

Charter Township of Lyon
Board of Trustees
Regular Meeting Minutes
July 5, 2016

Approved: **August 3, 2016**

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

Roll Call: Patricia Carcone
Michele Cash
John Dolan
John Hicks
Sean O'Neil
Lannie Young

Guests: 22

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

APPROVAL OF CONSENT AGENDA

Approval of Regular Meeting Minutes of June 6, 2016
Approval of Disbursements
Building Department Report for May 2016
Engineering Report July 2016
Fire Report May 2016
Zoning Report June 2016

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

Trustee O'Neil questioned the progress regarding the sewer treatment plant. Supervisor Young stated they will have the start up on July 14 and he will have more of an update next month but that it is moving right along.

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

MOTION APPROVED

ANNOUNCEMENTS AND COMMUNICATIONS

Clerk Cash reported that absentee ballots are now available at the Township Hall.

Treasurer Carcone reported that the tax bills are done and went out on Friday but the

good news is taxes went down minutely.

Trustee Hicks reported on this day in 1946 the French designer introduced the Bikini swimsuit. Also, on this day the first American was killed in Korea in 1950.

Supervisor Young explained that he will be sending a letter to residents asking that if they are on municipal water to set their watering times to something other than 5 am-9 am in the morning and 5 p.m.-9 p.m. in the evening due to the yellow cast that is being exhibited due to the iron in the water. He explained they are a couple of months away from solving the problem.

CALL TO THE PUBLIC

Mike Scituro, 23438 Millwood – He explained he is one of many homeowners in Stoneleigh that has a high water table. His sump pump has run continuously for 51-52 weeks, in March he was pumping 800 gallons an hour, in June 200 gallons and this weekend about 50 gallons. He has a wetland behind his home and he has noticed as the wetland recedes since it's been so dry, everyone's sump pumps decreases. The developer did try to do some improvements and did some work to the retention ponds and added an overflow drain but he can't do anything about the water because it is a wetland. The detention ponds still have slime, water and algae. They requested help from a private engineer and he suggested requesting the township look at cleaning out and deepening the Yerkes Drain. There have been a few flooded basements and they are nervous for what the future holds. Supervisor Young explained they have been looking at it and understand what's going on.

Stephen Emsley, 51824 Eight Mile – He had a simple request and stated a lot of people running for office and signs are being thrown everywhere. He felt that those running know the rules of the ordinance. His request is that everyone running for office respects the citizens of the township by not pretending that ordinances don't apply to them. He asked that they remove their stuff instead of having Mr. Spencer do it.

REPORTS

DDA – None

Fire Chief – None

Sherriff – Lieutenant Venus reported there was a bank robbery on Friday and they are working with the FBI on it. The holiday weekend was quiet, no problems.

Planning Commission – Treasurer Carcone gave an update regarding the Planning Commission meetings.

ZBA – Trustee Hicks gave an update regarding the last ZBA meeting.

Park Advisory Board – Trustee Hicks reported that they approved a special event application for the Color Run and discussed the need regarding grants and general discussion about paths and ballfields.

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. Belladonna Update

Ms. Zawada referenced the CES memo dated June 30, 2016. She briefly outlined the options that are available. The costs for option 1 are: \$16,727.90 for construction + \$2,500 for easement = \$19,227.90 - \$7,500 from Jack Healy = \$11,727.90 is necessary to complete this project to resolve the flooding. This amount does not include engineering or contract administration. If the Board agrees to complete the project and fund the \$11,727.90 she would recommend that it be funded from the Township Building Department since this issue was the result of residential building.

There was brief discussion regarding who filled the swale on the Hoskins property. Ms. Zawada also explained that even if the fill was removed it would not resolve the problem.

Jim Chuck, 25365 Stanley Ln. - He explained he has lived there 10 years and in the last 18 months to a year the water really expanded and it all started when the man hole was filled. The homeowners spent over \$2100 dollars of their own money to try and fix it. He lives exactly where all this is going on.

Supervisor Young explained if they have a problem after this they will know it is not caused by Carriage Club and they would hope that the neighbors would work that out among themselves.

Motion by Carcone, second by Dolan

To approve the Belladonna construction with the easement including the CES memo dated June 30, 2016 in the amount not to exceed \$12,000.

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

MOTION APPROVED

NEW BUSINESS

A. The Woodlands of Lyon Plan Development Final Review; AP-12-16

Mr. Doozan reviewed the McKenna Associates memo dated July 5, 2016. He explained in accordance with the Planning Commission's recommendation, he recommended final

approval of The Woodlands of Lyon Planned Development.

Trustee O'Neil questioned if a parallel plan was provided. Mr. Doozan stated no, but he thought that the Board took a vote if a parallel plan should be required.

