

**GENOA CHARTER TOWNSHIP BOARD**  
**Regular Meeting**  
**July 17, 2017**

**MINUTES**

Supervisor Rogers called the regular meeting of the Genoa Charter Township Board to order at 6:30 p.m., with the Pledge of Allegiance. The following members were present constituting a quorum for the transaction of business: Bill Rogers, Paulette Skolarus, Robin Hunt, Jim Mortensen, Terry Croft, Diana Lowe and Jean Ledford. Also present were Township Manager, Michael Archinal; Township Attorney, Joe Seward; and 7 persons in the audience.

A Call to the Public was made with no response.

**Approval of Consent Agenda:**

Moved by Lowe and supported by Hunt to approve all items listed under the Consent Agenda as requested. The motion carried unanimously.

**1. Payment of Bills.**

**2. Request to Approve Minutes: June 19, 2017**

**3. Review of the three-month budget analysis of Funds 101, 212, 261, 264, 270, and 271.**

**4. Request to approve the annual rate adjustments for the Lake Edgewood Water and Pine Creek Sewer and Water customers served by the City of Brighton.**

**5. Request to reappoint Chris Grajek to the Planning Commission and Dean Tengel to the Zoning Board of Appeals for four-year terms.**

**6. Request for personnel changes related to the Liquor Law Enforcement Fund 212.**

**Approval of Regular Agenda:**

Moved by Ledford and supported by Croft to approve for action all items listed under the regular agenda. The motion carried unanimously.

**7. Request to approve the 2017 Partnership with the Economic Development Council of Livingston County in the amount of \$22,600.**

Phil Santer and Rich Pearlberg addressed the board. Santer gave a brief history and overview of the benefits SPARK and EDC provide to the township to support growth in the community.

Moved by Mortensen and supported by Skolarus to approve the 2017 Partnership with the Economic Development Council of Livingston County as requested. The motion carried unanimously.

**8. Consideration of the Environmental Impact Assessment and Site Plan for a proposed 101 room 4-story “Hampton Inn and Suites” hotel located southwest of the Grand Oaks Drive and Latson Road intersection. The property is located within the Livingston Commons Phase 2 PUD on parcel #11-08-200-020. The request is petitioned by Howell Hospitality Inc.**

**A. Disposition of the environmental impact assessment**

Moved by Skolarus and supported by Ledford to approve the impact assessment dated 05/01/2017 as requested. The motion carried unanimously.

**B. Disposition of site plan dated 06/23/2017**

Moved by Lowe and supported by Croft to approve the site plan with the following conditions:

1. The 10' buffer zone on the southeast portion of the parking lot is acceptable.
2. Signage as shown on the renderings is approved and must comply with the Township Ordinance in terms of size.
3. Recorded copies of easements for cross access to all adjacent parcels shall be provided in a format acceptable to the Township Attorney prior to a land use permit being issued.
4. All site plan application fee exceedances and tap fees shall be paid prior to issuance of the Land Use Permit.
5. Construction plan review is required per the MHOG Connection Manual.
6. All requirements of the Brighton Area Fire Authority's letter of May 31, 2017 shall be met.

The motion carried unanimously.

**9. Consideration of a PUD Amendment, Environmental Impact Assessment and Site Plan for a proposed multi-tenant commercial center to include two buildings including a drive-through restaurant located at the northwest corner of Grand Oaks Drive and Latson Road. The property is located within the Livingston Commons Phase 2 PUD on Parcel #11-08-200-017. The request is petitioned by USA 2 GO.**

**A. Disposition of the PUD Amendment**

Moved by Lowe and supported by Mortensen to approve the second amendment to the PUD Agreement provided the following conditions are met: Item 4 on page 3 shall clarify that the 3' setback is for the drive aisle only. Item 5 on page 3 shall state that the access from Grand Oaks Drive shall be right-in only. The motion carried unanimously.

**B. Disposition of the Environmental Impact Assessment**

Moved by Lowe and supported by Mortensen to approve the impact assessment dated 05/03/2017 as submitted. The motion carried unanimously.

**C. Disposition of site plan**

Moved by Hunt and supported by Skolarus to approve the site plan dated 07/05/2017 with the following conditions:

1. Minor discrepancies for daylily, spirea and emerald arborvitae on the landscaping plant list shall be corrected.
2. The gap between the landscaped island and raised concrete area located southwest of the north building shall be eliminated or minimized.
3. All site plan application fee exceedances and tap fees shall be paid prior to issuance of the Land Use Permit.
4. Recorded copies of utility easements shall be provided in a format acceptable to the Township prior to a land use permit being issued.

5. The Township Engineer's comments shall be addressed and will be reviewed during Construction plan review as required per the MHOG Connection Manual.
6. A performance guarantee in compliance with Zoning Ordinance Section 21.03 shall be provided for the deferred portion of the sidewalk along Grand Oaks Drive.
7. All requirements of the Brighton Area Fire Authority's letter of May 31, 2017 shall be met.
8. Potential access driveway easement for cross access provided an agreement can be met with Lowe's.

The motion carried unanimously.

#### **10. Review of supplemental information regarding the property at 5679 Richardson Road.**

Jamie K. Stewart addressed the board on behalf of Mr. Joseph Yaros. Stewart indicated that her client, Joseph Yaros, has many health issues and when Mr. Yaros was in the hospital; his son built the deck not knowing a permit was required. They are not trying to be adversarial and are open to any person from the township to come out to measure the structure.

Stewart made reference to ordinance 11.04.02, which states: "Attached or unattached uncovered decks and porches without a roof, walls or other form of enclosure shall be permitted to extend a maximum of twenty five (25) feet from the rear building line of the principal building, provided they shall be at least four (4) feet from any side lot line and ten (10) feet from any rear lot line." Stewart said that measurements were taken and it does not extend past twenty-five feet from the principal building. She also indicated that there are many ordinances that pertain to certain architectural features and covered porches but said Joseph Yaros should be allowed to have a deck and the footprint of the home is not an expansion of the residence. Ms. Stewart referenced two applications that he applied for. The deck is attached but can come into compliance and Yaros would like the opportunity to correct the deck. When the interior wood paneling was removed, the door wall frame was there so they just put the door wall back in.

Township Attorney Seward said the deck must be attached to the principal residence and not to an accessory building and precludes the deck addition as is. This is not a safety issue; the deck is not in compliance with either the township ordinance or the consent agreement. Expansion of an existing non-conforming structure is in violation of the consent agreement.

Moved by Mortensen and supported by Skolarus to decline any further request for expansion of a nonconforming structure that is in violation of the zoning ordinance and consent judgement with regards to the Yaros property at 5679 Richardson Road Howell. The motion carried unanimously.

#### **Correspondence:**

Skolarus and Archinal have met with a concerned resident on Westphal regarding a large professional grade fireworks display situation with Fire Chief O'Brien who is in contact with ATF to determine if the fireworks in question are professional grade and if so, what license they were obtained under.

#### **Member Discussion:**

- Archinal- Kelly VanMarter has been working with Meijer's on the Hampton Ridge and Latson signal. Thirteen trees will need to be removed, five are in the right-of-way. The original cost for the project has come down significantly. With the road commission

contributions of \$52,000.00, the township contribution will be \$168,000.00. The board asked that the project move forward.

- Croft and Rogers will meet with the SEMCOG to discuss Economic Development.

**11. Request to enter into closed session to discuss pending litigation pursuant to MCL 15.268 § 8 (e) and material exempt from discussion of disclosure by state statute MCL 15.268 § 8 (h).**

Moved by Lowe and supported by Ledford to enter into closed session at 7:40 p.m. to discuss pending litigation. The motion carried by roll call vote as follows: Ledford, Croft, Hunt, Lowe, Mortensen, Skolarus and Rogers. Nays – None. Absent – None.

The regular meeting of the board was reconvened at 8:00 p.m. and adjourned.

Paulette A. Skolarus  
Genoa Township Clerk

Tara Brown  
Genoa Township Deputy Clerk