

# NORTHFIELD TOWNSHIP PLANNING COMMISSION

## Minutes of Regular Meeting April 1, 2015

### 1. CALL TO ORDER

The meeting was called to order by Chair Marlene Chockley at 7:05 P.M. at 8350 Main Street.

### 2. PLEDGE OF ALLEGIANCE

### 3. ROLL CALL

#### AND DETERMINATION OF QUORUM

Roll call:

Janet Chick	Present
Marlene Chockley	Present
Brad Cousino	Present
Kenneth Dignan	Present
Sam Iaquinto	Absent with notice
Larry Roman	Present
Mark Stanalajczo	Present

Also present:

Township Manager Howard Fink  
Planning Consultant Laura Kreps,  
Carlisle/Wortman Associates  
Township Engineer Jacob Rushlow  
Recording Secretary Lisa Lemble  
Members of the Community

### 4. APPROVAL OF AGENDA

Chockley asked that item 10A be moved to follow item 8A, and to remove Case JPC#150003 due to lack of a complete site plan.

- **Motion:** Dignan moved, Roman supported, that the agenda be adopted as amended.  
**Motion carried 6—0 on a voice vote.**

### 5. FIRST CALL TO THE PUBLIC

**Nowatzke Site Pan.** Dale Brewer, 11548 East Shore Drive, objected to this application being on the agenda due to lack of complete site plan and unpaid taxes, said a buffer strip should be required on this property, questioned the uses proposed for the property, expressed concern about traffic, and pointed out zoning ordinance violations.

**Master Plan.** David Gordon, 5558 Hellner Road, said the Biltmore proposal raised issues of the sewer plant capacity being exceeded or a private sewer plant being used, asked what such a development would cost the taxpayers for additional public services, and addressed the issue of loss of open space.

### 6. CORRESPONDENCE

Chockley listed the names of people who had written to the Commission about the request by Rohani Foulkes.

### 7. REPORTS

#### 7A. Board of Trustees

Chick reported that at the March 24<sup>th</sup> workshop meeting the Board heard presentations on sewer capacity and from the Washtenaw County Road Commission.

#### 7B. ZBA

The ZBA met this past Monday and granted two variance requests.

#### 7C. Staff Report

Fink said the new Assessing and Building Assistant, Mary Bird, will be attending some Commission meetings in the future.

#### 7D. Planning Consultant

No report.

### 8. PUBLIC HEARINGS

#### 8A. Case JPC#150003; Rohani Foulkes, Owner.

**Location: 9623 Earhart Road; Request for Conditional Use Permit to allow use of existing outbuilding for Agricultural Commercial/Tourism under Section 36-730. Parcel 02-01-200-022; Zoned AR—Agricultural.**

- **Motion:** Dignan moved, Chick supported, that the public hearing in Case JPC#150003 be opened.  
**Motion carried 6—0 on a voice vote.**

Ken Cousino, Engineering Technologies, introduced the applicant, Rohani Foulkes, and her husband, Matthew Lenhoff. He said their current proposal is much scaled down from the original one. He noted the property is 8.2 acres and has a dirt floor arena and a potting barn.

Foulkes noted that after speaking with their immediate neighbors they submitted an amended plan which would reduce peak traffic to the site from about 80 to about 15 cars and reduce the events from one large and one small event each weekend to small events. She said they are beginning farmers, and they are committed to transparency and communication with neighbors. She said the preservation of farm land in the area is threatened and there is a need to introduce other agricultural uses to sustain that character of the area.

Planning consultant Laura Kreps agreed that the new proposal is significantly reduced from the original, but said two variances for an Agricultural Commercial Business from the Zoning Board of Appeals (ZBA) would be required: one for the minimum lot size of 10 acres, and another for the minimum setbacks of 200 feet from adjacent properties.

**Northfield Township Planning Commission  
Minutes of Regular Meeting  
Public Safety Building; 8350 Main Street  
April 1, 2015**

Dignan said he would not be participating in the questioning of the applicants or in the discussion of the request because he is chair of the ZBA and this request may come before that board.

George Jackson, 9380 Earhart, said after meeting Rohani and Lenhoff he realized they have the good of the neighborhood at heart and seem to be very sensible.

Elvera Trapp, 9707 Earhart, said she and her husband have lived in their home for 46 years, plan to remain there, and think the proposal would diminish the quality of their lives. She cited concerns about traffic, security, alcohol consumption, noise, water consumption, lowered property values, and disturbance of their quiet enjoyment of their home.

David Barry, 9581 Earhart, said this section of the ordinance says proposed uses are supposed to be “complimentary and accessory to the primary agricultural land use,” but that would not be the case here because the land is not farmed. He said the barn they are proposing to use is less than 30 feet from his property, which is in violation of building setbacks much less the 200 foot setback required for these uses. He objected to the noise and light pollution that would result.

Laurel Ratering, 9813 Earhart Road, said she is concerned about busloads of children or large groups of adults being unsupervised and straying onto neighboring properties. She said the property is so narrow that only a 54' x 80' ft. piece of the subject property could be used for the proposed purposes.

Theresa Barry, 9581 Earhart, read a letter from the owners of 9555 Earhart Road, Andre and Mary Plave, who objected to the proposal saying it would not contribute the community and would disturb the quiet, peaceful, rural setting.

David Perry, 9411 Earhart Road, said he lives on 10 acres on which he has planted 100 timber trees and a large vegetable garden. He said he would be happy to teach the applicants what he knows about these things, but their proposal would bring only negative effects to their quiet agricultural neighborhood. He listed many neighboring farms consisting of dozens or hundreds of acres. He noted that the five acre Cottonwood Farm in Webster Township—which had been ordered closed by the courts—created many negative effects on that neighborhood.

Allison Hollister, 9372 Earhart, said she has lived in her house for almost 20 years and is opposed to the proposal because the dirt road cannot handle the extra traffic, the proposed uses do not fit the zoning ordinance, and the parcel is smaller than the required 10 acres and cannot meet the 200 foot setback requirements. She said the entire neighborhood is opposed.

Andy Duvall, 9760 Earhart, said he has lived on his property for 30 years engaged in agriculture. He said

he is concerned about this proposal setting a precedence, he asked if the serving of alcohol would be allowed, and said he is also concerned about target shooting.

Lee Brithinee, 568 Fergus in White Lake, said he represents the house in his father's estate at 64603 West Eight Mile, and said he has concerns about the proposal and made reference to Long Farm in Congress Township;

David Johnson, 9381 Earhart Road, said this is a smokescreen for renting a hall to have parties and making money, rather than about the welfare of the neighborhood.

David Gordon, 5558 Hellner, said while the proposal seems very nice, it is opposed by all of the residents, does not conform to the ordinance, and does not comply with the Master Plan. He said as in the case of the Biltmore proposal, it is important to follow the Master Plan.

Kathy Nieman, 9355 Earhart, expressed concerns about traffic, outsiders coming into the neighborhood on their small road, and increased commercial activity.

David Trinoski, 9562 Earhart, opposed the proposal citing decreased property values, traffic, safety of children, and participants drinking whether there is a liquor license or not.

Judy Johnson, 9381 Earhart, read definitions of “event” describing them as large parties of various types.

Robert Stautz, 64355 West Eight Mile Road, said Earhart Road cannot handle additional traffic which would not be compatible with the horses, dogs, and children using the road.

Chockley noted the public has not had the opportunity to view the revised plans.

- **Motion:** Roman moved, Stanalajczo supported, that the public hearing in Case JPC#150003 be closed. **Motion carried 6—0 on a voice vote.**

In answer to questions from Chockley, Foulkes said she expects her revised proposal to be ready for the April 15, 2015 meeting.

## **10. NEW BUSINESS**

[Heard out of order].

- 10A. Case JPC#150003; Rohani Foulkes, Owner.**  
**Location: 9623 Earhart Road; Request for Conditional Use Permit to allow use of existing outbuilding for Agricultural Commercial/Tourism under Section 36-730.**  
**Parcel 02-01-200-022; Zoned AR—Agricultural.**

- **Motion:** Chick moved, Roman supported, that the request in Case JPC#150003 be postponed to the

April 15, 2015, Planning Commission meeting.  
**Motion carried 5—0—1 on a roll call vote,  
Dignan abstaining.**

## **9. OLD BUSINESS**

- 9A. Case #JPC140003; Nowatzke Truck & Trailer;  
Location: 6900 Whitmore Lake Road; Request  
for Site Plan Approval for a convenience store  
and gasoline/diesel fueling station. Parcel 02-  
20-300-036; zoned GC—General Commercial.**

Removed from the agenda.

**9B/9C. Master Plan Update/Citizen Survey.**

Chockley noted there is nothing new on this, but the citizen survey request for proposals have been sent out with a submittal deadline of April 3<sup>rd</sup>

## **10. NEW BUSINESS (continued)**

### **10B. Sewer Capacity Report.**

Brian Rubel, Tetra Tech, said this was not a master plan, rather it was an inventory of the Township's current commitments for sewer capacity. He reviewed his written presentation, and said:

- They are also updating the sewer map which has not been done in 20 years.
- This is a very concise evaluation of commitments the Township has made regarding sewers, not a master plan.
- Northfield Township has two agreements with Green Oak Township: A 2001 agreement for 124 Residential Equivalent Units (REUs) on the north side of Whitmore Lake (about 20 of which have been added since then), and a 2004 agreement to provide 200,000 gallons/day or 769 REUs for an area to the west. The total of these is 873 additional REUs or just over 225,000 gallons/days. In answer to a question from Stanalajczo, Rubel said the latter agreement includes a map showing where this service could be provided.
- (In answer to a question from Dignan), per Township attorney Burns a 2002 agreement rescinded a prior commitment to Hamburg Township.
- The Township has commitments to four special assessment districts (SADs): Lake Point(4 units all built out), North Territorial (the biggest of these—about 1620 additional REUs, of which 20 are connected), Seven Mile Road (an estimated 169 REUs of 44,000 gallons/day), and Whitmore Lake Road (the district has been established at 76 REUs or 20,000 gallons/day). The total remaining commitment in excess of those that have already hooked up is 1,865 REUs and an additional 485,000 gallons/day.
- The total remaining commitment for capacity to Green Oak Township and the four SADs in

Northfield Township is 2,738 REUs and just over 700,000 gallons/day.

- About 60-70% of communities have storage capacity for times of very wet weather which allows the excess at those times to be treated later over a longer period of time.
- The current capacity of—and the State permit for—the WWTP plant is 1.3 million gallons/day (MGD), and if storage during wet times were available the capacity could be increased to 1.5 MGD. The State requires that when treatment reaches 85% of capacity—which would be 1.1 MGD for the WWTP today—additional capacity must be built or storage must be provided.
- The current 365 day average being treated is .7 MGD, but in the spring it is closer to .9 MGD, so an additional .2 MGD or 800 REUs could be handled without additional storage or .4 MGD or 1500 REUs with building additional storage.

In answer to a question from Stanalajczo, Rubel said there are commitments, but no specific proposals to use the allotted taps have been made for any of these areas.

Chockley said her concern is what the Township's liability would be if the remaining sewer capacity was allowed to be used by other developments and then a property owner in one of these areas requested service. She also asked how many other properties there are on sewer lines—but not in the areas listed—that could request service. In answer to a question from Stanalajczo, Rubel said sewer taps have not been allotted in advance to vacant parcels.

Rubel said the policy in most communities is that as demand occurs the sewer plant is expanded. In answer to a question from Cousino, Rubel said the required sewer capacity for a sewer district is based on the probable uses and the acreage.

In answer to a question from Dignan, Rubel said the averages quoted are over the last few years. In answer to a question from Stanalajczo, Rubel said a sewer system is supposed to be closed, but as systems age cracks develop that allow ground water to come in. In a study his firm did for the Township about 15 years ago infiltration was found to be fairly uniform throughout the Township.

Stanalajczo asked whether enforcement of the ordinance prohibiting the directing of stormwater (usually through sump pumps) into the sanitary sewer system should be done. Rubel said 15 years ago the study got to the survey level, but there was hesitance to spend the time and effort on enforcement. Fink said this is a common problem, usually in older subdivisions where directing stormwater in sanitary systems was common.

In answer to a question from Chockley, Rubel said metering wastewater is extremely costly, so is rarely done.

Rubel concluded his review of the report:

- A 2002 Department of Environmental Quality (DEQ) policy requires sewer systems to handle a 3.9" storm in one day, which means Northfield Township's WWTP would have to build 1.7 million gallons of storage for its current operations (and that size would be sufficient for many additional years).
- Storage could be above or below ground, could be made of steel or concrete, and would require upgrades to pumps, but that would be a manageable cost. The cost for a tank of the required size would be \$2.5-\$3 million dollars for a steel tank or an additional \$500,000 for a concrete tank.
- It has been challenging for the WWTP plant to handle peak spring flows, so the storage tanks would be useful immediately and would extend the existing plant capacity for a number of years.
- With only 800-1500 REUs available before capacity must be increased, but having commitments for an additional 2,738 REUs, the Board needs to consider what its policy will be regarding proposals for additional growth in the Township.
- Next steps include investigating financing for the tank and considering increasing connection fees to cover this cost. The most popular source is a revolving fund loan program with the State of Michigan, but there are restrictions on access to those funds.

In answer to a question from Dignan, Rubel said REUs in a sewer district are figured on the future land use designation—not the current zoning—and the acreage. In answer to another question from Dignan, Fink said if the number of REUs originally estimated for a sewer district is unexpectedly exceeded by a large development, the tap fees charged (\$3,500 per REU) would be used for capacity expansion.

Stanalajczo asked whether a large development demanding 1000 REUs could be denied because the Township already has 2700 REUs committed to other areas. Fink said he really does not know, but in his opinion it comes down to a policy decision by the Board of Trustees about how they want to manage the capacity of the plant over the next 30-50 years.

Cousino asked whether in the scenario of a property owner in an SAD who was assessed based on future use of 30 REUs, that owner can be denied sewer service based on lack of capacity because other property owners used up the capacity first. Fink said this is an issue of how well the Township manages its capacity over time. While it is true that that property owner was assessed for 30 REUs, these are difficult questions and there are legal issues involved.

Dignan asked if he can pay for a tap and not use it immediately. Fink said he doesn't know, but he would generally say no because he does not see an REU as a commodity.

Fink said capacity probably has to be reserved for the Green Oak REUs because that is a contractual obligation, but for other potential demand the common practice is to build more capacity once a certain percentage (75%-85%) of the current capacity of the plant is expanded.

In answer to a question from Chockley, Rubel said in essentially every community he works with the commitments for sewer service exceeds the existing capacity. Dignan said the current sewer usage would have to be doubled before the plant capacity would be reached.

Dignan noted that Wastewater Treatment Plant Superintendent Hardesty has noted that a couple of times each year he has to make decisions about what treatment steps to forego when the plant capacity it exceeded, and when the frequency of those occurrences increases substantially the Board will have to make decisions about providing additional capacity or storage.

In answer to a question from Cousino, Fink said people in the Township not using the sewer system do not pay for it because WWTP operations are required by law to cover expenses. Fink noted the Township recently increased the quarterly charge per REU to \$84 for the first time in 4-5 years. He said this is still lower than most sewer districts in the area, and part of the increase has been designated for building reserves for expansion system maintenance.

Chockley questioned whether any of the reserve sewer funds could be used to address infiltration. Fink said an infiltration study could cost about \$300,000, but short of that letters could be sent to property owners asking them to disconnect sump pumps, etc., although it would not be very effective.

[Roman left at this point].

## 12. MINUTES

### March 18, 2015, Regular Meeting

Chockley made three minor corrections.

- **Motion:** Dignan moved, Stanalajczo supported, that the minutes of the March 18, 2015, regular meeting be approved as corrected, and to dispense with the reading. **Motion carried 5—0 on a voice vote.**

[Roman returned at this point].

## 12. POLICY REVIEW & DISCUSSION

**12A. Leapfrogging of Sewer Service.** Kreps referred to her memo of November 5<sup>th</sup> and said the Township's Master Plan requires that expansion of sewer service must be contiguous to current sewer service, and if there is any question about an application to extend sewer lines, the Township Board would have to decide whether the request constituted leapfrogging.

**12B. Calendar.** Chockley referred to the calendar of expected items to be on Commission agendas and reviewed upcoming items. In answer to a question from Chick about the questions that will be in the community survey, Kreps said she would expect that the Township will want to inform the firm doing the survey which topics are to be included, but the wording of the questions should be left to the professionals.

There was discussion about whether the Planning Commission should review bids for the survey consultant and make a recommendation to the Board. It was agreed to put this on the April 15<sup>th</sup> Planning Commission agenda.

Dignan questioned whether the scope of work on the Master Plan should be expanded. Chockley referred to a memo distributed with the last Commission packet outlining the options of a narrower vs. a more expanded study area. Chick said she would not be opposed to that because she does not want it to look like the Master Plan revision is being considered because of a specific request by a specific developer. She said Biltmore may have been the trigger, but it would have been important to look at this issue anyway.

Kreps said the point of a community survey is to gauge the feelings of the residents without focusing on a particular area. Fink said the methodology will be scientific, but it has yet to be determined whether random sampling will be used.

Chockley said she would not be opposed to throwing out the Master Plan Amendment request and working on the Master Plan revision. She said she is not afraid of hearing what the public has to say. She said Biltmore did not provide the studies requested, which is why the Planning Commission did not proceed with their request, but now the sewer study is available, a community survey is being planned, and traffic information is being gathered.

Dignan said traffic studies are not needed for developing a Master Plan which looks 20 years into the future.

**12C. Development of Planning Commission Agenda.** Stanalajczo said he thinks Commission agendas should be developed and published by the Township staff based on input from the Commission and planning consultant, rather than by the Commission chair. He said this is part of the move to a Township Manager form of government in order to provide continuity of services. He said that is the way the Township Board agendas are done. It was agreed the Commission should work toward having staff handle more of these functions as appropriate and as new staff are trained.

### 13. SECOND CALL TO THE PUBLIC

**Sewer Study.** David Gordon said it would not be appropriate to given away REUs that have been paid for by members of sewer districts to owners of new developments. He referred to the millage required to be paid by Sylvan Township residents because of a failed housing plan that a developer walked away from.

### 14. COMMENTS FROM THE COMMISSIONERS

Roman noted that an article about Cottonwood Farm in Webster Township (referred to during discussion of the Rohani Foulkes proposal) was published on MLive on January 15<sup>th</sup>.

Fink reported that the US-23 project passed the Washtenaw Area Transportation Study (WATS) technical committee on a close vote so will move on in the approval process.

### 15. ANNOUNCEMENT OF NEXT MEETING

**April 15, 2015**, at 7:00 P.M. at the Public Safety Building was announced as the next regular Commission meeting time and location.

### 16. ADJOURNMENT

- **Motion:** Chick moved, Dignan supported, that the meeting be adjourned.  
**Motion carried 6—0 on a voice vote.**

The meeting was adjourned at 10:07 P.M.

---

Prepared by Lisa Lemble.

Corrections to the originally issued minutes are indicated as follows:

Wording removed is ~~stricken through~~; wording added is underlined.

Adopted on April 15, 2015.

---

Marlene Chockley, Chair

---

Mark Stanalajczo, Secretary

Official minutes of all meetings are available on the Township's website at  
<http://www.twp-northfield.org/government/>