

**Charter Township of Lyon
Planning Commission
Meeting Minutes
August 10, 2009**

Approved: January 11, 2010 as revised

DATE: August 10, 2009
TIME: 7:00 p.m.
PLACE: 58000 Grand River

Call to Order: Mr. Barber called the meeting to order at 7:00 p.m.

Roll Call: Mike Barber, Chairman
Lise Blades
Michael Conflitti
Jim Hamilton
Sean O'Neil
Carl Towne

Absent: John Dolan, Board Liaison

Also Present: Phillip Seymour, Township Attorney
Chris Doozan, Township Planner
Al Hogan, Building Official

Guests: 47+

1. APPROVAL OF AGENDA

Mr. Doozan added an item in order to schedule a public hearing for a Special Use Approval for AT&T Wireless facility.

Mr. Hamilton made a motion to approve the August 10, 2009 agenda as revised. Mr. O'Neil supported the motion.

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

MOTION APPROVED

2. CONSENT AGENDA

Mr. Towne made a motion to approve the July 13, 2009 minutes as written. Mr.

Hamilton supported the motion.

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

MOTION APPROVED

3. COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS

There were no comments made.

4. PUBLIC HEARINGS

A. AP-09-06, Amendments to Private Road Regulations, public hearing to consider text amendments; discussion and action to follow.

Mr. Doozan reviewed the McKenna Associates memo dated June 10, 2009, which summarized the proposed zoning amendments.

Mr. Barber opened the public hearing at 7:10 p.m. and closed it due to no one wishing to comment.

Ms. Blades asked if these changes would apply to developments that are already approved. Mr. Seymour stated that if a development has not started, then they would have to comply with the standards that are in effect at the time. Ms. Blades was concerned about how many people may be caught up in this gap of time and suggested providing a safety net for projects that have gone through. Mr. Hamilton stated that a Planned Development is not final until the final plan is approved, so it would be subject to whatever changes there were; he felt it should go forward as it is.

Ms. Blades stated that she understood that the Planning Commission does not have jurisdiction regarding the Private Road Ordinances, but she did think that there was consensus among the commissioners that they would prefer to keep those items that they do not have purview over out of the document that is being sent to the Board. Ms. Blades felt that this would be creating a hardship regarding extending a private road from the required 600' to 1000' because if a resident extended the road 400' more feet they would be required to construct the road in full conformance with this ordinance. Mr. Barber explained that all existing private roads are grandfathered in. Mr. Towne agreed with Ms. Blades concerns.

Mr. Doozan explained that he would be happy to separate the zoning provisions from the rest of the document and only pass on the Zoning Ordinances to the Board.

Ms. Blades stated that even those are not under the Planning Commissions purview, she felt it would be beneficial to have more discussions on the private road situations regarding the non-conforming pre existing private roads.

Ms. Blades stated that she is concerned regarding a development that is a continuation of an already established private road or a private road network, or if a private road is the only means of access to that parcel. She gave the examples of Twin Pines and Todd Wyatt's land. Ms. Blades asked if they can include language like "unless it is a continuation of an established private road or if a private road is the only access to it" that would provide a safety net for an incomplete project. Mr. Doozan stated that could be added.

Various scenarios were discussed.

Mr. Barber asked if a variance would be appropriate for the unforeseen circumstance. Mr. Seymour commented that there is a special provision to the Private Road Ordinance that indicates if there is a practical difficulty that the ZBA could be an option in Section 36-47 of the Private Road Ordinance, but Planned Developments are not subject to the Zoning Board of Appeals.

Mr. Hamilton made a motion to table AP-09-06 until the next regular meeting in order to allow Mr. Doozan time to separate the documents and add language. Mr. Towne supported the motion.

Voice Vote:	Ayes:	5
	Nays:	O'Neil
	Absent:	Dolan

MOTION APPROVED

B. AP-09-10, Kirkway Estates, public hearing to consider an amendment to the Planned Development Agreement to allow farming on 93 undeveloped parcels. Located on the north side of 9 Mile, between Chubb and Napier.

Mr. Barber explained that there was uncertainty regarding the status of this case, and it was possible that the applicant has withdrawn the application for farming, but the public hearing would continue.

Mr. Doozan reviewed the McKenna Associates memo dated August 5, 2009. There is concern that the application fails to address significant economic, health and safety, comprehensive planning, and zoning issues. These concerns have been addressed with the applicant, and the applicant would like more time to address the issues.

Mr. Barber opened the public hearing at 7:40 p.m.

Diane Cromwell with Amtrust Financial Services Inc. Ms. Cromwell is the successor/developer for the remaining sites in Phase I. She has met with the homeowners, the Township Planner, and some Township Board Officials. The environmental issues are the major concern, along with the heavy equipment. She also felt that a wetland study would need to be reviewed to see how it would affect the current homeowners. Road maintenance issues

with farming equipment going through Phase I to get to Phase II is also a concern. She is responsible for posting soil erosion permits and cleaning the roads when they are dirty which would affect Amtrust Financial Services, Inc.; it would cost a significant amount of money to keep them clean. She has safety issues for the current homeowners. She is concerned regarding the marketability of the remaining homes. This was not part of the original PD.

Abe Ayoub, 21962 N. Pontiac Trail. Mr. Ayoub stated that this was nothing but a loophole. It was about taxes, and the applicant was looking for a tax break through farming. This is not the proper form for a tax break, and it shouldn't be here.

Scott MacDonald, 52002 Curtis Court. The public safety concerns are paramount but there is another consideration being the project administrator. From a legal point of view, the applicant still needs to get the approval of Amtrust Financial, and the Master Deeds and Bylaws would need to be amended along with the condominium documents. He would hate to see the management deadlocked. This opportunity needs to be taken and open the dialogue and relate to one another and weigh the interests of the concerned parties and maximize their investments.

Jason Roy, 51966 Curtis Court. Mr. Roy's major concern is the safety issue. When they first started farming, they were not told. He explained that the ground had been tilled not 6' from his property, and he has small children. Mr. Barber stated that no one at the Township knew that farming had begun.

Doreena Dufresne, 52237 Carrington Drive. Ms. Dufresne commented that all of the homeowners feel this way, and the chemicals that would be used is a health concern; their kids are their concerns.

Mr. Towne asked for a show of residents from Kirkway Estates. There were 19 residents present.

Mr. Barber stated that since the information was very vague on if this applicant would proceed or not, it would be tabled until next month, and the public hearing would continue to the next meeting. Some of the Commissioners felt the case should not be tabled.

Mary Perczak, 22751 St. James Drive. Ms. Perczak commented that they moved here a month ago and apologized for not knowing the procedures of the State, but to table this position would not be possible. If the applicant was not present to make that request, she asked why it would be tabled.

Mr. Doozan stated that the applicant made the request at an August 4, 2009 meeting and indicated that they didn't know they had to provide additional information and could not provide that information by August 10, 2009.

Gary Grant, 22726 Poppleton Drive. Mr. Grant found out about this when a tractor came into the neighborhood at a relatively high rate of speed as his daughter and some neighborhood kids were playing. As a result, he was very concerned. Their safety, health, and well-being is a

concern as well as their property values. His understanding is that it was approximately \$62,000 a year that the developers are hoping to recoup or not pay in taxes to the Township. He also asked that the Planning Commission consider that there are two high-pressure gas lines that run through the back and through this farm. The gentleman that came out and began farming had no idea that those were located there, and the utility company was never notified.

Mr. Barber closed the public hearing at 8:00 p.m.

Mr. Towne made a motion to deny AP-09-10 Kirkway Estates. Mr. O'Neil supported the motion.

