

CHARTER TOWNSHIP OF WHITE LAKE

Approved Minutes of the Board of Trustees Special Meeting

March 28, 2017

Supervisor Kowall called the meeting to order at 7:00 p.m. He led the Pledge of Allegiance.

Clerk Lilley called the roll:

Present: Rik Kowall, Supervisor
Terry Lilley, Clerk
Mike Roman, Treasurer
Mike Powell, Trustee
Scott Ruggles Trustee
Andrea Voorheis, Trustee

Absent: Liz Smith, Trustee

Also Present: Sean O'Neil, Planning Director
Amy Bertin, Recording Secretary

It was MOVED by Clerk Lilley, SUPPORTED by Treasurer Roman to approve the Agenda as presented. The MOTION PASSED by a voice vote (6 yes votes).

PUBLIC COMMENTS:

Mike Batchik, 8847 Lakeview Drive. He is here representing Cooley Lake Association. It is a new development. It is change. We're not used to change or the development process. Our big concern is that we are within 30 to 40 yards of the development so it directly affects us. We are worried about the quality of the water and the added traffic and our quality of life. We want to make sure we are doing all the proper due diligence to make sure there is proper water filtration.

Dale Mahrle, 7835 Locklin, West Bloomfield, President of Union Lake Shores Association. He has the same concerns as mentioned by the Cooley Lake Association members. His big problem is the attention that has been paid to access management relating to traffic and driveways for the site. He is in favor of the site being redeveloped. The goal has to be balancing the developers needs against the needs of the citizens. There are many violations against the guidelines in White Lake's ordinance on access management. In addition, the Federal Highway Administration, MDOT, SEMCOG all say the same thing. They are allowing left-hand turns off of eastbound Cooley Lake Road into the development on two of the three proposed driveways as well as left-hand turns out of the development. In both instances you are setting people up for t-bone accidents. A possible solution is there is an access driveway on Union Lake Road which can be used for cars egressing from the site by turning left onto Union Lake Road and going east on Cooley Lake Road. He would urge the Board to look at the alternatives.

Tim Siepierski, 8322 Cascade. Are the plans already approved? Does what we say today matter? One of the biggest issues for those living on Cascade is the traffic coming off of Cooley westbound at peak hours. Cascade is used as a cut through. This is going to make it worse for our street. You can't walk the kids down the street or take them to the park. Also, what will happen with the storm water from this project?

Tom Hempel, 9010 Cooley Lake Road. It was brought up about the previous condo development and the storm drains. For that project we had these meetings and we were assured everything was fine, nothing would ever happen. Three or four months after it opened our lake was orange. Everybody apologized. We don't want apologies. We don't want this to happen again. Will their water come into our lake? The second question is what lake access will the people living in the 84 proposed condo units have?

Paulette Gollan, 9018 Cooley Lake Road. In regards to the run off, the soil is contaminated in that area. Is there a plan to excavate that? If it does rain it will go into our lake. When they pave for all this traffic and excavate, where will the soil go? How can the development claim they are a water front community? In addition, they purchased the gray building on the corner of Cascade and Union Lake Road and there is a rumor they are planning to make that a marina.

Mr. Hempel. Can there be verbiage put into it so when there is a new Board in place they can't come in and say, we are a waterfront community, we need docks. If we don't have verbiage in there saying they can't do it then one day they will.

Mr. Mahrle. The Michigan Supreme Court has already ruled against key holing so that is not a concern. There are a number of court opinions on that issue.

John Newmeyer, 8760 Cooley Beach Drive. Who funds the DEQ? Given what is going on right now that is a very important question. There is a lot of funding being quit regarding our environment. Every lake resident here should be concerned about that. Where will we be in four or five years if the DEQ is not funded? Since Whetherstone was put in, the lake level has pretty much stayed constant. Years ago that wasn't the case.

Sheila Picard, 8619 Cooley Beach Drive. There was a new development at the end of their street which a storm drain and holding pond was built so it wouldn't end up in our lake. All Cooley Lake residents are paying a special assessment right now because our lake is continuing to die from all the fertilizer run off. The natural flow of water will be into the lake which will have fertilizer once those 84 additional homes with manicured lawns are built. Her other concern is their purchase of the corner lot. If you give them an inch, they will continue to grow.

