

**CHARTER TOWNSHIP OF LYON
BOARD OF TRUSTEES
MEETING MINUTES
December 6, 2004**

Approved as corrected February 7, 2005.

DATE: December 6, 2004
TIME: 7:00 PM
PLACE: 58000 Grand River

1. **Call to Order:** Supervisor Young called the meeting to order at 7:02 PM.

2. **Pledge of Allegiance**

3. **Roll Call:** Present: Lannie Young, Supervisor
Patricia Carcone, Treasurer
Pamela Johnson, Clerk
Dan Cash, Trustee
Brent Hemker, Trustee
John Hicks, Trustee
Troy Schilling, Trustee

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

Guests: 46

4. **APPROVAL OF THE CONSENT AGENDA**

- Approval of Special Meeting Minutes of October 26, 2004
- Approval of Regular Meeting Minutes of November 8, 2004
- Approval of 2005 Meeting Dates, Holidays
- Approval of \$25,000 Grant for Bike Trail Improvements
- Approval of Disbursements
- Financial Report for October, 2004
- Engineer Monthly Report
- Earth Tech WWTP Operations Report
- Monthly Department Reports (Fire, Zoning Officer, Building and Sheriff)

Mr. Hemker noted that they did not have a copy of the Zoning Officer report in their packet. Ms. Johnson stated that the Zoning Officer was on vacation.

Ms. Carcone made a motion to approve the consent agenda with the removal of the Zoning Officer's report. Ms. Johnson supported the motion.

Mr. Quinn noted that Mr. Cash will not be voting on this issue, he has not been able to sign the oath of office book yet.

Roll Call Vote: Ayes: Young, Carcone, Schilling, Hemker, Johnson, Hicks

Nays: None

Motion approved.

5. CALL TO THE PUBLIC

Ron Martin, 24965 Belladonna, discussed the drainage problem caused by Carriage Club. He indicated that this problem has not been resolved and that there is water backing up from the west.

Darcy Hollon, 24300 Martindale Road, updated the Board on the status of the traffic signal at Martindale and Ten Mile Roads. She indicated that the signal should be up and running tomorrow. If there are any problems, the contact person is Danielle at the Road Commission for Oakland County, 248-858-7250.

Robin Allen, 28550 Tindale Trail, stated that on November 30, 2004 there was noise coming from Continental. He indicated that the noise is getting progressively worse. He stated that he called the hotline and never received a return call. He questioned the status of the open door issue at Continental and the status of the lawsuit Continental filed against the Township after the fire.

Claude Phifer, 59101 Albert Lane, concurred with Mr. Allen's comments regarding Continental. He stated that he has also called Continental regarding the noise and odor coming from there. He stated that something has to be done. He felt that there should not be a foundry in the middle of residential.

Craig McDougall, 25500 Belladonna, discussed the drainage problem. He noted that the pond is half on his property. He indicated that the area qualifies as a wetland and cannot be altered without a permit. He stated that he is not opposed to the situation, but would like to make sure that they are not flooded out.

6. APPROVAL OF AGENDA

The following items were requested to be added to the agenda:

- Award Resolution (Unfinished Business)
- Recapture 2002 CDBG Funds (Unfinished Business)
- Pinehurst Planned Development Approval (Unfinished Business)
- Transfer of Wells From Oakland County (New Business)
- Approval of Operation and Maintenance Agreement with Oakland County (New Business)

The following item was removed from the agenda:

- Library Special Election Millage Request (Unfinished Business)

Mr. Olson suggested that the presentation and discussion of the proposed 2005 Budget and the 2004 Budget amendments be moved to a special meeting. Mr. Young stated that when they get to this item they can discuss a date for a special meeting.

Mr. Hicks made a motion to approve the agenda as modified. Mr. Schilling supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

7. ANNOUNCEMENTS AND COMMUNICATIONS

Ms. Johnson stated that they had a successful general election with record turnout of 80% of the residents coming out to vote. She stated that they have been certified by Oakland County but the State certification is still pending for all communities.

Ms. Carcone stated that the tax bills have been sent out. She explained that they can be paid by dropping a check in the drop box or coming into the Township offices. She noted that in the future they will be offering on-line payment of taxes through the County. She noted that there will be a fee for this. She reminded the residents that the Township offices will be closed on December 23 and 24 and December 30 and 31 for the Christmas and New Year holiday. She stated that they will accept postmarks of December 31 for taxes.

Mr. Hicks stated that they will be having an open house to meet the new Board members on January 6, 2005 from 6:00 PM to 8:30 PM. He stated that there will be light refreshments served.

Mr. Young presented a plaque to Joe Shigley in recognition of his years of service to the Township. He also indicated that they have a plaque for Steve Adams and Ray Bisio for their service to the Township.

8. UNFINISHED BUSINESS

a. Acceptance of Resignation from Fire Department – Trustee Cash – Consideration of Reappointment.

Mr. Quinn stated that there are State Laws which prohibit an elected official from being a paid employee of the same municipality in which that person is an elected official. He stated that the exception is that municipalities that have 25,000 or less population that it is not an incompatible position or a conflict of interest for an individual to be an elected official and at the same time be a part-time firefighter or other services within the Township, with the exception of the Fire Chief. He stated that since Mr. Cash is the Assistant Fire Chief, what they have done in the past when he was elected, he would resign his position, sign the Oath of Office book and then the Board will consider whether or not he should be re-appointed to the position of Assistant Fire Chief. He stated that Mr. Cash has submitted his resignation. He stated that the Board should first act on accepting this resignation.

Ms. Carcone made a motion to accept Dan Cash's resignation of Assistant Fire Chief. Mr. Hemker supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

Mr. Hicks made a motion to re-appoint Dan Cash to the position of Assistant Fire Chief for Lyon Township. Ms. Carcone supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

a-1. Award Resolution

Tom Traciak, Bond Council, stated that this afternoon they took bids for the \$6,005,000 Special Assessment Bonds Series 2004-C, which is to fund the West Pontiac Trail Sanitary Sewer Improvements Special Assessment District. He stated that they received six bid this afternoon.

The winning bid was from broker, Legg Mason Wood Walker, with a 3.41% net interest rate. He stated that the interest rates that were bid range from 3.41% to 3.52%. He stated that the resolution that the Board has will award to Legg Mason Wood Walker at the interest rate of 3.41%. He noted that the bids are attached to the resolution. He stated that the Township's A- rating from Standard and Poor's is reaffirmed for this bond issue.

Mr. Hemker made a motion to adopt the resolution for the Special Assessment Bond Series 2004-C for Legg Mason Wood Walker at the interest rate of 3.41%. Mr. Schilling supported the motion.

Roll Call Vote: Ayes: Carcone, Hicks, Cash, Schilling, Carcone, Hemker, Young
 Nays: None

Motion approved.

b. Acceptance of Donation Documents for Woodwind Well (Tabled from November)

Mr. Quinn stated that this was tabled from the November meeting to review some of concepts and some of the documents which were received at that time. He stated that the documents consisted of a Declaration of Charitable Gift, Assignments and Bill of Sale, Quick Claim Deed to the Property, Federal Form 8283 for Non-cash Charitable Contributions and the Title Insurance for the amount of \$225,000. He stated that after reviewing these documents, they are satisfied as to the validity. He stated that he is satisfied that the documents presented are acceptable for the acceptance of the donation.

Mr. Olson stated that there were still some open issues prior to the packets being completed. He noted that the Board received their packets before the information was received.

Mr. Quinn stated that this issue could be tabled until the end of the meeting which would then hold it over to the next meeting later this week. He stated that by that time, they will have the documents reconfigured and given to the Clerk.

Ms. Carcone made a motion to move this issue to the end of the agenda. Mr. Schilling supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

c. Impervious Surface Standards – Second Reading and Proposed Adoption of Text Amendments to Zoning Ordinance (Tabled from November).

Mr. Doozan stated that this issue was tabled at the last meeting. He stated that one item that has been brought to his attention would be what the impact would be in the New Hudson area. He stated that this is one issue that still needs to be resolved. He noted that another issue that has come up is that there is concern with the impact of the lot coverage standards within the residential area. He stated that his recommendation this evening would be to table this item.

Mr. Hicks made a motion to table the Impervious Surface Standards – Second Reading to a later meeting within 30 days. Ms. Carcone supported the motion.

Mr. Young asked if there were any comments from the Board. Mr. Schilling stated that it was mentioned about the residential coverage, the spreadsheet shows the maximum lot coverage, which he assumes that this is covering the impervious surface as well. Mr. Doozan stated that for the residential lot coverage there is a different definition which only applies to buildings or

structures. He noted that it does not apply to driveways and other impervious surfaces.

Mr. Hemker stated that it was the Planning Commission's understanding that the residential portion was not being changed. He stated that he did some calculations today, which he explained.

Mr. Young stated that if anybody has any issues with this after they have thought about it, they should contact Mr. Doozan.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

Mr. Quinn noted that on a motion to table there would be no discussion allowed. Discussion would be allowed on a motion to postpone.

d. Second Reading and Proposed Adoption of Rooftop Screening Ordinance – Text Amendment to the Zoning Ordinance.

Mr. Doozan stated that this amendment is to sure that rooftop mechanical equipment is screened. He noted that this would be the second reading for this amendment.

Mr. Cash made a motion to approve the second reading of the proposed adoption of the rooftop screening ordinance. Mr. Hicks supported the motion.

Roll Call Vote: Ayes: Johnson, Carcone, Hemker, Young, Hicks, Schilling, Cash
 Nays: None

Motion approved.

e. Langan Property Matters

Mr. Olson stated that a great deal of time has been spent on this particular matter. He noted that he updated the Board at the November meeting of this issue, which he briefly summarized. He stated that Mr. Quinn has prepared a series of documents. He stated that basically what they are looking for tonight is to see what the Board's opinion is with regard to injunctive relief so that no further violations occur and authorization to proceed on either criminal or civil proceedings on these matters.

Mr. Quinn stated that a letter was received from Patrick Cleary, Attorney for the Langan's, late this afternoon. He briefly summarized the contents of the letter for the Board.

Mr. Hicks made a motion to authorize Legal Counsel to proceed to do what needs to be done to bring this party into compliance and give the Superintendent the authority to act on the Board's behalf. Ms. Johnson supported the motion.

Mr. Young asked if there was any discussion. Ms. Carcone stated that she concurs with Mr. Hicks. Mr. Hemker stated that it was nice that they got a letter faxed over today, but what he has seen over the past few months, there have been a lot of promises made and none of them have been kept.

Roll Call Vote: Ayes: Hemker, Cash, Johnson, Hicks, Schilling, Young, Carcone
 Nays: None

Motion approved.

f. Resolution to Prevent Recapture of Previous Years CDBG Funding

Mr. Doozan explained that they have some outdated 2002 CDBG Funds Program that they need to waive recapture. There is \$16,378.00 in condemnation/demolition funds and \$7,438.00 in planning funds. He stated that the planning funds are the funds that they need to reprogram, so a second motion would be in order to schedule a public hearing for the January meeting for this.

Mr. Cash made a motion to approve by resolution to waive the recapture of the 2002 CDBG Funds. Ms. Carcone supported the motion.