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

MOTION APPROVED

5. OLD BUSINESS

A. AP-07-21, Orchards of Lyon PD, Phase II, consider a request to amend the Planned Development Agreement. Located between Pontiac Trail and Grand River, west of Milford Road (tabled on 7/13/09)

Representing Orchards of Lyon:	Dan LeClair, P.E.
	Randy Sanocki, Milestone Realty
	John Crane, Traffic Study Engineer
	Steve Palms, Attorney

Mr. Doozan reviewed the McKenna Associates memo dated August 5, 2009. He reviewed that the following material has been submitted:

- A traffic impact update, prepared by C&W Consultants, Inc.
- A Traffic Impact Study supplement, dated June 22, 2009
- A letter from Attorney David E. Nykanen (dated June 19, 2009), indicating that the dispute between the Orchards of Lyon Condominium Association and the Carpenters Union Pension Trust Fund relative to completion of the roads in Phase I has been resolved in principle.
- A complete set of plans, which are exactly as those previously considered by the Planning Commission.
- Copies of drawings from the Road Commission for Oakland County, showing the changes the Road Commission would like as a condition of approval of the south entrance onto Pontiac Trail.

Regarding the concern of the proximity of the intersection to Pine View Court, Mr. Doozan

explained that Section 7.03J of the Planned Development regulations contains the following sentence: "The nearest edge of any entrance or exit road shall be located no closer than four hundred (400) feet from any street or road intersection (as measured from the nearest intersection right-of-way line)." Pine View Court to the west is about 200 feet from the proposed road out to Pontiac Trail, measured centerline to centerline. This conflict would seem to preclude the approval of the proposed road, although the applicant has evidence that this regulation has been overridden in the past elsewhere in the Township.

Mr. Palms explained that he felt there was a thorough base of evidence submitted and reviewed. A Traffic Report has been submitted, reviewed and accepted by the Township's Consultant as well as the Oakland County Road Commission. Mr. LeClair has addressed the concern regarding the proximity of the proposed entrance off of Pontiac Trail and Pine View Court and has given several examples in his letter where there are instances in this particular PD plan where that concern has been overlooked or found to be not prohibitive of an approval. The differences with the homeowners have also been resolved in Phase II.

Mr. Palms listed the following positive features that their plan offers:

- * Increase value of the parcel and will increase and improve the tax base of the Township.
- * Benefits the Phase I owners and the community because it offers more open space and curved streets in this development, which they believe slows down the traffic.
- * There are fewer lots impacted by the existing gas line pipeline.
- * Reduces the traffic through Phase I, including the construction traffic.
- * Provides an independent entrance to this development.
- * Adding 116 additional trees.
- * Will participate in the Stormwater District, if approved.

Mr. Towne asked for comments regarding the three roads mentioned in Mr. LeClair's letter dated August 5, 2009, specifically Orchards Lane and New Hudson Drive at Grand River and at Pontiac Trail. Mr. Doozan explained that he was not sure what the specific PD regulations were at the time. One of the other considerations of the entrances onto Grand River at this particular development was that there were two narrow pieces of land that provided access onto Grand River and were the only two places to provide access.

Ms. Blades stated that New Hudson Drive was to reduce and alleviate the traffic at the 5-points intersection; she did not see that this was so much of an entrance into a PD so much as a relief for the congestion and a way in which the Township could get the ring road.

Mr. Towne questioned the Woodwind PD, Hornbrook PD, and Pinehurst PD mentioned in Mr. LeClair's letter. Mr. Doozan stated that he would have to investigate each one specifically but felt that they had certain circumstances that came to play with each one. Ms. Blades commented that she visited each of these sites and felt that anyone could tell the difference between a main entrance due to the lighting, signs and the landscaping versus a second access.

Mr. Conflitti suggested having a temporary entrance and then close it in 2-3 years or when 70% of the subdivision is sold and once that's done the entrance is closed off for good.

Mr. LeClair stated that was something that could be added as an option for the Homeowners' Association once the subdivision is completed. The Orchards of Lyon PD includes Phase I, Phase II, the Pendleton Park Apartments, the loop road, and two lots on the east side which would be inside of the loop road. The loop road was approved as part of the Orchards of Lyon and funded through a Special Assessment. In addition, Pine View Court serves as access for two residents, it's a gravel driveway and there are locations even within this PD where this occurs.

Russ Danielson, 29465 Pine View Court. Mr. Danielson stated that they are the only house that has this road as their address. There is another person on Pontiac Trail that uses the road; it still has access to the property behind it. He questioned if the new ordinance can have a variance on it. He questioned the cost of moving the utility poles. He felt this is a safety hazard

Mr. Doozan explained that the definition of a road is any public or private thoroughfare or right-of-way other than a public or private alley, dedicated to design for travel and access between any land, lot or parcel whether designated as a road, avenue, highway, boulevard or lane, court or any similar designation. As used in this chapter, the term road does not include driveways, which are intended to provide access to a single parcel or single dwelling unit. Mr. Doozan stated that anything greater than that would be a road by definition.

Antonio Ortiz, 57696 Dakota. Mr. Ortiz is in favor of the road. Safety is a critical matter, and he felt that the improved road would be safer. It was under his impression that the roundabout would cut off Pontiac Trail so there would not be as much traffic through there, but it would lessen traffic. He felt the drivers were unsafe, not the road. He felt the houses that would go in would be a tremendous tax base for the Township. He also felt that the 400' provision has been overlooked before. This is important for the community. He also recommended adding speed bumps.

Theresa Danielson, 29465 Pine View Court. Ms. Danielson stated that this was not printed in the paper. Article One of Lyon Township states "Improve and protect the public health, safety and welfare of the residents of Lyon Township." She hoped that each member does that for all of the residents of Lyon Township. She felt this was unfair to the residents. They want the houses, but they don't want anymore accidents or deaths.

Mr. Palms stated that in terms of the expertise that have looked at this roadway, all of them have reviewed the safety issues and have concluded that this road is as safe as any road and meets all of the standards.

Linda Linder 58695 Pontiac Trail. Ms. Linder stated she is not opposed to the road; it's the curve on Pontiac Trail. This was not a practical place for the entrance, not on the curve. She questioned if the studies were done on the whole road.

Bob Briggs, 58580 Pontiac Trail. Mr. Briggs stated that it seems as though it's the residents against Phase I, and that's not the case. They need to work together and need it to be safe for everyone.

Bob Meyers, 60492 Lamplighter. Mr. Meyers' wife was rear ended on Pontiac Trail. He pointed out that Pontiac Trail is a high-speed road and questioned what kind of study was done when the property was developed. Mr. Doozan answered that the access points that are there currently are fine, but the developer would like an access onto Pontiac Trail in order to create a separate identity for Phase II. Mr. Meyer questioned if the study that was done today has been validated. Mr. Doozan stated that it has been validated. They use standard modeling, and it's done by the applicant's consultants.

Mr. Crane stated that they used existing traffic counts from Oakland County Road Commission and the latest SEMCOG traffic counts. They also came out and observed at two peak traffic hours. The observed traffic was somewhat less, so they used the higher counts provided by SEMCOG. The traffic has been less due to the economy. Mr. Crane continued that the creation of a center turn lane as well as a deceleration lane and an acceleration lane would improve Pontiac Trail. Mr. Crane explained the terms "flattening the curve" and "super elevation".

MS. BLADES STATED THAT WHEN THE NUMBER OF ACCESS POINTS ARE INCREASED THEN THE NUMBER OF ACCIDENTS ARE INCREASED, HOW DOES THAT TAKE PLACE WITH THE NUMBER OF INDIVIDUAL DRIVEWAYS FROM ARBORS OF LYON TO GRACE RAE? Mr. Crane stated that it's generally accepted that the more intersections, the more angle accidents. He continued that not having the improvements on the road is more hazardous. With the improvements of the center lane, deceleration and acceleration lane, the traffic along the curve will improve.

Mr. Briggs showed an alternate plan that he felt would work. He reviewed a map that showed locations of accidents and the fatal accidents along Pontiac Trail. He expressed his concern regarding the safety of school buses stopping at that location. He is concerned that there is no provision for a fence around the retention ponds. He is also concerned regarding truck safety and the trucks' inability to stop quickly.

