

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

Approved: March 3, 2014

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

Roll Call: Steven Adams, Trustee  
Patricia Carcone, Treasurer  
John Dolan, Trustee  
John Hicks, Trustee  
Sean O'Neil, Trustee  
Lannie Young, Supervisor

Absent: Michele Cash, Clerk

Guests: 36

Also Present: Chris Doozan, McKenna Associates  
Jennifer Gatti, Township Attorney  
Leslie Zawada, Civil Engineering Solutions, Inc.

**APPROVAL OF CONSENT AGENDA**

Approval of Regular Meeting Minutes of March 3, 2014  
Approval of Special Board Meeting Minutes of March 11, 2014  
Approval of Disbursements  
Building Department Report for February 2014  
Engineering Report for April 2014  
Fire Department Reports for February 2014  
Sheriff Tri-annual Report  
Zoning Reports for March 2014  
Acceptance of Sanitary Sewer Easement and Water System Easement from S.E.  
Michigan Land Holding LLC for Saddle Creek Phase 3  
Metro Act Right of Way Permit Extension with AT&T  
RCOC Township Dust Control 2014

Trustee O'Neil suggested removing the Metro Act Right of Way Permit Extension with AT&T in order to clarify information.

**Motion by O'Neil, second by Hicks  
To approve the Consent Agenda as revised with the removal of the Metro  
Act Right of Way Permit Extension with AT&T**

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

**MOTION APPROVED**

## **ANNOUNCEMENTS AND COMMUNICATIONS**

Trustee Hicks reported that 81 years ago today Utah became the 38<sup>th</sup> State to ratify the 21<sup>st</sup> Amendment which ended prohibition.

### **CALL TO THE PUBLIC**

**Maureen Quinn, 57246 Elk Run West** – Ms. Quinn explained that they are experiencing the same problems with the removal of the gate that they had before the gate was installed. There is a high volume of traffic that comes through. The noise is loud, there is trash all over. It is no longer a private road and it's not fair that they have to maintain the road when it's clearly a public road. They would like to put the gates back up and work things out with the house people. Supervisor Young explained that the Homeowners Association has to make a decision by resolution. He suggested getting the two boards together and to make a unified request to the Board.

**Darrin Wesley, 26673 Elk Run East** – Mr. Wesley commented that he agreed with Ms. Quinn's comments and he stated that not everyone was notified that the gate was coming down. He stated that not everyone on the house side wanted the gate to be taken down.

### **REPORTS**

**DDA** – In the process of replacing our Economic Development Coordinator and Chris is filling in at this time.

**Fire Chief** – Chief Van Sparrentak presented a certificate of recognition to Morgan Rapp who responded to a neighbor in need on March 4, 2014. Chief Van Sparrentak also reported that he attended a meeting along with Deputy Chief Berry in Lansing to solicit grant funding and they are conducting a live flash over training on Saturday May 10<sup>th</sup> with neighboring fire departments.

**Sheriff** – None

**Planning Commission** – Trustee O'Neil reported that the following items were approved at the last Planning Commission meeting:

Stoneleigh West

Parkside Village

Hutto Text Amendment

Spring Meadows

Quadrants

Kettle Road Forest Management Plan

Also, Trustee O'Neil reported that Shirley Baker made a request regarding the Lyon Township Park sign, on Eleven Mile and Milford Rd., to either remove it or add "future" to the sign.

**ZBA** – None

**Park Advisory Board** – Trustee Hicks reported that the Kelly Miller Circus was cancelled and there will be no millage for the proposed Community Center on the primary ballot. The Zombie Run will be held June 11-15. Treasurer Carcone explained that the Community Center Committee decided to set the project aside for now and they will meet back up in September to brainstorm.

### **APPROVAL OF AGENDA**

An Executive Session was added for Attorney Client Privilege Correspondence and the Metro Act was added as item J.

