

**CHARTER TOWNSHIP OF YORK PLANNING COMMISSION  
REGULAR MEETING MINUTES  
YORK TOWNSHIP HALL  
August 11, 2008**

**CALL TO ORDER**

Chairperson Alexander called the meeting to order at 7:30 P.M.

**ROLL CALL**

Present: Joan Alexander, Keith Fineberg, John Hargrove, Aimee Kay, Jane Kartje, Sandy Shearer, Paolo Visioni.

Absent: No one

Others Present: Rodney Nanney & Don Pennington of Land Use Planning and Consulting, Mike Peterson of Nowak & Fraus

**DETERMINATION OF A QUORUM**

A quorum was present.

**ADOPTION OF AGENDA**

Motion by Kartje, seconded by Visioni to adopt the agenda as presented.

**Motion carried: 7-0-0**

**APPROVAL OF MINUTES**

Motion by Kartje, seconded by Kay to approve the minutes from the July 28, 2008 Regular Meeting and the July 28 Workshop session as presented.

**Motion carried: 7-0-0**

**CALL TO PUBLIC**

Mr. John Jarvis, 9203 Mirage Lake Drive, spoke. He stated his opinion that the development "needs to get finished," because developing the undeveloped lots at the south end of the lake would benefit the association as a source of dues and the Township as a source of property taxes. Developing the lots would also provide construction jobs and serve to provide a finished, more completed look throughout the development. He stated that he reviewed the Site Plan submitted by the Mirage Lake developer and determined that it is the same landscaping plan that was presented to the Mirage Lake Board (which they approved) when he served as president of the Board. He also stated that he was present to present his own opinion on the matter and was not before the Planning Commission representing the developer.

**CORRESPONDENCE**

Correspondence was noted and filed. Motion by Fineberg, seconded by Kay to accept the correspondence as presented.

**Motion carried: 7-0-0**

**REPORTS**

Report of Chairperson

None

Report of Township Board Representative

None

Report of Zoning Board of Appeals

None

Report of Planning Consultant:

None

Report of Engineering Consultant

None

Report of Parks Committee Representative

None

Report of Citizens Environmental Advisory Committee

None.

Report of Zoning Official

None

## **PUBLIC HEARING**

None

## **NEW BUSINESS**

None

## **OLD BUSINESS**

Mirage Lake PUD, Phase IV

Attorney Timothy Stoepker appeared for the petitioner and urged the Planning Commission to regard the petition as a minor change. He made reference to Don Pennington's report and the Chair asked him to hold his comments until Pennington presented his report.

Pennington stated that the burden was on the applicant to show just cause for granting the petition. He stated that there were unanswered questions raised by the petition regarding impact of the proposal on the Township and the character of the PUD. He also referred to the Restrictive Covenant submitted by the Petitioner to the Township on July 31, 2008 and identified language in the document that he interpreted to give rise to a responsibility on the part of the Township to take on the maintenance of a waste water system.

Mike Peterson reiterated his report which essentially stated that a technical review was premature in his opinion until procedural and other planning issues are settled.

Stoepker challenged Pennington's interpretation of the Restrictive Covenant by pointing out that the intent was to outline a process to follow in the event a governmental entity should decide to take over the private waste water system and disagreed that the responsibility was intended to be shifted to the Township. He stated further that the document provided for maintenance funds to be set aside and imposed an obligation on adjoining land owners to connect to any publicly operated sewer system that might be brought in. The document further imposes an obligation on the developer to set up and maintain a private waste water system for the development.

Stoepker went on to say that there was a 100 foot separation between the treatment facility and adjacent well heads. He stated that residents were not interested in a fence as required by ordinance but the developer would include one if the Township insisted. There was discussion about the open space requirement. Hargrove asked for a calculation and the petitioner's consultants reported that approximately 70 acres would be considered open space under the definition given in the Ordinance. This was said to meet the requirement although the original site plan stated that 35% of the site was reserved as open space.

Chairperson Alexander stated that a public hearing would be useful before deciding any of the issues before the Commission and clarified that notice would be need to be sent to all residents of the Development as well as those residents within 300 feet of its boundaries.

The Commission recessed at 8:43.

The Commission reconvened at 8:53.

Township attorney Victor Lillich advised that a public hearing could be held before determining the major/minor change issue. Discussion ensued regarding whether a second public hearing would need to be held if a major change was held. Lillich indicated that an argument could be made that an additional hearing would not be needed. Fineberg suggested that procedure proscribed by the Ordinance be followed and one public hearing be held after a determination that the petition constituted a major change, if the Commission arrived at such a determination.

Visioni suggested that the Commissioners review the criteria stated in the Ordinance at 43.10 C regarding whether the petition constituted a major or minor change. The Commissioners discussed each of the items listed.

Motion by Alexander, seconded by Visioni, to postpone the Mirage Lake PUD major/ minor determination decision until August 25, 2008, so that the Planning Commission can draft a motion.

**Roll Call Vote:**

Alexander-yes, Fineberg-yes, Hargrove-yes, Kartje-yes, Kay-yes, Shearer-yes, Visioni-yes.

**Motion carried: 7-0-0**

Zoning Discussion

Further discussion was suggested to be taken up at the next meeting.

**NEW BUSINESS**

None

**ANNOUNCEMENTS FROM THE COMMISSION**

Visioni sought general clarification of language in the Ordinance (43.03 C.5.d.) that wastewater systems may be used when found necessary to preserve natural features.

**FINAL CALL TO PUBLIC**

None

**NEXT REGULAR MEETING**

August 25, 2008 at 7:30 p.m.

**ADJOURNMENT**

Moved by Shearer, seconded by Visioni:

**Motion to adjourn. Motion carried 7-0-0**

The meeting adjourned at 9:47 p.m.

Keith Fineberg  
Planning Commission Secretary

Prepared by Keith Fineberg, August 12, 2008

Date approved: August 25, 2008