

Charter Township of Lyon
Board of Trustees
Regular Meeting Minutes
January 7, 2014

Approved: **February 3, 2014**

The meeting was called to order by Mr. Hicks at 7:00 p.m.

Roll Call: Steven Adams
Patricia Carcone
Michele Cash
John Dolan
John Hicks
Sean O'Neil

Absent: Lannie Young

Guests: 28

Also Present: Michelle Aniol, DDA Administrator/Economic Development
Coordinator
Chris Doozan, McKenna Associates
Jennifer Gatti, Township Attorney
Leslie Zawada, Civil Engineering Solutions, Inc.

APPROVAL OF CONSENT AGENDA

Approval of Regular Meeting Minutes of December 2, 2013

Approval of Disbursements

Building Department Report for November 2013

Engineering Report for January 2014

Fire Department Report for November 2013

Zoning Report for December 2013

Acceptance of Grant of Sidewalk Easement from Milford Road West Development
Associates L.L.C. for parcel number 21-04-201-021

Acceptance of Bill of Sale for Water Line from Henrob Corporation

Acceptance of Grant of Permanent Water Main Easement from Henrob Corporation for
parcel numbers 21-02-376-010 and 21-02-376-016

**Motion by Cash, second by Carcone
To approve the agenda as presented.**

**Voice Vote: Ayes: Carcone, Dolan, Adams, O'Neil, Cash, Hicks
Nays: None**

MOTION APPROVED

ANNOUNCEMENTS & COMMUNICATIONS

Treasurer Carcone provided information regarding an employee's son who passed away and also asked for prayers for John Hicks' grandson who was involved in a sledding accident.

CALL TO THE PUBLIC

Hanna Windsor, 52881 Rico Court – She asked for help regarding internet service. She was told when they moved in they would have internet service and they don't. She was told by Comcast to visit the Township Board and request that the Board contact Comcast to bring internet service down Old Plank Road. She provided the contact person's information at Comcast.

Steve Wilkes, 52824 Rico Court – He also stated how important it is to get internet service in this area. He has a home in northern Michigan in the middle of nowhere and has internet service but yet he can't get it here. He asked that the Board call Comcast and request internet service.

Sean Sant, 30711 Old Plank and 30115 Old Plank Road - He explained that he is also representing his Dad and his brother who also lives on the same road. He stated that they approached Comcast and they get the run around and the same with AT&T. He stated that they don't have enough man power to move a large company. He understood that Lyon Township has a license with Comcast that is coming up for renewal so he is hoping that the Township can apply some leverage there. He hoped that now is the time to act and get the Stone Age on Old Plank Road.

Jacqueline Irwin, 52813 Rico Court – She has lived there for 18 years and has tried to get internet service. She has an A student and struggles to do homework and it does affect her financially when she can't work from home. They have a hot spot and have dish and the way it is calculated, their bill is about \$400 per month. Financially it is a burden.

Paul Benedict, 21121 Laser Lane – He asked if there was information regarding the proposed Meijer's on Eight Mile Road and Pontiac Trail. He questioned if the plans have changed. Treasurer Carcone explained that they have been marketing the land and thought that Meijer would be interested but they have not heard from Meijer in a long time.

Mark Mitchell, 21225 Laser Lane – He asked if the Board can discuss the developer who is interested in that property on Eight Mile and Pontiac Trail. Treasurer Carcone stated that she would have to refer to the attorney; there is not an offer or anything. Mr. Mitchell stated his concern that he is the neighbor right there and he is concerned about what will go in there. Treasurer Carcone stated that the back of the parcel is zoned multiple and the front is zoned commercial.

REPORTS

DDA – Ms. Aniol reported that the Henrob Corporation had their Grand Opening. She explained that the tour and meal were first class and the Township is very fortunate to have this corporation in the Township. In 2013 70 employees were hired and they are on track to hire 100 more in 2014. Trustee Adams commented that Henrob is a first class corporation. The History of Lyon project is off and running. The DDA authorized the author of the book to move forward after she has met the 50 hour maximum. The DDA received a request from the DDA Attorney for a small fee increase which was approved. Giffels Webster has been working on a drain study of the New Hudson Drain for the DDA and that drain study has been completed. It confirms that there is sufficient capacity, a full report will be provided at the next DDA meeting. She touched on jump starting the streetscape project.

Fire Chief – None

Sheriff – None

Planning Commission – None

ZBA – None

Park Advisory Board – None

APPROVAL OF AGENDA

**Motion by Cash, second by Carcone
To approve the agenda as presented.**

**Voice Vote: Ayes: Unanimous
 Nays: None**

MOTION APPROVED

UNFINISHED BUSINESS

A. Second Reading of the Ordinance for Retail and Services Uses in the Industrial District

Mr. Doozan explained that there are no changes to the document and it is in the appropriate format for adoption.

**Motion by Cash, second by O’Neil
To Adopt Ordinance 01-14 known as the Commercial Recreation Facilities Ordinance.**

Roll Call Vote: Ayes: Adams, Cash, O’Neil, Dolan, Hicks, Carcone
Nays: None

MOTION APPROVED

B. Second Reading of Recreation Facilities in Industrial Districts

Mr. Doozan stated there has been one change that added trampolines.

Motion by O’Neil, second by Carcone
To adopt Ordinance 02-14 known as the Accessory Retail and Service Use of 2014 .

Roll Call Vote: Ayes: Dolan, Carcone, Hicks, Cash, O’Neil, Adams
Nays: None

MOTION APPROVED

C. Second Reading of Zoning Regulations for New Hudson

Mr. Doozan stated that there were a few revisions where drive thru and drive in restaurants are permitted on Lyon Center Drive East between the Huron Valley Trail and Grand River Avenue and one amendment which removes Article 30.00 and Article 41.00. Trustee Dolan questioned the requirement of a special land use.

Motion by O’Neil. Second by Carcone
To adopt Ordinance 03-14, Zoning Regulations for New Hudson including eliminating a special land use as a requirement for a drive thru business.

Roll Call Vote: Ayes: Adams, O’Neil, Dolan, Carcone, Hicks, Cash
Nays: None

MOTION APPROVED

D. Second Reading of Amended Utility Ordinance to include the Industrial Pre-Treatment Program (IPP)

Ms. Zawada explained that the second reading includes some additional language required by the DEQ and the EPA Model Ordinance. Also, a discrepancy for the definition of a lateral benefit charge was addressed.

Motion by Cash, second by Dolan
To adopt Ordinance 04-14 known as Water and Sewage Ordinance of 2014.

Roll Call Vote: Ayes: Cash, Adams, O’Neil, Hicks, Carcone, Dolan
Nays: None

MOTION APPROVED

E. Resolution Adopting Industrial Pretreatment Program (IPP)

Ms. Zawada explained that the resolution includes the following documents as part of the resolution:

1. Local limits study
2. Industrial User List and Survey Results
3. Enforcement response plan and matrix
4. IPP procedures
5. Sewer use ordinance
6. Discharge permit application form and standard report form
7. Sewage discharge permit form

Motion by Cash, second by Adams
To approve Resolution 2014-02, Amended Resolution adopting an
Industrial Pretreatment Program.

Roll Call Vote: Ayes: Dolan, Carcone, Adams, Cash, Hicks, O’Neil
Nays: None

MOTION APPROVED

F. 10 Milford 18 Preliminary Planned Development Review; AP 13-10

Mr. Doozan reviewed the McKenna Associates memo dated 12/31/13. He explained the following concerns were identified:

1. The benefits of the project to the community must be identified and documented.
2. The traffic impact study must be revised as noted in item 3 on page 3 and 4 of the McKenna Associates letter.
3. Transportation related concerns identified on page 4 of the McKenna Associates letter must be resolved.
4. The Township Board must make a determination that the deviations from the Master Plan are justified and are in the public interest.
5. The economic impact of the project must be addressed. A proper fiscal impact analysis is required.
6. Upkeep of open space must be addressed.
7. The Township Board must make a determination that a 43% increase in residential density is justified, based on the benefits of the project.
8. The following missing items must be provided; exterior lighting specifications,

sign information (if available), a dumpster screening details and childcare fence details (“decorative” is a generic term that needs further definition).

Also, since the plans have changed to such an extent since the Planning Commission reviewed them in August, an option the Township Board should consider is sending the plans back to the Planning Commission for reconsideration.

Mr. Josh Segan from Versa Development gave a brief overview of the project. He explained that the plan has mostly stayed the same other than they did take the lot count down to 16. He stated that a revised traffic impact study was submitted as well. He explained that lot 9 is fairly large now because the existing homeowner is interested in purchasing that lot. He explained that they are providing necessary services to the increasing population in the area. There are national tenants looking into the area and the Day Care is a great addition to provide services to the area. He explained that this property was rescued and the tax revenue will be increased. He did not think an additional 16 lots would be an added burden to the school district.

Trustee Hicks commented that the west side of Milford Road is full now. He questioned what the plans are for the final quarter of that project. Mr. Wyett stated that they can't do anything with that final quadrant. He stated no one wants to be that far off the road. They can't find any commercial tenants. He hoped a medical use may be interested at some point.

Trustee Adams stated that he is concerned with 10 Mile Road and the traffic. The roads have not been developed and he felt it would be a safety issue. There was brief discussion regarding the Boards concerns with the traffic.

Ms. Zawada recommended before final PD documents are set that the applicant meet with the Road Commission since curb cuts/work within the right of way are subject to Road Commission requirements and review. Treasurer Carcone stated that she is also concerned about the length of the cul-de-sac as well as having more than one entrance.

Mr. Wyett stated that they are complying with the open space requirement and it will be maintained. He stated that most people don't want the expense of the open space.

Mr. Wyett stated that the existing house is still being used for the Fire Department, but it will be torn down.

Trustee O'Neil stated his concerns that everything is followed procedurally and the Planning Commission did not see this revised plan. Mr. Wyett stated that they will go back to the Planning Commission to get approval after getting preliminary from the Board.

Clerk Cash asked if there is fencing that will go up regarding the detention areas. Ms. Zawada stated that there will be no fencing.

Trustee Hicks stated that the cul-de-sac is listed as 50' but it should be 60'. Mr. Wyett stated he will make that change.

**Motion by Carcone, second by Adams
Approve AP-13-10; 10 Mile 18 Preliminary Planned Development Review
with the addition of McKenna Associates memo 12/31/13 and CES memo
dated 12/30/13.**

**Roll Call Vote: Ayes: Dolan, O'Neil, Cash, Hicks, Adams, Carcone
Nays: None**

MOTION APPROVED

NEW BUSINESS

A. Stoneleigh West Preliminary Planned Development Review, AP-13-30

**Representing Stoneleigh West: Andy Millia
Randy Wertheimer
Duane Bennett**

Mr. Doozan reviewed the McKenna Associates memo dated 12/30/13. Mr. Doozan stated that if the Township Board is prepared to take action on this preliminary Planned Development plan, he recommends that approval be made subject to the following conditions:

1. The Landscape Planting Plan shall be revised as noted in the McKenna Associates memo dated 12/30/13.
2. The Planned Development Agreement must be reviewed and approved by the Township Engineer. .

Ms. Zawada referenced the CES memo dated 12/30/13. She explained that the items are relatively minor but should be addressed prior to submitting for final approval.

Mr. Millia explained that this plan was approved by the Planning Commission. He also stated that they agree with Mr. Doozan's and Ms. Zawada's comments and will incorporate those into the final submission.

Trustee O'Neil questioned the reduction of some of the setbacks. Mr. Doozan stated that there was not a solution other than to change the product type and everyone is comfortable with the product. The Board agreed with the reduction of the setbacks on some of the lots. Mr. Doozan stated that a 32' setback should be maintained. Mr. Millia stated that the reduced front and rear yards will be part of the agreement.

Motion by O'Neil, second by Carcone

To approve AP-13-30 subject to the applicant meeting the recommendation from the McKenna Associates memo that the landscape plan shall be revised as noted and the Planned Development Agreement must be reviewed and approved by the Township Engineer and the reduced front and rear setbacks that are part of the Planned Development Agreement also be approved for lots 4-11 and 12-19. Also to include the CES memo dated 12/30/13.

Roll Call Vote: **Ayes: Adams, Cash, Hicks, Carcone, O'Neil, Dolan**
 Nays: None

MOTION APPROVED

B. Rathmor Park PD Conceptual Review, AP-13-39

Representing Rathmor Park: Karen Brown
 Andy Millia
 Mike Powell

Mr. Doozan reviewed the McKenna Associates memo dated 12/20/13.

Ms. Zawada reviewed the CES memo dated 12/27/13.

Treasurer Carcone stated she is concerned with the side yard setbacks.

Ms. Gatti stated that Mr. Quinn is concerned about the sidewalks that the deviation from the ordinance especially where the intersection to the entrance on Napier that there should at the very least be sidewalks and better signage directing traffic to the interior sidewalks. She stated that all of the access should be coordinated with the development that is happening in Novi.

Ms. Zawada felt that the intersection improvement would improve the drainage as well. It's a natural low depression and wetland and she felt the Road Commission project should improve things. Ms. Zawada stated that she did not know the Road Commission's scope.

Mr. Millia stated that they had a very good meeting last month with the Planning Commission and have also met with the Road Commission and received input. He gave a brief overview of the project. He explained that a sizeable contribution will be made to the road fund at 10 Mile and Napier. Multiple access points will be provided as well. 41% of open space will be provided as well. High end homes are proposed. He reviewed the significant view shed and wetland areas. He stated that every lot backs up to open space or common area. The side yard setbacks are being proposed to go to 5' to 20'.

Trustee O'Neil suggested looking at the future land use map and amend the 1 acre lots where the density does not fit. Trustee Dolan agreed.

The applicant thanked the Board for their time and comments.

C. Resolution Adopting Utility Fee Schedule

Ms. Zawada explained the fee schedule.

**Motion by Cash, second by Carcone
To approve Resolution 2014-01 Adopting an Amended Utility Fee
Schedule.**

**Roll Call Vote: Ayes: Hicks, Carcone, Adams, O'Neil, Dolan, Cash
Nays: None**

MOTION APPROVED

ADJOURNMENT

**Motion by Carcone, second by Cash
To adjourn the meeting at 9:29 p.m.**

**Voice Vote: Ayes: Unanimous
Nays: None**

MOTION APPROVED

The Board of Trustees meeting was adjourned at 9:29 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary

Michele Cash

Michele Cash
Lyon Township Clerk