CONSENT AGENDA

A. TRI-PARTY PROGRAM

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Voorheis to approve the Tri-Party Participation Agreement. The MOTION PASSED by a voice vote (6 yes votes).

NEW BUSINESS

A. 4 CORNERS SQUARE (PRELIMINARY SITE PLAN)

Sean O'Neil, Planning Director. The 4 Corners Square project was discussed at the recent Planning Commission and Zoning Board of Appeals meetings. On March 16th the Planning Commission recommended site plan approval of this project subject to concurrence by this Board. They did go to the ZBA and were granted the variances requested. We recommended approval subject to these two meetings being held, the one last week and this one, also including all the comments of staff and consultants.

Mike Leuffgen, P.E. The traffic impact study was completed in accordance with standard engineering practices. The study indicates the existing intersection in this vicinity are already functioning poorly and the proposed development will have minimal impact to the intersection operability. There is concern with the location of the easterly driveway. It is directly adjacent to an existing driveway. However, it is our understanding there is currently not a cross access agreement in place to consolidate these access points.

Mr. O'Neil added the Road Commission has seen this plan and has made some recommendations and requirements. It is a horrible intersection. Unfortunately, we don't have the ability or the funding to fix that. It has been a problem for many years. The County Road Commission has chosen to send funding elsewhere. Wadi Boulevard is an important addition as you move north on Union Lake Road making it much easier to enter the site as well as a left turn lane for the folks heading southbound on Union Lake Road.

Mr. Mahrle. You mentioned the Road Commission was in complete agreement. When the Road Commission sent their letter back from your meeting, they had recommended the easterly driveway be inbound only, not a full access driveway.

Mr. O'Neil. He didn't say they were in complete agreement, rather they had approved this plan with recommendations. The developer chose not to incorporate that. The thought process was without allowing two full access drives you would be forcing traffic to funnel through one driveway causing more of a traffic issue and possibly more of a dangerous situation.

Carolyn Stevens, 8290 Cascade Street. Regarding the entrance off Cooley Lake Road, when someone stops to allow a left turn into that plaza there is invariably a bad accident. That is a concern. Also, a concern is the added traffic to Cascade Street. The kids have never had bikes, skateboards or enjoyed the park because people go down the street so fast.

Ms. Gollan. The only way they will put a no left turn is if somebody actually dies in a car accident on Cooley Lake Road. She has been told that by the Road Commission and the police officers that are continuously wasting their time with two to three accidents a month from

people going left into the site. Who will pay for another police officer to manage the accidents that will occur there?

Ms. Picard, 8619 Cooley Beach Drive. When the traffic study said that intersection was poor and it will only remain poor, it is actually going to get worse. Did they take into consideration the development north of Cooley Beach Drive which is not fully developed which will introduce more traffic into the area?

Stanley Piatkowski, 1398 Waverly Drive. If there is a deficiency for parking on the new property, how do we prevent people parking in our subdivision? It is a private road but people will try to park on our streets. Can police enforce to prevent parking on our property?

Pauline Smith, 8741 Cooley Beach Drive. She was at a Tim Horton's this morning and there was plenty of traffic. The Taco Bell will generate a lot more interest. She can't see those sorts of things with constant traffic coming through being planned into this whole thing. She would love to have them here but they should be further down. There are so many accidents. You've got to take into consideration, it is going to be more traffic. If you want it to be snarled and horrible and a nightmare and not very attractive you will set the tone for the whole corner. You should think more clearly about adding those kinds of businesses in that particular spot. Why are you fighting so hard to add so much traffic in this particular spot?

Mary Earley, 5925 Pine Ridge Court. Who is in charge of setting the timing of lights? She was informed the Oakland County Road Commission are the ones that determine that based on traffic studies.

Mr. Siepierski. This road has been an issue for years. Why can't we go to the developer and say if you are causing the traffic issues, you need to give some funds to fix this corner. He would like a traffic study done on Cascade, for as many cars come down that road, how many are residents that live there?

