

**GENOA CHARTER TOWNSHIP BOARD**  
**Regular Meeting**  
**June 19, 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 approximately 25 persons in the audience.

A Call to the Public was made with the following responses:

- Mark Behrendt – I oppose a gas station at Brighton and Chilson Roads because of the congested intersection and the angles of the road. Reference was made to the Master Plan and the configuration of the existing roads. There will be a problem with service vehicles in that location. There are plenty of service stations right off of Latson Road.
- Mortensen – There is a request here to extend sewer service not a rezoning. Also, there is a consent agreement in place for this property.
- Fred Novak - I have owned property here since 1975. Vic & Bob's had two gas pumps and a small store. We have enough gas stations and we don't need another convenience store at that location. This action could impact local wells and surface water. It is contrary to the Master Plan for the township.
- Bridget Klueger – Why do you need to run a line now? Tanker traffic is not appropriate for that area. We will be stuck with this development forever and it will harm Chilson Pond. Please protect our wetlands.
- Pam Thomas – A septic system will only last so many years. We have zoning issues that need to be addressed.
- Bob Baker – Why do they need to tie into Oak Pointe Sewer System? What is the capacity? Would this extension allow the tie-ins? The cut-off is dangerous at this location.
- Rogers – They would tie in just to the right of the dirt road. The owner would be responsible for the cost of the sewer extension.
- Jeff Terry – Before going forward, is there a traffic study being done? Please no more concentration of traffic in that area.
- Rogers – The existing traffic study is still viable.
- Kathleen Wisser – This is a dangerous intersection. They are in the watershed near Chilson Pond. Please don't allow a gas station here.

- Lindsey Gestro – I work for the Oakland County Health Department. Fumes from a gas station are bad. My research indicates that 1500 liters of gas spill every 10 years. There are sandy soils in this area and we will have more problems if you allow a gas station here. Heavy storms can also create problems. This is one of the 7 most dangerous intersections in the township.
- Jennifer D’Amico – My family has owned the Vic & Bob’s store for over 38 years. All past development on this site has been a complete failure. Water from this site is an existing problem to my property. How can they guarantee that gas will not leak? This is our life and our community. We don’t want late night business traffic at this intersection. We don’t want a gas station here.
- Gary Mitter – The proposed additional fire lane on Gray Road for A & F Wood Products is a problem. I am in favor of their expansion but not the 2<sup>nd</sup> access. Theft is already a big problem for this area.

**Approval of Consent Agenda:**

Moved by Lowe and supported by Hunt to approve all items listed under the Consent Agenda and move payment of the bills to the regular agenda for consideration. The motion carried unanimously.

**1. Request to Approve Minutes: June 5, 2017**

**2. Request for approval to file a Claim of Lien as well as levy Special Assessment, X0111 Demo/Maint., in the amount of \$5,435.00 to the 2017 Summer Tax Roll for expenses paid for Parcel #4711-03-401-051, property address 692 Red Oaks as requested by the Township Treasurer.**

**Approval of Regular Agenda:**

Moved by Ledford and supported by Mortensen to approve for action all items listed under the Regular Agenda with the addition of the Payment of Bills. The motion carried unanimously.

**3. Payment of Bills**

Moved by Mortensen and supported by Lowe to approve the payment of bills with a corrected total of \$664,231.21. The motion carried unanimously.

**4. Request to approve the 2017 Partnership with the Economic Development Council of Livingston County in the amount of \$22,600.00.**

Moved by Mortensen and supported by Croft to table this request until the reason for Brighton Township’s withdrawal if considered. The motion carried unanimously.

**5. Consideration of a request for approval of special land use, environmental impact assessment and site plan for a proposed 30,000 sq. ft. warehouse/storage addition to the existing A & F Wood Products located at 5665 Sterling Drive, Howell. The request is petitioned by Schonsheck Inc.**

**A. Disposition of Special Use Permit**

Moved by Ledford and supported by Skolarus to approve the Special Use Application based upon consistency with the standards of section 19.03 of the Zoning Ordinance with the following conditions:

1. The existing vegetation is acceptable and no new buffer zone plantings are required.
2. The building materials are acceptable as it is the same material as the existing building and not visible from the road.
3. The applicant shall comply with all requirements of the Brighton Area Fire Authority; however, based on the theft at Wonderland Marine, the fact that there seems to be ample circulation on the property and there will be additional fire suppression on the entire property, the Township requests that the Brighton Area Fire Authority reconsider their requirement for a second access point. (This action will be handled through the Manager and Supervisor).

The motion carried unanimously.

#### **B. Disposition Environmental Impact Assessment (05-01-17)**

Moved by Hunt and supported by Skolarus to approve the Impact Assessment dated 5-1-17 with the following conditions:

1. “Dust control measures shall be used during construction” will be added to Item D..2
2. Hazardous Materials are addressed in both Items G&H. One shall be removed.

The motion carried unanimously.

#### **C. Disposition of Site Plan (5-24-17)**

Moved by Skolarus and Supported by Lowe to approve the Site Plan dated 5-24-17 with the following conditions:

1. If the three parcels are consolidated into two, the lot split and access easement(s) will be recorded prior to issuance of a land use permit.
2. The applicant shall comply with all requirements of the Brighton Area Fire Authority; however, based on the theft at Wonderland Marine, the fact that there seems to be ample circulation on the property and there will be additional fire suppression on the entire property, the Township requests that the Brighton Area Fire Authority reconsider their requirement for a second access point.
3. Per the Township Engineer’s letter dated June 5, 2017, the applicant shall consult with the Brighton Area Fire Authority to determine the appropriate water main size and configuration per the fire flow chart.
4. Construction Plan review through the MHOG Utility will be required and utility easements shall be provided prior to issuance of a land use permit.

The motion carried unanimously.

#### **6. Request to extend Oak Pointe sanitary service to 5033 Chilson Road with a private lead.**

Pam Thomas - We are aware of Vic & Bob’s parcel being in the sanitary sewer district. We didn’t have the opportunity to tie-in at that time. We did receive a conditional estimate and wanted to investigate further. We would like to put a gas station there. Vic & Bob’s did opt to

go with the abandonment of the gas pumps years ago. We, too, are concerned with the environment. Our septic system might fail in the next 8 to 10 years. Today, train loads of chemicals sit on the tracks – as many as 40 to 50 cars that create a greater threat to the environment. Any sewer extension will be bored under the road. This property is master planned for Neighborhood Service District. We are trying to find another use other than the existing zone of Low Density Residential. This property is unique and this is the first step in the process to obtain a gas station.

Dewey Thomas – The Chilson Pond pollution is coming from wherever. I am presuming from Crooked Lake. I would have filled this room with people who would like to see a gas station there. It just makes good sense.

Bridget Klueger – I am an environmental consultant and my specialty is gas stations. The problem is always underground and seepage that will go toward the lake. We need to keep our water clean. The Thomas's are not professional operators. They don't know how to calibrate equipment when alarms go off. In my 25 years of service I have found that only one single gas station has not leaked. With a septic field, contamination will not go beyond the parcel.

Attorney Joe Seward was asked for his response to the petition for a sewer extension:  
Seward – For a different use on this property, the consent judgement would need to be amended. Should the Board choose to approve the sewer extension to this parcel that would be a problem if the petition comes back for a gas station. It would be difficult to say no when this application specifically states that their final request will be for rezoning and a gas station. Of course any final determination would be up to the judge.

Mortensen – Irrespective of a gas station, can we even extend sewer?

Hunt – This property is not within the sewer district.

Skolarus – A letter, received after the board packet was completed (dated June 14, 2017) from Fairways at Oak Pointe asks that the board reject the request to build a gas station on the corner of Brighton Road and Chilson Road. The memo from Greg Tatara, Utility Director, states that “A private lead would require a private easement from the Fairways Condominium Association.”

Moved by Mortensen and supported by Skolarus to deny the request for a sewer extension to a parcel outside the district. The motion carried as follows: Ayes – Mortensen, Skolarus, Hunt and Ledford. Nays – Rogers, Lowe and Croft.

## **7. Discussion regarding interest charged on Fund #264 Special Assessment Revolving Fund.**

It was the consensus of the board to ask Archinal to provide additional information before moving forward with this discussion.

### **Member discussion:**

The board voiced no objection to a request for extending contractual services related to sewer and water.

## **8. Request to enter into closed session to discuss pending litigation pursuant to MCL 15.268 § 8 (e).**

**Moved by Lowe and supported by Skolarus to move to closed session at 8:20 p.m.** 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 reopened at 8:37 p.m. and then adjourned.**

**Paulette A. Skolarus, Clerk  
Genoa Charter Township**