

TYRONE TOWNSHIP PLANNING COMMISSION APPROVED PUBLIC HEARING MINUTES

JOHNSON SHARED DRIVEWAY REQUEST Zoning Ordinance Article 24.05.A.3

June 13, 2006

8:00 p. m.

PRESENT: Joseph Fumich, Dave Hanoute, Steve Hasbrouck, Mark Meisel, Laurie Radcliffe

ABSENT: Robert Byerly, Sally Eastman

CALL TO ORDER: 8:00 p.m. by Chairman Hasbrouck

READING OF THE PUBLIC NOTICE: The notice was read aloud by Secretary Radcliffe

CORRESPONDENCE:

Mr. Anthony Delecki, 11940 Parkin Lane, was unable to attend the hearing because of a scheduling conflict, but wanted the Planning Commission to ask questions about an increase in the drainage leading to the standing water on his property from the Johnson's property on the north. He questioned the area of the existing wetland contained within the boundaries of proposed Parcel B; the impact of additional road drainage to the low area where his septic system is located near the Parcel B north property line; increased drainage onto his property from removal of a berm on the east property line to widen the driveway; the actual size of the building envelope available on Parcel B if the wetland setbacks are enforced; and if shared driveway drainage would expand Parcel B wetland area.

PURPOSE OF THE HEARING:

To receive comments regarding the request of **Ronald and Heather Johnson** for construction of a shared driveway to provide access to three proposed state statute land divisions at 11950 Parkin Lane, RE parcel 03-400-006, Section 3, Tyrone Township. The proposed shared driveway easement is within 50 feet of an adjacent property line.

DISCUSSION OF THE REQUEST:

Mr. Johnson commented that he wouldn't touch anything on the west side of the driveway where Mr. Delecki's property is located. The expansion would be on the east side so he didn't understand why Mr. Delecki was worried about water flowing onto his property. The standing water outline had been drawn by the surveyor.

Mr. Hasbrouck noted that it was hard to tell where the standing water was in comparison with the aerial photograph because of all the trees. He also reminded Mr. Delecki that the setback from the shared driveway on proposed Parcel B only had to be 50 feet rather than the 100 feet shown on the driveway which should help with the proposed building envelope. Mr. Johnson commented that the wetland water level would have to rise 15 or 20 feet to get to Mr. Delecki's house.

Mr. Hasbrouck reminded Mr. Johnson that the driveway would have to be improved all the way out to the road with drainage ditching on both sides. Mr. Johnson said there was only a little bit of drainage from both sides of the driveway now and he would have to cut down only a little bit of the bank on the east side to widen the driveway by 7 feet. If the drive is sloped, anything draining from the east side couldn't get to the west side. There has to be a 50 foot drop from Parkin Lane to the back of Parcel B. Drainage could only come down the hill and the only place it can go from there is to the standing water area.

Mr. Hanoute asked if the wetlands associated with standing water had been verified and the boundaries delineated. Mr. Johnson said he wasn't sure if it was a designated wetlands or not. Some of the surrounding area was filled in when the extension of Parkin Lane was developed. Two houses were located on fill dirt.

Mr. Hanoute commented that the contour maps show an extensive wetland area that might encompass most of proposed Parcel B. Mr. Johnson should get a wetland expert's opinion before creating a parcel that is unbuildable.

Mr. Johnson wanted to know what would make the parcel unbuildable. There's plenty of area to put a house without impacting the wetland. Mr. Hasbrouck said that according to the aerial photograph and the contour map there might not be enough area. Eighty percent of the parcel might be classified as wetland, but that can only be determined by an environmentalist.

Although it was hard to measure accurately, Mr. Meisel estimated that 50 percent of the property might be covered by water. You might be short on space for generation of a building envelope based on setbacks from the water and the wetlands. Get a determination so you know if it is a regulated wetland. Then you will know if it can be filled or modified, as well as locating the building envelope relative to the physical requirements.

Ms. Johnson wondered if the wetland would have been established at the time their parcel was split by the developer 20 years ago. Right now, there are two houses right in the wetlands. Mr. Meisel thought there hadn't been any scrutiny of wetlands that long ago.

Mr. Fumich referred to Section 5, Page 2, Item 2 of the Agreement for Shared Driveway Rights and Responsibilities which required the Township to make a maintenance determination if the users of the driveway can't agree. The Planning Commission:

- Commented that the Township might want to make a decision in the case of a tie vote;
- Asked to have the sample shared driveway agreement forwarded to the Attorney for his opinion;
- Wondered if a request for maintenance determination obligates the Township to make a decision;
- Discussed establishment of criteria for accepting, reviewing, and breaking tied votes;
- Questioned If there would be liability associated with shared driveway maintenance decisions made by the Township; and
- Considered allowing the civil process to occur in matters dealing with private property.

The Planning Commission decided to ask Attorney Harris for an opinion regarding the Township's regulation of shared driveway maintenance and the Township representative(s) who should be responsible for breaking a tie if Township participation is approved.

CLOSING PLANNING COMMISSION REMARKS:

Mr. Hasbrouck commented that there needed to be more information about the location of the wetland and how the wetland impacts Parcel B. He informed the Johnson's that the whole site should be looked at in case there were other wetlands not shown. Regulated wetlands could make up 35% of the required open space and there was no limit on unregulated wetland open space.

Mr. Hanoute noted that more open space was provided on Parcel C than required. They showed 1.55 acres and only 1.10 was required. The front yard setbacks from the shared driveway only had to be 50 feet, and the open space descriptions should include restrictive open space language referencing the maintenance and rights to use.

There being no further comments, the Public Hearing was closed by Chairman Hasbrouck at 8:25 p.m.



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission