

West Bloomfield Planning Board Meeting

July 25, 2007

PRESENT: Vice Chrmn. Campbell, Brad Lins, Dick DelVecchio & Chrmn. Gripe

ABSENT: Alan Brind, Andrea Scott and Bob DeSanctis

ALSO PRESENT: Mr. & Mrs. Brokaw, Martin Janda (Engineer/BME Assoc.), Jared Hirt (Mr. Brokaw's Attorney), Jack Prinzing, Mark Wheeler, James Krause, John Briggs, Tom & Jean Witzel, Shannon Lusk, Randy Lusk, Rennie Bloom, Joe Spezio & Scott Storke, Code Enforcement Officer

7:30pm: Vice Chrmn. Todd Campbell was in charge of tonight's meeting as Chrmn. Gripe advised the Clerk that he had another commitment this evening. However, he was able to be here for a portion of the meeting.

PUBLIC HEARINGS:

Art Brokaw - (2) Lot Subdivision:

Vice Chrmn. Campbell stated he was canceling Art Brokaw's Public Hearing scheduled for tonight's meeting due to an incomplete application. He noted the Planning Board is going to have an informal discussion with the parties involved to clarify what revisions must be made to the maps in order for this application to be deemed complete. It was also noted that Martin Janda (Mr. Brokaw's Engineer) had called on Monday, 7/23, asking if the Public Hearing/Meeting could be postponed as he had rec'd another letter from Tim Rock (dated July 17th) and he needed more time to address Tim's comments. However, Mr. Janda called on Tuesday and advised the Clerk that he would like the Planning Board to hold the Public Hearing for a preliminary plat review. Vice Chrmn. Campbell again noted the Public Hearing was cancelled and moved to the first item on the Agenda.

INFORMAL DISCUSSION:

Art Brokaw did not answer when his name was called so Vice Chrmn. Campbell moved onto the next order of business.

NEW BUSINESS:

April & May Minutes - Since there was not enough people present to vote at this time (Chrmn. Gripe arrived later), Vice Chrmn. Campbell noted the minutes will have to be addressed at next month's meeting.

August Workshop - The Board members were reminded their next Workshop would be held on August 1st at the Wolk Observatory in Ionia at 7:00PM. There was going to be a BBQ and spouses are welcome.

Conn Road Mine - Joe Spezio attended the meeting to discuss an alternative to the stone he has supplied every other year to the Town as one of the conditions on the Special Use Permit for the Conn Road mine. He stated that he has sold his Mendon pit (the source of the material) and he would like to know how the Planning Board would like to handle this matter. Joe noted that the stone is still available at his pit in Geneva if the guys from the Highway Department want to drive there or, he could send the Town a check very other year for an amount agreed upon. Vice Chrmn. Campbell asked what the material costs? Joe replied approximately **\$7.00 - \$7.25 a ton**. He noted that, as one of the conditions of the Special Use Permit for the Conn Road mine, Elam provided the Town with about **200 ton every other year**. He added that he would be happy to give the Town a check every other year equal to the value of the stone or, as mentioned, the Town could drive out to the Geneva pit where the stone is still available.

Vice Chrmn. Campbell advised Joe the Planning Board would speak to the Highway Superintendent and decide which option is more feasible. Joe replied the Clerk could give him a call and let him know how to proceed. He also mentioned that he will soon be mining up to Route 5 & 20 and will not need to use the Conn Road entrance anymore. He wants the Planning Board to know that, when the time comes that he no longer has to use Conn Road, he would not be supplying stone or sending the Town a check anymore. He stated this could possibly happen before their Special Use Permit expires. Scott Storke advised Joe he would have to abide by the terms of the SUP until it expired or was amended by the Planning Board.

At this point, Jared Hirt (Art Brokaw's Attorney) approached the Planning Board table, introduced himself and noted they were first on the Agenda for an informal discussion. Vice Chrmn. Campbell advised Mr. Hirt that no one answered or acknowledged their presence when he called Mr. Brokaw's name so he moved on to the next item on the agenda. Mr. Hirt stated that he, Art and Marin Janda were outside talking. Vice Chrmn. Campbell said he would come back to them.

Vice Chrmn. Campbell moved to item #4 on the agenda, which was the referral to the ZBA for Peter Parker, and asked the Clerk if there were additional concerns the Planning Board needed to deal with on this matter? The Clerk noted their referral had been passed on to the ZBA and apologized for leaving it on the agenda.

Proposed RV Law - Vice Chrmn. Campbell again noted that, due to the lack of a quorum, this issue would be addressed at their next Workshop meeting.

INFORMAL DISCUSSION:

Art Brokaw - Vice Chrmn. Campbell advised Mr. Brokaw that his application was not complete as Site Plans are required for both parcels/lots therefore, the Public Hearing was cancelled. He noted the Planning Board would like to have an informal discussion as they have concerns that need to be addressed. Mr. Janda stated they already had an informal discussion, he has already addressed most of the Town Engineer's comments, and he didn't understand why the Public Hearing was cancelled. Vice Chrmn. Campbell stated that a Site plan is required for each parcel created as a result of the subdivision.

The Planning Board needs to know what the front parcel is going to be used for and the status of the Quonset hut. They are also concerned about the (flag) shape of the proposed lot. At this point Jared Hirt (Mr. Brokaw's Attorney) spoke and stated the options he sees available would be either to have an informal discussion on what concerns the Planning Board would like to have addressed or #2, to go ahead and hold the Public Hearing for preliminary plat approval and the Planning Board could possibly issue a conditional approval. Vice Chrmn. Campbell advised Mr. Hirt the Planning Board does not issue conditional approvals anymore as they have been instructed by the Town Board not to do so. There was a discussion about why a Site Plan was required for the front lot (#1) since Mr. Brokaw wasn't planning on developing the lot. Also, why the flag lot was an issue. Mr. Hirt asked if the Planning Board had approved Flag lots in the past? Vice Chrmn. Campbell replied Yes, there are flag lots that exist. He added that occasionally the Planning Board has approved a subdivision where a flag lot was created however, they were sizeable lots (unlike Mr. Brokaw's proposal) or it was a situation where no other option was available. Vice Chrmn. Campbell explained that one of the Planning Board's concerns is whether or not the result of this subdivision would be in keeping with the character of the neighborhood. Martin pointed out the Site plan for the front lot was never mentioned and stated that he thinks the proposed subdivision is very conforming to the character of the neighborhood. Mr. Brokaw's attorney stated the plans were submitted in January and asked why none of these issues were mentioned at that time? The Clerk asked if she could speak and advised the attorney that Mr. Janda did come before the Planning Board for an informal discussion in January and was advised that a complete application must be submitted, along with payment, before they could proceed. We did not hear anything on this matter (again) until June 13th, when Mr. Janda submitted the new maps, along with the application and payment. Vice Chrmn. Campbell added that Subdivision Regulations must be followed and the regulations state that Site plans are required on all lots. There was more discussion on why a Site plan was required for the front lot. Mr. Hirt repeatedly mentioned that our Town Attorney informed him the Quonset hut was "in compliance" therefore, Mr. Brokaw did not have to do anything with the lot and planned on leaving it as is. The Board tried to explain to Mr. Hirt why a Site Plan was required on the front parcel until finally he noted they should move on, as he would like to know what the concerns the Planning Board has with the application.

A map was hung up on the easel and the Planning Board members shared the one most recent map they had. Mr. Hirt went over the regulations one by one and herewith is a list of items discussed:

Art Brokaw's Informal discussion

1. Vice Chrmn. Campbell reiterated the Board's opinion on [flag lots](#) and asked Martin Janda if he would consider changing the shape of the lots involved by eliminating the flag lot? Martin replied he could not do that, as they want to maintain the width of the lot. Vice Chrmn. Campbell stated - then your intentions are to submit a subdivision with a flag lot even though I have explained our position to you? The answer was yes.

2. Vice Chrmn. Campbell stated we are still waiting for a copy of the [driveway easement](#) with the correct map dates noted. Mr. Hirt explained the existing driveway is now the easement. The Clerk asked if he had forwarded a copy of the easement to our Town Attorney and he replied that he did and also that he spoke with Dave Anderson on Monday (7/23) about it.

3. Vice Chrmn. Campbell advised Mr. Hirt the Board requires a [Site Plan for lot #1](#) (front lot). Mr. Hirt argued that a Site plan is not necessary since there was a Quonset hut on the lot (that is conforming) and Mr. Brokaw had no intention of tearing it down or building anything else on the lot. He stated that Mr. Brokaw is going to be using the Quonset hut for personal storage. Vice Chrmn. Campbell noted that he understood however, our subdivision regulations state that site plans must be provided for both lots. He asked Martin Janda if he could provide engineering details for the front parcel? Martin replied yes, if that is what his client wants him to do.

4. Mr. Hirt asked what [issues](#) the Planning Board takes into consideration when approving or denying a [flag lot](#)? In an effort to answer the question and get the rest of the Board's thoughts on this question, Vice Chrmn. Campbell noted he would start with Dick Del Vecchio and get his opinion on what items he considers when a flag lot is proposed as part of a subdivision: Dick stated the size of the lot, whether or not there is another way onto the property, whether or not that particular zoning district allows a flag lot and how many other flag lots the Board has approved in the area? The next person to answer was Chrmn. Gripe who reiterated the same items that Dick did, as did the rest of the members present.

5. A big concern is the [Septic system](#). Where it's located, when it was perked, what type of system is proposed and whether or not the maps reflect what the property looks like today. There seems to be a difference of opinion (between our Town Engineer and Martin Janda) on what type of system is needed and whether or not it has to be referred to DOH. Martin stated the septic does not have to be approved by DOH as the soil has already sat thru a freeze thaw (last winter). Vice Chrmn. Campbell advised Martin that any questions regarding septic issues should be directed to our Town Engineer and Mr. Hirt agreed.

#6. Chrmn. Gripe inquired where the [front lot](#) (#1) was going to [drain](#) and noted it must be shown on the revised maps along with the [sewage disposal](#) details. Chrmn. Gripe asked Mr. Brokaw for permission to go on the property and [walk the lot](#). Art replied, "Help yourself". His attorney asked Chrmn. Gripe if Art needed to be present when he comes out to the property? Chrmn. Gripe replied no.

#7. Martin Janda asked if Art could fill in the 3' (32") hole he had on his property? He noted that he is aware of the fact that, if the hole is filled with sand, the area could not be used for the septic system now, but would be a potential site in the future. Mr. Hirt agreed that it was an unsafe situation and also asked if Art could fill it in? Chrmn. Gripe stated he wanted to get Tim Rock's opinion first and the hole is to remain open until he notifies them otherwise. He noted that he would call Tim Rock tomorrow (Thursday) and then call Martin with an answer.

#8. There was some concern about the [swale](#) shown on the maps and Chrmn. Gripe said he would also check that situation out when we walks the property.

#9. Mr. Hirt asked if the plans had been submitted to out Highway Superintendent and also the Fire Chief? The answer was yes. Martin asked if we could forward him a copy of their comments. Scott Storke made copies and gave them to Martin at the meeting.

#10. It was also noted this has not been sent to the [Water Authority](#) yet.

Martin asked what to do about the issues in Tim Rock's most recent letter and how the board would like him to proceed? He was advised that new maps must be submitted with site plans for both lots. They will again be forwarded to the Town Engineer, Fire Chief and Highway Superintendent for their review and comment.

Scott Storke noted the biggest issue with the subdivision is the size of the lots and whether or not they can both accept residential uses and septic systems, as they are both residential lots. There were no further questions and Chrmn. Gripe reiterated that he would call Tim Rock tomorrow and then call Martin about the 32" hole.

OLD BUSINESS:

[Linda & Shannon Lusk](#) - Special Use Permit

Shannon Lusk was present and explained to the Board that he was now leasing property in Honeoye Falls. He submitted a copy of the lease for our files. He noted that instead of seeking approval for a SUP to operate a home occupation, he would like to apply for a SUP for an excavation occupation. Chrmn. Gripe advised him that was even harder to obtain as the State gets involved and all kinds of paperwork is needed. Vice Chrmn. Campbell suggested that since he (Shannon) has moved a lot of his equipment over to Honeoye Falls and the business activity at his house is scaled down some, perhaps he should go ahead with his Public Hearing on the SUP for a home occupation. There was a discussion about Shannon's business being similar in nature to a nursery. Shannon noted he wanted to keep a portion of the operation at his house due to the seasonal nature of the business. Shannon was advised to come in on August 15th for an informal discussion and, if the Planning Board has everything they need, a Public Hearing will be scheduled for Sept.

INFORMAL DISCUSSION:

Vice Chrmn. Campbell spoke with all those present and explained the Planning Board's position on Art Brokaw's application and the procedures that must be followed. He also thanked everyone for their patience and apologized for having to cancel tonight's Public Hearing. He asked if there were any questions? [Rennie Bloom](#) noted his concern about the excavation that has already taken place and referred to Tim Rock's comments as well. Chrmn. Gripe advised Rennie the Board will want some type of markings around the area where the proposed septic is going to make sure it is installed according to the plans.

Rennie also mentioned there is a driveway on the Quonset hut that was never supposed to be there. There is also an issue with his (Rennie's) septic. Part of his distribution box is on Art's property, which incidentally is not show on the maps. **Mark Wheeler** stood up and stated the whole character of the neighborhood will change if the Board allows Art to subdivide. **Jack Briggs** agreed the character of the neighborhood would be changed and added that Art doesn't even plan on living there. He showed pictures of the Quonset hut, noting that it has water and asked if it should have its own septic system. Vice Chrmn. Campbell replied that issue is being addressed. **Jim Krause** asked if the Board would require engineering details on the front lot (#1), as well as a perk test? The answer was yes. **Jack Prinzing** mentioned there is a drainage ditch alongside the driveway and asked how that was going to drain? He also mentioned the creek (on the property) goes down into Honeoye Creek and into the village and inquired about the septic system too. Chrmn. Gripe noted a possible drainage easement might also be required. Vice Chrmn. Campbell stated the subdivision doesn't fall under SWPPP as not enough area is disturbed.

10:00PM – There were no further questions and Dick Del Vecchio made a motion to adjourn. Brad Lins seconded the motion, with ayes by all present, and motion carried.

Respectfully Submitted By,

Debbie MacDowell