

TYRONE TOWNSHIP PLANNING COMMISSION

APPROVED MEETING MINUTES

October 27, 2009

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

ABSENT:

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

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC:

1) Bob Byerly asked about a bill received by Paul White for \$400.00 related to the McKenna review. He told the Planning Commission that Mr. White did not want to pay the bill.

Mr. Hanoute said that a review of the minutes would show that Mr. White was told he would be charged for the cost of the McKenna Associates site plan review. Mr. Byerly agreed, but said that Mr. White wasn't given a chance to opt out of the review. Mr. Hanoute explained that it was the policy of the Township to charge applicants for consultant reviews.

APPROVAL OF THE AGENDA:

Moved by Kempisty, seconded by Fumich, to approve the October 27, 2009 Regular Meeting Agenda. The Motion was carried by unanimous voice vote.

APPROVAL OF THE MINUTES:

1) October 13, 2009 - Regular Meeting Minutes

Moved by Butler, seconded by Radcliffe, to approve the October 13, 2009 Regular Meeting Minutes as presented. The Motion was carried by unanimous voice vote.

CORRESPONDENCE:

1) **October 2, 2009 - Letter from Tyrone Township Attorney John Harris reviewing proposed revisions to Zoning Ordinance Article 21.19: Outdoor Storage and Parking in All Districts**

Mr. Hasbrouck commented that in the past we have received Ordinance reviews like this without a single suggestion or a single change. That makes him nervous because they didn't tell us if they could defend it or not.

- 2) **October 19, 2009 - Letter from Livingston County Department of Planning reviewing proposed revisions to Zoning Ordinance Article 21.19: Outdoor Storage and Parking in all Districts**

Mr. Hasbrouck said his previous comments also pertained to this letter (Correspondence #1 above).

- 3) **October 21, 2009 - Letter from Dave Hanoute to Zoning Administrator Van Hecke regarding Zoning Ordinance violations at Woody's Service (ES Parcel 17-400-006)**

Mr. Hanoute explained that he had lodged a written complaint with the Zoning Administrator for observed violations of the Zoning Ordinance at Woody's Service

- 4) **October 21, 2009 - Letter from George Van Hecke to Ray Amma Beth of Bentley Sand and Gravel regarding the use of their facility.**

Mr. Hanoute said the purpose of the letter was to make the Planning Commission aware that the Bentley's appear to be in violation of the Zoning Ordinance (19.00) and Extractive Regulatory Ordinance 40.100. Mr. Meisel commented that the Township Board had previously asked the Planning Commission to investigate possible zoning ordinance amendments which would permit concrete crushing at the Bentley location. Mr. Hasbrouck said he would ask the Board if they wanted the Planning Commission to work on Zoning Ordinance 19.00.

Referring to Correspondence Item 3, Scott Dietrich of 13505 White Lake Road said that the TRW parking lot is piled full of pallets and other material and they should be investigated too. Mr. Hanoute explained that the new Township policy requires written complaints for investigation of Ordinance violations.

SUBCOMMITTEE REPORT:

OLD BUSINESS:

- 1) **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**

Township Planner Sally Hodges of McKenna Associates reviewed the White's Quality Used Cars, Inc. report dated October 21, 2009. She said she had also reviewed an earlier plan presented at the Public Hearing which lacked many of the dimensions needed for a site plan and asked for additional information in her September 15, 2009 review. The October 21, 2009 letter is a review of the re-submitted site drawing (10/07/09 rev.) which is substantially improved. The report deals with two issues---the Site Plan and the Special Land Use.

Mr. White said that he received the first review letter 21 days after it was written. The Planning Commission Recording Secretary explained that the letter was sent to him at the address shown on his application, but was returned by the Post Office as undeliverable. The letter was then re-mailed using the address for Woody's Towing since Mr. White had not provided a Fax or an E-mail address. Since the Township

Office is not open on Friday, and mail sometimes doesn't arrive until late afternoon, there is sometimes a delay in forwarding mail.

Ms. Hodges noted that the Site Plan items that still need to be addressed or clarified relate to the site and the surroundings; the existing building; the parking requirements; the lack of current site plan measurements particularly those related to parking; the location and dimensions of existing and proposed structures; landscaping; topography, utilities and drainage facility locations; and the trash receptacle.

Ms. Hodges Special Use Permit comments were based on review of the Master Plan, the Zoning District, neighborhood compatibility, environmental concerns, public services, traffic, additional development, and health, safety and welfare.

The Planning Commission noted that the drawing provided did not show the site as it was currently being used and the parking and storage areas were not located correctly. Ms. Hodges said that if the plan is approved as shown on the drawing, no parking would be permitted in the right-of-way because that was not included in the drawing proposed for approval. The ES Zoning District does permit parking up to the property line.

Based on a lengthy discussion, the Planning Commission provided the following list of required Site Plan revisions which are needed to gain approval:

- Show the dimensions of the parking spaces and aisles;
- Show the striping of the parking spaces;
- Show provision of barrier free parking spaces;
- Show location and type of screening for the dumpster;
- Exclude striping for 2 employee parking spaces located at the northwest corner of the building;
- Indicate the size of the trees to be used to landscape the southwest corner;
- Show the transport vehicles in their actual storage location;
- Don't require the use of bumper blocks (McKenna Item 3.e);
- Add photometric data to the site plan;
- Relocate the storage trailers from the front yard;
- Show the location and dimensions of all building signage;
- Show the location and dimensions of all site signage;
- Restore the road commission property as directed by a Road Commission letter;
- Respond to all the conditions provided in the 10/21/09 McKenna letter;
- Meet all parking requirements on the revised site plan; and
- Add a drawing note to read, "All impound vehicles shall be stored within the fenced area."

Mr. Hanoute asked the Recording Secretary to direct a letter to the Road Commission regarding the use and restoration of their easement at Center Road and Old US 23 to its original condition. The Tyrone Township Planning Commission would like to see the appearance improved.

Mr. Wood, owner of the site, said he just came to the meeting to listen to the discussion. He wasn't sure about using his septic system tile field for a parking area. His understanding is that if he hooks up to the sewer, he might incur all the costs for the whole system. That has to be worked out and put in writing.

Moved by Meisel, seconded by Butler, to table Mr. White's request for a Special Land Use Permit to allow him sufficient time to respond to the attached dated list as approved by the Planning Commission (above) with a copy of the said list to be given to Mr. White this evening in order to provide him an opportunity to respond to the items. Further, upon satisfactory response and review by an appointed Planning Commission member, the Planning Commission will rehear the request and try to move it forward as soon as possible. Motion carried by unanimous voice vote.

Mr. Hasbrouck commented that if Mr. White comes back with the corrected drawing, there should be no other requirements attached before the Planning Commission makes a Board recommendation.

2) Review of the proposed Master Plan and Future Land Use Map revision timetable

The Planning Commission agreed to postpone the request until the next Planning Commission Meeting.

NEW BUSINESS:

1) Ordinance Amendment Public Hearing Date for Outdoor Storage and Parking in All Districts (21.19)

It was moved by Kempisty, seconded by Radcliffe, to schedule a Public Hearing for December 8, 2009 at 7:30 p.m. The motion carried by unanimous voice vote.

2) Selection of a Planning Commission member to review revised conditional Planning Commission approvals.

Moved by Meisel, seconded by Fumich, to establish a Planning Commission Policy beginning October 27, 2009 to authorize the Chairman to appoint a Planning Commission member or other designated appointee to review conditional Planning Commission recommendations and shall establish conditions for that review, with a list of the conditions to be forwarded to the applicant. The Motion was carried by unanimous voice vote.

Mr. Hanoute appointed Mr. Meisel to review the revisions to Mr. White's site plan after it is received and stamped at the Township Hall and before it is scheduled for review by the Planning Commission. Ms. Hodges recommended requesting two copies of the review drawing with one staying at the Township Hall for reference and the other to be reviewed by the Planning Commission member.

3) Discussion of alternative meeting dates to replace the November 10, 2009 Meeting and the November 24, 2009 Meeting

The Planning Commission agreed to meet on November 9, 2009 at 7:00 p.m. at the Township hall and to cancel the November 24, 2009 meeting.

4) Election of Officers

The election of Officers will take place at the first meeting in November (11/9/09) as required by the By-Laws.

5) Easement Rights

Karl Gill asked the Township Planning Commission to stop his neighbor from fencing off an easement which Mr. Gill is using as a driveway.

The Planning Commission told Mr. Gill that they had no legal authority to interpret easement rights recorded at the Register of Deeds. They recommended that Mr. Gill hire an Attorney to make a final determination of the access rights.

OTHER BUSINESS FROM MEMBERS:

ZONING ADMINSTRATOR'S REPORT:

TOWNSHIP BOARD REPORT:

ADJOURNMENT: 10:00 p.m. by Chairman Hanoute

FUTURE AGENDA ITEMS:

Review of the Butts Boundary Realignment
Review of the proposed Master Plan and Future Land Use Map revision timetable
Comments regarding the Planning Commission Budget for 2010-2011
Review of the Planning Commission Processing Procedures
Election of Officers
Review of the Zeller Special Land Use Permit request

NEXT MEETINGS:

November 9, 2009 - Regular Meeting
November 10, 2009 - Township Board Budget Meeting
November 24, 2009 - Meeting Cancelled
December 8, 2009 - Regular Meeting and Public Hearing
January 12, 2010 - Regular Meeting


Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission


Laurie Radcliffe, Secretary
Tyrone Township Planning Commission