

TYRONE TOWNSHIP PLANNING COMMISSION
Approved Special Meeting Minutes

December 20, 2005 4:30 p. m.

PRESENT: Joe Fumich, Dave Hanoute, Steve Hasbrouck, Laurie Radcliffe

ABSENT: Sally Eastman, Richard Hartigan, S. Randy Laue

CALL TO ORDER: 4:30 p. m. by Chairman Hasbrouck

APPROVAL OF THE AGENDA: Moved by Hanoute, seconded by Fumich, to approve the Agenda. Motion carried unanimously by voice vote.

- 1) Request of **Michael** and **Cathy Brown**, represented by **Andy Boss** of Boss Engineering, for state statute land division of property at 8497 Allen Road, RE parcel 31-400-016, to create four parcels accessed by a shared driveway. A previous proposal was appealed to the ZBA for a variance which was denied.

The Planning Commission discussed:

- The area of proposed Parcel 1 and the number of accessory structures shown;
- The distance between the shared driveway easement and the existing barn on Parent Parcel 1;
- Recalculating the the open space based on fifty (50) percent of the developable area of each parcel;
- Redefining the side yard on Parcel 4;
- Applying corner lot setback requirements when existing structures are located adjacent to proposed shared driveway easements;
- Applying for a ZBA variance to allow for a 20 foot setback between the barn on the Parent Parcel and the shared driveway easement;
- Requesting LCRC approval for a new driveway location;
- Removing the barn; and
- Postponing action on the request until the issue of shared driveway corner lot setbacks is reviewed at the January 10, 2005 Planning Commission Meeting.

MOTION: Moved by Hanoute, seconded by Radcliffe, to table the request until the applicant decides whether to apply for a variance or relocate the driveway. Motion carried by unanimous voice vote.

- 2) Request of **James** and **Sylvia Corcoran** for state statute land division of property at 13100 Old Oaks, FR parcel 36-100-025, to create two parcels. Each parcel will be accessed by a separate driveway from Old Oaks which is a private road.

The Planning Commission:

- Discussed the maximum number of lots allowed on a private road (24.03.F);
- Reviewed the duration of the Old Oaks maintenance agreement;
- Requested inclusion of the new driveway location and drainage information on the site drawing; and
- Asked to have the open space boundary extended to the south to compensate for the road right-of-way;

MOTION: Moved by Hanoute, seconded by Radcliffe, to recommend to the Township Board denial of the request because the number of lots would exceed the maximum number allowed for a private road. The motion was approved by unanimous voice vote.

The Planning Commission suggested an appeal to the ZBA to allow a variance for the number of lots based on the condition of Old Oaks and safety and compliance with County gravel road standards.

- 3) Request of **Metro PCS**, represented by **David Kaminski** of American Tower Corporation, for a site plan amendment to permit colocation on the Verizon Wireless Tower located at 9295 Parshallville Road, RE parcel 32-400-004. There will be no change in the height of the monopole tower

MOTION: Moved by Hanoute, seconded by Radcliffe, to approve the Metro PCS request for modification of the American Tower Site plan to install additional wireless equipment at 9295 Parshallville Road. Motion carried by unanimous voice vote.

- 4) Request of **Metro PCS**, represented by **Richard Connor Riley & Associates**, for a site plan amendment to permit colocation on the Judith Giegler Tower located on Hogan Road, FR parcel 17-200-007. There will be no change in the height of the tripod tower.

MOTION: Moved by Hanoute, seconded by Radcliffe, to approve the Metro PCS request for modification of the Hogan Road tower site, FR parcel 17-200-007, for installation of Metro PCS wireless equipment on Giegler's property. Motion carried by unanimous voice vote.

- 5) Request of **Charles Davis** and **Jennifer Christian**, for a site plan amendment to allow addition of a single driveway across Parcel B (29-300-036) to access their residence at 9121 Faussett Road, RE parcel 29-300-037 (Parcel C).

As originally approved, Parcel B (29-300-036) contained a 66 foot shared driveway easement on the west side of the parcel for access to Parcels B and C (29-300-037) and a 66 foot shared driveway easement on the east side of the parcel to access Parcel D (29-300-038) and Parcel 29-300-008. After approval, the developer abandoned the westerly driveway easement and assigned access for parcels B,C, and D from the easterly easement by recording a perpendicular extension across the top of Parcel B. Sometime later, he contacted the LCRC for approval of a new single access point for parcel B. The site drawing proposed by Mr. Davis shows the Parcel B single driveway access point described as a shared driveway for B and C, but does not show the existing 66 foot shared driveway easement adjacent to the east property line of Parcel B, or the 66 foot shared driveway easement on Parcel 29-300-029 also adjacent to the east line of Parcel B.

Ms. Christian and Mr. Davis told the Planning Commission that:

- At the time of purchase they had been shown a site plan which gave them access from an extension of the easterly easement across the top of Parcel B to their property (Parcel D);
- Originally they didn't know about the approved westerly easement;
- Using the easement on the west side of the parcel would be very expensive because they would have to relocate utilities and remove a hill;
- They had built their new driveway to Township standards and they hadn't seen anything in the Township Ordinance that required driveway ditching;
- They were given a land use permit from the Township to build their home, but weren't allowed to use the easterly driveway or the extension proposed for their property;
- They purchased Parcel B to allow them to use the new access point approved by the Road Commission for Parcel B to access their property (Parcel C);
- They are using the new access as a single driveway;
- After the legal rights to use the driveway are secured, they plan to sell Parcel B back to the Callaghans; and
- They didn't want to build the driveway approach as required by the Road Commission until their plan is approved.

The Planning Commission:

- Discussed the location of the driveways currently installed;
- Reviewed the original shared driveway location approvals;
- Considered the Attorney's recommendation for a single point of access (12/19/2005 e-mail);
- Questioned exactly what legal descriptions have been recorded at the Register of Deeds;
- Noted that the Planning Commission and Township Board had not approved any of the access easement changes made by Mr. Callaghan;
- Told the applicants that the new shared driveway location between the original east and west easements had not been reviewed or approved by the Township;
- Noted that the proposed new easement shown on the site drawing would have to be built to shared driveway standards for base, surface, and ditching;
- Explained that a shared driveway easement required a turn around area at the point where it was no longer shared;
- Informed the applicants that the Callaghan's never completed their application for a land division modification for relocation of the Parcel B and Parcel D access;
- Couldn't approve their driveway as a shared driveway at that location because of the proximity of two other easements within less than 100 feet of their easement;
- Noted that the Road Commission required a separation distance of 100 feet between the centerline of their easement and the centerline of the one originally approved on the east property line of Parcel B;
- Observed that the driveway as shown in the Boss Engineering site drawing did not comply with the LCRC separation requirements; and
- Asked for a site drawing which showed the location of the easement originally approved for the east side of Parcel B and the location of the center lines for the existing driveway surface and the new LCRC approved driveway surface.

Mr. Hanoute had prepared an alternate design for the shared driveway which would use the newest access point to provide a shared driveway easement for Parcels B, C, D and parcel 29-300-008. Mr. Davis and Ms. Christian would be responsible for building the driveway to

shared driveway standards as far as the point where the connection with a new easement to Parcel D occurred. Mr. Davis and Ms. Christian would have to document the easement and provide an access description and maintenance agreement for the other parcels over the shared portion. The owners of Parcel D and 29-300-008 would have to agree to sign a maintenance agreement in return for a recorded easement granting them the right to cross Parcel B to access their driveway. The owner of Parcel D would be responsible for connecting their driveway to the shared portion of the driveway on Parcel B.

Mr. Hasbrouck thought the Planning Commission should recommend that the Board follow the Attorney's advice for a single shared driveway, but use the Davis-Christian easement because of the easement on Parcel 29-300-029 which was already on file as an easement of record.

Mr. Hanoute explained that the Parcel D driveway could be connected to the end of the turnout required for the shared driveway. The legal description of the easement would be the most complicated part of the approval, but could be done once the site drawing was agreed on. If the drawings were received before the end of December, the final drawings could be presented for review at the January 10, 2005 Planning Commission meeting.

Mr. Hanoute said that it was the intent of the Township Ordinance to minimize the number of access points by using shared driveways. The maintenance agreement could state that the easement could be improved to a private road in the future, but the individual who wanted to construct a private road would have to bear the costs.

MOTION: Moved by Hanoute, seconded by Radcliffe, to table a recommendation to the Township Board pending receipt of a revised shared driveway site drawing indicating the abandonment of the proposed east west extension across Parcel B; the establishment of a new shared driveway easement with an emergency vehicle turn out as discussed at this meeting; the location of the easement for connection with Parcel D at the end of the turnout; the location of the 66 foot wide shared driveway easement originally approved for Parcel D and Parcel 29-300-008; and a copy of a proposed shared driveway easement agreement for the use of Parcels B, C, D and 29-300-008. The revised drawing should be forwarded to the Planning Commission for review at their January 10, 2005 meeting before being forwarded with a recommendation to the Board.

Mr. Hanoute reminded Mr. Davis and Ms. Christian that the Planning Commission will review the revised drawing and could make a recommendation to the Board at the January 10, 2006 Planning Commission meeting if the revised drawing and the sample maintenance agreement is received on or before January 3, 2005.

NEXT MEETINGS:

December 27, 2005 - Regular Meeting - Cancelled

January 10, 2006 - Work Session

January 17, 2006 - Subcommittee Meeting

January 24, 2006 - Regular Meeting

ADJOURNMENT: 7:15 p. m.



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission

CORRECTIONS TO THE MINUTES:

Page 1, Line 17: (...by Subcommittee Chairman Hanoute **Hasbrouck**)

Page 2, Line 15: (...the condition of Old Oaks **and based on** safety and compliance with County...)

Page 4, Line 1: (...as far as the point **where were** the connection...)

Page 4, Line 21: (...but it the individual....)

Page 4, Line 37: (...to the Board at **their** the January 10, 2006 **planning Commission Meeting** if the revised drawing...)