Supervisor Young explained that a parallel plan should not be required in this case due to the long standing of this development.

Treasurer Carcone commented that this is an old project, the road had to be approved, and they didn't stick the Township with the property and paid their taxes. Trustee Hicks felt that a parallel plan was not needed in this case.

Trustee O'Neil stated for the sake of equity he appreciated the situation and what they have been through; if they get approval today they can't keep their foot in the door for 20 years and expect things not to change. He wants to be consistent.

Motion by Carcone, second by Hicks

To approve AP-12-16 the Woodlands of Lyon as a first reading as presented in the July 5, 2016 McKenna Associates memo and the June 29, 2016 CES memo.

**Voice Vote: Ayes: 5
Nays: O'Neil**

MOTION APPROVED

B. Fire Station #2 Right-of-Way Dedication and Drainage Easement

Ms. Zawada referenced the CES memo dated June 29, 2016. The highway easement will allow for the construction of a pathway as required in the Stoneleigh East Planned Development Agreement. Also, a proposed easement for Stoneleigh East to collect the Fire Station's storm water, which was also a requirement of the Stoneleigh East Planned Development agreement.

Motion by Carcone, second by O'Neil

To approve Resolution 2016-16 dedicating the highway easement to the Road Commission for Oakland County.

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

MOTION APPROVED

Motion by Cash, second by Hicks

To approve the storm sewer and surface drainage easement with the name change of the grantee to be signed by the Supervisor and Clerk if approved by the Board.

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

MOTION APPROVED

C. DTE Electrical Easement Fire Station #2

Supervisor Young explained the request is provide the easement and will not impact the Township services at all. Ms. Zawada explained she wants to make sure it does not overlap the resolutions that were just approved.

**Motion by O'Neil, second by Carcone
To authorize the granting of the easement contingent on not impacting the storm water easement that was just approved.**

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

MOTION APPROVED

D. Mixed Use Zoning District – Rezoning; AP-16-21

Mr. Doozan reviewed the McKenna Associates memo dated June 14, 2016. Based on the following findings, it was recommended to approve the proposed rezoning from various residential and industrial classifications to MU, Mixed Use District.

1. Subject to compliance with zoning regulations, the proposed rezoning would:
 - a. Result in land use that is compatible with surrounding land use.
 - b. Further implementation of the Future Land Use Map.
2. The evaluation based on the nine criteria in Section 9.03(E) favors rezoning.
3. The rezoning would expand the development opportunities on the subject property.
4. The rezoning would facilitate a transition toward more residential development in the corridor, consistent with current trends.
5. The amendment will help correct an inequitable situation resulting from the juxtaposition of incompatible land users.

Trustee O'Neil stated he didn't agree the Township didn't need to entice growth in any area on its own. He thought the industrial in that area was inappropriate and he is concerned with unleashing mixed use in that area. He didn't think this was the area to do it in.

Trustee Dolan stated he didn't know why the Township wanted to rezone this property.

Supervisor Young stated the Master Plan is a living document and gets updated every 3-5 years. It is a good planning principle to look at what is present and make the zoning flexible. Mixed Use provides a lot of flexibility and types of developments that could proceed. Milford Road is not an industrial corridor; it needs to be a mixed use corridor. The Planning Commission recognized that and a recommendation were made to consider rezoning this property.

Trustee Hicks the downtown needs more housing to support the businesses. Trustee O'Neil felt the density should be contained in the core of New Hudson instead of trickling down Milford Road.

Michael Hindelang, from Honigman, Miller, Schwarts and Cohn, LLP. Mr. Hindelang explained that his firm represents Continental Aluminum and that they submitted a letter in opposition of the rezoning. There is an ordinance that certain factors be considered at a minimum and he thinks those are important. The change of conditions, the railroad is no longer present, it's been 32 years since the last train, 20 + years since Continental Aluminum has been there and that would allow the Board to point to any change in the past. This raises another question which is if the mandatory requirements of the ordinance that certain conditions be met can be met by 32 year old changes; there is simply no protection for any resident. Regarding the surrounding land uses, residential touches it on one side only. This is not a residential area, this was an industrial district and they are considering putting mixed use in the middle of it. They believe this is an exclusionary zoning effort and they are opposed to it.

Stephen Emsley – As recently as 6 months ago the Master Plan said on the south side of the Township should be up zoned to R-1 for environmental and other issues. No proactive rezoning was ever taken on by this Board. He questioned why are we looking at a Master Plan and proactively rezoning when no one has requested it, but in Section 36 their own Master Plan says they should up zone Section 36. He questioned why do this without a request.

Dan Cash, He looked back in the minutes from the Planning Commission on the Master Plan change 2 years early from the time it was introduced he didn't see any discussion by the Planning Commission about a change to the Master Plan. Also, Mill River was a consent judgment, not by our choice and we turn around and are going to give this development the same kind of density. The downtown was all within the ring road and this is outside of that. The minutes from the Planning Commission show that they recommended large lot residential. He struggles to see where the Planning Commission recommended large lot residential and all of a sudden come back with CJ density. It's also in a flight path for the airport and when the wind blows that way you can smell Continental Aluminum and to put any residential across the street from that is a big mistake. Supervisor Young stated that the consent judgment came back with high density residential and they were able to negotiate down to 499 units.

Trustee O'Neil stated industrial is out of place there he just has concerns with going this far forward now and he does appreciate all of the investment in the downtown area and planning does involve patience.

Robert Swain, 59604 Sunridge. He likes the idea of Mixed Use as a concept, but it

seems like it wasn't thought out, if the idea to make a corridor then they should do both sides of the road instead of one. If they are doing an underlying zoning, do the whole chunk, seems like a half thought out chunk to change.

**Motion by Hicks, second by Carcone
To approve Mixed Use as a first reading rezoning of several properties up
to the Mixed Use District.**

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

MOTION FAILED

E. Stoneleigh East Planned Development – Minor PD Amendment; AP-16-23

Mr. Doozan reviewed the McKenna Associates memo dated June 28, 2016. He explained that the Planning Commission reviewed this case and unanimously approved a motion to recommend approval of the minor amendments to the Stoneleigh East Planned Development as outlined in this letter.

Ms. Zawada agreed with the proposed language in the McKenna Associates memo as referenced in the CES memo dated June 29, 2016

**Motion by O'Neil, second by Cash
To move AP-16-23 Stoneleigh East Planned Development – Minor PD
Amendment to second reading.**

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

MOTION APPROVED

F. Stoneleigh West Planned Development – Minor PD Amendment; AP-16-24

Mr. Doozan reviewed the McKenna Associates memo dated June 28, 2016. He explained on June 27, 2016 the Planning Commission reviewed this case and unanimously approved a motion to recommend approval of the minor amendments to the Stoneleigh West Planned Development as outlined in the McKenna Associates letter.

Trustee O'Neil asked if they could talk more about what could happen regarding the ground water issues. Supervisor Young explained that he talked to the excavator and the water table fluctuates and the ground water changes. In this case the sewer lead was put in when there was a mass dewatering of the area, this pipe is down 3 feet into the water table.

Brent Sterling, He explained he lives in Phase 1 of Stoneleigh and he asked that the

Board stop putting band aids on this issue. He moved in 2 years ago, with the assumption that houses were being built without any problems, this is a massive water problem, they are voting on additional band aids and they need to have resolution to what's going on. Supervisor Young commented that this has nothing to do directly with the ground water; this is re-routing a sewer line that is coming in and just revising something.

Marta Borillio – She is a homeowner in Phase 1 and they have a big problem with their sump pump, they are one of the earliest buyers and have a non-stop pump running and one failure with flooding in the basement. Even with a very dry summer the water level is high and it is a concern. Even though they are in a higher elevation than their neighbors they have that problem. They are next to the detention pond and it comes to their property instead of the other way. They have a drain with construction debris that has still not been picked up and they have been ignored. Their calls don't get returned or emails. They are frustrated by this situation and after 2 years of ignoring their concerns they are demanding resolution.

Randy Wertheimer commented that he has not gotten a phone call, this is the first time he has heard about it.

Motion by Hicks, second by Carcone
To move AP-16-24 Stoneleigh West Planned Development – Minor PD Amendment to second reading.

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

MOTION APPROVED

G. Repair Paving Township Hall Parking Lot

Supervisor Young explained that he received two quotes with Sartar being the lowest bidder. The Board agreed that it was appropriate to obtain a 3rd quote.

Motion by Carcone, second by O'Neil
To table the repair paving Township Hall Parking Lot in order to obtain one additional quote and the possibility of the quote including the entire circle drive.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

ADJOURNMENT

Motion by Carcone, second by O'Neil

To recess the regular meeting at 8:55 p.m. and move into Closed Session regarding Attorney Client Privileged Communication.

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

MOTION APPROVED

**Motion by Carcone, second by Hicks
To reconvene the regular meeting of Tuesday, July 5, 2016 at 9:15 p.m.**

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

MOTION APPROVED

The Board of Trustees re-opened the regular meeting to take public comment from Stoneleigh residents in Phase II regarding sumps running non-stop.

**Motion by Cash, second by Carcone
To adjourn the regular meeting at 9:55 p.m.**

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

The Board of Trustees meeting was adjourned at 9:55 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary

Michele Cash

Michele Cash
Lyon Township Clerk