

Charter Township of Lyon  
Planning Commission  
Regular Meeting Minutes  
October 13, 2014

Approved: October 27, 2014

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

Roll Call: Ed Campbell  
Michael Conflitti, Chairman  
Kris Enlow  
Sean O'Neil  
Carl Towne, Vice-Chairman  
Jim Chuck

Guests: 48

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

**APPROVAL OF AGENDA & APPROVAL OF CONSENT AGENDA**

- A. September 22, 2014 Meeting Minutes
- B. A-14-51, Dohany Tree Preservation Permit

**Motion by Chuck, second by Towne**

**To approve the agenda as presented and the Consent Agenda as presented.**

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

**MOTION APPROVED**

**COMMENTS FROM PUBLIC**

Mr. Chuck reported that the Township was featured as the hot spot in the newspaper. He felt that shows that things are happening in the Township, and it's a good sign for the Township.

**PUBLIC HEARINGS**

1. **AP-14-45b, AT&T Wireless Tower – Special Land Use and AP-14-45a, AT&T Wireless Tower – Site Plan Review. Property located on the northwest corner of 10 Mile and Milford Road (Shoppes of Lyon). Public hearing to consider a special land use request to allow a proposed 140' monopole**

**tower.**

**Representing AP-14-45b: Wallace R. Haley, Haley Law Firm**

Mr. Doozan reviewed the McKenna Associates memo dated October 1, 2014 regarding the special land use. The following issues were raised:

1. Compatibility of the tower with surrounding residential land, particularly with respect to possible aesthetic and economic impact on residentially-zoned land to the north.
2. Compatibility with the zoning ordinance, particularly with respect to tower height.
3. The need for more detailed coverage maps.

Mr. Doozan also reviewed the McKenna Associates memo dated October 1, 2014 regarding the site plan. The review identified the following issues:

- 1 A variance shall be required or the height of the tower must be decreased to satisfy the setback equipment on the north.
- 2 Clarification is required regarding location of future collocator equipment cabinets.
- 3 Landscape screening around the equipment enclose is required.
- 4 The proposed maintenance plan is subject to review by the Township Attorney.
- 5 Comprehensive long-term maintenance plan is required.
- 6 A removal plan/agreement is required.

It was recommended that the applicant address items 2 through 6, above, prior to approval. If these items can be addressed to the Planning Commission's satisfaction, then it was recommended to approve the site plan for AT&T Mobility (AP-14-45), subject to the following conditions.

1. Seeking a setback variance or decreasing the height of the tower.
2. Review by the township Attorney and Township Engineer.

Ms. Zawada referenced the CES memo dated October 9, 2014. She explained that the applicant is required to submit a detailed grading plan of the site.

Ms. Elowsky explained that if the Planning Commission approves the application then a maintenance agreement and a removal agreement must be provided.

Mr. Haley explained the increase of cell phone usage over land lines and that residents now expect their phone to work in residential areas. There has been a change in expectations in how cell phones are used. He explained that the proposed site is zoned B-2 commercial, and the only commercial point in this area is Shoppes of Lyon. He explained that this is a major intersection with heavy traffic and stated that the tower is more appropriate in this location instead of a residentially-zoned parcel in that area.

Mr. Haley explained that the towers are designed with pre-engineered stress points and

in any catastrophic weather the element would crimp over onto itself and 50% of the height would be the fall zone. He had no doubt that the tower would fall onto itself and on that property. He offered to provide a fall zone letter stating those facts.

Mr. Haley stated that the tower would be much better off on the commercial property. He stated that a tower cannot be hidden and the tower will be visible but screening will be done at the base of the tower. He explained that most towers are above 140' and the objectives for the colocations were met at 130', 120' and 110'. Given the poor coverage in this area he felt the tower would be a high use colocator.

There was discussion regarding the chosen location and the possibility of using a type of hidden tower. Mr. Haley explained that hidden towers are doable if that is the way the Township would want to go.

**Motion by Towne, second by Enlow  
To open the public hearing at 7:33 p.m.**

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

**MOTION APPROVED**

**Bryan Smith, 57350 Ten Mile Road** – Mr. Smith stated that he opposes the tower. He is concerned with the health concerns due to the RF emissions from the tower. He lives one house away and doesn't want to deal with it and look at the tower. He likes the hidden tower idea. He is not sure why this location was picked. The ground is really low in that area, and there are other sites that are higher that wouldn't require such height.

**Mike Scitaro** – Mr. Scitaro explained that he is building a home in Stoneleigh. His home's location would be looking right at this tower. He asked that the Planning Commission keep in mind the aesthetics for the residents that are just moving in and were not aware that this cell tower was a possibility. He would prefer no tower or at least a smaller tower

**David Barton, 24040 Meadow Creek Circle East** – Mr. Barton explained that he uses AT&T but felt that there are other viable solutions. He stated that with as much residential that is around the site, it would be similar to a tree on an island in the ocean. He is aesthetically opposed to the tower.

**Blayne Smith, 57440 Walker Way** – Mr. Smith questioned the exact location of the tower. He also explained that he is here on behalf of Mrs. Walker as well, who is very opposed to the tower. Mr. Smith felt that the RF emissions are also a concern. ITC towers are behind him already, and they don't need any more towers. He would like to have this request rejected.

**23640 Stoneleigh Drive** – He is in opposition to the tower. He didn't think the health hazards associated with it have been discussed in enough detail. He could provide evidence to suggest that there are health concerns when residential is all around the

cell tower. If there is any doubt about the long term health risks, he felt that the Township had grounds to reject it. He asks the Township to give consideration to the amount of development and two more phases to be developed in Stoneleigh and the property value.

**Motion by Towne, second by Chuck**

**To close the public hearing at 7:41 p.m. due to no further comments.**

**Voice Vote: Ayes: Unanimous**

**Nays: None**

**MOTION APPROVED**

Mr. Towne commented that there are many spots in the township for the pole. He felt that there is too much residential in this location. The residential property to the north is huge. He personally would not feel safe with a 140' tower by his house. He felt that research should have been provided showing that every AT&T tower is being utilized. The emission from the tower is a concern whether it's perceived or not. He did not think this was the right location. Setbacks are also a concern, aside from the wrong location.

Mr. Campbell explained that there is a lot of current development and other properties slated to go in that area. He is concerned with regard to the location. He explained that it is one thing if a person buys a home and they are aware of something that already exists, but it is a different thing altogether if it ends up that they never thought something like that would be put there. He felt this is the wrong location and the wrong item. He stated that he is an avid user of cell phones, but there has to be a better way to do it.

Mr. Enlow explained that the setback was the biggest concern, since it wasn't being met. The revised map does show there is very little coverage and it is in the business zone but it is the spot on the property and not meeting the setbacks that he has a problem with.

Mr. Chuck questioned if there is any other site comparable in that area. Mr. Haley stated no. Mr. Haley stated that there is a huge need for a cell site in this area. It is a developing area, and the residents will want the cell phone coverage.

Mr. Doozan confirmed that there is low coverage currently. If the tower were there, it would jump up to high coverage.

Mr. O'Neil commented that he wouldn't want the tower in his backyard either. He felt it would be easier if the tower's height was 120' rather than 140'. If he was 80' away from a 140' tall tower, he would still be concerned that it was 140' tall he was only 80' away from it. Mr. Haley stated that no one would be in the fall zone of the tower. He commented that putting the tower on commercial is a much better solution.

Mr. Haley also stated that the reality of it is when you move into a new home, there are things that one could reasonably expect, and one of those is a cell tower. Mr. Campbell stated that he thought there were other locations that would be better suited and more reasonable.

Mr. Chuck commented that if this was moved forward it would come down to a variance from the ZBA or the tower coming down in height. Mr. Doozan stated yes.

Mr. Haley suggested a unipole but explained that the problem with those is that co-location becomes a problem.

Mr. Conflitti stated that appearance wise, property values may be an issue. He didn't see this project as a good fit for that location.

**Motion by Chuck, No support of the motion**

**To recommend to the Board special land use contingent upon needing information from site maintenance agreement and removal agreement, contingent upon needing the variance or decreasing of the cell tower height and to see some effort or rendering of some type of aesthetic for this tower.**

**MOTION FAILS**

**Motion by Towne, second by Chuck**

**To recommend denial of the special land use for AT&T Wireless tower to the Township Board. The motion is to deny based on all of the conditions cited in the McKenna Associates memo dated October 1, 2014, due to the setbacks and the concern about the site being in a residential area, along with the height of the tower.**

**Roll Call Vote:     Ayes: 5  
                          Nays: Chuck**

**MOTION APPROVED**

**Motion by Towne, second by Enlow  
To table the site plan.**

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

**MOTION APPROVED**

- 2. AP-14-48b, Bader & Sons – Special Land Use. Property located on the west side of Pontiac Trail, north of 8 Mile Road. Public hearing to consider a special land use to allow a farm implement sales, services, and parts business in the B-3 (General Business) District.**

Mr. Doozan reviewed the McKenna Associates memo dated October 5, 2014. The review has uncovered one concern; compliance with site plan review requirements. Therefore, it was recommended that the Planning Commission recommend approval to the Township Board of the special land use application for Bader & Sons Co. subject to approval of the site plan.

Mr. Doozan also reviewed the McKenna Associates memo dated October 5, 2014 regarding the site plan review. He noted that several site plan review requirements have not been properly addressed. Therefore, it was recommended that the Planning Commission table the plan for 60 days to allow the applicant to make revisions and submit revised plans. He received the revised plans but has not had time to review it.

Mr. Towne questioned if the oil recovery would fall under the State regulations. Mr. Doozan stated yes and it would be stated in the site plan.

Ms. Zawada referenced the CES memo dated October 10, 2014. There is an existing detention basin but calculations were not provided. She estimated it's at a 10 year storm volume and currently standards are a 100 year storm. Parcel 21-31-400-034 is owned by the township. The intent of the meeting was to find out what the applicant wanted to do with the property. They discussed working together to look at things more regionally and end up with more buildable land and more opportunity for the Township to sell their property. The applicant is agreeable to work with that. Based on their agreement to participate, she is comfortable seeking a variance to the Engineering Standards. The applicant should also be aware that should they need to connect to the Township's sanitary sewer, the capital charges would be required to be paid prior to connection.

Mr. Enlow questioned the fire department letter and the hydrants to be placed on site.

Mr. Bader stated that he was not aware about the hydrant requirement. He stated that he is not opposed to the water issue. As far as the water issue goes, he is willing to cooperate with the Township and willing to help the Township sell their property. He also commented that they are selling the tower on his property.

Mr. Bader confirmed that he understood the options for the storm water.

**Motion by Towne, support by Enlow  
To open the public hearing at 8:30 p.m.**

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

**MOTION APPROVED**

**Motion by Towne, second by Chuck  
To close the public hearing at 8:31 p.m. due to no comments.**

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

**MOTION APPROVED**

**Motion by Towne, second by O'Neil  
To recommend approval to the Township Board of the special land use for  
Bader & Sons AP-14-48b subject to the approval of the site plan, including**

**the CES memo dated 10/10/14 and the McKenna Associates memo dated 10/5/14 and the Fire Department letter dated July 24, 2014.**

**Roll Call Vote: Ayes: Unanimous  
Nays: None**

**MOTION APPROVED**

**Motion by Towne, second by Enlow  
To table the site plan review.**

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

**MOTION APPROVED**

- 5. AP-14-49, LT-4 Land Holdings Rezoning. Property located north of 8 Mile Road east of Pontiac Trail. Public hearing to consider a request to rezone 10.26 acres from R-1.0 to R-0.5.**

Mr. Doozan reviewed the McKenna Associates memo dated October 1, 2014. It was recommended that the Planning Commission recommend to the Township Board approval of the proposed rezoning from R-1.0 Residential Agricultural District to R-0.5, Single Family Residential District.

Mr. Mancinelli requested rezoning of 10 acres of land. He explained that he has owned the land for ten years and has been waiting to develop it. During that time span, conditions have changed; sanitary sewer has come, and the water main is currently being installed. In development plans, rezoning will provide an increase in density that will not totally satisfy the increased cost to the water/sewer charges. However, it will help to defray the cost and allow the homes to have better fire protection and less maintenance with a public sewer system. The land is master planned at 2 units per acre, and this rezoning will satisfy the intent of the ordinance. The rezoning will allow the land to be developed without a density bonus status and allow the additional infrastructure to be built with no adverse effect on the existing public services supplied by Lyon Township. The criteria for rezoning are satisfied, and the rezoning does not change the use of the property. He should be able to zone the land to what the Master Plan use is designated for.

Mr. O'Neil stated that this application came in as a PD at the end of August and the approach was changed. He questioned how many acres were in that overall development. Mr. Mancinelli stated it was about 42 acres. Mr. O'Neil questioned if this piece is part of what the Planning Commission previously reviewed? Mr. Mancinelli stated it could be. Mr. O'Neil asked, just to be clear, when the Planning Commission saw what was previously called Lyon Trail South, did it include this 10.25 acres? Mr. Mancinelli stated yes. Mr. Mancinelli stated that with rezoning this parcel he wouldn't have density bonus issues that everyone was concerned with.

Mr. Mancinelli explained that he elected to come back and have it rezoned to what it is master planned for. Mr. O'Neil stated that they have seen the whole project previously, and he wanted to understand this application compared to the previous application from August. Mr. Mancinelli stated that the PD will still be coming down the road.

Mr. Towne stated that this plan is consistent with the Master Plan and Future Land Use Map, and he is just concerned tonight with the 10.25 acres.

**Motion by Towne, second by O'Neil  
To open the public hearing at 8:51 p.m.**

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

**MOTION APPROVED**

**Abraham Ayoub, 21962 North Lyon Trail** – Mr. Ayoub explained that nowhere has he found that the future land use is definite. It's a guide, to enhance the community. Park Woods would not connect to this development. It would connect to Lyon Trail East, which has larger lots. He stated that the job of the Planning Commission to serve and protect the residents and insulate the residents from greed and politics. This plan doesn't work here because of the connection. There is an adverse effect to having a connection because they don't have sidewalks. More cars would also adversely affect it. The schools are bulging. It does adversely affect the residents. Every single car added is a safety risk. It makes no sense.

**Sherry Barnett, 60603 Mary Lane** – Ms. Barnett stated that extra density is a concern. Some of the homes will back up to their septic systems and add additional run-off. She would like to reiterate the safety concerns for the children since there are no sidewalks. Looking at the cases for future agendas, there is a development at 9 Mile and Griswold (AP-12-16) with 103 single family homes on 120 acres, and there is also another (AP-13-31) with 117 single family homes going on 120 acres. She felt that they should stick with an acre per lot.

**Lois Gdowski, 60645 Lyon Trail South** – Ms. Gdowski explained that this is a direct route from Pontiac Trail. She is concerned because there are no sidewalks; their children and grandchildren play and walk in the street. She is concerned about the safety of the subdivision and asked that they consider the way it is set up. This will be double the amount of houses in the new subdivision with double the amount of cars on their street.

**Mike Waroway, 21563 Nathan Court** – Mr. Waroway explained that his family is a family of runners, and it is already difficult with the existing cars. Doubling the amount of cars with twice the number of homes makes him concerned for his family's safety. With this piece of property, the only access is to Lyon Trail. Their concerns are valid.

**Bryce Hemker, 60621 Lyon Trail South** – Mr. Hemker explained that the kids play in the driveways and ride bikes in the street. They all knew houses would be going in there eventually but thought it may be like the 5 homes that were built in the court; it

seemed like precedence had been set. They also bought their house zoned R-1.0 and now it's changed. We knew it, but we asked that it be consistent throughout. Not having the subdivisions consistent doesn't make aesthetic sense. That area would be an island; large lots should be maintained in that neighborhood.

**Doug Meidt, 21589 Nathan Court** – Mr. Meidt explained that he moved out from Dearborn because he likes the space and the lot sizes. There was an expectation that the lot sizes would be consistent going through the neighborhood. He has no qualms over the homes built on Mary Lane. They ride bikes up and down the street, and it is a quiet neighborhood in terms of traffic. With the new homes coming in, it will double the cars and would increase the risk to these kids. He asked that the subdivisions be kept consistent and to not increase the safety risk

**Andrew Feldkamp, 60587 Gary Court** – Mr. Feldkamp explained that the infrastructure is affected. There are no sidewalks, which in turn affects the ability to have safe passage through the streets. He disagreed with some of the points listed in the McKenna Associates memo that were listed in support of this project.

**Roger Salwa, 59589 Mary Lane** – Mr. Salwa explained he was one of the last homes to go in, and the smallest lot in that area is 1.4 acres. When he purchased the property, Gary Court was designed with 4 homes on the lots. There is no secret everyone wants the best bang for their buck, and he questioned what happens with the sewer tax that they pay now. Keep consistency within the subdivisions. Everything around this piece is R-1.0. This makes no sense. There is only one way in, and there is no lighting at night. There are only 3 patrolmen and the sheriff patrolling Lyon Township. He asked that they stay zoned at R-1.0.

**Pat Hatfield, 60665 South Lyon Trail** – Ms. Hatfield explained that they moved from Brighton and have been living here for 3 weeks. They have noticed that living on a corner has a limited amount of traffic and an increase in traffic would affect them in both directions. She is also concerned with the lack of streetlights. There are safety issues with extra traffic since there are no sidewalks and no streetlights, concerning.

**Kim Klebe, 21951 Lyon Trail North** – Ms. Klebe explained that Lyon Trail South is a very busy road. There was a lot of extra traffic coming through there during the repaving of Pontiac Trail, and they don't do 25 mph. She questioned what happens when these 10 acres are developed. She is concerned this is just the start.

**Steven, 60615 Lyon Trail South** – He agreed with all of the previous speakers and felt that they all had valid points. He felt that precedence has been set. The developer has owned the property for ten years and has set the expectations; he hoped he would follow it. He questioned why change it now? He asked that they keep it the same.

**Jim Miloch, 21592 Nathan Court** – Mr. Miloch stated that if there is no impact on safety then they should visit Pontiac Trail between 4:30-6:30 because there is a public safety concern if ambulance had to get to the neighborhood. The only benefit is to the developer.

**Anthony and Bridget Jankowski, 21586 Nathan Court** – The Jankowskis always

considered the next phase with the expectation that the neighborhood would match and mesh with the existing neighborhood. To have the change the zoning would affect them. The parcel to the south might lead out to 8 Mile but, either way, this 10-acre parcel will be the last section of their neighborhood.

**Bruce Glazier, 60633 Lyon Trail South** – Mr. Glazier walk the dogs. In the winter time with the snow, the road closes in. He stated it is a wonderful place to live but additional traffic would be a challenge. The further back the subdivision goes with no additional way out is difficult. He explained that additional bus stops would be needed. He stated that he loves that the kids are out in the street all the time playing and asked that they keep it the current zoning.

**Jeff Koshko, 21958 North Lyon Trail** – Mr. Koshko agreed with all of the previous comments and stated that safety is a big issue. He explained that it is very hard to see walkers at night or in the early morning. The areas that are in question are surrounded by R-1.0 zoning. He asked that the Township leave it as originally zoned and keep it the same.

**Nick Canzano** – Mr. Canzano explained that he is Nick Mancinelli's partner. He sympathized with the comments but felt that they were exaggerating. Mr. Doozan explained that under an R-1.0 zoning 7 units would be allowed. Under R-0.5 zoning, 14 units would be allowed. Mr. Canzano stated it is 7 more houses, and they are asking to rezone to the intended use and to utilize the infrastructure that is now available. Regarding the issue of safety, it sounded like the issue has existed for some time. He didn't think 7 more houses would impact that.

**Motion by Towne, second by Chuck  
To close the public hearing at 9:23 due to no further comments.**

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

### **MOTION APPROVED**

Mr. Chuck commented that his neighborhood has areas with sidewalks and areas without. His subdivision will eventually connect to the Pinehurst subdivision to the south. His subdivision faces the same issues. He understood the comments and suggested that signs are installed that say to "Watch for Kids" and to take it upon themselves to change the culture.

Mr. Towne commented that this parcel will create an island and thought it should stay at one acre zoning.

Mr. O'Neil confirmed that Mr. Mancinelli owns both parcels. Mr. O'Neil commented that he would rather have seen the whole project come back as a PD.

Mr. Mancinelli commented that Lyon Trail does not have one acre lots; they are 30,000 square foot lots. He listened to the comments from the Planning Commission and from Mr. Ayoub. The presentation that the Planning Commission saw before had 15,000 sf.

lots. After discussing this with Mr. Doozan he thought to increase the lots that border Lyon Trail between to 25,000' to 28,000 square foot lots. There are a couple of lots in the trees that are around 17,000' to 18,000'. There would probably be no more than 10 homes on that acreage. He stated that he had no idea where all this doubling of the lots in the ten acres came from; he can't double the lots if zoned .5 acre. When combined to the land with the south, you could have 10-11 lots. He is trying to rezone it to take advantage of master plan zoning and still have big lots in that area. This will not affect home values; the homes would be just as big and just as much of what is there currently.

Mr. O'Neil stated that his preference would have been to see a PD. He felt that the Township is worse off with this way. He doesn't like the piecemeal approach. He stated that Lyon Trail never should have been approved with one entrance/exit. He would like to see what used to be called Lyon Trail East connect to 8 Mile Road. He would rather continue down the previous path and negotiate the lot sizes, figure out the placement and have open space and buffering.

Mr. Doozan suggested setting aside the rezoning and let Mr. Mancinelli develop his proposal as he described and carry both forward at the same time.

Mr. O'Neil stated he would prefer a cohesive plan that encompasses all of the land that Mr. Mancinelli owns. He never anticipated the applicant would go this route. This plan is worse, and the other plan was better.

Mr. Campbell stated that he was disappointed in how Mr. Mancinelli went about this. It does not make sense to rezone after the meeting in August. He agreed with Mr. O'Neil and felt the plan should go back to square one.

**Motion by Campbell, second by Chuck**

**To postpone and work with Mr. Doozan on the concept and share the vision with the residents.**

**Roll Call Vote:      Ayes: 5  
                             Nays: Enlow**

**MOTION APPROVED**

- 6.      AP-14-43, Solar Energy System Amendments, Public hearing to consider proposed amendments to Section 19.02(JJ) of the Zoning Ordinance regarding Solar Energy Systems.**

Mr. Doozan reviewed the McKenna Associates memo dated September 29, 2014.

Mr. Towne stated that he didn't think 200' was far enough.

**Motion by Enlow, second by Towne**

**To open the public hearing at 9:56 p.m. and close it due to no comments.**

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

**MOTION APPROVED**

**Motion by O'Neil, second by Campbell  
To recommend approval of AP-14-43, Solar Energy System Amendments with the change to Section 3b1 which is to eliminate the allowance for the rack mounted, ground mounted solar panels to be placed in the front yard. And allowing all other proposed changes. Adding the elimination reference in the first paragraph of Section 3b1 to ground mounted front yard systems. All references to ground mounted panels in the front yard will be eliminated.**

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

**MOTION APPROVED**

**OLD BUSINESS - None**

**NEW BUSINESS- None**

**COMMUNITY REPORTS**

Mr. O'Neil brought the Planning Commission up to date regarding the last Board meeting. He also announced that there will be a special Board meeting on October 22, 2014 at 5:00 pm.

**ADJOURNMENT**

**Motion by Chuck, second by Enlow  
To adjourn the meeting at 10:10 p.m.**

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

**MOTION APPROVED**

The Planning Commission meeting was adjourned at 10:10 p.m. due to no further business.

Respectfully Submitted,

*Kellie Angelosanto*

Kellie Angelosanto  
Recording Secretary