TYRONE TOWNSHIP PLANNING COMMISSION

Approved Work Session Minutes
November 14, 2006 7:30 p. m.

PRESENT: Bob Byerly, Sally Eastman, Joe Fumich, , Steve Hasbrouck, Laurie Radcliffe, Mark Meisel present until 9:40

ABSENT: Dave Hanoute

CALL TO ORDER: 7:30 p. m. by Chairman Hasbrouck

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC:

John Norris of the Runyan Lake Association, James Soldan, Vice-President of Runyan Lake Incorporated, Bob Fabitz, 10555 Runyan Lake Point, and Margaret Andreen, Lake Shannon Board Association member, asked to address the Planning Commission during discussion of Old Business, Item 1.

APPROVAL OF THE AGENDA:

Ms. Eastman asked to add two items under Other Business from Members (*)

MOTION: Moved by Eastman, seconded by Fumich, to approve the Agenda as amended. Motion carried by unanimous voice vote.

APPROVAL OF THE MINUTES:

1) MOTION: Moved by Eastman, seconded by Radcliffe, to approve the October 24, 2006 Regular Meeting minutes as corrected. Motion carried by unanimous voice vote.

Page 2, Line 33: (...Planning Commission had ~~been~~ reviewed...)
Page 2, Line 39: (...it **or** not.)
Page 2, Line 41: (...might not have ~~not have~~ known...)
Page 3, Line 6: (Did that meant the drainage...)
Page 5, Line 42: (...recalled that ~~the~~ all the comments...)
Page 6, Line 46: (...has to **be** provided...)

2) MOTION: Moved by Eastman, seconded by Fumich, to approve the October 24, 2006 Heavenly Scent - Mathews Public Hearing minutes as presented. Motion carried by unanimous voice vote.

CORRESPONDENCE:

1) October 10, 2006 - Letter from Sally Eastman to the Tyrone Township Planning Commission

Mr. Fumich and Mr. Hasbrouck thanked Mrs. Eastman for her letter.

2) November 1, 2006 - Memo from Greg Milliken to Robert Stanford of the Livingston County Department of Planning.

Township Planner, Greg Milliken, informed the Planning Commission that Mr. Sanford agreed that he could revise his review letter and suggested forwarding a copy of the general Zoning Enabling revisions which had been approved earlier by the Planning Department with another copy of Article 29.00.

3) November 3, 2006 - Memo from Greg Milliken regarding information requested at the November 24, 2006 meeting for discussion under Old Business

4) November 7, 2006 - E-Mail Correspondence between Ray Hicks and James Sporer for discussion under Old Business

SUBCOMMITTEE APPLICATION REPORT:

1) Request of **Anna Miller** for state statute land division of property at 8301 Bella View Drive, RE parcel 19-100-054 to create two parcels with access from a private road. A new site drawing has been provided

Paul Copeland, Ms. Miller's son, explained that the site drawing and legal descriptions would be corrected once the split was approved. They have driveway maintenance agreement signatures from two residents already and he would sign another agreement after the split.

The owner at the Bella View - Center Road intersection refused to give them permission to clear for sight distance. The area that needs to be cleared is approximately 100 feet by 20 feet, most of it in the road and driveway rights-of-way. The neighbor who won't let them onto their property to maintain the Center Road sight distance uses Bella View to access their property.

Mr. Copeland said that all of the required open space would be located on proposed Parcel B. Members of the Planning Commission told him that open space maintenance language would have to be included in the legal descriptions of Parcels A and B.

Ms. Eastman asked Mr. Milliken to comment on a recent Appellate Court decision involving safe access and if denial of the land division based on that decision would be too restrictive on our part. Mr. Milliken said he had some concerns about the easement. If any portion of the sight distance easement is on the neighbor's property, an agreement or purchase might need to be worked out so the sight distance clearance can be satisfied.

Mr. Fumich asked if the Planning Commission could approve the request if the sight distance couldn't be met. Mr Milliken said the Planning Commission was under no obligation to approve the land division based on the court's decision. In the past, you had to approve the split, but now you don't have to if the applicant doesn't have the approval of the Road Commission. The Court of Appeals has given you the power to make that decision.

