is not here tonight to argue for or against this issue. He stated that for the record there are a couple points that he would like to clarify. He stated that at the Planning Commission there was never a vote as to which property that the Planning Commission recommended for this project. There was never a vote taken. He stated that things are a little different now then when this came before the Planning Commission. He explained the differences.

Pam Dear, 30981 Pammar Drive, stated that her backyard is only a few yards from the buffer zone. She stated that with regard to Mr. Behrenwald indicating that AIS has been a good neighbor, she has lived in this location for 21 years and has never seen Mr. Behrenwald before. She stated that the heavy machinery at AIS does make a lot of noise. She stated that AIS never bothered to tell the neighbors that MDEQ was monitoring the site for possible contamination. She stated that they are trying to appeal to the Board by indicating that they pay a lot of tax dollars to the Township, but she and all her neighbors pay taxes also. She expressed concern about people parking on Pammar Drive, which is a private road, and walking through the buffer to look at the vehicles on the lot.

Gary Kubik, 31010 Star Trail, stated that he is against this rezoning. He stated that he lives in the area due east of this proposed project. He briefly discussed the buffer. He felt that the Township has designated a retail center, Lyon Crossing and Lyon Towne Center. He stated that by taking a retail project out of these and putting it into a residential area does not make sense. He noted that the owners of these types of businesses just lock the doors at the end of the day and go home and leave the residents of the Township to deal with the lights and other things.

Ron Ringholz, 31140 Bufferfield Lane, stated that he is here in support of his neighbors and concurs with everything that has been stated this evening. He briefly discussed the Master Plan and noted that it is not set in stone and can be changed.

Mr. Adams stated that they only get one chance to develop the Township. Once it is developed, there is no going back. He stated that the Township has spent many hours working on the Master Plan, which is how they envision the Township to be developed. He stated that the Township would certainly like to have Bob Saks in the Township, but in the right place. He stated that this is disastrous to many people and felt that it is very important that they follow the Master Plan.

Mr. Cash stated that he felt that the Lyon Crossing location would be a good place for this dealership and not the AIS location.

Ms. Carcone stated that at first she was in favor of the dealership going at the AIS location until she read the minutes from the Planning Commission meetings. She stated that the Township is growing and that she lives off Pontiac Trail and also has a hard time getting out of her subdivision because of the increased traffic. She noted that a lot of the road situation has to do with the Oakland County Road Commission, which the Township does not have any control over. She stated that

she

could not vote for this development at this location.

Mr. Shigley stated that it is difficult for him to vote for or against something that creates people not liking how he votes. He stated that sometimes they have to follow the Master Plan. He stated that tonight he is here to listen to all comments and make a decision. He stated that he is still listening.

Ms. Johnson stated that unfortunately the Planning Commission should have known that this is a problem area and should have worked on revising the Master Plan. She stated that she does not know if the current zoning would do justice to this location. She stated that she can only imagine

what kind of nightmares the residents would encounter if there were multiple right next door. She stated that she feels bad for the developer who may have had the suggestion to move their site to the AIS property. She stated that the developer has spent a lot of time and energy developing this plan and talking with the residents about the plan. She stated that this does comply with the Master Plan, as it stands now. She felt that there would most certainly be court action if the vote was against this development. She stated that because of all these reasons, she would have to vote for this rezoning.

Mr. Bisio stated that when this first came up in October, 2003 it was rather informal. He stated that he recalls the applicant coming before the Planning Commission and discussing the two locations, Lyon Crossing and AIS. He stated that he told the applicant to put the dealership in Lyon Crossing because he had a gut instinct that this was going to be nothing but a problem with the number of houses in the location next to AIS. He stated that the Planning Commission did discuss this issue and to him it made more sense to put this at Lyon Crossing rather than at AIS. He stated that with regard to all the statements made about the Master Plan, the Planning Consultants stated on record that they supported this because it is consistent with Master Plan. He stated that if you look at a comment made in the Planners letter, it indicates that B-3 zoning is generally viewed as incompatible with R-3 zoning due to the intensity of the retail use allowed. He stated that to him this statement is telling him that the Planner is not in agreement with this. He stated that he does not want to be pushed into a corner, legally, because of some of the statements that have been made. He stated that he is tired of all the threats to the Township of lawsuits. He briefly discussed the traffic. He stated that nobody has provided a traffic study. He talked about the lighting at the Ford dealership and felt stated that they don't want to go through this again. He stated that if the developer wants to take the Township to court, so be it. He stated that the Township is represented by capable Attorneys and that they have to stand up as a Township and stop the threats.

Mr. Young stated that as elected officials of the Township, they are looking at the broad spectrum and that they want to make sure that they protect the rights of all the property owners of the Township whether it be residential or other. He stated that he has heard all the comments tonight and has read the minutes from the Planning Commission meetings. He stated that he went to the site today and stood there for awhile just listening to the sounds around the area and looking at the trees and plantings in the area to try and get a feel for this. He stated they need to try and set the emotion aside and that as elected officials they need to decide and try to do what is best for the whole Township. He briefly discussed the tax base and stated that they want to make sure that the schools are supported. He discussed the traffic and noted that just about everyone of the residents that spoke mentioned this issue.

Mr. Young stated that Ms. Johnson made a non-popular statement, but he felt that she spoke her heart and he really appreciates that. He stated that he feels strongly that they need to build a tax base for the Township and does not feel that a dealership is the proper use for this property. He stated that he has a vision of a quaint downtown New Hudson area with walk-up cafes and parks with Sunday afternoon concerts. He felt that this will happen with the ring road that they have been working on for about eight or nine years. He stated that dealerships in Lyon Crossing and Lyon Towne Center take up a lot of space and he would rather see retail there. He stated that he is not a proponent of putting a dealership in Lyon Crossing but when he went out to the site and if he wasn't looking at the resident's concerns, the AIS site would be a pretty good location for this dealership. After discussing this further, he stated that he definitely would not want to vote on this the way that it is. He felt that there are too many unanswered questions and that the residents are not protected enough. He felt that this should go back to the Planning Commission because of

the

new information that has been presented tonight.

Mr. Bisio made a motion to deny the rezoning request for the 15 acre parcel from RM-2, Multiple Family Residential to B-3, General Business. Mr. Adams supported the motion.

Mr. Shigley asked if there were any comments regarding the motion from the Board. He stated that he supports what Mr. Young stated and that he likes the idea of reconsidering this at the Planning Commission level. He stated that he is not in favor of multiple family residential in this area. He stated that he has seen what this does in Wixom and would hate to see it in this area.

Mr. Quinn stated that the motion should include some facts for the reasons for denial.

Mr. Bisio stated that he would amend his motion to include the following reasons:

- the comments from all the residents
- the signed petition
- the comments from the Board members
- paragraph 4 under Key Issues in the McKenna Associates, Inc. letter dated April 5, 2004
- the lack of a traffic study being submitted
- change of the plan from what was submitted to the Planning Commission

Mr. Adams supported the amendment to the motion.

Mr. Shigley asked if there were any comments regarding the amendment from the Board.

Mr. Young stated that they need to make sure that when they support a motion that they have exhausted all the administrative opportunities that they have. He stated that because this proposal is not the same as what the Planning Commission saw, he fears that they will be making a judgement on a zoning change that really has not gone before the Planning Commission. This is why he feels that this should go back to the Planning Commission to consider this latest proposal.

Mr. Shigley asked if there were any public comments. There were none.

Roll Call Vote: Ayes: Bisio, Cash, Carcone, Adams
 Nays: Johnson, Young, Shigley

Motion approved.

The Board took a five minute break.

b. Crossroads Center – New Hudson Planned Development Option – DDDK Investments, Dan Cheresko, 56849 Grand River Avenue

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated April 22, 2004 regarding this issue.

Mr. Shigley asked Mr. Cheresko if he had any issues with the additional landscaping and additional information that the Planner has suggested in his letter. Dan Cheresko, developer, stated that he does not have any problem with these issues. He stated that he believed that the ownership documents have been dropped off at the Township hall. He briefly discussed some of the plans for the building.

Mr. Young stated that with regard to the comments indicated in the review letter, he questioned if any of these issues could be remedied to come more into compliance with the ordinance. He stated that one issue he is concerned with is the dumpster issue and questioned why this cannot meet the ordinance requirements. Mr. Cheresko explained that there are really two fronts on the building and that physically they cannot put the dumpster anywhere else. There was brief discussion with regard to the location of the sign and the loading space.

Mr. Shigley stated that he feels that Mr. Cheresko has done a wonderful job refurbishing the

building.

Ms. Carcone questioned if there are any tenants yet. Mr. Cheresko responded that there are. There is a saddlery shop, a human resources company, a disk golf business and a photo gallery. He noted that his company is in three units, but will be moving to another location and then the three units will be leased out.

Ms. Carcone made a motion to approve AP-04-01, Crossroad Center, site plan review subject to the conditions referenced in the April 22, 2004 McKenna Associates, Inc. review letter. Mr. Cash supported the motion.

Mr. Shigley asked if there were any comments regarding the motion from the Board. There were none. He then asked if there were any public comments. There were none.

Roll Call Vote: Ayes: Shigley, Young, Cash, Adams, Johnson, Carcone, Bisio
 Nays: None

Motion approved.

c. Arbors of Lyon Condominium Approval

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated April 25, 2004 regarding this issue.

Ms. Carcone made a motion to approve AP-01-05, Arbors of Lyon, Master Deed and By-Law review as submitted and discussed in the McKenna Associates, Inc. letter dated April 25, 2004 with the approval from the Township Attorney. Mr. Bisio supported the motion.

Mr. Shigley asked if there were any comments regarding the motion from the Board. There were none. He then asked if there were any public comments. There were none.

Roll Call Vote: Ayes: Young, Bisio, Shigley, Adams, Carcone, Cash, Johnson
 Nays: None

Motion approved.

d. Tanglewood Grenelefe West – Tentative Preliminary Plat Approval

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated April 25, 2004 regarding this issue.

Mr. Bisio asked Mr. Freund if he has the written approval from MDEQ to begin the 27 houses at Grenelefe West or will this begin after the second phase has been completed.

Bob Freund, Freund Associates, responded that what he would like to do is do it simultaneously. He stated that he is pursuing the building permits for the expansion of the wastewater treatment facility at Tanglewood and he would also like to pursue Grenelefe West so that both approvals will be coming up at about the same time. He stated that with regard to the wastewater treatment plant, his engineers have met with MDEQ this past week. He noted that the plan has been reviewed once and that there are several minor things that need to be added to the print before final approval.

Mr. Freund stated that he does acknowledge that he won't be proceeding with Grenelefe West until he has some kind of permit from MDEQ to extend the wastewater facility. He stated that this

cannot be built without the permit. He stated that he has no problems with the issues that were brought up in the McKenna Associates, Inc. letter.

Mr. Adams briefly discussed the paving of Currie Road. He questioned what the Township's involvement in this would be. Mr. Freund responded that during the Planning Commission review of tentative preliminary plat many issues were brought up, one of which was the paving of Currie Road. He stated that he was asked for a commitment as to whether or not he would participate in some kind of three party paving program. He stated that the approved PUD contract that he has with the Township specifically states that the process of this is to be done. He stated that he does acknowledge that he is under obligation with regard to Currie Road. He stated that when all the pieces come together, Tanglewood or Freund Associates is on board to participate in the paving of Currie Road. There was further brief discussion with regard to the Tri-party funds and the paving of Currie Road.

Mr. Cash made a motion to approve AP-03-25, Tanglewood Grenelefe West Subdivision, tentative preliminary plat subject to the conditions cited in the April 25, 2004 McKenna Associates, Inc. letter. Ms. Carcone supported the motion.

Mr. Shigley asked if there were any comments regarding the motion from the Board. There were none. He then asked if there were any public comments.

Les Cash, 29631 Milford Road, stated that he feels that Mr. Shigley is correct with regard to the paving of Currie Road. He felt that somebody should review the agreement. He stated that it is his understanding that when the agreement was signed that when Tanglewood came out to Currie Road, it was going to be paved up to the entrance.

Roll Call Vote: Ayes: Carcone, Young, Bisio, Johnson, Adams, Cash
 Nays: Shigley

Motion approved.

e. Insight Environmental Services – Consulting Agreement for Quarterly Groundwater Sampling Surveys for the Lyon Township Wastewater Treatment Plant

Mr. Olson stated that in the Board's packet tonight is an item from Insight Environmental with regard to continuing ground water monitoring at the same price as the prior year, approximately \$8,500.00 for regular on-site monitoring of the water quality at the treatment plant rapid discharge beds. He recommended that they continue the contract.

Mr. Bisio made a motion to approve Insight Environmental Services consulting agreement for quarterly ground water sampling surveys at the Lyon Township wastewater treatment plant. Ms. Johnson supported the motion.

Mr. Shigley asked if there were any comments regarding the motion from the Board. There were none. He then asked if there were any public comments. There were none.

Roll Call Vote: Ayes: Johnson, Cash, Shigley, Adams, Bisio, Young, Carcone
 Nays: None

Motion approved.

f. Discussion of Lower Level Parking Lot – Supervisor Shigley

Mr. Shigley stated that the Building Department and the Sheriff Department operating out of the

lower level of the Township Hall building. The parking lot for these departments is the way that it is because of lack of funds. He asked the Board to try and pursue a way to get the parking lot paved. He asked the Board to authorize the Superintendent to start researching costs for the paving of the lower parking lot.

Mr. Young stated that he would like to see the parking lot go right out to Grand River and asked that this be included in the analysis.

Mr. Shigley made a motion to authorize the Superintendent to research the cost and bring a proposal to the Board at the next meeting with regard to paving the lower parking lot. The Superintendent should include costs of extending the parking lot to Grand River. Mr. Bisio supported the motion.

Mr. Shigley asked if there were any comments from the Board on the motion. There were none. He then asked if there were any public comments. There were none.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

11. ITEMS REMOVED FROM CONSENT AGENDA FOR ACTION OR DISCUSSION NONE

12. ADJOURNMENT

Ms. Carcone made a motion to adjourn the regular meeting and go into an Executive Session. Ms. Johnson supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved. The regular meeting was recessed at 9:48 AM.

13. EXECUTIVE SESSION FOR PENDING LITIGATION

15. ADJOURNMENT

Ms. Carcone made a motion to close the Executive Session and re-convene the regular meeting. Mr. Bisio supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved. The Executive Session was adjourned at 10:17 PM.

Ms. Carcone made a motion to adjourn the meeting. Mr. Bisio supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved. The meeting was adjourned at 10:17 PM.

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary

Pamela Johnson
Clerk