

**CHARTER TOWNSHIP OF LYON
PLANNING COMMISSION
MEETING MINUTES
March 14, 2005**

Approved as submitted April 11, 2005.

DATE: March 14, 2005
TIME: 7:00 PM
PLACE: 58800 Grand River

Call to Order: Vice Chair Barber called the meeting to order at 7:02 pm.

Roll Call: Present: Michael Barber, Vice Chair
Laura James, Secretary
John Hicks, Trustee
Jim Dome
Jim Hamilton
Ted Soper

Absent: Jim Dome
Laura Williams

Also Present: Philip Seymour, Township Attorney
Chris Doozan, Township Planner
Alexis Marcarello, Township Planner

Guests: 15

1. APPROVAL OF AGENDA

Ms. James made a motion to approve the agenda for Monday, March 14, 2005, as submitted. Mr. Soper supported the motion.

Voice Vote: Ayes: All
Nays: None
Absent: Dome, Williams

Motion approved unanimously.

2. APPROVAL OF CONSENT AGENDA NONE

3. PUBLIC COMMENTS ON NON-AGENDA ITEMS: NONE

4. PUBLIC HEARINGS:

AP-04-06, Lyon Trail III, South side of Nine Mile Road, West of Griswold, Public hearing to consider an Average Lot Size development proposal.

Ms. Marcarello reviewed the comments indicated in the McKenna Associates, Inc. letters dated January 27, 2005 regarding this issue.

Mr. Barber questioned what type of septic systems would be used in this development.

Nick Mancinelli, 18177 Shoreline Court, Northville, responded that they would be using a sand filtering septic system. He stated that in response to the McKenna letter, on February 16, 2005, he hand carried in 14 packets and give them to Michelle Aniol. He briefly discussed what was included in the packets. He noted that they will be constructing the same homes as in Hornbrook Estates but with more brick on them. He stated that they have also upgraded the interior of the homes.

Mr. Mancinelli stated that with regard to the Oakland County Health Division approval and additional information on the Condominium Master Deed, Bylaws and Exhibit B/Subdivision Plan, these will be addressed in the final stage. He stated that the Oakland County Health Division will not approve the septic system until an agreement is approved by the Township as to how they are going to take care of this, if the Association shirks their duties. He noted that this is the same type of agreement that they had for Phase I and II.

Ms. James briefly discussed a Supreme Court ruling with regard to Township's liability for private septic systems.

Mr. Mancinelli stated that there is a possibility that they will get sewers to this property. He stated that if they do get sewers, they will abandon the community septic field and make another lot. He stated that they should know if they will have sewers within 30 days.

Ms. James felt that they should table this issue. She stated that if there is a possibility that this may change because of sewers, they really can't give a preliminary approval on something that may change. Mr. Mancinelli stated that if they table this because of the sewer issue, he really does not have a problem with that. He stated that he would like to have the public hearing to see if there are any comments regarding his development.

Mr. Barber opened the public hearing at 7:18 PM.

Rick Robitaille, Gary Court, questioned where the construction entrance would be.

Mr. Barber closed the public hearing at 7:19 PM.

Mr. Mancinelli stated that the construction entrance will be on the public road that goes from Pontiac Trail to the subdivision, if they don't have sewers available. He stated that he purposely made the road public roads so that the burden of maintaining the roads would be on Oakland County and not on the residents.

Mr. Mancinelli stated that if the sewers are available, he would like to come back to the Planning Commission and tie in another parcel of property with this development, then most of the construction traffic would be brought in from Eight Mile Road.

Ms. James questioned if there is a second access to this development. Mr. Mancinelli indicated on a displayed plan where they are proposing to put a break-away gate for emergency vehicle entry. It was noted that there are only 18 homes proposed for this private road.

Ms. James stated that she tried to find some flaw in the plan, but couldn't. She noted that Chris Olson, since he could not be here tonight, left the Planning Commission a memo indicating that he had no comments regarding this proposal.

Mr. Mancinelli stated that if the Planning Commission wants to table this issue for thirty days then he can draft a sample agreement and get it to Mr. Quinn for his review, he would not have a problem

with this.

Mr. Mancinelli gave a brief history of what is happening with the sewer SAD. Ms. James noted that the Township Engineer has told them that the Township is out of sewer capacity. She stated that they have heard rumors for a long time that the Township is getting close to the end with respect to sewer capacity. She stated that she is really hesitant to approve anything that would add to the sewer.

Mr. Mancinelli stated that the last he heard, which was about two weeks ago, was that the capacity issue has been resolved with the MDEQ. Mr. Doozan stated that with this particular SAD that is being assembled in the southwest corner of the Township, there is sufficient capacity. He noted that there is sufficient capacity reserved for the Grand River corridor also. He stated that beyond this, it would use up the Township's capacity.

Mr. Hicks made a motion to table AP-04-06, Lyon Trail III, for up to 60 days for further information regarding sewer and Oakland County Health Division report. Mr. Soper supported the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Dome, Williams

Motion approved unanimously.

AP-05-04, Carriage Trace, West side of Pontiac Trail at Coach House Lane, Public hearing to consider and Average Lot Size development proposal.

Ms. Marcarello reviewed the comments indicated in the McKenna Associates, Inc. letter dated February 23, 2005 regarding this issue.

George Ostrowski, Landscape Architect with Nowak & Fraus, stated that he is here tonight representing the Carriage Trace partnership. He stated that with regard to Alexis' review, they did submit to the Township, on March 3, 2005, a copy of a cancelled check in the amount of \$35,000. He stated that additionally in the package, there was a copy of the original Condominium documents with regard to the wetland area, this is in a permanent easement. He stated that they did also submit copies of revised plans indicating that they do comply with the requirements for an average lot size development.

Ms. James questioned if this development will hook up to the public utilities. Mr. Ostrowski responded that they will. Ms. James noted that the plans indicate septic fields. Ms. Marcarello stated that the intent is to go with public utilities in lieu of septic fields.

There was discussion with regard to the use of Trebor Lane. Mr. Ostrowski stated that he cannot speak to specifics but noted that the original condominium documents have been filed and approved. He stated that it is his assumption that Trebor Lane will be used.

Ms. James stated that the Township Ordinance indicates that up to 20 homes can be located on a private road without needing a secondary access. She noted that with this plan there will be 21 homes on Trebor Lane, which will violate the Township's Ordinance.

Ms. James stated that there are a lot of wetlands in this development. She noted that with the proposed layout there are wetlands in people's front yards. Mr. Ostrowski stated that the driveways have already been permitted by MDEQ, indicating that they can cross the wetland area.

Ms. James questioned where the driveway for lot 6 will be. Mr. Ostrowski responded that this has not yet been determined. He stated that it will be determined by what style house is selected for this lot. There was further brief discussion with regard to the wetlands on the site.

Mr. Barber opened the public hearing at 7:48 PM.

Olga Quesada, 60400 Trebor Drive, stated that when they bought their home they were told that the front section of this parcel was not buildable because there was no water. Ms. James noted that they will be using the Township's water system. Ms. Quesada stated that Trebor Drive is a private road and the residents along that road all pay to maintain the road. She stated that once these homes are constructed, she would not object to it if they did not use Trebor Drive. She noted that all the lots along Trebor Drive are at least 2 acres in size. She stated that if they want to put a home on two acres, she would not object. Her only objection would be to the use of Trebor Drive.

Bruce Church, 60380 Trebor Drive, stated that there is 19 homes already on Trebor Drive. He stated that along Trebor Drive the frontage is 150' or more, but these new homes will only have 135' of frontage. He stated that he looked at the plans earlier today and doesn't understand why lot #2 does not change between the average lot size plan and the parallel plan.

Mr. Church discussed the drainage in the area of Pontiac Trail and Trebor Drive. He noted that it floods a lot. He stated that the residents of Trebor Drive feel that there is already a good transition from the City to the Township and don't feel that it should be changed.

Penny Rau, 60475 Trebor, stated that she has not seen the plan. She expressed concern with the amount of wetlands on the parcel that may be damaged. She noted that Mr. Olson indicated concern with regard to the drain, and wondered if the Township portion of the drain was supposed to also be cleaned out by the developer. She stated that she does not want to see Trebor Drive used as a construction entrance. She stated that if they are going to build on this parcel, they should use Coach House Lane as their construction entrance.

Ms. Rau stated that the developer got the last permit for Trebor Drive and an extra one. She stated that nobody knows how the developer got the extra permit. She stated that she has a big problem with this.

Olga Quesada, 60400 Trebor, stated that it is her understanding that Trebor Drive will be dug up to put in water and sewer pipes that will service this development. She stated that Trebor is their only way out, there is no other entrance or exit. She expressed concern with the fact that her septic is in the front yard of her home.

Mr. Barber closed the public hearing at 8:00 PM.

Mr. Soper felt that the drainage issue is a concern. He noted that this subject has come up before. He questioned if the developer bought a lot that borders Trebor Drive that gives them the right to use Trebor Drive. Mr. Doozan responded that the developer did acquire the property along Pontiac Trail, which happens to border on Trebor Drive. Mr. Soper questioned, if legally, there is only room for one more lot on Trebor Drive. Mr. Doozan responded that according to the Township's Ordinances, there is only room for one more lot. It was noted that the developer would have to go before the ZBA for a variance, if they wanted to build more than one home on Trebor Drive.

Mr. Ostrowski stated that if this project is denied, they can still legally build two homes on Trebor because the condominiums are already approved.

Mr. Barber asked Mr. Seymour if they were to deny this application and it were to revert back to

five homes, with two on Trebor Drive, would the applicant still have to go before the ZBA for a variance. Mr. Seymour responded that the developer would still have a problem complying with the Private Road Ordinance, if they were to build two homes on Trebor Drive, which is a private road. He felt that the developer would have to comply with the Private Road Ordinance.

Mr. Ostrowski noted that their plan was actually approved prior to the adoption of the Township's Wetland Setback Ordinance. He stated that with this submittal they are trying to respect this ordinance by meeting the setback criteria. He stated that even though it is two additional lots, they are trying to make it a better development and comply with the Township Ordinances.

Mr. Ostrowski stated that with respect to two lots on Trebor Drive, he cannot speak to this, but it was approved. Mr. Barber questioned when this was approved. Mr. Ostrowski responded that he believed that it was in 2003. Mr. Barber noted that construction has not yet begun.

Mr. Ostrowski stated that with respect to the drainage, they will comply with whatever the Township Engineer requires. He stated that Carriage Trace wants to be good neighbors. Road issues will all be handled through the Master Deed.

Mr. Barber asked Mr. Seymour if there is something that deals with construction not being started within a certain amount of time. Mr. Seymour responded that permits are valid for a one year. He stated that if construction has not begun within that time, the developer would have to come

back

and get another permit. Mr. Doozan stated that the developer should come in for an extension on the approval, if construction has not begun within the one year time frame. Ms. Marcarello noted that all site improvements shown on the plan, such as the road, sidewalks and landscaping, have been installed and the only things left to construct are the homes.

Ms. Marcarello stated that the road improvements have all been put in and the drainage has

been

constructed.

There was discussion with regard to the cleaning out of the drain. Mr. Ostrowski stated that there may be a County problem with the drain rather than a Carriage Trace problem.

Mr. Barber questioned if sewer and water would still be used for this development, if they were to turn down the seven homes and only five homes could be built here. Mr. Ostrowski responded that he would assume that they would still use the sewer and water.

Ms. James made a motion to recommend denial of the site plan submitted by Carriage Trace, AP-05-04, to the Township Board for the following reasons:

1. The developer has not provided a convincing why the original plan for five homes cannot be followed.
2. The criteria for an Average Lot Size development, as submitted, are not met:
 - a. The open space that is being offered is not acceptable and usable and shouldn't count for much
 - b. The impact on the natural features, specifically the wetlands that are regulated by the MDEQ, are unjustified because the wetlands are in front yards in an area which, in general, has had drainage problems. Reference Chris Olson's March 11, 2005 letter.
 - c. Access is a problem with this design because this plan violates our 20 house limit on private roads.

Mr. Soper supported the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Dome, Williams

Motion approved.

5. **OLD BUSINESS:**

AP-05-02, Quadrants Industrial Building, KFM Industries, Helene Drive, south of Grand River, Conceptual Industrial Plan Review

The applicant was not present.

Ms. James made a motion to table AP-05-02, Quadrants Industrial Building, for up to 60 days. Mr. Soper supported the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Dome, Williams

Motion approved.

Amendments to the Sidewalk and Bicycle Path Ordinance

Mr. Doozan stated that this particular item went to the Township Board accompanied by a memo from Chris Olson. He stated that basically, Mr. Olson recommended that the proposed changes to the Sidewalk and Bicycle Path Ordinance not be adopted by the Board. He stated that the Board did go along with Mr. Olson's recommendation and did not adopt the changes.

Mr. Doozan stated that there are a couple of options:

1. Re-review this and determine if there are other amendments that need to be made for recommendation to the Township Board.
2. Drop this and decide not to go forward with the amendments.
3. If a decision is made to try to revise this again and address the comments made by Chris Olson, the following options are available:
 - a. Go back to the committee and address them.
 - b. Address the comments as a full Planning Commission.

Mr. Doozan briefly explained what Mr. Olson's concerns were with the proposed amendments.

There was brief discussion amongst the Commissioners. It was determined that they would like to have a sub-committee comprised of Planning Commission members and Township Board members to discuss this and come up with the appropriate amendments.

6. **NEW BUSINESS NONE**

7. **MISCELLANEOUS DISCUSSION NONE**

8. **ADJOURNMENT:**

Mr. Barber adjourned the meeting at 8:29 PM.

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary