

TYRONE TOWNSHIP PLANNING COMMISSION

**APPROVED MEETING MINUTES
September 8, 2009**

PRESENT: Gary Butler, Dave Hanoute, Steve Hasbrouck, Ed Kempisty,
Mark Meisel, Laurie Radcliffe

ABSENT: Joe Fumich

CALL TO ORDER: 7:00 p.m. by Chairman Hanoute

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC:

APPROVAL OF THE AGENDA:

APPROVAL OF THE MINUTES:

1) August 25, 2009 Planning Commission Minutes

Moved by Meisel, seconded by Radcliffe to approve the August 25, 2009 Meeting Minutes as corrected. Motion carried by unanimous voice vote.

Page 4, Line 26: (...changes requested at **all of the** Township meetings...)

Page 5, Line 14: (...they needed **to** show...)

Page 5, Line 39: (...was told to **add a berm** because...)

Page 5, Line 40: (...he gave use a Special Land Use...)

Page 6, Line 31: (Mr. Hasbrouck observed that **this**...)

Page 7, Line 40: (or if **a** letter from the Planner...)

Page 8, Line 22: (...about **bringing** in people...)

Page 8, Line 49: (**Mr. Fumich** He wondered if...)

Page 9, Line 7: (...it according **to** the requirements...)

CORRESPONDENCE:

SUBCOMMITTEE REPORT:

OLD BUSINESS:

1) **Request of Boss Engineering, representing Triangle Tyrone, LLC for land division of vacant land with frontage on Runyan Lake Road, FR parcel 21-100-002, to create a ten acre parcel and a remainder parcel of approximately 62 acres**

Dan Boss, of Boss Engineering, one of the Triangle Tyrone partners, told the Planning Commission that the proposed Open Space (3.43 acres) was calculated as one third of proposed Parcel 2 and was located along the boundaries of proposed Parcel 1.

Mr. Hanoute explained that if Open Space is included as part of the newly created parcel (Parcel 2), it would be equal to one acre for each two acres within the new parcel area (approximately 3.43 acres), but set off outside of the new parcel it will have to be 5 acres or 50% of the parcel created. Distributing the Open Space around the edge of the parcels as a buffer is one way to allocate the use. The drawing should be revised to show the correct amount of open space. The amount of wetland open space will have to be revised and the yard setbacks will have to be relocated based on the amount of Open Space.

During a discussion of the White Lake Road frontage, Mr. Hanoute recommended contacting the Attorney for a recommendation regarding parcel access and whether a land division could be denied because the Road Commission wouldn't approve an access location. Ms. Hodges volunteered to talk to the Attorney.

Ms. Radcliffe noted that the tax bill indicated that Summer 2009 property taxes were unpaid and the attached tax bill indicated a due date of 01/01/0010. Mr. Hanoute said that tax enforcement is a Board issue and he informed Mr. Boss that the Land Division Ordinance requires full payment of taxes prior to Board review.

Moved by Meisel, seconded by Butler, to approve the land division request of Boss Engineering and Triangle Tyrone, LLC with the following conditions: 1) correction of the Open Space allocation to accurately reflect the 50% portion of Parcel 2, in any configuration the applicant chooses that meets our requirements; 2) verification that any increase in open space allocation does not exceed the amount allowed in wetlands; and 3) correction of the Open Space legal descriptions consistent with the Open Space reallocation based on the Boss Engineering drawings dated 7-31-09, pages 1-4; and review of the amended drawings by a Planning Commission member appointed by the Chairman prior to Board submittal with a recommendation for approval. The motion was carried by unanimous voice vote.

2) Request of Wayne Perry of Desine Engineering, representing Ken Maly, for establishment of a shared driveway easement to access four existing parcels in Section 11, and correction of the legal descriptions of the parcels involved.

Mr. Perry said they wanted to establish a shared driveway to serve proposed parcel B (Sheet 4) currently owned by Mr. Maly and attached to Parcel A. Parcel B was created about 1991, and is a land locked piece formerly associated with 'Top of the Pines' (11-300-013).

About 1975, John Albright, a local surveyor completed a land survey that created the existing shared access easement at White Lake Road and three parcels---11-100-010, 11-100-012 and 11-100-040. Two of the parcels have houses and have shared the access for many years. A third parcel is currently vacant. The existing driveway deviates from the original easement, so their plan is to lay a new easement over the

existing driveway and create a new access description. The old cul-de-sac was never constructed so they have relocated it and shortened the length to conform with the ordinance.

Mr. Perry said he had provided some drawings which showed the development of the original piece (Sheets 1, 2 and 3). Parcel B was created as a remnant when the Master Deed for Top of the Pines was recorded and was probably issued a Parcel ID number at that time.

The Meeting was recessed at 7:30 p.m. for a Public Hearing and reconvened at 9:05 p.m.

Mr. Perry told the Planning Commission that all of the land divisions occurred before the Township's Open Space requirements were adopted. Four parcels will be accessed by the shared drive, but two of them are presently vacant land. The original cul-de-sac was never built, but was shown as 1,300 feet from the center of White Lake Road to the end of the cul-de-sac which doesn't comply with the Township Ordinance. The new driveway will measure 1,000 from the centerline of White Lake Road to the end of the cul-de-sac. All the driveways shown on the map exist as they are shown on the drawing and are shared as far as the cul-de-sac.

From that point forward there will be a private driveway to Parcel A and another private driveway crossing Parcel A to Parcel B (Sheet 4). He is asking for variances to the shared driveway construction standards because the driveways are already in existence. The west side of the easement will follow the existing pavement so all of the existing driveway will lie within the new easement. The east side will be able to conform to the Township's horizontal alignment requirements in case it needs to be reconstructed in the future. The shared driveway gradient variance is between 8 and 6 percent (Sheet 5). The private driveways are shown on Sheet 6. They are gravel with an asphalt surface probably done at the same time as 'Top of the Pines'. The new cul-de-sac is planned for a gravel surface. The area is heavily wooded, so any new construction or realignment will require the removal of trees.

The original proposed cul-de-sac was too long to meet the Township's requirements and it couldn't be constructed as originally planned because of some grade problems. The new cul-de-sac conforms to the Township's length requirements, is in an area where it can be constructed and used without cross slope interference, and provides access to all the existing private driveways. There are nonconformities with the vertical and horizontal alignment and the constructed driveway cross section.

The run-off heads northeast and there is a culvert under White Lake Road near the 'Top of the Pines' entrance, which takes all the drainage from that area. Mr. Hanoute noted that directing drainage to the public road right-of-way would be nonconforming in terms of our Ordinance so we will need a letter from the Road Commission if that is planned. Mr. Hasbrouck thought that would be a technicality, because they were only adding a cul-de-sac. Mr. Hanoute referenced the Township's Private Road Ordinance requirements for drainage (24.05.G, 24.06.B) and asked for a letter from the Road Commission.

Mr. Perry said their intent is to provide access to a parcel that was created without access. The problem is that Mr. Maly owns no property at White Lake Road and it

would be hard for them to correct an historical situation or direct drainage to property they have no control over. They have tried to correct the deficiencies they are able to.

Mr. Mesiel commented that the problem is to create access and also correct some of the legal descriptions. Mr. Hanoute said he didn't want to put blinders on if there is a drainage problem at the road. It should be addressed. Mr. Perry said there are no drainage issues of any concern. They won't make any changes in the existing drainage. Mr. Hanoute explained that if they were expanding the use of a shared driveway, the Ordinance requires that they bring it into conformity. There should be ditching to bring the water down in a controlled fashion to discharge where it doesn't create a problem. Mr. Hasbrouck asked if they would be able to do some minor detention where the cul-de-sac comes down. Mr. Perry said that all of the water from the site essentially flows across the wooded and vegetated terrain from the area of the proposed cul-de-sac to the north east. It doesn't run down the edge of the road. There is a sheet flow across the property, but if they begin to concentrate the flow at the cul-de-sac they will have to ditch it all the way to White Lake Road, but they have no control of the property they would have to cross for construction of a ditch or detention basin. Ditching will create a concentrated flow at White Lake Road across some one else's property who may not be anxious to build a ditch or detention pond where there has never been a problem before. Ditching will create a problem that does not currently exist. He wants to avoid any ditching because the current situation is stable and works well. The amount of runoff from the minimal amount of paved surface is handled by the topography and the vegetation.

Mr. Hanoute asked all of the Planning Commission to be sure to visit the site and told Mr. Perry that if they wanted to split Parcel B or any other parcel in the future, they would have to build a road.

Mr. Hanoute reminded Mr. Perry that the Parcel A Front Yard Setback should be 50 feet and shown on the drawing. The other issue is the location of the existing barn on Parcel A which is joined to the proposed private drive for Parcel B. Mr. Hasbrouck wondered if that should be regarded as a pre-existing non-conformity or a variance requirement. Mr. Hanoute noted that if the easement to the barn is treated as a joint driveway, they would need a cul-de-sac beyond the barn and that cul-de-sac would exceed the Township's length limit. Another option is to access the barn in a different way. Mr. Perry said that if it becomes a point of contention, Mr. Maly would eliminate the access drives to the barn. It is a horse barn that is not being used at this time.

Parcel C is vacant, but there is nothing on record that gives it rights to access from Wind Chill Way and the original plan was to access it from the White Lake Road shared driveway.

The Planning Commission agreed that a Public Hearing would not be necessary because the abutting parcels are already parties to the shared driveway. Mr. Hasbrouck suggested having a review made by the Township Engineers before we consider approval of modified design standards for the easement or the driveway. Mr. Perry said there are some driveway areas that could stand repair. Mr. Hanoute observed that the entrance didn't meet Livingston County's requirements and he had concerns about the ability of the drive to handle emergency vehicles and concrete trucks. He suggested tabling the request until the next meeting so the Township Engineer can inspect the road

and give an opinion regarding its stability and compliance with the use as a modified non-conforming shared driveway.

Mr. Maly said he has a purchaser for Parcel B and would like to sell it as soon as he can. He asked if he could have an approval with contingencies. Mr. Perry said they prepared new maintenance agreements which describe the new shared driveway easement and includes an agreement for proposed Parcel B. All of the owners have agreed to participate in the maintenance agreement. The new easement has been surveyed, but parcels have been described using the existing legal descriptions contained in the parcel warranty deeds.

The Planning Commission recommended inspection for run-off and drainage problems by the Township's Engineer, inclusion of arrows on the site drawing indicating the sheet flow, and visual inspection of the driveway by the Engineer to determine the capability to handle the traffic that will be generated by an additional parcel. Ms. Radcliffe asked if there was any other choice for access to the property. Mr. Perry said he was told that the parcel on the west was accessed from Hartland Road and their new driveway maintenance agreement contained provisions for damage created by construction traffic.

Moved by Kempisty, seconded by Butler to recommend conditional approval to the Township Board, based on the Desine Engineering drawings received August 24, 2009 pending the following conditions: 1) modification of the approach to comply with the Livingston County Road Commission recommendations; 2) deletion of the access to the existing barn on Parcel A from the easement serving Parcel B; 3) receipt and approval of a report on the condition of the drive by the Township Engineer; 4) approval of the Planning Commission for any modification of the shared driveway standards; and 5) receipt of a revised site drawing showing compliance with all conditions, including drainage information, prior to forwarding the request to the Board. The motion was carried by a majority voice vote.

During discussion of the motion, Ms. Radcliffe noted that if the driveways to the barn remained, the maintenance agreement should state that the owner of Parcel A would be responsible for maintenance of the barn access drives on Parcel A. Mr. Hanoute reminded Mr. Perry that he needed determine the barn setback from the easement boundary line in case modification is required for the site plan.

3) Review of the Proposed PIRO Zoning District Options continued from the August 25, 2009 Meeting

Mr. Hanoute rescheduled the discussion for the September 22, 2009 joint meeting.

NEW BUSINESS:

- 1) Comments regarding the Special Land Use Permit request of Paul White for location of a Class B Auto Sales facility at Woody's Towing, 9485 Center Road, ES parcel 17-400-006**

Mr. Hanoute thought that Mr. White should have to comply with the Ordinance requirements before the Planning Commission can make a recommendation. Ms. Hodges will write a report to tell him what the deficiencies of the drawing are, and then he can take that to his Engineer. Ms. Hodges said that if she identifies issues where she could offer a suggestion, she would. Right now we don't know what Woody's requirements are. Not knowing how many employees Woody's has and how much square footage there is in the store, we can't calculate the required number of parking spaces.

Mr. Meisel said his concern was if the intent was to go keep going back and forth, or to just tell Mr. Wood what he needs to do and if he doesn't do it, we do not have him come back until it is done. Mr. Hanoute said Mr. White was informed at the last meeting that he would have to show parking requirements for Woody's operation and for his operation. That hasn't been done.

Mr. Hasbrouck, said he would like to keep the process moving. Mrs. Hodges said she didn't get the drawings in time for review, but she would like to provide something for Mr. White to take to his Engineer. She usually asks for 5 working days to schedule and complete a review.

Ms. Radcliffe commented that where Mr. White wanted to put the operation was the problem because the property is already so non-conforming. We want him to have his business, but he is trying to put it on a site that has a lot of issues already. She didn't see how we could vote to add on to a non-conforming site.

Mr. Butler was concerned because Mr. White has a good use for the property that he is trying to get going. Although Mr. White's proposal for the use was somewhat deficient, Mr. Butler said he has a problem with holding Mr. White responsible for violations at Woody's. Woody's should be the one held responsible for the violations. There are long standing violations on the corner and he wondered how Mr. White could force Woody to make any changes there.

Mr. Meisel commented that Mr. White's approval by the State inspector is only one half of the issue. The other part is the Township's requirements and he is trying to co-locate with someone who is non-compliant. Ms. Radcliffe asked if getting the parking lot calculations would take care of it. Mr. Hanoute said if Mr. White can show that his requirements and Woody's can both be met on the site, there shouldn't be a problem. Ms. Radcliffe asked what would happen if there was no space left to park Woody's big equipment. Woody's space was never designed to hold big equipment.

Mr. Hasbrouck said he could understand Ms. Radcliffe's concerns if Woody doesn't change things. Ms. Hodges thought there were ways to modify the site plan to create additional parking. Mr. Meisel wondered about the use of the impound lot and Mr. Hanoute explained that much of the customer parking is filled with impound vehicles. Mr. White said that Mr. Wood has been at his location for 20 years and no one has done anything about it before this.

Mr. Hanoute reminded Mr. White that he had as much responsibility as he does to file a complaint. Mr. White replied that he took one of the Supervisors around the Township to show him 20 other violations in residential yards where nothing has been done and Woody's should not be singled out.

Moved by Meisel, seconded by Radcliffe, to table the request in order to allow Planner Sally Hodges to review the information submitted to date by Mr. White and to provide comments back to Mr. White in adequate time for him to take any action he can to further pursue his request for a Special Land Use Permit. Motion carried by unanimous voice vote.

2) Review of the Planning Commission procedures for processing Agenda requests and forwarding recommendations to the Township Board

Mr. Hanoute asked for discussion of the Boss project and the PIRO regulations at the next meeting. He asked to have Item 3 under Old Business and Item 2 under new business scheduled for in four weeks for the October 13, 2009 meeting.

OTHER BUSINESS FROM MEMBERS:

ZONING ADMINSTRATOR'S REPORT:

TOWNSHIP BOARD REPORT:

1) New Trustee

Mr. Hasbrouck told the Planning Commission that the Board had appointed Don Peitz as new Trustee to replace Mr. Nagy.

2) Heavenly Scent Herb Farm Recommendation

Mr. Hasbrouck reported that the Board took action on the Mathews' Herb Farm request and followed most of the Planning Commission recommendations except that the time limit was set at 8:00 p.m. rather than 12:00 midnight. The late night activity was what most of the people objected to.

Mr. Hanoute wondered who would do the enforcement and Mr. Meisel observed that most of the problems occur on the weekends when the Township Hall is closed.

Mr. Hasbrouck said that one of the things the Board wanted to discuss at the Joint Meeting is enforcement. Regulatory Ordinances are the Board's responsibility and it would be at their discretion whether to do anything about ordinances for mowing or barking dogs.

ADJOURNMENT: 9:50 p.m. by Chairman Hanoute

FUTURE AGENDA ITEMS:

Application Procedures

Desine Engineering review

Whites Used Auto Review

NEXT MEETINGS:

September 22, 2009 - Regular Meeting - Proposed Joint Meeting

October 13, 2009 - Regular Meeting

October 22, 2009 - Regular Meeting



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission