

**CHARTER TOWNSHIP OF YORK  
PLANNING COMMISSION  
REGULAR MEETING  
YORK TOWNSHIP HALL  
August 27, 2007**

A Regular meeting of the Planning Commission of the Charter Township of York was held at 11560 Stony Creek Road on Monday, August 27, 2007. Chair Shearer called the meeting to order at 7:32 P.M.

MEMBERS PRESENT: Sandy Shearer, Jane Kartje, Joan Alexander, John Hargrove, Keith Fineberg, Aimee Kay.

MEMBERS ABSENT: Paolo Visionsi

STAFF PRESENT: Don Pennington and Rodney Nanney of Don Pennington Land Use Planning and Consulting, Michael Peterson of Nowak & Fraus, Consulting Engineer, Carl Girbach, York Township Zoning Administrator.

OTHERS PRESENT: 5, *(list on file)*

DETERMINATION OF A QUORUM

A quorum was present.

ADOPTION OF AGENDA

Motion by Kartje, seconded by Hargrove to adopt the agenda as amended.

Motion carried: 6-0-1

APPROVAL OF MINUTES

Motion by Kartje, seconded by Kay to approve the minutes of the August 13, 2007 regular Planning Commission meeting and place them on file.

Motion carried: 6-0-1

CALL TO PUBLIC

None

CORRESPONDENCE

Motion by Fineberg, seconded by Hargrove to accept the correspondence and place it on file.

Motion carried: 6-0-1

REPORTS

Report of Chairperson

None

Report of Township Board Representative

- Adopted resolution # 2007-09 for participation in the Fire Insurance Withholding Program.
- Adopted resolution # 2007-10 to approve amendment to Road Improvement Agreement with York Ridge, Inc. & York Place Group, LLC, and Washtenaw County Road Commission.

- Board is initiating a new ordinance to recognize a fee schedule for tap-in fees and user rates for water and sewer.

Report of Zoning Board of Appeals

None

Report of Planning Consultant

Given under old business

Report of Engineering Consultant

Given under old business

Report of Parks Committee Representative

None

Report of Zoning Official

Given under old business

PUBLIC HEARING

None

OLD BUSINESS

**1. Hamptons, Final Site Plan Submittal, Phase 1**

Mr. Adrian Fazecas from Gabrian Construction representing the petitioner indicated that the project for phase I consists of 25 acres and eight (8) lots. It is located north of Jewell road

Planning Consultant, Donald Pennington referred to their report dated August 19, 2007 and stated that the Final Site Plan, Phase I must be in conformance with the previously approved Preliminary Site Plan. He stated that it is not in conformance with the previously approved Preliminary Site Plan.

Mr. Pennington stated that the petitioner must submit information that describes what the differences are between the "old" plan and the "new" plan. He also stated that the burden is on the petitioner to explain why those changes were made. He said the applicant must show good cause for any requested change. This process requires that the applicant submit this information in writing.

Mr. Pennington said that a determination then can be made by the Planning Commission to decide whether those changes are a major or minor amendment under section 54.15 of the Zoning Ordinance.

Mr. Pennington reviewed items of his August 19, 2007 review letter. He pointed out that there is information on the plan regarding a Community Drain field that needs to be clarified. He said other governmental permits need to be obtained and reviewed by their office.

Mr. Pennington also indicated that information regarding tree mitigation needs to be submitted since the layout of the plan has changed.

Discussion centered on the required information that needs to be submitted by the petitioner before the Planning Commission can proceed with their review.

Mr. Peterson, Engineering Consultant stated that he reviewed the plan for engineering feasibility. He indicated that the site would be served by well and septic. He stated that some of the issues with the plan are concerning the sizes of the catch basins, steep slopes, cul-de-sac grading and grading on several lots. He stated that additional information needs to be submitted so that there is no undo burden placed on the Township zoning and building department during their plot plan review.

Mr. Peterson indicated that the amount of acreage going into the storm sewer system does not appear to be effective in capturing flows for the site. He said there appears to be too few catch basins to capture water before it sheet flows or ends up in the detention ponds. In particular catch basin # 34 appears to be ineffective in capturing the amount of expected flow. He recommended that the temporary cul-de-sac be extended to account for the driveway access to the lot in that area. Additional rip rap should be added at the outfall to the stream due to the potential erosive velocities. He stated that flows need to be slowed down or diverted to prevent problems in this area and to prevent maintenance problems for the long term.

Mr. Adrian Fazecas from Gabrian Construction described why changes were made to the plan. He said that the entrance road alignment was changed to avoid removal of trees. Changing this alignment caused the removal of one of the detention ponds. He said that the Community Drain Field was added because the County Health Department recommended it.

Mr. Peterson said that information in writing from the Health Department would be required to confirm information regarding the proposed Community Drain Field.

Mr. Pennington concurred that information regarding the community septic should be submitted for review by the Planning Commission.

Commissioner Kartje stated that after reviewing all the submitted information and the consultant's report that she felt the information was incomplete.

Commissioner Hargrove concurred that this submittal was incomplete.

Mr. Adrian Fazecas said that he would submit additional information to address the concerns of the consultants and Planning Commission and describe why the changes were made from the preliminary site plan.

Discussion from the Commission recommended that the petitioner come back within thirty (30) days for re-submittal.

Commissioner Kay asked if a Phase I Environmental Assessment was performed on the site. Mr. Adrian Fazecas indicated he could provide a copy for the Commission.

Mr. Siefler, from the audience stated that he has some concerns about the sheer embankment in on the property. He said that there is a significant drop off and that the slope should be addressed for safety reasons. He said that it was his understanding that the prior mining operation was supposed to address grading issues before it was completed. He said that if the homes are built on the first phase and children play on the remainder of the site, that the steep slopes could pose a safety issue. He also said that after rains, areas of the steep slopes have fallen down.

Mr. Adrian Fazecas stated that once equipment gets to those areas that they will address those issues at that time.

Mr. Siefler said that another concern he has is with the elevations of detention pond. He asked if groundwater was included in calculating the capacity of what the detention pond is supposed to hold.

Mr. Peterson stated that the capacity was reviewed and that the pond is designed to have a permanent pool of water, and that storage capacity is calculated above the groundwater level.

Motion by Kartje, seconded by Hargrove

**At the request of the applicant, to table the Hamptons Final Site Plan, Phase I for more information as reflected in the Township Planners letter dated August 19, 2007 and the Township Engineers letter dated August 27, 2007 and that the petitioner return to the Planning Commission on October 24, 2007.**

Roll call vote:

Fineberg – Yes  
Hargrove – Yes  
Kay – Yes  
Alexander – Yes  
Kartje – Yes  
Shearer – Yes  
Visioni – Absent

Motion carried: 6-0-1

This item will be placed on the October 24, 2007 agenda for review and discussion.

**2. Bemis Farms Special Use Permit SUP**

Chair Sandy Shearer opened this item for discussion.

Mr. Andrew King, petitioner was present. Mr. King explained that changes have been made to the site plan. He indicated that they are amending the original Special Land Use Permit.

Chairperson Shearer stated that the petitioners recent letter dated August 17, 2007 indicated that they are addressing the proposed storm water management area and its proximity to the wetland.

Planning Commissioner Kartje stated that there has not been enough progress regarding compliance in the last ten (10) months.

Zoning Administrator Carl Girbach stated the timeline of the SUP submittal. He said there were concerns about the time it is taking to amend the site plan and get the compliance with the originally approved SUP. He also said that the play structure is located in the front yard set back, the driveways and parking area was deficient, number of children permitted has changed, and pole barn use has changed since the originally approved Special Use Permit. Mr. Garbich stated that other conditions have changed since the stop sign in the area at the railroad tracks has been removed.

Commissioner Alexander stated concerns that delays in resolving these issues may cause further delays for the storm water basin as the construction season will be ending soon.

Commissioner Kay asked the petitioner if they are intending to move the play structure from the front yard.

Mr. King stated that information regarding the site plan would be submitted by their planning consultant to explain their interpretation of the zoning ordinance in relation to the play structure.

Rodney Nanney, Planning Consultant stated that he reviewed the ordinance and found that it was clear that the play structure should not be at its current location.

Planning Commissioner Kartje said that the Township is responsible for making sure that the SUP's are following what they were authorized to do.

Planning Commissioner Kay said that since the original approval was given conditions have changed on the Bemis Farms site as well as in the general area. Kay indicated that those conditions cause safety concerns because the stop sign has been removed next to the railroad tracks near the Bemis Farms Day Care building as well as the upcoming Toyota facility that will add traffic to this general area.

Chairperson Shearer concurred regarding the change in conditions with regard to the stop sign removal.

Planning Commissioner Kartje stated that she believes the Bemis Farms Day Care is an asset to the community and would like to see the SUP requirements met.

Chairperson Shearer indicated that she would like to see a site plan that meets the needs of all involved the next time the Planning Commission meets.

Planning Commissioner Alexander indicated that there has been a sufficient amount of time to get compliance with the Special Use Permit (SUP) site plan and it has not happened.

Motion by Alexander, seconded by Hargrove

**That the Charter Township of York Planning Commission recognizes the following violations:**

- 1. Number of permitted children**
- 2. Size and condition of driveway and parking area**
- 3. Placement of play structure in front of original building**
- 4. Use of "activities" in the pole barn**
- 5. Submittal of site plan as required August 9, 1995 for final approval**

**In addition, safety concerns with the fence due to changes in the surrounding area, and to set a public hearing for Bemis Farms Special Use Permit Special Use Permit (S.U.P) amendment request for September 24, 2007 to show cause why the applicants S.U.P should not be revoked considering their continued violations of their approved S.U.P.**

Roll call vote:

Alexander – Yes

Hargrove – Yes

Fineberg – Yes

Kay – Yes

Kartje – Yes

Shearer – No

Visioni – Absent

Motion carried: 5-1-1

This item will be placed on the September 24, 2007 agenda.

**3. Londenderry**

Kate Bond representing Washtenaw Engineering Company indicated that the site plan approval had expired. She indicated that they have received extensions in the past for their Final Site Plan. The reasons for the extensions were to obtain outside governmental approvals. During their outside agency planning reviews they inadvertently allowed the York Township approval to expire in March of 2007. She said that they have a September 6, 2007 meeting with the consultants to explore options with regard to any future submittals. They are possibly interested in a combined submittal. Issues with the Road Commission will have to be addressed since road connections and timing are concerns.

Commissioner Kartje asked if the site plan has changed with respect to the number of lots.

Kate Bond stated that the number of lots has remained the same. She said the only item that has changed was the phasing and location of the cul-de-sac.

**4. Zoning Amendment Discussion**

Commissioner Kartje stated that the Planning Commission has agreed to meet in the near future with the intent to help move the zoning ordinance amendments along faster. Commissioners agreed to hold two workshops on: September 15, 2007 beginning at 4.00 p.m.  
September 22, 2007 beginning at 4.00 p.m.

Commissioner Kay stated she would like the Planning Commission to pursue Natural Features Protection Ordinances. Discussion with Commissioners, Planning Consultant and the Zoning Ordinance Administrator centered on the advantages and disadvantages of having stand alone ordinances separate from the Zoning Ordinance. Commissioners indicated that it would be helpful if the Township would provide the Zoning Ordinance on the Township website in order to effectively communicate local regulations.

### COMMENTS FROM THE COMMISSION

Commissioner Alexander said that she reviewed the Saline General Development Plan. She pointed out that our mutual border of Maple Road with Saline Township has two acre lot requirements. She said that it appeared that development was planned for the main transportation corridors and that the plan was clear and concise.

Chairperson Shearer stated that the Commission should send a letter recognizing the Development Plan to Saline Township.

Chairperson Shearer indicated that the Yorktown Commons and Zoning Ordinance items will be on the September 10, 2007 agenda and the Bemis Farms will be on the September 24, 2007 agenda.

### FINAL CALL TO PUBLIC

None

### NEXT REGULAR MEETING

September 10, 2007 at 7:30 p.m.

### ADJOURNMENT

Motion by Kartje seconded by Alexander to adjourn the meeting at 9.31 p.m.

Motion carried: 6-0-1

Respectfully Submitted,

Aimee Kay  
Planning Commission Secretary

Proposed minutes prepared by Aimee Kay, Planning Commission member, Charter Township of York, submitted to the Planning Commission for their review and consideration for approval at their next regular meeting.

For additional York Township information visit our website at [www.twp-york.org](http://www.twp-york.org)