Treasurer Roman worked closely with Michael Drew who is a Cascade resident and our police department to get those stop signs put up so he is familiar with that situation. The biggest problem is commuter traffic eastbound and westbound. This isn't going to change that. At the time the stop sign issue was looked into, the topic came up of blocking off the road. If you want to revisit it, the issue was money, the number being close to \$10,000.

Diane Hempel, 9010 Cooley Lake Road. You are adding 84 condos. That is two cars per condo. You are adding another 174 cars at 7 and 8:00 and 5 and 6:00 every day. That isn't a concern? It is going to be horrific.

Mr. Hempel. In Board meetings you express your concerns then you come to a resolution. What I'm hearing is everybody telling what the problems are and you're saying thank you.

I'm missing something. What is more important, the safety of our children walking down that street and not getting run over by a car or your ability to get 84 more taxpayers on the roll?

Treasurer Roman. Keep in mind, the decisions that we make have to be best for the entire community, not just a small amount of residents. The Board wants to hear what the residents have to say and everyone has heard the comments.

Mr. Mahrle. According to the White Lake Ordinance under Section 6.4 Access Management, it directs the developer to talk to the adjacent property owner. On the most easterly driveway you've got that directly located next to the other driveway to the auto parts store. Have you talked to the owner of that property to possibly combine those two driveways? They are right next to each other and that is against the recommendations of the Road Commission and SEMCOG. The traffic study looks like it was rubber stamped by whatever the developer wanted. Did they go through and look at the guidelines in the White Lake Ordinance and address those issues?

Randy Martinuzzi, representative of 4 Corners Square LLC. A year ago we started out with a conceptual plan which is quite different from where we are today. The reason why is because of all these meetings with the Road Commission, Whetherstone, comments from the Planning Commission and Zoning Board. We have taken every comment into consideration. We have moved very far towards what the Road Commission and White Lake requested.

There has been a lot of talk about contamination. All geo studies show the plume goes towards Union Lake rather than Cooley Lake. In an effort to avoid any contact with the plume, we now are bringing all the sewer, water and drain through Wadi Boulevard, coming down through Ammar Drive and into the right-of-ways. We have done everything possible to stay away from the plume. We have been pushing BP to come in and do some carbon injection which would neutralize and counteract with all the diesels that are in there. We are working on that with DEQ. The Road Commission cannot force us to comply with any of their suggestions but we agreed to many of them. There will be a deceleration lane to turn into Wadi. We added a left turn lane which means that Union Lake Rd. has to be widened but it will be in the best interest of our and White Lake Twp. residents. Taco Bell has to have full left in and full left out because it gives better viability and feasibility for traffic flow for people to make wise decisions. We have been in contact with the owners of the adjacent property to work on obtaining an access agreement.

With respect to parking, if every apartment was leased with two cars and everyone home at the same time, there will be ten spaces available without visitors resorting going into the commercial shopping center. We have 20 spaces banked. We don't want to go into those because we want to keep as much green as we can. Between us and Whetherstone, we don't have to have green belts but we want to because they asked us to and it was reasonable and

responsible.

Regarding the buildings and the elevations, there were no variances required. Everything was within the neighborhood mixed use. For the retail elevation, you want a large parapet because all mechanical units are sitting on the roof on the back of the building so they can provide shielding and fencing.

Mike Peterson, Engineer. Currently, all the surface drainage goes to the lake and that is going to continue. The difference is the surface water is going to get cleaned before it gets discharged. We do not have the ability to put a surface pond on the site so we are going to put underground pipes in. We are also putting in swirl chambers. The intent of that is to act the same as a sedimentation pond except it is underground. A maintenance agreement will be put in place so that it runs with the property. If the system falls into disrepair the Township can fix it and bill the taxpayer later. All counties have upgraded their drain codes, stating that a certain amount of storm water which is captured on your site you perk into the ground. Our intent is the storm water that currently isn't being cleaned that is going to the lake right now, we are going to make it as clean as it can get. If this site is developed as is, the water will still go to the lake and won't change the level.

Resident. What kind of filters will you use? Do you have filters that address sediment as well as chemicals?