Mr. Hasbrouck asked if the Planning Commission could make a recommendation with sight distance approval conditions. Mr. Milliken said the Planning Commission could do that if everything else was in good shape. The sight distance requirements should be satisfied before going to the Board.

Mr. Hasbrouck was concerned about the site clearance, especially when Parcel 1 has access from the Bella View Drive but deters you from keeping it clear. He suggested recommending conditional approval for the request while they work on obtaining sight distance clearance approval. Then when everything is done, they could request approval from the Board, without having to come back to the Planning Commission. Once the clearing was done, and the County signed off, Mr. Copeland could bring the request back to staff for review before forwarding it to the Board.

> MOTION: Moved by Hasbrouck, seconded by Fumich, to recommend to the Board conditional approval of Ms. Miller's request for state statute land division at 8301 Bella View Drive, RE parcel 19-200-054, pending receipt of sight distance clearance and maintenance agreements for the road and open space. Ayes: Hasbrouck, Radcliffe, Byerly, Fumich, Meisel. Nays: Eastman. Motion carried by voice vote.

Mr. Copeland was asked to bring in copies of any signed maintenance agreements they had for Bella View Drive.

OLD BUSINESS:

1) Request of **Ray Hicks**, represented by **Jim Sporer** of CHMP, for Runyan Lake East Site Condominium Concept Plan approval. The Township Board returned the request to the Planning Commission to satisfy the three concerns outlined by the Township Planner in his letter dated June 6, 2006

Mr. Meisel recalled that the Planning Commission previously requested that he recuse himself because of a conflict of interest. He asked the Planning Commission to again state if they believed he had a conflict and if he should recuse himself. The Planning Commission believed that the same conflict of interest conditions still applied to this request. Mr. Hanoute also had a conflict of interest related to the request, but was not in attendance. Mr. Meisel excused himself and moved into the audience.

Mr. Milliken referred to the items at the end of his June review which concerned the Board. The first item was roads. Both sides have raised numerous arguments and provided substantial material. We have received direction from the Township Attorney that this is not an issue where the Township should serve as decision maker. If the two sides can't come to some manner of agreement it will have to be settled in court, so the road situation in regard to Runyan Lake Point is not an issue for discussion at this time.

The second issue was drainage. It was obvious that a significant amount of grading would have to be done to put in any roads or houses on the site. The applicant provided some concept plans for retention-detention and there was some preliminary review by the Township Engineer. If the conceptual site plan is approved, there will be significant review by the Drain Commissioner and Township Engineer between concept and final review. While the drainage remains a significant issue not only for the lake but adjacent properties, their plan does meet the requirements for concept drainage review. They have submitted the general plan for storm water required by the Ordinance concept review section (21.43). Further engineering and analysis to address the outcomes of their proposed plan will be need to be done before final approval review.

The third concern was environmental. A Phase II Environmental Assessment was submitted which satisfied his original comments. The Township Engineer had some concerns, but there has been correspondence back and forth which seems to have addressed their preliminary concerns. Similar to drainage, wetlands remain a concern. There are significant regulated wetlands areas. To get beyond the concept stage, the plan will have to go through further evaluation and a significant amount of analysis and review by professionals. There will have to be a number of permits issued by the MDEQ if anything is ever to happen on the site. As far as concept review, all that has to be shown for the wetlands is the general area where they are located. From the standpoint of concept review, that standard has been met.

AT this point, they have met the concept plan requirements referenced in his June memo.

Jim Sporer of CHMP said he felt they had met and exceeded the standards for concept plan approval and have provided some of the final plan requirements. The request complies with LK-1 Zoning and the Master Plan in terms lot size and of density. The access issue will have to be determined by agreement or attorney. There is correspondence going back to February between Mr. Hicks and Mr. Armbruster. If the court or the title insurance company determines there is no access, we would revise the plan. We feel this is a viable plan because the title insurance company and Mr. Hicks's attorney have indicated that we do have access. We can't settle that tonight. We would like to go forward with Concept Plan approval, knowing the final plan will not be approved until the road issue is resolved.

