

GENOA CHARTER TOWNSHIP BOARD
Regular Meeting
March 17, 2025

MINUTES

Call to Order

Supervisor Spicher called the regular meeting of the Genoa Charter Township Board to order at 6:30 pm at the Township Hall.

Invocation

Supervisor Spicher led the invocation for the Board and the members of the public.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call

The following members were present constituting a quorum for the transaction of business: Kevin Spicher, Janene Deaton, Candie Hovarter, Robin Hunt, Bill Reiber, Rick Soucy, and Todd Walker.

Also present was Township Manager Kelly VanMarter, Township Attorney Joe Seward, and 28 people in the audience.

Call to the Public

The call to the public was opened at 6:31 pm.

Ms. Sandy Coutcher of 6960 Challis is concerned about the water. She asked where the sidewalk will be installed, will there be trees left in front of her house, and will there be an entrance by her house?

Mr. Michael Green of 6545 Catalpa Drive spoke regarding the subdivision going in next to his. The Planning Commission said it would be 55 single-family homes, but the agenda says 55 site condominiums and that is different.

Mr. Blake Harrity of 6702 Challis Road is representing his family who live on Challis. He asked the Board to deny the rezoning request. Genoa Township continues to be built up and that hurts property values. This development will increase traffic, decrease safety on the roads, increase air pollution, and decrease wildlife. He asked where the water for the wells will come from. There will be little untouched land left. He does not want it to turn into Novi or Farmington Hills.

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Mr. Dan Kashian of 6585 Grand Circle is representing the residents in Mountain View subdivision. They are concerned about their wells drying up, the increased traffic and the safety on Challis Road.

Ms. Debra Beattie of 3109 Pineview Trail stated the developer tweaked the plan and it is better. All of the houses in that area are going to be on the same aquifer and there are concerns. Are there assurances from Pulte that the 100-foot setback of natural growth will remain. They should be held accountable if there are problems with wells in this area. She wants to ensure this subdivision doesn't cause any problems for the wetlands. At the Planning Commission meeting, some neighbors spoke about already having flooding issues in their yards and that should be addressed because there will be more.

Evan, who lives on Grand Circle in one of the homes that abuts the wetland pond, is also concerned with the wells because many of the homes in the area do not have deep wells. They live in the low point of the existing subdivision, and he is concerned about the detention pond and its runoff. Will the wetland be affected? He is concerned about construction vehicles driving on Grand Circle. The light pollution has been increasing, and this will increase traffic in the area. Challis Road is getting increasingly dangerous. This increased traffic will make it more unsafe.

Ms. Elaine Samson of 6280 Sundance Trail agrees with the concerns of the other members of the public. It was originally homes and now it is condominiums so that is more people and traffic. She has lived here 50 years and has seen a drastic change in Brighton. She would like to see it stay a rural area and not another Novi.

Mr. Hubert Winkelbauer of 3844 Bauer Road has lived here for 55 years and has had the same well since 1970. He had to have a new one dug in September. There was a lot of rust in the water. When the City of Brighton installed their well on Challis Road, his water quality went down so people should anticipate that.

The call to the public was closed at 6:48 pm.

Approval of Consent Agenda:

Moved by Hunt, supported by Soucy, to approve the Consent Agenda as presented. **The motion carried unanimously.**

- 1. Payment of Bills: March 17, 2025**
- 2. Request to approve the March 3, 2025 regular meeting minutes**

Approval of Regular Agenda:

Moved by Reiber, supported by Walker, to approve the Regular Agenda as presented. The motion carried unanimously.