Lisa Rockwell, 57688 Dakota Drive. Ms. Rockwell felt the 400' rule was a safety rule. If they do nothing and leave Pontiac Trail the way it is, the accidents are not going to go away. There is a PD development that has a plan to help and improve the safety of that road. She felt that the problem is the speed limits. She stated that there are many other places that the 400' rule has been overlooked or sacrificed. She felt this is a solution for their subdivision and the other homeowners. She would like to see speed bumps installed as well for safety.

Ken, 59425, Apt. 17, Ten Mile. He felt that the Township needed to look at future traffic intensity. They are talking about 240 homes. An average of two cars per home would mean 880 cars coming in and out everyday. He thought the speed limits could be lowered.

Bob Connor, 57771 Cider Mill Drive. He wants to make this safer. Right now it's a dangerous curve, but he does see that the plans would make it safer and at no cost to the Township. If it's not done, they are stuck with the same dangerous curve that they have had forever. The

danger is the speed. He felt this would be a benefit to Lyon Township.

Nancy Lynch, 58461 Pontiac Trail. Ms. Lynch questioned how much of their property they lose. Mr. LeClair stated none; it would all come out of the right-of-way.

Joel Mallory, 57669 Dakota. Mr. Mallory stated that he had been on the fence but after seeing the design change, he thought this was a win/win situation. He felt it would make the road safer with the improvements. When he moved in 6 years ago, he was told that there would be a 3rd entrance. He felt it would be a good thing.

Mitchell Zilewski, 62041 Tayberry Circle. Mr. Zilewski drives this road a few times a day, and he has heard both sides of the story. He felt that semi truck trips are up. He felt that maybe three lanes were not enough. He stated that this road would affect everyone in Lyon Township, not just the people in the subs.

Tom Gallagher, 60478 Lamplighter Drive. Mr. Gallagher stated that in looking at the plans and listening to the conversations, he can only speak from experience. He lives in Cobblestone Subdivision. He is very concerned about coming out and making a left to go east out of his subdivision. He has clear visibility coming out because he has the luxury of having stop light by Erwin's, so cars have not picked up to full speed yet, but where this subdivision is located the cars would be going full speed. He liked the center lane. He is concerned about the safety with the traffic going east. He felt there was still work to do but liked the improvements.

Tracy Nieto, 57703 Cider Mill Drive. Ms. Nieto stated that she was the first homeowner in Phase I and was told that there would be an entrance on Pontiac Trail. Therefore, she picked a lot that was not on Orchard Lane. All of the fellow homeowners that live on the east side of Phase I are completely opposed to any reconnection to the apartment. It was closed off, and they were told it would not be a connection, as it would only increase vandalism. She is very concerned about her children's safety. They have asked that speed bumps be installed on Orchard Lane. She felt it was a necessity to improve the safety for the children in the area. They need to slow the traffic down. If they do not allow an access onto Pontiac Trail, EMS times would drastically be slower. She has paid a lot of special assessments to pay for the New Hudson Road through the apartments. She did not know why they thought the residents would ever allow the construction traffic of Orchards of Lyon to come through Arbors of Lyon.

MS. BLADES QUESTIONED IF THE \$40,000 WAS CONDITIONAL UPON THE ACCESS POINT COMING OUT TO PONTIAC TRAIL AND DID THE RESIDENT FEEL THAT THE ONLY WAY THEY WOULD GET THE MONEY IS IF THE ACCESS TO PONTIAC TRAIL IS APPROVED. MS. NIETO STATED IT WAS UNCLEAR BUT IT WOULD INCREASE THEIR CHANCES AND they do need the \$40,000 the new builders are offering them.

Mr. Palms stated that they were not the ones that promised the residents anything that was 8 years ago. But they have tried to be as up front with all information as possible.

Ms. Blades asked if the \$40,000 was conditional on the entrance coming out to Pontiac Trail. Mr. Palms stated that they posted a bond sometime ago for a significant amount more than that but with securing a number of improvements throughout the development; it is supposed to

secure the addition of trees. As part of this development, they are putting trees elsewhere, so they thought the \$40,000 that is in escrow with the Township could then be used for the road. If that does not happen then the money stays in escrow for the trees, as opposed to the road.

Bob Henock – Mr. Henock asked where the water would go. Mr. Crane explained that the water would go through the drain system on the other side of Pontiac Trail.

Bob, 57688 Dakota Drive. He is in favor of the new entrance. He asked if the curve is considered a high-risk curve in Lyon Township. He asked about what can be done to lower the speed limit or place signs that alert drivers about a dangerous curve ahead.

Ms. Blades clarified that Mr. Palms represented Stonebrook and asked if that was who would develop it. Mr. Palms stated that he didn't know. They are trying to improve the value of the property. If they were able to develop it, then they would do that. Otherwise, if they can find a builder who would build it out, then they would sell it. Mr. Palms stated it presently was not on the market for sale. Ms. Blades stated that if the site plan is approved, the letter had stated that construction would begin when the economy picks up, so if Stonebrook is approved a final site plan, would Stonebrook be able to begin construction within two years? Mr. Palms stated that he didn't know the answer to that. If the economy turned around then the answer is yes, but it depends on the economy. Mr. Doozan clarified that Stonebrook is not the same company that started the project. Mr. Palms stated that was correct.

Mr. Towne stated that this would improve the road. It is a dangerous road, but with this development going in it would improve the road. He is in favor of it. He has concerns about the water situation and the road being 6" below grade for the homeowners. The decision will come down to the Board of Trustees.

Mr. Conflitti stated that the improved road is a plus, but then there would be the increased traffic, so it's almost a wash. He felt having a temporary entrance would be an option.

Mr. Ortiz stated that Pontiac Trail would be closed at the 5-points, which would reduce the traffic. He wondered if the developer would consider building the homeowners' driveways up so they are even with the roadway and would accommodate the people that are in trouble with the road.

Mr. LeClair stated that they would build, rebuild, or modify exits and driveways to meet the Road Commission's standards, which would include raising the driveway to meet the road.

Mr. O'Neil stated that the approaches or aprons of the driveways would become a paved surface as well; these are the driveways affected by the road modifications. Mr. LeClair stated that was correct, even if the repairs needed to be done beyond those few feet. Mr. LeClair demonstrated on the map where the improvements would be done and which driveways would be done.

Mr. Barber closed the public hearing at 9:50 p.m.

Mr. Barber stated he was in favor of it. He expressed his disappointment that more of the Phase I residents did not attend the meeting. The road looks good, and he can't design it better than the engineers did. The road would be safer with the improvements.

Ms. Blades expressed her concern about having the 400' in the ordinance and setting precedence. **MS. BLADES STATED THAT SHE DIDN'T UNDERSTAND WHY THERE IS AN ORDINANCE THAT SAYS 400' FEET AND SHE UNDERSTOOD THERE IS A DISPUTE OVER IF PINE VIEW COURT IS A ROAD OR A DRIVEWAY BUT ACCORDING TO A LETTER PINE VIEW COURT IS THE ACCESS TO THE 10 ACRE PARCEL OWNED BY TODD WYATT AND IT DOES FIT THE CATEGORY OF BEING A ROAD.** She is concerned that they are looking back at other developments, whether it be Hornbrook or Pinehurst and basing those observations on the current ordinances and when they look at the PD requirements for 2004/2005, there will be different requirements for frontage and access than the requirements today. If the requirement for 400' is part of the requirement, why was it not done before and do they continue to not follow that? Mr. Doozan explained that he would have to look at each one, but he thought there were a number of circumstances that came into play, such as the matter of access; in some cases there is limited access to the property. They have always tried to look at the entire package to what's best in terms of traffic safety and functionality. They have always required a traffic impact studies with all Planned Developments.

Ms. Blades stated that the original plan of Orchards of Lyon was to have an entrance onto Pontiac Trail and Grand River and then the entrance to Pontiac Trail was taken off, and the only way to meet the requirement of two access points was to put two boulevard entrances onto Grand River. Therefore, they have already met the requirement of having two access points. If the entrance is not onto Pontiac Trail, they could still use the connection from **PENDLETON DRIVE** ~~ARBORS OF LYON~~ as a construction entrance. She stated that the goal is to not add traffic to the surrounding main roads, which in this case would be Pontiac Trail.

Ms. Blades stated that she is extremely uncomfortable with this project's approval before the economy picks up. The ordinance states that a Planned Development needs to start within 24 months and to commit a future Planning Commission and Board to a project with no date is a very risky move to make.

Ms. Blades asked if they could approve this conditional upon the capping of the road being done. Mr. O'Neil asked the applicant if they had the ability to contribute more than the \$40,000. Mr. Sanocki stated no, they have tried to be good neighbors. There were issues that were outstanding, and those were fixed without the cost being passed on to the homeowners. They met with the homeowners and have come to a resolution that both parties have agreed with. The residents are willing to accept the money from the tree escrow for the capping of the road. They are also agreeing to participate in the stormwater district on the Phase II property. They have stepped up and at this time they don't see the need to add more.

Ms. Blades expressed her concern about it being used as a cut through and then having people coming back to the Board asking for relief. Ms. Blades also felt that Phase II should share in the

cost of the road with Phase I residents, since they would be a future user of the road.

Mr. Hamilton stated that he understood the concern about making a left hand turn onto Pontiac Trail. He agreed that there would be improvement on the road. He did not think that the Planning Commission should encourage building another entrance onto a road that is within the 400' of Pine View Court. He agreed with Mr. Crane that adding more entrances on Pontiac Trail would result in more accidents.

Mr. O'Neil stated this is a difficult decision, and safety is obviously important. He believed that it would be a safer situation. Never would there be a day when everyone would come in and out of this one entrance. He felt the physical improvements to the road would make it safer. He would ask that some research be done for some type of forewarning signage and have it placed before the curve on either side. He would recommend that be mandated if this were to move ahead. There is concern about the 400' distance, but it was not clear to him if it would apply here. He would rely on the Board to make a decision on that issue. He felt that the pros outweigh the cons, and it would be a safer situation.

Mr. Hamilton asked if the gas lines have been moved. Mr. LeClair stated that they have not moved any of the gas lines. The original plan that was approved a number of years ago, which is still part of the approved PD, has several lots where the rear property line is on top of the pipe. There is a gas line easement, and if the pipeline company decided to come through and maintain their easement, they could take out a resident's patio and not replace it. With the new plan that has been presented, most of the lots have been pulled out of the easement.

Mr. O'Neil asked if the applicant agrees and will comply with all of the conditions of the staff and consultants. Mr. Sanocki stated that they agreed with the July 10, 2009 McKenna Associate's letter and the 7 items listed there.

Mr. Towne stated that he personally would not allow an extension on this project.

Mr. Towne made a motion to recommend approval to the Board for AP-07-21 Orchards of Lyon Phase II amendment Planned Development, and the addition of placing signage on the east and west sides of the entryway to forewarn passing motorists of an intersection. Mr. O'Neil supported the motion.

Mr. LeClair stated it was his understanding that they are asking for an amendment to the original PD. With no action right now, there is a PD that is approved and they can still come in with a site plan for that original PD. When they come in with a site plan and obtain final approval, then they would have 24 months to start, from the approval of the site plan.

Roll Call Vote:	Ayes:	Towne, O'Neil, Conflitti, Barber
	Nays:	Hamilton, Blades
	Absent:	Dolan

MOTION APPROVED

6. NEW BUSINESS

A. Set a Public Hearing for AT&T Wireless

Mr. Towne set a public hearing for AT&T Wireless for the September meeting. Mr. O'Neil supported the motion.

Voice Vote:	Ayes:	Unanimous
	Nays:	None
	Absent:	Dolan

MOTION APPROVED

Mr. O'Neil made a motion to excuse Mr. Dolan's absence. Mr. Towne supported the motion.

Voice Vote:	Ayes:	Unanimous
	Nays:	None
	Absent:	Dolan

MOTION APPROVED

7. ADJOURNMENT

Mr. Barber adjourned the meeting at 10:35 p.m.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary