

Charter Township of Lyon  
Planning Commission  
Regular Meeting Minutes  
January 12, 2015

Approved: February 9, 2015

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

Roll Call: Ed Campbell  
Patricia Carcone, Board Liaison  
Jim Chuck  
Michael Conflitti, Chairman  
Kris Enlow  
Stephan Hoffman  
Carl Towne, Vice-Chairman

Guests: 7

Also Present: Christina Archer, DDA Administrator  
Leann Kimberlin, Township Attorney  
Chris Doozan, McKenna Associates  
Leslie Zawada, Civil Engineering Solutions

**APPROVAL OF AGENDA**

Mr. Towne questioned if the election of officers should be added to the agenda. Mr. Doozan confirmed that it should be added.

**Motion by Towne, second by Chuck  
To approve the agenda as revised with the addition of the Election of Officers.**

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

**MOTION APPROVED**

**APPROVAL OF CONSENT AGENDA**

**A. Approval of the December 22, 2014 minutes.**

**Motion by Chuck, second by Towne  
To approve the Consent Agenda as presented.**

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

**MOTION APPROVED**

## **COMMENTS FROM PUBLIC- None**

**DDA REPORT** - Ms. Archer reported that they are welcoming a new business in the core, called The Little Shop of Shab and Creative Creations. Also, she reported that another Farmer Insurance has located in the Township next to Family Video. There will be two ribbon cuttings this month: one for Petz Auto and Truck and one for Grand Trunk CrossFit. Grand Trunk CrossFit will be holding an open house on 1/17/15. The next big project for the DDA will be addressing the storm water management in the downtown area and once that is addressed they will be able to move along with the streetscape. The Prosper Magazine ad showcasing Lyon Township was provided to each Planning Commissioner.

## **PUBLIC HEARINGS – None**

## **OLD BUSINESS - None**

## **NEW BUSINESS**

- 1. AP-14-62, Crossroads Center Mall. Property located at 56849 Grand River Avenue. Site plan review of proposed façade improvements.**

### **Representing AP-14-62: Dan Cheresko**

Mr. Doozan reviewed the McKenna Associates memo dated December 18, 2014. He explained that although color is not regulated by the zoning ordinance, knowledge of the colors of the brick, cornice, and accent band would help one visualize the proposed improvements. Even without this information, it is evident that the proposed improvements will substantially upgrade the appearance of New Hudson in general, and may act as a catalyst to encourage other business owners to also make improvements. Consequently, it is recommended that the Planning Commission approve the façade improvements proposed for Crossroads Center Mall.

It was also stated that the Planning Commission's approval of the façade improvements in no way constitutes approval of the signs. Sign approval must be obtained through a separate review procedure by the Zoning Enforcement Officer.

Mr. Cheresko explained that the building has had multiple phases over the years. He wants to obtain a better look for the building. He explained the recent course of improvements. He explained that there were more funds available if they went with a certain look. They are winterizing the building and will be ready to go in a few months.

Mr. Chuck stated it is a drastic improvement and with grant money involved it could be a catalyst for the downtown area. He would be in support of the project and felt it looked great.

Mr. Towne questioned where the breakdown in communication was. Mr. Cheresko explained that originally there were two allotments of money to upgrade the façade. He

stated it was his fault, not the Township's. Mr. Towne asked if he was aware of the new zoning in the downtown area. Mr. Towne stated he is trying to figure out who dropped the ball. This is one of the first cases that the Planning Commission has seen with the new zoning. He would have liked to go through and check the plans to make sure everything was up to the new code. He felt it is very important that a standard is set.

Mr. Campbell explained that he is on the Economic Reconstructing Committee and they all agreed that the more the applicant did the more they would be willing to give in order to get the ball rolling. He personally encouraged the ideas in order to maximize the money that could be offered. There was brief discussion regarding the new code and the Planning Commission process.

Ms. Carcone stated that this is a great façade. She explained that the Township is part of One Stop Ready, and they are trying to work with their businesses. She thanked the applicant for continuing to invest his money into the Township.

Mr. Enlow felt that the procedures needed to be smoothed out so the process works more efficiently. He thought the façade was great and would be the best looking building in town.

Mr. Hoffman stated that he liked what the applicant was doing, but he had some architectural concerns. One is that the building has been added to, and the building is half wood, and it's 16,000 s.f. not sprinkled, multi-tenant. It doesn't meet the code. Since it has been added onto, it has gone over the limit. He questioned if a firewall has been installed. Mr. Cheresko stated he wasn't sure. Mr. Hoffman stated that this building might need to be sprinkled which would be a huge cost. Mr. Hoffman stated that the building is a huge concern for him. He would be very leery of having a pizza place and/or restaurants.

Mr. Doozan reviewed the Fire Department dated 12/19/14. Mr. Cheresko commented that if the building has to be sprinkled, the project would not happen.

**Motion by Chuck, second by Towne**

**To approve AP-14-62, Crossroads Center Mall for the façade as presented including that the comments from the Planning Commission be forwarded to the Building Department.**

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

**MOTION APPROVED**

- 2. AP-14-61, Spring Meadows, Phase 2 – Property located on the south side of Pontiac Trail, west of Milford Road. Site plan review of Phase 2 of a single-family residential development consisting of 29 lots on 7.25 acres. Phase 2 would consist of lots 11-29.**

**Representing AP-14-61 Spring Meadows, Phase 2: Tim Loughrin, Roberston**

## **Brothers.**

Mr. Doozan reviewed the McKenna Associates memo dated December 23, 2014. It was recommended that the Planning Commission approve the site plan for Spring Meadows – Phase 2 (AP-14-61) subject to the following comments:

1. The sidewalk along Pontiac Trail must be extended to the south property line.
2. More legible floor plans must be submitted. Dimensions must be readable.
3. The note concerning vinyl siding must be revised.

Ms. Zawada referenced the CES memo dated January 7, 2015. She commented that the water main will have to be extended along the frontage of Pontiac Trail. She also noted the sidewalk that ends short of the property line.

Ms. Zawada referenced the letter from OCWRC dated August 7, 2014 regarding the New Hudson Drain. She gave a brief history regarding the regional basin. She did not think that this will be an easy thing to resolve. She contacted the Drain Commission today and she mentioned that this needed to be discussed. Mr. Towne stated that this is a big deal to him. He did not want to have a site where the foundations could sink. Ms. Zawada the pond that was built by the Township does not have capacity for the entire 195 acres that discharge to it, but it does have capacity for these 29 homes since they are the first homes to discharge to it.

Ms. Kimberlin explained that Phase 1 already has the Master Deed and Bylaws in place and those will be effective on this Phase 2.

Mr. Loughrin explained that this project is Phase 2, and Phase 1 consists of 10 lots. This is really the remaining 19 units of the development. Both phases were engineered together. He explained that the sidewalk should extend to the west, however, there are significant grade changes on lot 19. A grading easement from the homeowner would be required or they would have to build the sidewalk to the property line and barricade it. He explained that they would be willing to escrow the amount for the additional sidewalk. Mr. Towne commented that he should pave all the way to New Hudson Drive for a penalty for stripping the land in Phase One when it shouldn't have been done until Phase 2. Mr. Doozan stated that the Planning Commission can't ask for off-site improvements. Mr. Loughrin stated that they would not be willing to build an offsite sidewalk.

Ms. Zawada clarified that the detailed grading for Phase 2 has not been approved yet she does not have enough information regarding the grade for the sidewalk. Mr. Towne stated that there is not enough information and he was not in a position approve it.

Ms. Carcone questioned the 4 streetlights. Mr. Loughrin stated that the requirement is 1 streetlight for every 150 feet. Ms. Carcone stated that DTE does not allow a homeowners association to pay their bill themselves, so they would have to petition the Township Board for that. Then the Township would bill the homeowners associate once a year. She stated that the applicant should pre-purchase their additional REUs. She is in favor of approving this project. Mr. Towne stated that his point is that they need

more clarity. Ms. Zawada explained that detailed engineering follow every project Planned Development go into further detail but typically the detailed grading comes later. Mr. Doozan commented that this is not a new process.

Mr. Campbell stated that he felt the Commission is trying to micromanage projects, and he is confused by it. Mr. Doozan stated that in a PD, they do go further into detail. In a conventional site plan, the Planning Commission would see it once and would not see the detailed engineering or building plans; that is the standard procedure. Mr. Campbell stated that at some point they have to trust the process.

Mr. Campbell also commented that he liked the project and thought it was great. He was excited to see the beginning of the development and looked forward to watching it build out.

Mr. Towne explained that the applicant should pay particular attention at keeping the sidewalks level.

Mr. Enlow stated he would like to see the sidewalk built if they can get it. Mr. Loughrin explained it would be difficult to work with the homeowner.

Mr. Loughrin stated he didn't want to barricade the end of the sidewalk and that homeowner's grade would be changed. He agreed that moving the sidewalk towards the road would be an option. Ms. Zawada agreed to do an estimate in obtaining the easements on New Hudson Drive and build that portion at the same time.

Mr. Hoffman asked if the public trees are in someone's property. Mr. Loughrin stated that it is on the units, and there is an HOA Maintenance Agreement.

Mr. Loughrin asked that the Commission commit to .042 mills for the vinyl siding.

Mr. Conflitti stated that using a thicker vinyl was one of the stipulations and he would like to see a .055 mils. Mr. Loughrin proposed that they would come back with that specific issue and readdress it.

**Motion by Chuck, second by Towne**

**To approve AP-14-61 Spring Meadow contingent upon the applicant returning with the subject of the vinyl, Ms. Zawada looking at the grade, the McKenna Associates letter dated 12/23/14 and the attorney's letter dated January 8, 2015.**

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

**MOTION APPROVED**

- 3. AP-14-33, Stoneleigh East PD – Final Review. Property located on the south side of 10 Mile Road. Final review of a proposed planned development consisting of 43 single-family homes on 33.84 acres.**

**Representing AP-14-33 Stoneleigh East PD: Andy Millia  
Seth Horowitz**

Mr. Doozan reviewed the McKenna Associates memo dated 12/30/14. It was recommended that the Planning Commission recommend approval of the final plans and Planned Development Agreement to the Township Board, subject to the following conditions:

1. The site plan (sheet 2) must be reviewed to show the 5 ft. and 25 ft. setbacks on each lot.
2. Note 7 on the Site Plan must be revised to indicate a 10 ft. wide asphalt bike path shall be constructed on the south side of Ten Mile Road.
3. The Planned Development Agreement must be revised as noted in this letter.

Ms. Zawada referenced the CES memo dated January 7, 2015. She explained that most items will be taken care of during the engineering review. She noticed that in the PD Agreement in paragraph 13 that it says the cash bond will be collected after Certificate of Occupancy and she asked that the document reflect that the cash bond is collected prior to the pre-construction meeting as it has been done in the past.

Ms. Kimberlin referenced her January 7, 2015 memo. She explained that she didn't note anywhere in the PD Agreement of a storm water detention requirement which would be required for fire station #2 and she had a few comments regarding the path across the Yerkes Drain.

Mr. Millia explained that he agreed with paying the landscape bond before the pre-construction meeting as Ms. Zawada noted. Regarding the storm water retention, he stated that has always been a part of the plan so they are comfortable with that language being added. He explained that one thing they discussed was the return of the \$6,000 bond on the Yerkes Drain and they agree to keep that bond in place and when the improvement is completed the bond will be released and the wording should reflect that. They pulled some language from the Rathmor PD and he felt it that language was taken care of. He is in agreement with the remainder of the recommendations from the consultants and he noted that the signage has not been worked out yet.

Mr. Towne stated it is a pleasure to have a completed PD in front of them. He loved the project, and he liked the tweaks that were done. He felt those will help the project. He felt that the applicant deserves the bonus due to the paving of the sidewalk, crossing the Yerkes Drain, and expanding the detention pond for the fire department.

Ms. Carcone stated that developers have been breaking the rules regarding the operations of hours. She would like a penalty added to the PD Agreement for working on Sundays and holidays. She suggests that at least a \$1,000 penalty be in effect if these hours are violated. Working hours are 7:00 a.m.-7:00 p.m. She stated that the developers have to be respectful, and the rules have to be followed. Ms. Kimberlin stated there is a maximum fine of \$500 listed in the ordinance now, but she felt that

should be revisited. Mr. Chuck agreed and suggested that the fine is tiered, with the 1<sup>st</sup> infraction being \$1,000, 2<sup>nd</sup> infraction \$2,000 and 3<sup>rd</sup> infraction \$3,000 and then maybe the permits get pulled. Je felt that there had to be consequences.

Mr. Campbell questioned if those hours are standard. Mr. Millia stated that he understood and acknowledged Ms. Carcone's concerns. He explained that all subcontractors were notified in writing. Mr. Millia stated 7:00 a.m. to 7:00 p.m. is standard but that some cities/townships do allow work on Sundays. In the summertime, they like to stretch it to make up for the rain days. In a new subdivision where no one lives, he asked for some flexibility of working hours when a request is made.

**Motion by Towne, second by Chuck**

**To recommend to the Township Board approval for the final review for Stoneleigh East including the McKenna Associates letter dated 12/30/14, the CES letter dated 1/7/15 and the attorney letter dated 1/7/15. Also, the addition of the enforcement of rules with no working on Sundays and holidays and a \$1,000 fine for each individual infraction. Work hours are to be clarified by Ms. Zawada and the Township Attorney.**

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

**MOTION APPROVED**

**4. Election of Officers**

**Motion by Towne, second by Campbell**

**To nominate Michael Conflitti as Chairman.**

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

**MOTION APPROVED**

**Motion by Conflitti, second by Campbell**

**To nominate Carl Towne as Vice Chair.**

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

**MOTION APPROVED**

**Motion by Towne, second by Campbell**

**To nominate Kris Enlow as Secretary.**

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

**MOTION APPROVED**

**COMMUNITY REPORTS**

Ms. Carcone mentioned that 3 developments were before the Board and all plans were sent back to the Planning Commission for further work.

Mr. Doozan reported that a meeting was held with Mr. Michael, and he thought that things were clearer to him now.

**ADJOURNMENT**

**Motion by Towne, second by Chuck  
To adjourn the meeting at 8:52p.m.**

<b>Voice Vote:</b>	<b>Ayes:</b>	<b>Unanimous</b>
	<b>Nays:</b>	<b>None</b>

**MOTION APPROVED**

The Planning Commission meeting was adjourned at 8:52 p.m. due to no further business.

Respectfully Submitted,

*Kellie Angelosanto*

Kellie Angelosanto  
Recording Secretary