- 3. Public hearing and consideration of recommendations for approval of the rezoning Ordinance Number Z-25-04, environmental impact assessment, planned unit development (PUD) agreement, and conceptual PUD plan to rezone 127.57 acres from Agriculture (AG) to Low- Density Residential (LDR) with Residential Planned Unit Development overlay (RPUD) to allow for a proposed 55-unit single-family site condominium development located at the northwest corner of Challis Road and Bauer Road. The proposed rezoning is for the following parcels: 4711-23-400-008, 4711-23-400-007, 4711-23-400-001 and 4711-23-300-003 and the request is submitted by Pulte Homes of Michigan.**
- A) Call to the Public**
 - B) Disposition of Rezoning Ordinance Number Z-25-04 (Roll Call, requires 2/3 vote)**
 - C) Disposition of Environmental Impact Assessment (3-05-25)**
 - D) Disposition of PUD Agreement**
 - E) Disposition of Conceptual PUD plan (3-05-25)**

Supervisor Spicher addressed the issue of site condos vs. homes. It is a way that developers can develop the property more quickly. It is not a condominium complex; they will be single-family homes.

Mr. Mike Noles and Mr. Brian Biskner of The Umlor Group, the engineering firm representing Pulte Homes, were present. Mr. Noles stated they have received a unanimous recommendation of approval from the Township Planning Commission, Township staff, the consultants, and Livingston County Planning Commission. They met with the residents and have amended the original plan as a result of this meeting to address some of their concerns. It is consistent with the Master Plan and Future Land Use Map.

He showed the plan if this development were built per the ordinance and then what they are proposing with the PUD Plan. They will be saving approximately 5,000 trees and preserving other natural features, they are installing an offsite path from their entrance west to the Mountain View entrance and then east to meet the existing path at the roundabout and adding additional buffering at the detention basin where it abuts the neighboring homes. They are requesting deviations for lot widths, the overall lot square footage, side yard setbacks, the buffer at the wetland, and the length of the road to the cul-de-sac.

He explained that they need to clear the interior of the development area. It is not possible to save specific trees. The trees that will remain are in the buffer zones and in the preservation area.

There will be a second entrance to the site, but it is for emergency access only. It will be gated and not used. They will also install landscaping in this area.

Mr. Reiber asked about the concern of the residents regarding the availability of water and runoff. Mr. Noles stated they have done a hydrogeological study of the site, submitted it to the

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Livingston County Health Department and the study showed the aquifers at this site can support this development without affecting the neighboring wells. They will have a modern stormwater system on the site that must meet the stormwater requirements of the Township. Their system will decrease the amount of runoff to other properties and increase the water quality.

Ms. VanMarter stated that this site plan will need to be brought before the Planning Commission and Township Board for final approval. At that time, additional studies are required, one is a hydrologic impact assessment.

Ms. Deaton asked if the septic systems will be standard or engineered. Mr. Biskner explained their findings from their tests. They may have three or four that may need to be engineered. She asked if they will be testing for Radon because it is so close to the wetlands. Mr. Biskner stated they do not have plans for that. She asked that this be done. She also asked about the discharge from the water softeners. Mr. Biskner stated it is against code to discharge it into the septic system. It is typically entered into a dry well. Ms. Deaton is concerned with this discharge entering into the protected wetlands. He stated that the amount of discharge will not leave the yard and make it into the wetland.

Her other concern is the shared access for Lots 13 through 16 and 30, 31 and 32. This could cause fighting with the neighbors. She would like to see these lots eliminated. She is not in favor of this project with these shared driveways.

Mr. Biskner stated the Fire Marshall has approved the shared driveways and they comply with the zoning ordinance. The width will allow two cars to pass each other and there will be fire suppression in the middle of both of those cul-de-sacs. These private driveways are 20 feet wide, which is 4 feet narrower than the other roads in the development.

Mr. Soucy asked who owns the property and requested clarification on the buffer zones. He is requesting that penalties be put in place so that if any trees are removed that were to be saved and for encroaching into the wetlands. Mr. Noles stated that Lautrec owns the property. They have entered into a contract with Pulte Homes of Michigan. There are penalties from the State for encroaching into the wetlands.

Ms. Hunt stated the offsite sidewalk is a huge benefit to the residents. She asked about the construction traffic route. Mr. Noles stated they can keep the construction traffic off of Challis Road.

Supervisor Spicher asked if there will be penalties stated in the master deed and by-laws for encroaching onto the wetlands. Mr. Noles stated that EGLE will address the compliance for encroaching into the wetlands, which could fall on the builder or the homeowner. The Township oversees the wetland buffer compliance. Supervisor Spicher would like to see language regarding this in the documents. Mr. Noles agreed to include it. Mr. Soucy suggested a penalty of \$25,000.

Supervisor Spicher noted other developments in the area that had trees saved inside the development area. There are 104 landmark trees there. Mr. Noles reiterated that they will be clear cutting the development area. They are only removing 30 percent of the trees on the site.

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Mr. Reiber asked the applicant to address the traffic concerns of the public. Mr. Noles stated a traffic impact assessment was done and it concluded that this development will not negatively affect the traffic in the area.

Mr. Walker does not want the Township to have to repair the path and it should be the developer's responsibility. Mr. Noles stated that the sidewalk will be given to the Township so they will maintain it in perpetuity. This is a significant improvement for public benefit. Mr. Reiber stated that if the developer is installing this at the residents' and the Township's request, the Township should maintain it and plan for its replacement. Ms. Hunt agrees.

Ms. VanMarter stated that Ms. Ruthig is recommending postponing approval of the PUD Agreement; however, she would also recommend postponing the rezoning because the properties should not be rezoned without a PUD Agreement in place. Mr. Noles stated that they can comply with all five conditions recommended by Ms. Ruthig; however, he would like it to state that they can remove oak trees at any time, but they will not prune them from April through October.

Mr. Noles noted that the items discussed this evening should be resolved at final PUD Agreement review. He would like to have the rezoning approved so they can begin their engineering. If the Board is open to 55 units on 127 acres, then that can be approved. Mr. Seward noted that if the properties are rezoned, the new zoning stays with the properties.

Mr. Seward asked for direction of what penalty the Board would like to see for encroaching into the wetland buffer and landscape buffer as well as the fertilizer restrictions. Ms. VanMarter noted that other items were discussed to be added, such as Radon testing, softener discharge, dry wells, construction traffic on Challis, etc.

The Board took a 10-minute break from 9:00 to 9:10 pm.

Mr. Soucy asked if the homeowner's association will be responsible for maintaining the grass, etc. Mr. Noles stated they only maintain the common areas. Each homeowner will maintain their own property.

The call to the public was opened at 9:19 pm.

Ms. Bonnie Spicher of 5606 Mountain Road has lived here for 45 years. When the property was purchased, they knew the zoning. She disagrees with it. People moved here for the open land.

A resident from 2411 Sundance Trail thanked Ms. Deaton for clarifying site condo vs. regular build. When they moved here, they wanted property larger than one acre, and this development is a large house on small lots. She would like to see it spread out more. She thanked the developer for the presentation. She would like to keep more green areas.

Ms. Sandy Coutcher is concerned about the sidewalk that is going to cross over the road where there is a hill. That road gets slippery in the winter and cars will slide and could hit the people walking. She is very concerned about the wells.

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Mr. Blake Harrity stated this development does not benefit the current residents. He is an urban forester, and he would like to see any tree ordinances, and what trees are going to be removed. This land should be left as agriculture. This area is being developed too much.

Mr. Dan Kashian asked for clarification with the wells. There was a study done saying that the new wells will not affect the wells in Mountain View. Did that study model a reduction in recharge?

Evan of Grand Circle is concerned with the runoff from the grading of the property and the detention basin and the fertilization.

Mr. Jeff Dhaenens of 5494 Sharp Drive thanked the developer, Amy, Kelly, Brian and the Planning Commission for working on this and bringing it to this point in the process. The developer is preserving 58 acres of land, EGLE monitors the wetlands and has a fine of \$37,000 per day for encroaching, they are proposing to double the landscaping requirements for the homes on Grand Circle, adding additional buffers for the detention pond, a sidewalk for the public, etc. They have agreed to all of the requests of the Township and the residents. They could have connected their roads to the public road in the adjacent subdivision, but they are not. This development will benefit the residents.

Ms. Debra Beattie stated the existing wells are a concern. The four homes near the wetland would save trees and protect the wetland. The building of the path was in exchange for not doing something inside the development. The aerial view does not represent the property as it is today; now it is completely green. Trees can be saved inside the development area. The homes near the wetlands will have their septic tanks and the softeners go onto the ground and make its way down toward the wetland.

Ms. Melanie Johnson of 3990 Chilson Road appreciates the developer for his presentations. The original plan for this site was into the wetlands with seven homes in that area. They never wanted to save the wetlands. They are doing this because the Township requested it.

The call to the public was closed at 9:38 pm.

Mr. Noles stated that the parallel plan is what can be done with straight zoning. They did that to determine what density is allowed. Also, there is a 50-foot buffer between the property and the wetlands. The same items continue to be discussed this evening. Tonight's item is for the rezoning, this is not the final site plan review. All of these issues will be addressed with the final site plan. The rezoning is the item for discussion this evening. They are complying with the Township ordinance for a residential PUD.

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Ms. Hunt agrees. A denial or approval can only be based on the Township Ordinance. Supervisor Spicher agrees and noted that the only commitment tonight is the rezoning. They are not agreeing to 55 homes, etc.

Moved by Soucy, supported by Hovarter, to postpone the rezoning of Ordinance Z-25-04 until the April 7, 2025 Township Board Meeting because of the additional information needed for the PUD, the Environmental Impact Assessment and Site Plan is too vague and needs further review. The motion carried with a roll call vote (Walker - yes; Hovarter - no; Soucy - yes; Deaton - no; Spicher - yes; Hunt - yes; Reiber - no)

Ms. VanMarter stated that the items to be addressed are what is in Staff's review letter and the additional comments heard this evening relating to wetland encroachment violations and fines and penalties, construction traffic, oak tree removal and pruning, etc.

Mr. Joe Skore of Pulte Homes addressed the Board and stated that negotiating details of the PUD Agreement is not typically done in this way, in a public forum. These should be discussed and determined by the developer, staff, and the attorneys. Mr. Seward added that many of these items are addressed at final approval; however, he reiterated the Board must decide what the penalties are for violations so they can be included. The Board decided that trees that are to be removed are to be replaced caliper to caliper and if there is an encroachment into the wetlands or the wetland buffer, a \$10,000 fine will be assessed for the first time, then it increases to \$20,000, then \$30,000, etc. with a remediation plan put in place to be approved by staff.

Mr. Skore added that if the Board's concern is with the developer encroaching into the wetlands when developing, then he agrees to the fines, because they know that they will not. Fining a homeowner for accidentally encroaching into a wetland is excessive. He is willing to have the fines set for Pulte's violations, but not for the homeowners.

Moved by Hunt, supported by Reiber, to postpone the approval of the PUD Agreement, Environmental Impact Assessment, and the Conceptual PUD Plan, all dated March 5, 2025 until the April 7, 2025 Township Board Meeting. The motion carried unanimously.

4. Request for approval of year-end budget amendments for Fiscal Year 2024/2025 involving budget fund numbers: 101, 202, 208, 212, 249, 401, 402, 464, and 532. (Roll Call)

Ms. VanMarter stated that March 31 is the end of the FY 24/25 budget year. There are some budget line items that come in lower and others that are higher, so these amendments are needed.

Moved by Deaton, supported by Hunt, to approve the year-end budget amendments for Fiscal Year 2024/2025 involving budget fund numbers: 101, 202, 208, 212, 249, 401, 402, 464, and 532. The motion carried unanimously with a roll call vote (Hovarter - yes; Soucy - yes; Deaton - yes; Hunt - yes; Reiber - yes; Walker - yes; Spicher - yes)

5. Consideration of a request to add an additional full-time employee for a Clerk's Assistant position within the Clerk's Department.

Ms. Deaton stated she has a part-time deputy clerk, and she needs someone who will be in the office full-time and can handle elections instead of hiring temporary employees.

Moved by Hunt, supported by Walker, to allow the Clerk to hire one full-time Clerk's Assistant. **The motion carried unanimously.**

6. Request to approve a project agreement with the Livingston County Road Commission to reconstruct approximately 0.43 miles of Euler Road from Grand River Avenue to the end of pavement through the Pavement Preservation Program (PPP) with the Township's cost up to 50% of the project costs, not to exceed \$125,000 from Road Improvement Fund #401-446-812-008.

Mr. Reiber went on Euler Road and does not see the need to do anything with this section of the road. He would like someone to reassess the scope of work.

Ms. Hunt agrees with the recommendations of the Livingston County Road Commission's engineers.

Ms. VanMarter reviewed the process for road ratings and the Pavement Preservation Program (PPP) the Township has with the Livingston County Road Commission. This project and the others on tonight's agenda were presented to the Township by the LCRC and were approved in the 25/26 Fiscal Year Budget.

Moved by Soucy, supported by Walker, to approve a \$125,000 project agreement with the Livingston County Road Commission to reconstruct approximately 0.43 miles of Euler Road from Grand River Avenue to the end of pavement through the Pavement Preservation Program (PPP) with the Township's cost up to 50 percent of the project costs, not to exceed \$125,000 from Road Improvement Fund #401-446-812-008. **The motion carried with a roll call vote (Hunt - yes; Spicher - yes; Deaton - yes; Soucy - yes; Hovarter - no; Walker - yes; Reiber - no).**

7. Request to approve a project agreement with the Livingston County Road Commission to reconstruct approximately 0.63 miles of Herbst Road from Dorr Road to the end of pavement through the Pavement Preservation Program (PPP) with the Township's cost up to 50% of the project costs, not to exceed \$147,500 from Road Improvement Fund #401-446-812-013.

Mr. Reiber stated that this road needs reconstruction.

Moved by Deaton, supported by Walker, to approve a \$147,500 project agreement with the Livingston County Road Commission to reconstruct approximately 0.63 miles of Herbst Road from Dorr Road to the end of pavement through the Pavement Preservation Program (PPP) with the Township's cost up to 50 percent of the project costs, not to exceed \$147,500 from Road Improvement Fund #401-446-812-013 **The motion carried unanimously.**

8. **Request to approve a project agreement with the Livingston County Road Commission for limestone resurfacing, tree work, limited drainage and other necessary related work for approximately 5,165 feet of Beck Road from Chilson Road to Fisk Road with the Township's cost not to exceed \$147,000 from Road Improvement Fund #401-446-812-010.**

Mr. Reiber does not believe maintenance needs to be done on this road.

Moved by Hunt, supported by Soucy, to approve a project agreement with the Livingston County Road Commission for limestone resurfacing, tree work, limited drainage and other necessary related work for approximately 5,165 feet of Beck Road from Chilson Road to Fisk Road with the Township's cost not to exceed \$147,000 from Road Improvement Fund #401-446-812-010. **The motion carried with a roll call vote (Hovarter - yes; Soucy - yes; Deaton - no; Spicher - yes; Hunt - yes; Reiber - no; Walker - yes).**

9. **Request to approve a project agreement with the Livingston County Road Commission for limestone resurfacing, tree work, limited drainage and other necessary related work for approximately 7,440 feet of Crooked Lake Road from Chilson Road to Fisk Road with the Township's cost not to exceed \$181,000 from Road Improvement Fund #401-446-812-011.**

Moved by Hunt, supported by Soucy, to approve a project agreement with the Livingston County Road Commission for limestone resurfacing, tree work, limited drainage and other necessary related work for approximately 7,440 feet of Crooked Lake Road from Chilson Road to Fisk Road with the Township's cost not to exceed \$181,000 from Road Improvement Fund #401-446-812-011. **The motion carried unanimously.**

Items for Discussion:

10. **Discussion of a document shredding event as submitted by Trustee Hovarter**

Ms. Hovarter stated she would like to have a document shredding day at the Township Hall so that the paper can be shredded and recycled. Ms. Deaton has documents shredded by a company, but she is unsure if they are recycled.

The Board agreed to have Ms. Hovarter research this further.

Board Comments

None


Adjournment

Moved by Walker, supported by Reiber, to adjourn the meeting at 10:22 pm. **The motion carried unanimously.**

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Respectfully Submitted,

Patty Thomas
Recording Secretary

Approved:  Janene Deaton, Clerk
Genoa Charter Township


Kevin Spicher, Supervisor
Genoa Charter Township