

**Village of Pinckney
Planning Commission Meeting
Minutes
June 2, 2008**

Call to Order: The meeting was called to order at 7:32 pm.

Roll Call: Present – Don Bego, Robert MacDonald, Allison Austin, Reed Starkey, Mike Gergel and Dan Krueger (arrived at 7:38 pm). Absent – Nancy Powell.

The Pledge of Allegiance was recited.

Approval of the Agenda:

Moved by Commissioner Austin, seconded by Commissioner MacDonald, to approve the agenda as presented. **The motion carried unanimously.**

Approval of May 5, 2008 Minutes:

Moved by Commissioner MacDonald, seconded by Commissioner Bego, to approve the minutes as presented. **The motion carried unanimously.**

Reports:

Chairperson: Chairman Gergel stated that the planner, Mr. Siersma of Carlisle/Wortman, will not be present this evening as he had a family emergency.

Secretary-Correspondence: Commissioner MacDonald stated he has received a letter from the Putnam Township Planning Commission. They are working on updating their master plan and asked if the Village of Pinckney Planning Commission would like to be involved. After a brief discussion, it was decided that Commissioner MacDonald will give them his e-mail address so they can contact the Village if they have any questions.

Zoning Administrator: Mr. Martel advised that the Commissioners received the minutes from the July 11, 2007 Planning Commission meeting to assist with the Creekview preliminary site plan extension request that is on this evening's agenda.

Livingston Planners: Mr. Siersma was not present this evening as noted by Chairman Gergel.

Public Forum: The public forum was opened at 7:39 pm. Chairman Gergel noted that this is for general comments. There will be a special public hearing for members of the public who wish to speak regarding Pirates Cove.

The Public Forum was closed at 7:39 pm.

Public Hearing – Pirates Cove: Special Use Permit

Mr. Leo Gonzalez of 1042 Town Trail stated he was at the last meeting regarding this issue and wants to reiterate his same concerns. With regard to the wetlands, the State's documents say that a property owner's ability to alter wetlands should not negatively impact the neighbors. He wants to ensure that the inhabitants of the wetlands are not negatively affected. He feels that while two wetlands are separated by the Lakeland Trail, they are still one water source. He will hold the Village of Pinckney responsible for any affects to the wetlands that are created by this development.

Mr. Mike Tesler of 1045 East Hamburg Street stated his concerns have not changed since last March's meeting. He has lived in the same house for 38 years and has enjoyed the pond. He has animals in his yard, such as deer, hawks, cranes, and ducks. There are kids that fish in that pond. It has been a wonderful place for his family as well as all of the adjacent property owners. It would be a travesty to have it taken away. The Village is trying to preserve its green space and covering it up with asphalt, dirt, and buildings would be an injustice.

Ms. Maria Gonzalez of 1042 Town Trail is very concerned with the amount of snow that builds up from Pirates Cove. If they pave more, where is all of that snow going to go when it melts in the spring. She is concerned about her house flooding.

Ms. Carla Skilton of 1036 East Hamburg Street has the same concerns as the other three speakers this evening.

The public hearing was closed at 7:48 pm.

Agenda

- **Creekview: Preliminary site plan extension request**

Chairman Gergel advised this applicant was before the Planning Commission in July of 2007 and received approval for an office building.

Mr. Jack H_____ of _____, stated he would like to extend his site plan approval until July 2009 due to the downward economy. They are not proposing any changes for this plan.

Commissioner Austin advised the public that she voted against the approval of this preliminary site plan last year because it lacked detail and that will affect her vote this evening to extend it.

Moved by Commissioner Krueger, seconded by Commissioner MacDonald, to extend the preliminary site plan approval for Creekview until July 11, 2009. **The motion carried (Bego – yes; Krueger – yes; Gergel – yes; Austin – no; MacDonald – yes; Starkey – yes).**

- **Pirates Cove: Special Use Permit and Preliminary Site Plan Review**

Mr. Dave Hughes and Mr. Greg Heim of Vaston/O'Brien, as well as Gary Wiltse, the owner of the property, were present.

Mr. Hughes stated they have spent the last year addressing the concerns of the Village and its consultants regarding their plan. They are again asking for approval of the Special Land Use and Preliminary Site Plan this evening.

Commissioner Austin stated that Carlisle/Wortman asked for a letter from the DEQ regarding the adequacy and accuracy of the wetland delineation. She asked if this has been obtained. Mr. Hughes stated they are in the process of obtaining this. He added that if they need to provide it for preliminary site plan approval, they will.

Commissioner Austin stated it was thought that the impact report previously submitted was too old and asked if a new one was done. Mr. Heim stated they have not done an updated impact study.

Commissioner Krueger questioned if the applicant is proposing to disturb this wetland. Mr. Heim stated they are proposing to expand it to accommodate their stormwater runoff. Their feeling is that it is already a retention pond as all of the stormwater from this site and some surrounding properties empty into this pond. Mr. Hughes added that they are enlarging this wetland to meet the requirements for stormwater management as required by the Livingston County Drain Commissioner.

Chairman Gergel asked the applicant to address the public's concern regarding the snow melting. Mr. Hughes stated all of the runoff from melting snow will go into the retention basin. It will not go off site, unless the amount of the runoff exceeds the capacity of the pond. They are providing a large volume of retention area. He asked if the Village would be willing to give a relief for the amount of retention area they need to provide, which will limit the impact on this wetland. He suggested having the Village's engineering consultant determine if this is possible.

Commissioner Austin noted that the planner stated there are only 20 parking spaces required and the plans show 42 being proposed. Mr. Heim stated he believed they were required to provide 42 spaces. He will need to discuss this further with the planning consultant.

Mr. Hughes stated he understands that there is still work that needs to be done; however, he feels this plan meets the requirements to be granted preliminary site plan approval.

Mr. Wiltse noted that this property is zoned commercial and will be developed that way; whether he does this project or someone else develops something different. He feels this project is less bothersome to the residents than what could possibly go there. He added that he would actually prefer to sell the property.

Commissioner Krueger suggested tabling this item to see what can be worked out with regard to the retention pond relief. Commissioner MacDonald would like to see the letter from the DEQ. Commissioner Austin would have liked to have seen an updated impact study and the letter from the DEQ before this evening. Mr. Hughes stated they only received the reports from the consultants on May 28th.

Moved by Commissioner Austin, seconded by Commissioner MacDonald to approve the Special Land Use Permit for Pirates Cove based on the fact that the criteria for approval per the zoning ordinance has been met. **The motion carried unanimously.**

Moved by Commissioner Austin, seconded by Commissioner Krueger, to recommend to the Village Council approval of the Preliminary Site Plan for Pirates Cove based on the fact that the criteria for approval per the zoning ordinance has been met and conditioned upon absolutely all of the recommendations and conditions from the Village of Pinckney and its consultants be met before final site plan approval. **The motion carried unanimously.**

The Village's Engineer, David Schroeder of OHM Engineering Services, stated that the retention facility that is being designed is being done to Livingston County Drain Commission standards. The "wetland" is not large enough to be categorized or regulated as a wetland per the DEQ. It is just a pond that anyone can do anything with.

- **Zoning Amendment: Preliminary and final site plan extensions**

Mr. Martel reviewed his proposed amendments to the ordinance for extending the length of time a preliminary and final site plan approval extension is valid.

All commissioners agree with the proposed changes. Mr. Martel will coordinate placing this on a future agenda for a public hearing.

Public Forum: Chairman Gergel opened the Public Forum at 8:29 pm.

Ms. Maria Gonzalez is concerned about protecting the wetland, but has to protect her property. It has already gone down in value. She would not want to see anything waived with regard to the stormwater retention. She does not want her property to flood.

She added that the lights are very bright in the winter when the leaves are off of the trees. She would like to see pine or evergreen trees put up to help shield the lights in the winter.

Commissioner MacDonald stated the Village has already discussed this with the applicant at the previous meeting and they were amenable to this. Also, the Village requires downward directed and shielded light fixtures.

Member Discussion:

Commissioner Austin questioned why the two wetlands are not considered one body of water. Although they are separated by the Lakeland Trail, they are so close to each other. Mr. Schroeder stated they have been determined to not be contiguous by a very reputable wetland expert hired by the applicant.

Chairman Gergel noted that all commissioners know that Commissioner Nancy Powell has been absent from the Planning Commission since January due to medical reasons. Members are only allowed three absences a year.

Commissioner Austin stated the Planning Commission can either wait to see if Commissioner Powell will return, and noted that there are no current applicants for the Planning Commission, or respectfully ask for her resignation. She added that there has not been an issue with having a quorum or tie votes while she has been absent.

It was decided that the Planning Commission will wait to see if Commissioner Powell will return and revisit the issue in a couple of months. Commissioner MacDonald will speak to her husband to try to determine if she is planning on returning to the Planning Commission.

Adjournment: Moved by Commissioner Austin, seconded by Commissioner MacDonald, to adjourn the meeting at 9:04 pm. **The motion carried unanimously.**