**Motion by Adams, second by Hicks  
To approve the agenda as amended.**

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

### **MOTION APPROVED**

### **UNFINISHED BUSINESS**

#### **A. Second Reading Tanglewood Greenbrier Planned Development – Final Review**

Mr. Doozan reviewed the McKenna Associates memo dated March 23, 2014. Mr. Doozan also reviewed an update to the March 23, 2014 memo dated April 7, 2014 and he explained that he has met with the Township Attorney, Mr. Quinn regarding the Planned Development Agreement and it's now in a form that they would recommend approval. Mr. Doozan stated that the applicant has withdrawn the request for a model home which was proposed which resolves that issue. Also, with the withdrawal of the model home request the basis for the renegotiating the amount of money for the road paving has been diminished. Since those three items have been addressed it is the recommendation to approve.

Supervisor Young questioned under the PD Agreement, he thought the \$350,000 would be submitted before pre-construction and in the agreement it states before the first building permit. Mr. Doozan stated the reason is that it is consistent with the motion that was made a year ago. Mr. Langan stated that could be revised, they had no problem submitting the funds before preconstruction.

Trustee Adams stated that the applicant has selected the premier property in the Township. The Planning Commission recommended that Chubb Road be paved completely. The initial offer was \$350,000 which would fall short of paving to the entrance. The engineers estimate it would cost \$500,000 to pave it to the east

entrance. Trustee Adams submitted photos of Chubb Road and explained how the road conditions will give an unfavorable view to the first class development. He stated that County Club Drive is already crumbling and the exit is sinking. He asked that the developers consider paving the extra feet and pave Chubb Road to the east entrance of the development.

Treasurer Carcone stated she agreed with Trustee Adams and felt it was a disservice to the development but she understood why. She hoped along the way that they might reconsider paving it. Mr. Langan stated that at this time they are not ready to make that commitment.

Trustee O'Neil commented that the majority of the Board did not want to wait and leave the money sitting in the fund, he would like to see it paved as soon as feasible. If the developer sees the benefit of paving it to the entrance it wouldn't be too late to join with the Township to do that and he would anticipate the applicant's total cooperation in this effort and pave it as far as they can to the benefit of everyone. Supervisor Young stated that they also would not want to put that new road under construction if it would be used for construction traffic. Trustee O'Neil stated that the construction can't continue to delay the construction of the road for an undetermined length of time.

Ms. Gatti explained that legally the conditions that were set forth in the March 3 meeting have been met.

Trustee Dolan stated that he felt paving the road would be in the best interest of everyone and he felt the paving of the road will be forced by the new residents of the development.

Mr. Langan explained that the appropriate dates should be inserted into item 2C, which would be March 3, 2014 for the first reading and April 7, 2014 for the second reading and in item 26, second paragraph it should say 8 not 8.

**Motion by O'Neil, second by Dolan**

**To approve the 2<sup>nd</sup> Reading of Tanglewood Greenbrier subject to the amendments to the development agreement as stated by Mr. Langan. As well as the Zoning Map Amendment inclusion and noting that all of the previous conditions that were required have been met and the road dollars are submitted at the time of the pre-construction meeting of the first phase.**

**Roll Call Vote:      Ayes: O'Neil, Carcone, Hicks, Dolan, Young  
                             Nays: Adams**

**MOTION APPROVED**

## **NEW BUSINESS**

### **A. Stoneleigh West Planned Development – Final Review; AP-13-30**

Mr. Doozan reviewed the McKenna Associates memo dated March 13, 2014 and recommended that the Township Board approve the Final Planned Development Review and Planned Development Agreement for Stoneleigh West (AP-13-30), subject to final engineering approval and subject to execution and recording of the Planned Development Agreement.

Ms. Zawada referred to the CES memo dated March 17, 2014.

Mr. Millia stated that he is in agreement with both the CES memo and the McKenna Associates memo.

**Motion by O’Neil, second by Hicks  
To approve the first reading of the Stoneleigh West Planned Development –  
Final Review; AP-13-30 considering the Zoning Map Amendment and the  
CES memo dated 3/17/14 and the McKenna Associates memo dated  
3/13/14.**

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

## **MOTION APPROVED**

### **B. Parkside Village Planned Development – Preliminary Review; AP-13-38**

Mr. Doozan reviewed the McKenna Associates memo dated March 23, 2014. Mr. Doozan stated that consistent with the Planning Commission’s recommendation, he recommended that the Township Board approve of the preliminary plan for Parkside Village (AP-13-38), subject to the following conditions.

1. An irrigation system layout must be submitted prior to final plan review.
2. Preliminary and final planned development review and approval shall be required for the Townes at Parkside and the Village Center at the time these elements are ready to move forward.
3. Engineering approval shall be required.
4. Sidewalk crosswalks shall be provided as noted on page 7 of this letter.
5. Approval of work in the Huron Valley Trail right-of-way shall require the approval of the Western Oakland County Trailway Management Council and the Michigan Department of Natural Resources.
6. Issues related to the Oakland/Southwest Airport must be resolved prior to final approval.

Mr. Doozan also referred to page 5 of the memo concerning the compatibility with adjacent uses. The Planning Commission expressed serious concerns about the proximity of the development to the existing and future industrial land use with the

greatest concern being the presence of Continental Aluminum.

Ms. Zawada referred to the CES memo dated March 26, 2014 and explained that the applicant must address the referenced items prior to submitting Final PD for Planning Commission and Board consideration.

Trustee O'Neil explained that he voted no at the Planning Commission regarding this issue due to his strong concern regarding Continental Aluminum and the Walbridge property that is zoned I-1 and I-2. He felt it would be poor planning and he cannot support moving this project forward. However, he explained that the Planning Commission also felt there were benefits to the project such as the many homes in the vicinity of the downtown, a sizeable park, pedestrian connection and the style of homes.

Trustee Adams agreed and also felt that the lots are too small. He is also concerned with the impact of over 7000 trips per day regarding traffic and felt this would be bad planning.

There was discussion amongst the remaining Board members regarding the zoning of the industrial property and the concerns that Continental Aluminum pose to the community. There was also discussion regarding the downtown plan and the amount of rooftops that are needed in the area in order to create a downtown area as planned.

Mr. Fingerroot from Pinnacle Homes explained that he has participated in meetings with Continental Aluminum and they are working on ways to mitigate the odor and they want to address the issue head on. He explained that the property to the east also has a vested interest and he has had meetings with Walbridge regarding how I-2 interrelates to single family homes. It was communicated to Mr. Fingerroot that Walbridge is very willing to meet with the Township to get some type of transition from the I-2 to the residential and if transitional zoning was an option it would be good for everyone involved.

Trustee Hicks stated that there are not any issues with the product and any approval would have conditions attached.

Supervisor Young suggested that the Board consider the application for Parkside Village based on two contingencies.

1. The preliminary approval subject to mitigating the odor from Continental Aluminum to the Township Board's satisfaction.
2. Subject to mitigating the problem with the I-2 adjacent use and compatibility with the residential to the Township Boards satisfaction.

Trustee Adams explained his concern regarding traffic.

Mr. Fingerroot explained that they are adding tapers, acceleration and deceleration lanes along Milford Road and the public benefits overall need to be looked at as a whole instead of piece meal. There will be public benefit if they can mitigate the odor from Continental Aluminum, and if they can get transitional zoning between residential and

I-2 and in addition there will be off site sanitary and a mile west of the property there will be drain improvement.

**Motion by Hicks, second by Dolan**

**To approve the Parkside Village Planned Development – Preliminary Review; AP-13-38 contingent on the following three items:**

- 1. Mitigation of Continental Aluminum odors to the Township Board's satisfaction.**
- 2. Mitigation of the I-2 Zoning to the east of the property.**
- 3. All comments in the CES memo dated 3/26/14 and McKenna Associates memo dated 3/23/14**

**Roll Call Vote:      Ayes: Dolan, Carcone, Hicks, Young  
                             Nays: Adams, O'Neil**

**MOTION APPROVED**

**C.      Rathmor Park Planned Development – Preliminary Review; AP-13-39**

Mr. Doozan reviewed the McKenna Associations memo dated March 23, 2014. It was recommended that the Township Board approve the preliminary plan for Rathmor Park planned development subject to the following conditions:

1. The layout of the irrigation system shall be illustrated on the landscaping plan prior to final approval.
2. The developer shall contribute \$185,000 to the Township Road Fund for the benefit of the Ten Mil and Napier Road intersection improvements.
3. The wetland permit shall be submitted prior to final planned development review.
4. The developer shall contribute \$50,000 for tree preservation efforts in the Township.
5. The developer shall place funds in the Bicycle Path and Sidewalk Development Fund to cover the cost of constructing the bike path eastward to the corner of Ten Mile and Napier Roads after the road improvements are completed at this intersection. In addition, the developer shall place funds in the BPSDF to cover the cost of constructing a bike path along Napier Road. The cost of construction shall be estimated by the Township Engineer.
6. The note specified above required number of trees required on each lot shall be added to the sheet titled Street Tree and Interior Planting Plan.
7. Lots included in Phase 1 should be identified.

Ms. Zawada referred to the CES memo dated 3/28/14 and explained that the proposed retention basin has concerns as well as the water main fire flow. There are also significant concerns regarding the stormwater system in the proposed ponds and basins and there are upcoming meetings to resolve those concerns. She stated that she has no issue if the Board takes action but if there are changes to the lot layout or streets

then the application should return to the Planning Commission for further review.

Mr. Andy Milia stated that he did receive the letters from the planner and engineer and he is in agreement with all comments and all concerns will be resolved.

Trustee O'Neil stated that from the time of conceptual the plan has changed and this is a much cleaner layout. He liked the internal walking path and the stub streets to the north and west. Trustee Adams also commented that he liked the plan.

**Motion by Carcone, second by Adams  
To approve Rathmor Park Planned Development – Preliminary Plan Review;  
AP-13-39 subject to the comments in the McKenna Associates memo dated  
3/23/14 and the CES memo dated 3/28/14.**

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

**MOTION APPROVED**

**D. Setback Modifications in the Cottages of Mill River**

Mr. Doozan reviewed the McKenna Associates memo dated March 18, 2014. The recommendation is that the Township Board approves the amendments to the Consent Judgment for Mill River specified in the memo, subject to preparation of the necessary documents by the Township Attorney, and authorizes the Township Supervisor to execute the documents on behalf of the Township.

Supervisor Young explained that he is not in favor of the sideyard cantilever.

Mr. Palazzolo explained that the plans are the same with just some minor modifications.

**Motion by Carcone, second by Dolan  
To approve the setback modifications in the Cottages of Mill River as  
stated in the McKenna Associates memo dated 3/18/14 minus the sideyard  
cantilevered floors and also with the approval subject to the necessary  
documents by the Township Attorney, and authorizes the Township  
Supervisor to execute the documents on behalf of the Township. Also, in  
item B of the McKenna memo, porches may encroach up to 3' into the  
front setback.**

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

**MOTION APPROVED**

**E. Appointment to the Park Advisory Board**

**Motion by Hicks, second by O'Neil  
To appoint Laura Haynes to the Park Advisory Board.**

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

**MOTION APPROVED**

**F. Resolution of Property Acquisition for Griswold Road paving Improvements**

Ms. Gatti explained based on Federal Grant Funding this resolution is needed to obtain appraisals of the property and negotiate any possible purchases of the property.

**Motion by Dolan, second by O'Neil  
To adopt Resolution 2014-09 Property Acquisition for Griswold Road paving Improvements.**

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

**MOTION APPROVED**

**G. Hutto Text Amendment – Mobile Home Park District; AP-14-04**

Mr. Doozan reviewed the McKenna Associates memo dated March 25, 2014. Regarding the truck rental use he reviewed the three options to resolve the truck rental issue. He also recommends that Section 28.02(B) (1), which identifies special land uses permitted in the Mobile Home Park District be revised to read as follows:

1. Mini-warehouses and related ancillary uses, such as truck rental, subject to the requirements in Section 19.02(T).

Regarding text amendment 2, Mr. Doozan explained that his would be a new provision that would allow RV storage as a special land use in the Mobile Home Park District.

Mr. Hutto explained that these amendments will bring the existing uses, which have been in use for 15 years, into compliance and they will continue to expand storage facility as planned. Mr. Hutto explained that they will continue to build out the site as planned. He commented that there are approximately 1.5 vans/trucks on site at any given time on average. He confirmed that the RV storage is a legal non-conforming use.

**Motion by O'Neil, second by Dolan**

**To approve the first reading of AP-14-04 and move the MHPD text amendment to the Zoning Ordinance to a second reading.**

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

**MOTION APPROVED**

**H. Hirata Corporation of America – Application for Industrial Facilities Exemption Certificate**

Mr. Doozan reviewed the McKenna Associates memo dated March 27, 2014.

Mr. Peek provided an overview of the business and explained that this is a large undertaking for the company. He stated that they anticipate providing 39 additional full time jobs that are not minimum wage jobs, but jobs that pay well and offer lucrative benefits. He stated that they are chomping at the bit to get going and start buying equipment.

After discussion the Board agreed that the physical cost was minimal and the risk was well worth it to obtain 39 jobs.

Ms. Eaton and Mr. Stephens thanked the Board.

**Motion by O'Neil, second by Dolan**

**To adopt Resolution 2014-10 approving application of Hirata Corporation of America for Industrial Facilities Tax Exemption Certificate.**

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

**MOTION APPROVED**

**I. Lawn and Tree Care Services for 2014**

Mr. Doozan reviewed the McKenna Associates memo dated March 31, 2014 which outlined the mowing locations and proposed prices per cut with Total Lawn Care.

**Motion by O'Neil, second by Carcone**

**To recommend that the Township enter into an agreement with Total Lawn Care, Inc. for lawn and tree care services for 2014 as outlined in the McKenna Associates memo dated March 31, 2014 and the estimate from Total Lawn Care, Inc. dated March 28, 2014.**

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

**MOTION APPROVED**

**Motion by O'Neil second by Hicks  
To retain Brien's Service Inc. for 2014 for the Lyon Township maintenance  
pertaining to cutting lawns for enforcement purposes.**

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

**MOTION APPROVED**

**J. Metro Act Right of Way Permit Extension with AT&T**

Trustee O'Neil questioned the annual monetary consideration. Ms. Gatti explained that it won't change because it is a renewal of five cents per linear foot and Townships get 25% reimbursed from the State. Supervisor Young stated that he will provide that final number to Trustee O'Neil

**Motion by O'Neil, second by Dolan  
To approve the Metro Act Right of Way Permit Extension with AT&T.**

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

**MOTION APPROVED**

**Motion by Carcone, second by Hicks  
To recess the regular meeting at 9:32 p.m. to move into Executive Session**

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

**MOTION APPROVED**

The Board of Trustees moved into Executive Session at 9:37 p.m. for Attorney Client Privilege Correspondence.

**ADJOURNMENT**

**Motion by Hicks, second by Carcone  
To adjourn the Executive Session at 9:47 p.m.**

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

**MOTION APPROVED**

Supervisor Young re-opened the regular meeting at 9:48 p.m. and due to no further business adjourned at 9:48 p.m.

**ADJOURNMENT**

**Motion by Adams, second by Hicks  
To adjourn the meeting at 9:48 p.m.**

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

**MOTION APPROVED**

The Board of Trustees meeting was adjourned at 9:48 p.m. due to no further business.

Respectfully Submitted,

*Kellie Angelosanto*

Kellie Angelosanto  
Recording Secretary

*Michele Cash*

Michele Cash  
Township Clerk