We are into a preliminary and approaching a final grading plan with our recent submittal to the Township (Revised Sept. 28, 2006). We have shown grading and contours, topography, and proposed swales and detention locations. Calculations are not done, but the general flow direction and how drainage will be treated is shown on the plan.

The full environmental report is on file, including the lab tests with a letter from Applied Ecosystems summarizing the report. Two test wells have been done on the site and preliminary results indicate that the quantity and quality of water is sufficient. Mr. Hicks is only planning to use 14 of the 16 sanitary sewer taps he has paid for. Preliminary studies indicate the capacity is available. Mr. Hicks has provided money for a complete study, but the Township has to authorize their engineer to do it.

The wetlands on site have been flagged and located by King-McGregor, and shown on the survey. The 50 foot setback has been respected in every case. There is a small wetland on Unit 5 which is not regulated according to King-McGregor but a letter came back from the DEQ suggesting that it is regulated because of the MDEQ's estimate of the distance from the wetland to the lake on both sides of Runyan Lake Point. If the distance is less than 500 feet it would be regulated. Mr. Hicks has forwarded documentation to the DEQ showing that the wetland is well over 550 feet on the south and over 600 feet on the north. They are waiting for a reply from the MDEQ. If it is not regulated, the lot would be buildable without an MDEQ permit. All the other activity will be outside the wetlands. We don't feel we will have to go to the MDEQ for a permit unless issues arise from the final drainage engineering plans.

Because this is a rural route, clustering the mailboxes on Carmer Road as well as Runyan Lake Point makes the most sense. They have also submitted an outline of Master Deed topics to be submitted for final review. Lake access has been limited to the front four lots only. They have satisfied the terms of Concept Plan Review. He asked the Planning Commission to reaffirm their previous recommendation for approval.

In February Mr. Hicks said that he would be responsible for any improvements required or that the Engineers or the Township might impose. That could include widening the road, improving the sight distance at Carmer Road if required, rebuilding the stone pillars, and incurring the costs of all improvements required by County or Township Engineers. The easement is now 40 feet wide, if the Road Commission determined the width should be 66 feet, there is room on his property to do that.

Bob Fabitz, 10555 Runyan Lake Road, read an e-mail from Mr. Armbruster, Runyan Lake Point Association President, which advised Mr. Hicks that he did not have access to Runyan Lake Point based on the opinion of their Attorney, John Fifarek. He wanted to make the point that they were bringing equipment onto the private road and doing damage to it. Until Mr. Hicks has proved access, he shouldn't be allowed to bring equipment onto Runyan Lake Point to work on his project.

Jim Soldan, 10489 Runyan Lake Point, said there was a regulated wetland in the middle of Lot 5. A 50 foot setback from the edge of that wetland would wipe out Lot 4 and Lot 6. Their EPA study isn't worth the paper it is written on. There was stuff buried all over. That whole property should be dug up by the EPA . If Mr. Hicks grew up there as he says, he knows all of it was used as a garbage dump. He knows you can't build on a wetland.

We want you to do the will of the people. The people are here and they do not want this project. Mr. Hicks will have no cooperation what-so-ever from Runyan Lake Point and we have the backing of Lake Shannon and their complete association here tonight. Get the rest of the plan done. They have already been to the Township Board and they told them, "Absolutely not."

As a point of information, Mr. Hasbrouck stated that wetland on Mr. Hicks's property continues around the point and takes in approximately 50% of the homes sited on the lake in that area. The pond near the road may or may not be regulated because of the distance from the lake. Mr. Soldan replied that the MDEQ says it is regulated, and it has to be set aside. If Mr. Hicks can get that reversed, we will come back here and start from there. Have them do all the things they are supposed to do, and then bring it back. Mr. Hasbrouck explained that there will be "ifs" in a conceptual plan while it goes through the process.

Mr. Fumich explained that once the concept plan was reviewed and officially approved, you will see things happening. You will see the results one way or the other from the MDEQ about the wetland, the drainage will be resolved, and everything else can be resolved except the road. That will be resolved by some judge. Mr. Soldan said that if you give him this permit tonight you are giving him eminent domain to our road.

Mr. Fumich said he wasn't being given anything and would have to prove everything. Mr. Hicks stated he already has permission and rights to the road, so we haven't given him anything. Mr. Soldan said he was telling the Planning Commission that Mr. Hicks did not have permission to use the road. Mr. Hasbrouck explained that we had a recommendation from our Attorney to not get into that argument, so we weren't going to decide who has the right to use the road.

They may not have done all the environmental work, but they have provided more information than we usually see at this point. Mr. Soldan said he didn't think the soil samples went deep enough. Hasbrouck explained that the Health Department would have the ultimate approval for the drinking water, and Mr. Hicks will have to get approval from them for uncontaminated wells.

Ms. Eastman asked if the wetland evaluation was made. She understands it is a sensitive area, but if the law says it has to be 500 feet from the lake and it is 547, the law doesn't regulate it.

Mr. Sporer explained that a letter from the DEQ, dated June 28, 2006, stated that the area in Unit 5 was a regulated wetland. He is trying to get that changed because King-McGregor said it wasn't a regulated wetland after they flagged it. He recently received an e-mail from the MDEQ stating that they based their definition on measurements from Map View Imager which has a substantial margin of error. The agent asked Mr. Sporer to provide his measurements so the MDEQ map could be corrected. The information has been forwarded and he is waiting for their reply.

Margaret Andreen, read a letter from the Lake Shannon Board supporting the Runyan Lake incorporated opposition to the development on Runyan Lake. The property does not meet the criteria to be considered LK-1 and should not be developed with the density permitted in the Lk-1 district. The intent of LK-1 is to make the existing lots conforming. Township Zoning Ordinance Article 7, Section 7, specifically states that the LK-1 Zoning District is intended for areas with lake frontage platted prior to adoption of the Ordinance with higher densities and smaller lots than currently allowed and development of such small lots is not encouraged. The Master Plan also states the purpose of the LK-1 District is to accommodate existing homes around the lake, to permit maintenance of existing homes, and to not permit additional development of higher density around the lake. This type of development violates the spirit and letter of the Township Master Plan and the Ordinance. The recent rejection of additional high density housing indicates the support the Planning Commission would have in rejecting this proposal.

Mr. Hasbrouck explained that the Master Plan is a guide, but the Zoning Ordinance is what we have to follow. The property is zoned LK-1 and that is what we have to review unless Mr. Hicks requests something different. Mr. Sporer objected to having it described as a high density development. There are 14 lots on 10 acres which equals approximately 1.3 units per acre. That meets the Master Plan guidelines and is not considered high density (page 77). High density would be 4 units per acre (LK-1 density).

Mr. Hasbrouck said that the referendum referred to in Ms. Andreen's the letter was a different matter. The density there is significantly higher than the density proposed here. Compared to the lots in the area around it these are all bigger. That wasn't the situation on Parshallville Road.

Ms. Andreen replied that the LK-1 zoning applied to lake front property only, and some of the lots didn't have lake frontage. She didn't understand how non-lake front property could be zoned LK-1. Mr. Milliken agreed that there was some disconnect between the Master Plan and the Zoning Ordinance in regard to the intent and the LK-1 zoning standards for minimum lot size, setbacks and so on. The issue is what the judge will say. If this goes to court the judge will look at the hard numbers—the ordinance standards. There is no standard that says all lots

must have water frontage. The ordinance says that the rear yard setback on a lake must be measured from the mean water line of the lake and you have argued that the measurement requirement becomes a requirement for water frontage. That isn't a strong enough argument. If that is your fast ball, you will need to come with something more. Based on his experiences in court, if you want to have an intent, you must have something blatant and obvious in the standards that states how many feet of water frontage you will need or that all parcels must have lake frontage. Using the argument that the rear yard setback measurement is a water frontage requirement is hard to make when there are other lots in the district without lake frontage. The lots are currently zoned LK-1 and the lots are Master Planned for LK-1. To rezone the property to something else would be against the Master Plan.

John Norris, 11066 Runyan Lake Point, said he didn't believe the plan met the intent of LK-1. Part of the problem is the gray area because the Planning Commission has a Master Plan and doesn't have ordinances in place to support it. This request definitely isn't compliant with Lk-1 and a loophole is being exploited. He wondered why the Planning Commission wasn't getting the Ordinance fixed. Mr. Hasbrouck said the ordinance was rewritten with the help of residents after the Land Use Plan was put together. We work on aspects of the Zoning Ordinance at almost every meeting. There are always things we have to repair or the state comes up with new statutes which require us to rewrite certain sections.

Mr. Milliken commented that there is no requirement in the ordinance for minimum water frontage and we are working on that. Mr. Norris said he came to meetings and didn't see any evidence of work on the ordinances. Ms. Eastman told him the Planning Commission revises ordinances monthly. We may not revise the ordinance to Mr. Norris's liking, but we are doing our job. This was written after the Master Plan and we did what we thought was a good job and the Planner thought it was a good job and this is the result.

Mr. Fumich said he hadn't seen Mr. Norris at too many meetings that he could remember. Ms. Eastman noted that he always attended when there were lakefront issues, but there are many other issues addressed beside lake fronts. Mr. Fumich said he would like to see Mr. Norris at more meetings and invited him to stay for the whole meeting.

Debra Hense, President of the Parshallville Community Association, stated she did not own lake front property. She wanted to encourage the Planning Commission to follow the Master Plan. If this parcel is planned for medium density, make sure that the concept approval fits it. The lots on the outside without lake front or lake access do not meet the LK-1 concept. If they want to use the property for something that is not allowed, they should seek rezoning or a variance. That is the process. Based on the ordinance, she could request LK-1 zoning for her property, even though she doesn't have a lake. Mr. Hasbrouck explained that Mr. Hicks could request a variance for some of these lots, but our Attorney has recommended that we not send people for variances until we get to the final drawings in case more than one variance would be needed.

Mr. Milliken explained that the parcel was zoned LK-1, but Ms. Hense's property would not be rezoned. Her property is Master Planned as RE, not LK-1, so the request would be denied. This parcel is shown as LK-1 in the Master Plan and that is what it is zoned.

Ms. Eastman reminded the audience that this was not a land division request. The project is a site condominium. The property will remain a single parcel regulated by the Master Plan, the LK-1 zoning, the Schedule of Regulations and the Site Condominium Ordinance. You

have to lookat those requirements, not just one. Some of the property is owned singly and some is owned jointly. That will be described in the condominium documents presented with the final site plan.

Donald Teggerdine, 6700 Mabley Hill Road, said he has lived here since 1941. He didn't want to see a lot of these people when they came in here and he still doesn't.

Philip Peters, 7252 Parkwood Drive, said it seems that the site plan is in violation of the spirit. If the public is calling for all the information, that is what you should require. That speaks to the referendum too. Make sure that everything is correct. Mr. Hasbrouck noted that there could be changes in the plan as it goes through to the final review. If they need to change their plan or fight over the use of Runyan Lake Point, that is their choice. Depending on the final drainage reviews and the use of the road there might be major changes in the plan. If that happens, they will have to begin again from scratch.

Mr. Fumich reminded the audience that this was a conceptual approval. That doesn't mean that this plan will be the final plan to come to pass. All the information you are looking for will have to be there before the final plan can be approved. This isn't the end. This moves it forward so he can get the information you say he doesn't have, before it is reviewed for final approval.

Terry Spelice, 8115 Parkwood, asked what would be planted to control run off. Mr. Sporer explained that a series of swales, check dams, and sedimentation basins would be used to control the flow with extra vegetation at the lake front to filter the final run off. He urged all lakefront owners to plant the shore lines in front of their homes with natural vegetation to control run-off.

Ray Barth, of Runyan Lake Road, told the Planning Commission that the best resource in the Township is the lakes. If you don't listen to the residents on the lakes you are destroying the lakes and the property values and the right we have to use the water we paid for all these years. The storm water will go into the lake. If you ruin the lakes, you have nothing.

Mr. Sporer said they had explored other layout options that would require approximately 300 feet of road where the driveway is shown closest to Runyan Lake Point. They would lose two lots and the back yards of the houses would face Runyan Lake Point. There would be more run-off into the lakes from the roads than the driveways.

Ms. Radcliffe noted that the reports from the engineer and the planner did not object to concept approval at this point and soil sample results were contained in the environmental report. Ms. Eastman said concept approval allows the applicant to go forward and gather more information, but does not allow any building to begin.

Mr. Hicks said his attorney has done title work and their attorney has done title work that conflicts. It is up to the insurance company to seek agreement or injunctive relief.

> MOTION: Moved by Eastman to recommend to the Township Board approval of Mr. Hicks' Runyan Lake East Site Condominium concept plan for approximately 10 acres located at 10287 Carmer Road, LK-1 parcel 10-100-031. Based on Zoning Ordinance Article 20.00 - Schedule and Table of Regulations, Article 21.43.G - Review Process and Table 21.2; based on a review of the way the plan meets the Zoning Ordinance

requirements, and based on reviews by Attorney Harris, McKenna Associates and Tetra Tech, this plan complies with the letter of the Ordinance. It complies with the three issues the Board asked the Planning Commission to resolve although Issue 1, the road, cannot be resolved as addressed by a memo from Attorney Harris dated 8/10/06; Issue 2, the storm drainage and sanitary sewer issues, has been addressed by a Tetra Tech memo dated 11/02/06 and a McKenna memo dated 11/06/06 with much more detailed plans to be provided and approved by the County Drain Commission prior to final site condominium review or approval; and Issue 3, environmental issues, has been met from a concept point of view from the memo of Tetra Tech dated 11/02/06 and from the McKenna memo dated 11/06/06 although they will have to resolve the water and sanitary sewer issues addressed in the Tetra Tech Memo before final review. The plans comply with the letter of all our ordinances. The Board may not feel they comply with the spirit of the Ordinance or the spirit of the Master Plan. That is up the Board to decide. Mr. Fumich supported the motion. Ayes: Radcliffe, Hasbrouck, Fumich, Eastman. Nays: Byerly. Motion carried by majority voice vote.

Mr. Hasbrouck explained that the request would be forwarded to the Board for concept approval, but all issues would have to be resolved before final plans could be reviewed. Mr. Byerly explained that he voted against the motion because he had a problem with the LK-1 issue and the drainage issue.

Mr. Meisel left the meeting during a two minute adjournment and did not return.

2) Discussion of the Livingston County Department of Planning recommendations for revised Zoning Ordinance Article 29.00 - Zoning Amendments and recommendation to the Township Board.

Mr. Milliken recalled that the Planning Commission had sent the Section 29.00 ordinance text to the county twice for a review, once before the Public Hearing and once after. The second review was negative. County Planning review provides another set of eyes to review the plan, but the comments are not binding.

The County review was based on three misconceptions. They believed we were only updating one portion of the ordinance, and forgot that the most of the Zoning Enabling Act revisions had already been reviewed by the County. Their major complaint was about language we struck out because it was a duplicated in another section. It wasn't necessary in that portion of the ordinance because it had already been covered in a previous section outlining the procedures. Mr. Stanford was concerned that the County was being eliminated from the process. Their final comment about changes to Section 29.05.D, p 29-8, did point out an area that was ambiguous. He agreed the language would be clearer if the section read, "...the and right to review may be waived **by the County**."

Ms. Eastman recommended forwarding Article 29 to the County Department of Planning again for another review, since the County Planning letter was placed on the Board Agenda without knowledge of the Planning Commission. Mr. Milliken suggested forwarding a copy of the previously approved MZEA changes to the County in addition to Article 29.00.

3) Review of final revisions to Zoning Ordinance Article 20.02.A

Mr. Milliken said that the new language for measuring curved lines applied to roads or water frontage and a water frontage example was added to the graphic. Ms. Eastman asked to have the center point of the tangent arc shown on the measurement drawing.

4) Discussion of proposed revisions to the Planning Commission bylaws

Mr. Milliken explained that the changes in the by-laws were made by combining changes received at the last meeting. The ZBA adopted a change to their conflict of interest section (3.07.b) to include any members of the board who might be applicants which meant Planning Commission members would need to have a representative to act for them if they presented a request to the Planning Commission.