Mike Peterson, Engineer. No filters. The swirl chamber is one of the mechanisms and the other is the percolation of the water into the ground.

Stephen Skamiera, 8467 Cooley Beach Drive. Did anybody do a study of how many people visit a Taco Bell on a daily basis where 4 townships meet without another one nearby? You've got to look at the wellbeing of the people that live in the community other than people with the money. I live on Cooley Beach Dr. and that is the last thing I want to look at is a traffic jam in front of my house or when I'm boating.

Ms. Gollan. Have you considered where the contaminated empty corner is, putting a roundabout to solve a lot of these issues? She was informed there wasn't enough available property to make it work. Also, would you be willing to test Cooley Lake's water now and in future years? When my well goes bad from their water you will make me hook up to the sewer and water system and make me pay for it.

Trustee Powell has reviewed the plans extensively. He is very impressed with the storm water design on the site. Currently, the storm water that leaves this site is unrestricted, unrestrained and untreated and goes right into the lake. They are at least attempting to do something over and above that. Additional comments for the owner.

1.) He would like to see an outdoor area with benches and landscaping that people could sit

outside at the restaurant.

- 2.) Add walking access from the walkway on Union Lake Road up to the front door on the restaurant as well as interconnect ability between the commercial buildings and the restaurant. The walkway between the lofts and the retail is very convoluted. There is no way to walk to the Taco Bell without crossing streets.
- 3.) Directional signs are good such as arrows in/out, etc. but no emblems.
- 4.) He would like more information on the marginal access lane.
- 5.) Mitigate the greenbelt area between Cooley Lake Rd. and the parking area with a landscaped buffer.
- 6.) An identifying sign for White Lake Township on the corner.
- 7.) Whetherstone to consider an access from their property to allow their people to walk and participate in this development with a pathway.
- 8.) Look at bringing sanitary sewer to the northern part of the site and water main come down the east property line.
- 9.) Recommend to the Road Commission of Oakland Co. to limit left hand turns from eastbound Cooley Lake Road into this site.

Trustee Voorheis. Her family has been in White Lake for five generations. More directional signage would be great, also more pathways for walkability. She would love to see as many green trees as possible.

Trustee Ruggles. He had a previous opportunity to view this project at the Planning Commission. His concerns were regarding parking. He would like to see some of the banked parking spaces implemented. The underground water storage system is great. The questions he had regarding the ownership maintenance agreement were answered. The traffic flows on these roads has been addressed to the best of their ability. The issues are not their sole responsibility. It is an issue we are going to have to live with. It has to be addressed by the Road Commission.

Clerk Lilley. He recognized the fact that this development is extending water and sewer to their facilities and also helping those that are close to them on the east side of the property that will need that, too. His concerns are as follows:

- 1.) The number of parking spots.
- 2.) Both on Wadi Blvd. and the space on the east side of the property in the back need to be expanded to a 50 ft. radius.
- 3.) Look at the size of the dumpster locations.
- 4.) Look at the ability of our fire equipment to properly service the three story development.

- 5.) The access agreement needs to be in place.
- 6.) Snow storage and depth of parking spots for plowing in the wintertime.
- 7.) Enhancements are needed on the rear of the multiple use building.
- 8.) Clean up our zoning ordinance a bit so people don't have to go through so many use variances, particularly on a piece of property that is vacant.
- 9.) He is absolutely opposed to allowing boats or docks for this property.
- 10.) Investigate blocking Cascade Road.

As far as the traffic in general. Many people in the surrounding areas are burdened with increased traffic. He cannot envision in the future the changes in the road are going to improve within the downtown area itself. The only real answer to relieve the burden of traffic in this area is traffic coming off of Cooley Lake Road in front of the Dairy Queen is going to have to tie in with a connection between Union Lake Road going behind DQ and eventually tying into Williams Lake Road.

Treasurer Roman. As the southwest lot doesn't have a tenant yet, he would like to know how they plan to maintain that area to make sure it does not become an eyesore. Will Taco Bell monitor traffic in their own parking lots? If there is a problem with that left turn onto Cooley Lake Road backing up traffic, any idea what Taco Bell would do to fix that?

Ellen Selle; Taco Bell representative. Recently for another project here in Michigan, plans were approved and construction started. We were told it was envisioned there would be a problem with a left turn and they are now working to change that. They were still under construction but during the process they realized it was a problem and they addressed it. The number one concern is the safety of their customers.

Treasurer Roman. He questioned Mike Leuffgen's thoughts on bringing the utility on the southeast side all the way to Cooley Lake Road. If that line is brought down and you leave a stub on the northern end, is that a possibility? He was informed it could be done but it's an expensive alternative. He questioned Mr. O'Neil whether there is an urgency for this Board to pass a Preliminary Plan today?

Supervisor Kowall. It is never an easy task when a development comes into a community. We are all the first ones in our area and once we are there we are not always fond of what is coming in the back yard next to us or down the street. It is our responsibility as a Board and the Planning Commission to try to find the best fit we think is for the community as a whole. There are a multitude of other uses this corner could have had which would have had greater traffic and impact in the area. The people who make the ultimate decisions regarding our roads are the Oakland County Road Commission. The water treatment, you have to look at it from the standpoint of how much asphalt is there right now. This will make a huge difference

in the quality of the water. His concerns regarding the plan are as follows:

- 1.) He is definitely not in favor of boats or docks going in.
- 2.) The vacant corner lot should be brought to grade and grass bank it.
- 3.) The access agreement is a must.
- 4.) He definitely wants to be involved in reviewing and making recommendations on the number of parking spots.
- 5.) We are being asked by the county to be sensitive to the needs of the traffic count. In lieu of that, he would suggest they take the density from 84 units down to 81, making three of them a super suite.
- 6.) Snow plowing and banking in the winter.
- 7.) Cascade Street needs to be looked at.

Laura Kenny, Cooley Beach Drive. When Whetherstone was put up she came to similar meetings and they said the retention pond would handle all the water and it didn't. It came down Cooley Beach Drive and she personally had damage on her property. Then when they built Colony Ridge, the people across the street from her, all their basements flooded. She would like to know, during the construction what is going to keep the people on Cooley Beach Drive from getting water damage?

Mr. Leuffgen. The developer will have to produce a soil erosion plan that will be submitted to Oakland County Water Resources Commission. They will look at the plan and approve it and Oakland County will monitor the site during construction. The County will require that a storm water operator, someone who has gone through training and has a certification from the state of Michigan, their name has to appear on the application. Their responsibility is to go to the site after every rainfall event and monitor the soil erosion control measures that are in place.

Dave Hamernik, 8794 Charbane. Everyone appreciates what the Township is trying to do in remedying some of the problems with the site. What the residents are trying to do is give you the benefit of their experience so you can try to mediate these problems up front. The residents are asking you to do your due diligence. You are trying some things for the first time and there are no benchmarks to tell you it is going to be a positive outcome. As far as the storm water runoff situation, what hasn't been accounted for is looking at the reality. The plan looks at statistics but neglects to account for the fact that there will be roughly 120% usage whereas now it is only 30%. You only raised your storm water retention by 20 - 40%. You need to look at that. The DEQ expert for our area has not been consulted about the plan, nor the Oakland Co. environmentalist. I encourage you to talk to those people.

It was MOVED by Trustee Kowall, SUPPORTED by Trustee Powell to allow Preliminary Site Plan approval, and allow the Planning Dept. to address and review implementation of the Board's

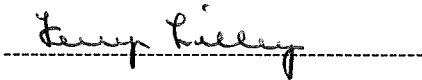
recommendations of record and meet the intention of related Ordinances. The MOTION PASSED by a voice vote (6 yes votes).

ADJOURNMENT

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Voorheis to approve Adjournment of the meeting. The MOTION PASSED by a voice vote (6 yes votes).

Adjournment of meeting at 10:07 p.m.

I, Terry Lilley, the duly elected and qualified Clerk of the Charter Township of White Lake, County of Oakland, State of Michigan, hereby certify that the foregoing is a true copy of the March 28, 2017 special board meeting minutes.



Terry Lilley, Clerk
White Lake Township
Oakland County, Michigan