Mr. Young asked if there were any questions. Mr. Hicks stated that he brought up the idea of the "File of Life" at a previous meeting and questioned if Mr. Doozan has looked into this yet. Mr. Doozan responded that he has not but that there are funds that can be used for something like this.

Mr. Olson noted that the Community Center has a sign that was donated to them, but they need a base and electrical for the sign. He noted that this project would be approximately \$5,600 to \$8,000 depending upon what has to be done.

Ms. Carcone stated that she would like to see a reduction in the Senior Center so that they can do the "File of Life". She felt that this is an important thing to have on a Senior's refrigerator. She felt that this would be a great benefit for the Seniors of the Township. She noted that she would still like to see more money allocated to home repair.

Roll Call Vote: Ayes: Young, Carcone, Johnson, Schilling, Hemker, Hicks, Cash
 Nays: None

Motion approved.

f-1. Recapture of 2002 CDBG Funds – Schedule a Public Hearing

Mr. Hemker made a motion to schedule a public hearing for the reprogramming of 2002 CDBG Funds for January 3, 2004. Mr. Schilling supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

g. Library Special Election Millage Request

This issue was removed from the agenda.

h. Pinehurst Approval

Mr. Quinn stated that at the last meeting it was discovered that the Pinehurst Planned Development rezoning had not been sent to the County Coordinating Zoning Committee. He stated that the motion at that time was to approve it contingent upon a satisfactory review and report by the County Coordinating Zoning Committee. He stated that this has been received and it is favorable. He stated that the Board now needs to make a motion to approve the Pinehurst Planned Development subject to the completion of the conditions cited in the McKenna Associates, Inc. letter dated October 18, 2004, also providing a 6" sewer line to the abutting property owned by the Bell's and a 4' high fence between the Pinehurst Development and those properties abutting this development on the easterly boundary whose owners request such a

fence. He noted that these are the same conditions that were in last month's motion.

Mr. Hicks made a motion to approve the Pinehurst Planned development subject to the completion of the conditions cited in the McKenna Associates, Inc. letter dated October 18, 2004, also providing a 6" sewer line to the abutting property owned by the Bell's and a 4' high fence between the Pinehurst Development and those properties abutting this development on the easterly boundary whose owners request such a fence. Mr. Cash supported the motion.

Mr. Young asked if there were any comments regarding this issue by the Board. There were none.

Roll Call Vote: Ayes: Schilling, Hicks, Young, Cash, Johnson
 Nays: Hemker, Carcone

Motion approved.

10. NEW BUSINESS

a. Transfer of Liquor License – New Hudson Inn

Mr. Olson stated that the New Hudson Inn's septic systems did pass inspection. He stated that this was the final condition for approval. He stated that it is his understanding that all the rest of the conditions have been removed.

Ms. Johnson stated that this approval is contingent up Oakland County Health Department approving the septic.

Ms. Carcone made a motion to adopt the resolution for the renewal of the liquor license for the New Hudson Inn on the form provided. Mr. Hicks supported the motion.

Mr. Young asked the Board if they had any comments regarding this issue. Mr. Hicks stated that the resolution indicates that the name of the business is the Old Hudson Inn. Mr. Hemker noted that this is the actual name of the business.

Mr. Quinn stated that the license references 2002. Ms. Johnson stated that it has been on her desk that long. Mr. Quinn stated that this should be subject to verification by the Clerk, it should reference 2004 Class C License. Ms. Carcone amended her motion to include this. Mr. Hicks supported the amendment.

Roll Call Vote: Ayes: Johnson, Schilling, Hicks, Carcone, Hemker, Cash, Young
 Nays: None

Motion approved.

b. Erwin Orchards Rezoning Request from R-1.0, Residential-Agriculture, to R-0.3, Single Family Residential – AP-04-18, The Beztak Companies

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated September 28, 2004 regarding this issue.

Representing Erwin Orchard Rezoning tonight:

- Robert Jacobs, Attorney
- Larry Wilkenson, The Beztak Companies
- Kamran Qadeer, The Beztak Companies
- Rodney Arroyo, Vice President, Birchler Arroyo
- William Anderson, Vice President Residential Services, Atwell Hicks

Mr. Jacobs stated that the property that they are requesting the rezoning on is the Erwin Orchards. He stated that what is unusual about this property is that for many generations it has served as an apple orchard and in that context it was a productive piece of property. He stated that over the years of this property being an apple orchard, there are some problems with the property which require that the property be cleaned up before it can be utilized. He stated that at the current time they have a piece of property that is unproductive farm property.

Mr. Jacobs stated that there is a special assessment on this property for approximately \$1,400,000 for sewer and water. He stated that this translates to over \$140,000 per year of assessment against the property. He stated that because of this the property cannot be used for farming purposes.

Mr. Jacobs stated that the property is surrounded by R-0.5 districts and other R-0.3 districts. He further discussed the zoning surrounding this property. He stated that there is access to the expressway and to the main arteries from this property.

Mr. Jacobs stated that mathematically they could develop over 550 units on this property. He stated that they are now requesting 350 dwelling units. He briefly discussed comments made by Mr. Olson in a letter with regard to a development agreement. He stated that a development agreement is an agreement between the developer and the municipality. He stated that it is almost like a planned development in which the Township could have control of many things just like in a PUD. He noted that development agreements are used in many communities.

Mr. Jacobs briefly discussed some of the analysis' that have been provided to the Board. He stated that these analysis indicate that the development that they are proposing today will create no economic detriment to the community, school system or to the Township itself. He stated that this also relates to the services, i.e., police and fire.

Mr. Jacobs stated that Mr. Anderson is going to address why it is necessary to get a reasonable economic return on expected capitol and to be able to get any return, that is why R-0.3 zoning is necessary. He stated that the reason they did not ask for R-0.5 is because the don't need or want R-0.5. He stated they are asking for 350 dwelling units which comes out to a little more than 1.7 units per acre. He stated that if the Board looks at the surrounding properties, this is in keeping with them.

Mr. Jacobs stated that the geophysical characteristics of the property are unique. The location of the property is unique. He stated that there is probably no other property within the Township that is bifurcated by a road system like this property is. There is no other property that has the physical attributes and the types of access to the I-96 Interchange, an elementary school and the other surrounding uses.

Mr. Jacobs stated that Mr. Arroyo will indicate that this is a great transitional zone. He stated that he is going to reserve his final comments and address the comments made by Mr. Doozan after Mr. Arroyo and Mr. Anderson have completed their presentations.

Mr. Arroyo briefly reviewed some of the findings that are indicated in the Planning Analysis and discussed some traffic issues. He displayed a board showing the site and the surrounding areas. He stated that the Future Land Use Map shows how this property relates to the surrounding properties.

Mr. Arroyo indicated that there are two I-96 interchanges in the area, one at Milford Road and the other at Kent Lake Road. He stated that they believe that it is appropriate for the R-0.3 zoning district. He referred the reports and documentation that was provided as he explained why they feel that this property is not appropriately zoned as R-1.0. He stated that an agricultural use is not a viable use for this property. He stated that the economic analysis indicates that the

challenges to develop this property with a reasonable rate of return, R-1.0 zoning would not be appropriate.

Mr. Arroyo stated that the Master Plan is more than just a map, it is a document. He stated that the Master Plan is a goal for the community. He stated that they believe that what is being requested this evening is consistent with the Township policy that is indicated in the Master Plan and referred to a policy indicated on page 5. He named several developments located in the northern portion of the Township and stated that they are all high density. He stated that what they are asking for is a similar type consideration for this property. He stated that the advantage of doing this brings greater density in close proximity of the interchange. He stated that most people who move to Lyon Township are not going to be employed within Lyon Township, they are going to be employed elsewhere, therefore, they will need access to transportation systems. He stated that being in close proximity the interchange will allow the access. He stated that this will provide for less traffic on the Township roads. He felt that this makes good planning sense from the long range planning perspective because they will be taking advantage of the infrastructure that is already in place.

Mr. Arroyo discussed the traffic study that has been provided. He noted that the traffic study was prepared and submitted with the original planned development proposal and is based on a much higher intensity of land use, including commercial and residential development. He discussed the changes in the traffic study that this development would make.

Mr. Arroyo stated that in conclusion they believe that this is implementing the policies that are provided for smaller lots, more density in the northern part of the Township. He stated that they believe that they are following sound planning process. He stated that they believe that this will compliment existing residential in the area and they believe that they will provide open space through creative design.

Mr. Anderson stated that he has been requested to provide and evaluate the development by ability. He stated that when they were asked to look at this particular site, its current zoning and the development liability of it, they needed to look at this and understand what the costs were going to be as well as the projected revenue. He explained the criteria that they used when they looked at this property. He stated that when everything is evaluated, the subject site is appropriate for a moderate density development of about 2 to 3 units per acre. He noted that this development is near an elementary school, near other moderate to high density developments and is adjacent to a major transportation corridor, Pontiac Trail corridor, and the interchange. He stated that it would make good sense to minimize traffic impact within the community by locating medium and high density developments near interchanges. He noted that to do a 135' wide lot with water and sewer is just not economically viable. He stated that the R-0.3 zoning is appropriate and fair, in his opinion.

Mr. Jacobs stated that in the Board's packet this evening are letters from Singh Homes and Tony VanOyen Builders, which are both very reputable builders in the metropolitan area. He noted that they have reviewed the site and have come to the same conclusions as Mr. Anderson has with respect to the viability of the land.

Mr. Jacobs stated that with regard to the sewer capacity for this property, there is a rule called the present conditions rule, which is property is not zoned out of what may happen in the future. He stated that if there is capacity, then they are entitled to have the capacity. He stated that this is called the present provision rule.

Mr. Jacobs concluded his comments by reviewing the nine criterion cited in the McKenna Associates, Inc. letter as they relate to this development. He stated that they are asking the Board to consider the rezoning of this property subject to the limitations that they are willing to enter into a development agreement with the Township and to limit the development to 350 units.

Mr. Hicks made a motion to deny the rezoning request for AP-04-18, Erwin Orchard, from R-1.0 to R-0.3 for the following reasons, as paraphrased from the McKenna Associates, Inc. letter dated September 28, 2004:

- permitting the R-0.3 zoning would be out of character and incompatible to surrounding land use;
- the proposed zoning would allow development at a much higher density than is permitted by the current zoning on the subject property and on most of the surrounding property;
- the proposed rezoning is not consistent with the Future Land Use Map;
- the proposed rezoning would allow a development that is approximately three times greater density than planned on the Future Land Use Map;
- the proposed rezoning is inconsistent with the rural residential Future Land Use Map designation;
- the current Future Land Use Map does provide opportunities for single family developments in specific, well planned locations within the Township;
- the proposed R-0.3 zoning would generate 5,330 automobile trips per day as opposed to 1,675 under the current zoning;
- current traffic studies, under the Institute of Transportation Engineers indicated that the proposed zoning would greatly exasperate conditions;
- the current Township zoning provides numerous opportunities for development of a small lot subdivision, including R-0.3 and R-0.5.

Mr. Hemker supported the motion.

Mr. Young asked the Board if there are any comments. Mr. Hicks stated that the road network, Kent Lake Road, Silver Lake Road and Pontiac Trail happen to be the only paved thoroughfare that goes from the northern boundary to the southern boundary of the Township. He stated that to put this amount of additional traffic on these roads is not wise, not well planned. He stated that with regard to the economic feasibility, there are many developers that are developing similar or smaller parcels that have little trouble working with the Township Ordinances. He stated that many of them have given the Township-at-large amenities that are good for all residents of the Township for small density increases.

Mr. Hemker stated that this is his second presentation of this, once at the Planning Commission level and now, he pointed out some items for the Board members. He stated that they have never received or seen anything with regard to a development agreement. He stated that what the density they are indicating that they would put in the development agreement, could actually fit under R-0.5 zoning, but the developer is still requesting jumping to R-0.3. He stated that they are going even denser even though it would fit under R-0.5 according to what was seen at the Planning Commission level. He stated that one of the things he pointed out at the Planning Commission is that when Mr. Arroyo talked about the north and south sides of the Township, he is taking a generalization that is written as a generalization in the Master Plan and trying to turn it into an absolute rule. He stated that at the Planning Commission level they don't take a whole lot of financial development analysis into account as to what the developer is going to make or what it is going to cost the developer to do what they want. He stated that it was pointed out at that time that when Mr. Anderson did his analysis on one acre lots, it was based on a one acre grid and not on cost of clustering or anything of that nature. It was laid out as a full grid of 150 units, which is obviously going to be much more expensive than clustering. He stated that when Mr. Jacobs was making his comments, he was comparing everything to an agricultural use and they are not being asked as to whether the choices are agricultural or R-0.3, it is currently R-1.0. He stated that everyone on the Planning Commission understood and believed that this would be developed at some point in time and that it would not be an orchard forever. The Planning Commission believed that under R-1.0 the developer does have the ability to develop the property.

Ms. Carcone concurred with Mr. Hemker's comments. She stated that they are not forcing the

Erwin's to develop the property. The property is zoned one acre. She stated that the Erwin's signed freely for the SAD. She stated that the Township did not put a burden on them, they chose to sign for the SAD and that they also purchased enough REU's for one acre lots, not anymore or any less. She stated that with regard to the letter from Tony VanOyen, she received a call from Ellen VanOyen. She questioned Ellen as to why Tony would write a letter like this. She was told by Ellen that the developer asked them to write the letter. Ms. Carcone questioned Ellen if she is sure that this is what Tony meant to write. She stated that Ellen called her back and indicated that they did not know this is what the letter was going to be used for and that they were very upset. She stated that the VanOyen's were very upset and in her opinion the letter doesn't mean anything. She felt that the developer needs to get their facts straight about the letter.

Mr. Olson stated that he was going to mention the SAD. He noted that 121 REU's were purchased. He stated that was in accordance with what was calculated for this property, not 350. He stated that the Planning Commission seem to favor the idea of a roundabout and the elimination of the two double-t corners, which did not appear with the rezoning request. He stated that they have not seen a copy of a development agreement that they could consider. He stated that a development agreement is not a bad idea. He briefly discussed some of the comments that were made by Mr. Jacobs. He stated that there is still more information that needs to go into the analysis that they haven't seen yet, especially the situation showing the market. He stated that the report calls for 350 homes at \$375,000, but the engineer tonight indicated 400 to 450 homes. He felt that this question has been posed, but not answered. He stated that they have not seen the full development alternative, as mentioned by Mr. Hemker. He felt that the analysis is incomplete.

Mr. Young stated that it was indicated that it would not be feasible to develop 135' wide lots with sewer and water, which is something he does not disagree with. He stated that he has done the math and felt that it would be something that is very difficult to do. He noted that the land prices have skyrocketed in Lyon Township. He stated that there are other developers in the Township that are developing on 90' and 100' wide lots. He stated that if they look at development costs, these developer's costs are the same as this developers. He stated that the cost would be a wash, and that the only variable would be the cost of the land, which is a private enterprise between the developer and the Erwin's. He stated that the Township cannot control that. He stated that if it is not economically feasible for the developer, then there must be something in there that the other developers have been able to get around. He further discussed development costs in Lyon Township. He stated that he is not buying the idea of huge development costs and felt that it is not true. He stated that the developer needs to go back and sharpen their pencil because the only variation is the cost of what they are paying for the land, which is not any of the Board's business. He felt that the development costs are competitive throughout the Township.

Mr. Young stated that he would always welcome the opportunity to sit down and talk because the Erwin's bought into the SAD because they were not going to farm the land forever. He stated that the \$1,400,000 for the SAD averages out to about \$4,000 per lot, which will be passed onto the person who buys the house. He suggested that if the developer is talking about a development agreement, then they should bring it forward. He stated that so far there has been nothing. He stated that as it stands right now, it is obvious to him the way that he has to move forward on this issue.

Roll Call Vote: Ayes: Hemker, Young, Cash, Carcone, Johnson, Hicks, Schilling
 Nays: None

Motion approved.

c. Request to Rezone 27.70 acres from R-1.0, Residential-Agricultural, to RM-1, Multiple Family Residential – AP-04-24, RBS Companies, Inc.

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated November 19, 2004 regarding this issue.

Ralph Stoy, RBS Companies, stated that he has submitted a lot of information to the Township Board regarding this request. He read a letter he wrote to the Board dated November 12, 2004.

Ms. Carcone made a motion to deny the request to rezone 27.70 acres from R-1.0, Residential-Agricultural, to RM-1, Multiple Family Residential. Ms. Johnson supported the motion.

Mr. Young asked if there were any comments. Ms. Carcone stated that she understands that this property belongs to the Metro Parks, but the Metro Parks bought the property with the resident's tax dollars. She stated that Metro Parks didn't bother to come to the Township to notify them of the pending sale. She stated that she can't see this piece of property as residential, but she would not mind seeing some small commercial there, even though it is not in the Master Plan.

Ms. Johnson stated that she too sees this property as either a light commercial or office use. She stated that this was discussed at the Planning Commission level, but they felt that there is no need for this type of use. She stated that she feels that there is a need here.

Mr. Hicks questioned the distances from Martindale Road to the development indicated on the displayed graphic. Mr. Stoy responded that it is approximately 80' from the property line. Mr. Hicks stated that he does not feel that commercial is appropriate here because they are trying to build a downtown New Hudson. He stated that he concurs with Ms. Carcone's comments with regard to HCMA not consulting with the Township on the sale of the property. He stated that he felt that the RM-1 is the appropriate use for this property provided there is an large enough buffer that would minimize the impact on the abutting property owners.

Mr. Schilling stated that he felt that this is a little higher density than what he would like to see here. He stated that he would not want to see commercial here. He felt that if this development were clustered it would provide more open space.

Mr. Hemker stated that nothing has really changed with this from when he saw it at the Planning Commission level. He stated that this is something that they really struggled with on Future Land Use and the draft Master Plan. He stated that recently this property has been brought back to what it was originally zoned at, R-1.0. He stated that some Planning Commission members were kind of leaning toward this development but some of the problems that they had was that they would approving a "blank check". He stated that they did not see any of the conceptual stuff at the Planning Commission rezoning hearing. He stated that item 9 in Mr. Stoy's letter indicates that they have the right to use and enjoy their property, but this property still belongs to HCMA. He noted that RBS has a purchase agreement with HCMA for this property. He stated that there are many locations throughout the metro Detroit area that have very large homes being built on large lots next to expressways, i.e., M-14 and Beck Road and also along Telegraph Road.

Mr. Cash stated that he is not opposed to the RM-1. He stated that he is concerned about the straight rezone and losing control of this development as to what the Township wants to see here. He felt that a development agreement would help. He stated that he looked at the Master Plan after hearing Planning Commission comments to see where RM-1 is listed throughout the Township. He stated that this is a gateway into the community and would prefer to see the homes owner occupied and not rentals. He stated that he had a vision of this property being vacant, but it is obviously not going to remain that way. He stated that he would prefer to see something low impact, and definitely not commercial. He stated that he would like to see an up scale development but with a straight rezone they cannot assure the residents that this will happen. He stated that he does support lower density multiple family but not the straight rezone.

Mr. Young stated that he felt that Mr. Stoy did a great job with his presentation and felt that he covered all the bases. He stated that this is kind of a problematic piece of property, it is located across the street from multiple and next to the freeway. He stated that there has to be some type of use for this property. He stated that what is being proposed, he is not opposed to. He stated that what he is opposed to is not knowing whether or not the Township is going to get this product. He stated that he feels that this is the right use for this property and liked the idea that the proposed units are on one floor. He stated that he was also concerned about the buffering to the east, but with 80' of trees there he feels more comfortable. He stated that he likes the fact that this is a purchase product and not a rental product. He stated that if he could be assured that the product would look like this in some way or fashion, then he could support it.

Mr. Young stated that what is on the table at this time is a motion to deny the rezoning.

Roll Call Vote: Ayes: Cash, Hemker, Johnson, Schilling, Hicks, Carcone, Young
 Nays: None

Motion approved.

Mr. Stoy questioned if it would be possible to enter into a development agreement. He stated that he is not opposed to doing this. Mr. Young responded that Mr. Stoy should contact the Township Planner to discuss this, because a development agreement is something that is generated by the developer.

d. Tanglewood Grenelefe West Subdivision – Final Plat Review, Easements, Covenants and Restrictions – AP-04-25, Freund Associates

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated November 19, 2004 regarding this issue.

Mr. Cash made a motion to approve the Tanglewood Grenelefe West Subdivision Final Plat subject to the conditions cited in the McKenna Associates, Inc. letter dated November 19, 2004 and also comment made tonight by the Planner. Ms. Johnson supported the motion.

Mr. Young asked if there were any comments. Ms. Carcone asked Mr. Crandell why more houses can be built with the Tanglewood well and the Township can't. Mr. Crandell responded by explaining the capacity issues with the two wells, Woodwind and Tanglewood.

Mr. Schilling questioned the Currie Road paving issue. Mr. Hemker noted that the Planning Commission made a separate motion regarding the Currie Road paving issue to try and get the Township Board to look into this and get it done. He noted that the paving requirement is part of the original PD, dated 1992. He stated that it was stated in the PD that Tanglewood was to pay for 1/3 of the approach. He noted that this issue was brought up at the Planning Commission level several times, therefore, they asked the Board to advise the status of this.

Mr. Young asked Mr. Crandell for clarification. He stated that what he heard stated was that even though it may not be considered fair or whatever it is, in light of the new requirements they have along Ten Mile Road water issue, he questioned if they would be jeopardizing the Township by approving the final. Mr. Crandell responded that he does not believe so base on what he understands from the Drain Commission.

Voice Vote: Ayes: Cash, Hemker, Hicks, Johnson, Schilling, Young
 Nays: Carcone

Motion approved.

e. Carriage Club Planned Development – Phase III – Tentative and Final Preliminary Plat Approval

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated November 18, 2004 regarding this issue.

Mr. Crandell stated that when he was at the Planning Commission meeting he actually had a misunderstanding of some of the drainage issues. He stated that he had limited topography at the time and thought that the pond off-site just east of Belladonna was a pothole pond. He stated that it actually does have an outlet. He stated that there are still some drainage issues that need to be clarified and is not ready to recommend approval of the preliminary plat plan tonight. He stated that the tentative preliminary plat is okay. He stated that he is very confident that they can find a resolution to the problem. He stated that there are some off-site drainage improvements that he would like to see done before this is approved.

Mr. Young asked for clarification. He stated that Mr. Crandell is not prepared to approve the final preliminary plat tonight but that the tentative preliminary plat would be okay. Mr. Crandell stated that these two items can be separated. Mr. Quinn stated that on the tentative the Board would be approving the road layout, lot configuration, the lot layouts, the width of the roads and verifying that the roads are public roads. He stated that the Board would be reserving any comments on the storm drainage system for the final. Mr. Crandell noted that it may be possible to get the drainage issues taken care of before the Board's next meeting.

Jack Healy, Healy Homes, stated that with regard to the drainage issue, they have received two approval letters from the Township Engineers. He stated that they have increased the size of the pond more than double. They have increased the size of the outlet by more than 60%. He noted that there is 60% less discharge than what the Oakland County Drain Commission approved. He stated that they feel that they have done everything that they need to do, he does not know what more they could do. He stated that there is going to be a lot less water going in that direction than there is right now.

Mr. Cash made a motion to approve the tentative preliminary plat for Phase III of the Carriage Club Planned Development subject to the conditions cited in the McKenna Associates, Inc. letter dated November 18, 2004. Mr. Hicks supported the motion.

Mr. Young asked the Board for comments. Mr. Cash stated that with all the flooding problems they have he did not feel that waiting until the next meeting to approve the final was a problem. He felt that by waiting to approve the final, it would allow the engineers to go over the plan to make sure it is right.

Ms. Carcone asked Mr. Healy if he would pay the sewer bills.

Mr. Hemker stated that coming from the Planning Commission level on this, they really entrusted Mr. Crandell to look into this to make sure that there is not going to be any more water going over to Belladonna Drive and flooding them out. He stated that this is why the Planning Commission made the motion to recommend approval because of the information that they had from Mr. Crandell at the time.

Mr. Hicks stated that the fact that the residents brought it up tonight indicates that the flooding problem is still there. He stated that this seems to be one of the greater problems within the Township and that they have to make very, very sure that the system works before approving it.

Mr. Hemker stated that Mr. Quinn noted that one of the items that they would be approving with tentative tonight is the lot configuration. He questioned what would happen if the lot configuration would have to be changed because of the drainage issues. Mr. Quinn stated that there would have to be an amendment to the tentative made. He stated that what the

Board is doing if they are approving the tentative subject to the McKenna letter and the Engineer's comments about additional study. It was noted that the Engineer's comments about additional study was not part of the motion. Mr. Quinn indicated that it should be part of the motion. He stated that this way if the Engineer were to come back and need something changed to accommodate his solution on the drainage, then the tentative preliminary could be changed.

Mr. Young stated that he has walked the property a couple time and that he knows that Mr. Crandell has also been out there. He stated that there is a water problem there now. He stated that they want to be absolutely sure that they are not increasing the problem and for that reason he felt that it is prudent that they get the comments back from the Engineer.

Mr. Cash amended his motion to include "subject to the Engineer's comments about additional study". Mr. Hicks supported the amendment to the motion.

Mr. Schilling thanked the residents for coming to the meeting and expressing their concerns. He questioned when the drainage is addressed once this is all worked out. Mr. Crandell responded that the drainage issues will be taken care of at the beginning.

Roll Call Vote: Ayes: Schilling, Young, Cash
 Nays: Johnson, Hemker, Carcone, Hicks

Motion failed.

Mr. Healy stated that this has gone on for too long now. Mr. Crandell stated that he understands Mr. Healy's frustration. He stated that he now feels more comfortable than he initially did.

Ms. Carcone made a motion to take a ten minute break. Ms. Johnson supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

The Board took a break from 9:50 PM to 10:00 PM. Mr. Cash left at 9:50 PM.

f. Southwest Ten Mile Road Water Main Special Assessment District – Establishment of SAD by Resolution.

g. Southwest Sanitary Sewer Special Assessment District – Establishment of SAD by Resolution

Mr. Crandell stated that these two projects are something that they have been working on for the past couple years. He stated that there are a couple of different issues involved with these. He went through a Power Point presentation and explained the districts for the water main and the sanitary sewer.

Ms. Zawada stated that the estimate that they have for the southwest water main district is \$2.9 million. Mr. Quinn noted that the map he received tonight includes an additional parcel on the east.

Mr. Crandell explained his understanding of the Township's goals for the sanitary sewer system. He noted that the Township has all but the southwest section protected from annexation.

Mr. Crandell discussed the Grand River industrial corridor. He stated that it has sewer lines all the way along it. He noted that there is an issue with the 3,000,000 gallons per day discharge permit. He stated that right now it is on a first come first serve basis and the only way that capacity can be

reserved is to buy it from Lyon Waste Water. He stated that they did an analysis of this and found that the Township is to a point where they should really consider buying capacity from Lyon Waste Water for the industrial corridor. He explained how they determined this and how the capacity can be bought.

Mr. Quinn stated that there are going to be some changes that have to be made to the resolution. He noted that the resolutions were made up before he received the final letter from the Engineer. He stated that he would prefer that these issues be postponed until the next meeting to allow him time to make the necessary changes.

Ms. Johnson made a motion to postpone both resolutions of Tentative Declaration to make Improvements to Establish the Southwest Water Main Improvements Special Assessment District and the Southwest Sanitary Sewer Improvements Special Assessment District until the next meeting. Mr. Hicks supported the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Cash

Motion approved.

Ms. Carcone made a motion to allow public comments on the remaining agenda issues. Mr. Schilling supported the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Cash

Motion approved.

Ms. Carcone questioned if any part of this will effect the Langan property across the street. Mr. Crandell stated that in this district none of the Langan properties are effected.

Mr. Young discussed the "H" portion that is indicated on the Sanitary Sewer System Capacity map that was provided by the Engineers. He stated that if this were not in the district, all the other folks are pretty gun ho to get this thing going and had some concern about putting the additional "H" on there. He stated that he felt that the "H" would really help the Township because it gets the Griswold Road sewer up to Ten Mile Road. He felt that if it went west, it would service that portion of the Township where there are a couple 26 acre parcels that are right for annexation. He noted that the restaurant is there also and would like to expand but can't because of the sewer situation. He stated that if they look at this on an overall basis, it is a real benefit to the Township. He stated that the folks who are in the main assessment said that they don't need this because it will cost them more money. He stated that it would cost about \$300 extra per REU. He stated that the point that needs to be made and what Mr. Crandell suggested, is that the Township, out of the \$2,300 portion of the money that they get from the capital charges, were to turnaround and put the \$300 back in, thereby reducing the residents cost, they would not actually be paying for it, it would be the Township paying for it. He stated that if the Township did this, it would still be a big benefit to the Township because they would get a windfall because these folks are going to buy all these REU's and then all the money will come forward. He stated that it is not like it is going to cost the Township \$300 per REU, the Township will make more on the interest alone to pay for this. Ms. Johnson felt that this is a small price to pay.

Ms. Zawada explained that they plan on doing this work in phases. She noted that there are some developers who are willing to contribute money so that they can begin the engineering work.

There was further discussion with regard to the capacity issue, the route of the sewer and the costs involved.

h. Proposal to Establish a Grinder Pump Program for Force Main and Pressure Sewer Connections

Ms. Zawada explained what grinder pumps are and what they do. She stated that the Township is reaching a point that they need to determine how to handle the installation of the grinder pumps. She stated that there are two proposed developments that are proposing pressure sewers within the development which indicates that there will be a certain number of homes that will be connected to the grinder pumps.

Ms. Zawada stated that there are two issues for the Township to explore, one of which she is going to make a recommendation on tonight. She stated that there are several different types of manufacturers for grinder pumps. She stated that with regard to the maintenance issue, it would be very important to only have one type of grinder pump within the Township. She stated that some communities allow residents to install grinder pumps and some have only one contractor that installs every grinder pump.

Ms. Zawada stated that she would like to recommend that between now and the February Board meeting that the Board allows Giffels-Webster to accept bids from manufacturers for one type of grinder pump to be used in the Township. She felt that with regard to the installation of the pumps that this is something that can be handled with Chris Olson and Larry Phillips.

Ms. Carcone made a motion to authorize Giffels-Webster to establish a grinder pump program for the Township. Mr. Hicks supported the motion.

Mr. Young asked if there were any comments. Mr. Olson stated that they need the specifications of the pump and the size specifications for installation.

Roll Call Vote: Ayes: Young, Carcone, Hemker, Johnson, Schilling, Hicks
 Nays: None
 Absent: Cash

Motion approved.

i. Appointment of Planning Commissioner Vacancies

Mr. Young made a motion to appoint Jim Dome to the Planning Commission for a three year term ending November 30, 2007. Mr. Hemker supported the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Cash

Motion approved.

Mr. Young made a motion to reappoint Laura James to the Planning Commission for a three year term ending November 30, 2007.

Voice Vote: Ayes: All
 Nays: None
 Absent: Cash

Motion approved.

Mr. Young made a motion to appoint Dan Cash as Board Liaison to the Planning Commission for a two year term, ending November 30, 2006. Ms. Carcone supported the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Cash

Motion approved.

j. Appointment of Zoning Board of Appeals Vacancies

Mr. Young made a motion to reappoint Mike Hawkins to the Zoning Board of Appeals for a three year term ending November 30, 2007. Ms. Carcone supported the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Cash

Motion approved.

Mr. Young made a motion to appoint Troy Schilling as the Board Liaison to the Zoning Board of Appeals for a two year term, ending November 30, 2006. Mr. Hicks supported the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Cash

Motion approved.

k. Appointment of Downtown Development Authority Vacancies

Mr. Young made a motion to appoint Brian Wallace to the Downtown Development Authority for a term of four years ending November 30, 2008. Ms. Johnson supported the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Cash

Motion approved.

Mr. Young made a motion to reappoint Mike Stanton to the Downtown Development Authority for a term of three years ending November 30, 2007. Mr. Hicks supported the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Cash

Motion approved.

l. Board of Review Appointments

Mr. Young made a motion to appoint Dean Jensen to the Board of Review for a two year term ending December 31, 2006. Ms. Johnson supported the motion.

Voice Vote: Ayes: All

information that the Board receives. He stated that he can guarantee that he is going to write the most scathing letter to the newspaper and will continue to do so until this problem is rectified. He stated that he is ashamed of the Board for doing something like this.

Jim Hamilton, Martindale Road, concurred with Mr. Roberts comments. He questioned the reason for the change. He felt that it is necessary to have public input.

Shirley Baker, Stancrest, also concurred with the comments made.

13. ADJOURNMENT

Ms. Carcone made a motion to adjourn the meeting. Ms. Johnson supported the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Cash

Motion approved. The meeting was adjourned at 11:05 PM.

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary

Pamela Johnson
Pamela Johnson
Clerk