Mr. Hasbrouck noted that the MTA left the choice of staying at the table or moving to the audience up to the Planning Commission. Mr. MIlliken said the point was that the member with a conflict of interest would not be voting. The Planning Commission is intended to be an unbiased quasi-legislative body and that is the situation you want to maintain, so you remove yourself from the situation if there is an appearance of personal interest.

Ms. Radcliffe thought that Planning Commission members, as residents of the Township, should be able to voice their opinions too, especially if it affected the value of their property. Mr. Hasbrouck said that could be done at a Board Meeting. Mr. Milliken reminded the Planning Commission that the important point in this section was the appearance of integrity. The conflict would be limited to the people within the 300 foot notification radius, not an entire neighborhood or street. Ms. Eastman recalled that we have had several members declare a conflict of interest in the past and in each case the member did not speak on the request.

Mr. Hasbrouck noted that the language in section 2.03 which allowed for the delegation of the Secretary's duties with the approval of the Planning Commission wasn't included in this revision. He also asked for clarification of the language regarding the permanent Subcommittee and other subcommittees appointed for a specific issue.

Mr. Milliken explained the section 4.02 mailing requirements regarding the use of "Occupant" when a home owner is not living in the residence where the notice is being sent.

> MOTION: Moved by Eastman, seconded by Fumich, to approve the Planning Commission Bylaws, dated 11/24/06, as amended during discussion. Motion carried by unanimous voice vote.

5) Discussion of revisions to Zoning Ordinance Article 24.04.F

The revisions to the Maintenance Agreements proposed by the Township's Attorney will be forwarded to the Township Board for review and comment. Mr. Milliken suggested carrying the discussion over to the next meeting.

Mr. Fumich expressed his concerns regarding maintenance of the clear vision easement once a road or a driveway is approved. Mr. Milliken said the answer was in the agreement. It should give the residents who use the drive or road the rights to clear it as needed.

NEW BUSINESS:

1) Election of Officers

Ms. Radcliffe suggested postponing the election and Mr. Fumich suggested holding the election at the next November meeting so Mr. Meisel and Mr. Hanoute could be present. The members agreed to hold the election on November 28, 2006.

OTHER BUSINESS FROM MEMBERS:

1)* County Planning Review

Ms. Eastman asked why the review letter from County Planning was included as a Board Agenda item.

Mr. Byerly said someone put it into their packets. Mr. Milliken explained that the County correspondence is addressed to the clerk, and that is probably why it was included with the Board material.

2)* Planning Commission Appointments

Mr. Byerly explained that the Planning Commission appointments will be made in January after the new Board has time to consider them. Ms. Eastman said that based on the appointments discussed at the last Board Meeting, she wasn't sure that the right members had their terms extended.

Mr. Hasbrouck asked members to contact him let him if they would be willing to serve on the Subcommittee as members or as alternates.

3)* Southern Lakes Planning

Ms. Radcliffe asked for an from the Planning Commission regarding attendance at the Southern Lakes Planning meetings as a guest member. Although the Tyrone Township Board withdrew from the group, it is a good source of communication between lake associations, local governments, and recreational project planners. She has been invited to attend as a Township resident, but wanted the Planning Commission to be aware of the request and give their approval. She would not be attending as a Township representative.

The Planning Commission thought it would be a good way to maintain contacts with adjoining Townships and thanked Ms. Radcliffe for offering to attend as a volunteer.

ZONING ADMINISTRATOR'S REPORT:

1) Sewer Ordinance

Mr. Van Hecke reported that the Township has adopted a Sewer Ordinance. Residents living within the sewer assessment district will be notified that they have 180 days to connect to the sewer.

ZONING BOARD OF APPEALS REPORT:

BOARD ACTION:

FUTURE AGENDA ITEMS:

NEXT MEETINGS:

December 12, 2006 - Work Session

December 19, 2006 - Subcommittee Meeting

December 26, 2006 - Regular Meeting

ADJOURNMENT: 10:00 p.m.

Laurie Radcliffe, Secretary
Tyrone Township Planning Commission

Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission