

LIVONIA JOINT PLANNING BOARD
MEETING MINUTES
July 14, 2014

PRESENT: Acting Chair J. Palmer, D. Richards, J. Sparling, C. Casaceli, R. Haak, Town Attorney J. Campbell, Code Enforcement Officer A. Backus, Recording Secretary J. Brown

EXCUSED: Chair R. Bennett, D. Simpson

AGENDA: Approve the meeting minutes of May 12, 2014

-Sally Brooks

Site plan approval requested to continue renting vacant lot-5975 Big Tree Rd

-Bruce Beardsley

Concept plan review requested for land at South end of Meadow Dr.

-Anthony and Joanne Backus

Concept plan review requested for land at North West end of Meadow Dr.

Acting Chair J. Palmer opened the meeting at 7:03 p.m.

Chair asked board members to review the May 12, 2014 meeting minutes.

It was discovered that there was not a copy of the meeting minutes of May 12, 2014 at the meeting so approving those minutes was postponed until next Livonia Joint Planning Board Meeting.

Acting Chair J. Palmer asked **Sally Brooks** to come forward and explain her request. Sally approached the board and explained she is here because the lot that she owns next to the Livonia Pharmacy is vacant, and she has made a deal to temporarily rent the lot to an Amish man from Springwater so that he can advertise his storage sheds and gazebos. She said that she was not aware that she had to get approval from the Livonia Joint Planning Board prior to renting the lot for advertising, so she is here seeking that approval today. C. Casaceli asked how many sheds and gazebos are on the property at the moment. Sally said there are three at the moment and on her drive to the meeting tonight she saw a vehicle had pulled into the appropriate drive and was looking at the sheds. J. Sparling asked if there was any signage currently, indicating what the sheds and gazebos are for, or indicating who makes them. Sally answered that there are small 'sandwich signs' with Mr. Haywood –(the Amish carpenters') information on it as well as there are brochures for the taking inside the Livonia Pharmacy. C. Casaceli asked if there

would be more sheds and gazebos if this is site plan is approved. Sally replied that Mr. Haywood would deliver more and he temporarily discontinued bringing any more to the lot when she told him she needed site plan approval first. J. Sparling asked if this is the first time that that vacant lot has been used for the purpose of advertising; to which Sally replied yes.

Sally said that there are so many beautiful sheds and Mr. Haywood might want to put five to six sheds and gazebos up at a time. J. Sparling asked if there would be anything other than sheds such as tables or cabinetry. Sally replied no. Acting Chair J. Palmer asked if, the Livonia Joint Planning Board should approve the site plan, how many sheds would be allowed. J. Sparling asked if anyone else uses that private drive. Sally said that some drivers cut through to the physical therapy office and Dr. Aguirre's office. Sally says sheds use only about one eighth of the vacant lot and Mr. Haywood would space the sheds back further depending on how many are allowed. J. Palmer asked how long the sheds will be occupying the vacant lot. Sally said it was supposed to be June- September but Mr. Haywood waited until almost July to start putting sheds on the lot as he didn't want to ruin Sally's lot due to the wet ground. J. Sparling asked if Mr. Haywood would be removing the sheds in September, and taking them back to Springwater. To which Sally replied, yes. J. Sparling asked A. Backus if the lot down the road that sells firewood also has a permit to do so. A. Backus said that they began that before he started working as the Building and Zoning Code Enforcement Officer and he would need to pull the file to check their permit compliance.

J. Palmer asked A. Backus if the signage was in compliance. A. Backus replied that yes, they are just sandwich signs and they are code compliant.

J. Palmer asked if this site plan would have to go to Livingston County for approval. A. Backus said he didn't plan to refer to the county as it is temporary in nature. Attorney J. Campbell said due to 239M because it is temporary it does not need to be referred to the County.

J. Sparling wanted to select a number of sheds and gazebos to be allowed on the lot at any given time for advertising. J. Campbell asked Sally to pick a number of sheds she would like Mr. Haywood to place on the lot. J. Sparling offered that six sheds should be satisfactory. R. Haak said that the sheds look very nice so six of them should not be an issue. J. Palmer asked if the Livonia Joint Planning Board wanted to make a motion on this site plan application. J. Sparling made a motion to grant a conditional use permit for no more than six sheds and gazebos to occupy the vacant lot for advertising purposes, and that they be placed behind the lateral line of the front of the neighboring Remax building and span back North across the lot. R. Haak seconded the motion.

M/2/C (J. Sparling/ R. Haak)

Motion carried 5-0

Acting Chair J. Palmer asked **Bruce Beardsley** to come forward and explain his concept plan to the board. Bruce asked if all the Livonia Joint Planning Board members have a copy of the survey map detailing his subdivision plan. All members confirm that they do. Bruce explained that he bought the land in question last year and has since cleaned up the land by excavating and has improved drainage. He wants to split the lot up into four smaller lots. J. Campbell asked if the turnaround will be dedicated to the Village of Livonia. Bruce said he has met with Mayor Cal Lathan, and Bruce has been made aware that the Village needs a turnaround if the road (Meadow Drive) is a dead-end street longer than 150 ft. in length. Bruce said that back in October 2013 when he met with Mayor Lathan for the first time, he wanted the Village to help pay for the proper finishing of the cul-de-sac because currently there is just a gravel turn around at the end of Meadow Drive that is on Bruce's private property. Bruce said that Mayor Lathan told him that the Village does not need the turnaround and Bruce insisted that the Mayor consider that the Village participate in bringing the cul-de-sac up to Village design criteria standards. Bruce said that upon his return from Florida this summer he wondered why nothing had been done. He wanted the Village to pay for the black top and he said that the Mayor wanted him to come back in two weeks. Bruce indicated that nothing had been done and he was aggravated and frustrated. He said he is "not much of a not-do-anything-kind-of person" and said he just wanted the Village to say they would participate or not. Bruce said that after that meeting with the Mayor he had the survey map drawn up that was distributed to the members of the Livonia Joint Planning Board. The purpose of this map is to obtain approval to subdivide.

J. Campbell says he is not the Village Attorney, but rather the Town Attorney but logically the circle makes sense to be dedicated. The problem is how can we justify using taxpayer money to develop private property. J. Campbell asked Bruce if the Livonia Joint Planning Board ended up approving his lot division proposal; will the circle be brought to our design standards regardless of whether or not the Village participates in funding the road improvement.

Bruce said that he wants to talk numbers. He is asking the Village for \$17,000 and he has built two subdivisions in Livonia in the past and he just wants to clean this up and make some money. He said he has built subdivisions on Florence Lane and Sunset Drive and knows that everything is supposed to be done ahead of time and the developer is supposed to put up a bond as insurance to the Town/ Village. Bruce said the Village of Livonia never got a bond from the previous owner/developer in the 1980's and both ends of Meadow Drive are unfinished.

Bruce said he's just looking for help in cleaning up the mess left by the previous developer.

J. Campbell said to clarify, that despite the numbers Bruce is talking about the Livonia Joint Planning Board cannot determine if the Village contributes financially to finishing the circle. J. Campbell asked again if Bruce will proceed with his subdivision plans and develop the circle even if the Village doesn't help financially.

Bruce said if the Village doesn't contribute money he will not develop or subdivide, but rather just put the land up for sale. J. Campbell said that we have to be careful with taxpayer money and while there are problems with the cul-de-sac of the existing subdivision on Meadow Drive, making the approval for four lots without dedication of the circle is perpetuating the problem. J. Campbell said that this is an unusual situation.

Bruce said there is nothing we can do about yesterday and if the Livonia Joint Planning Board supports his concept plan and the Village and he venture together according to our rules, the circle would have to be fixed anyway. J. Campbell said that since this is at the concept stage only at this point, let's talk about the issues. Bruce said that if the Livonia Joint Planning Board say tonight that his subdivision plans look OK he will continue trying to get the money from the Village to help with his development. J. Campbell said the largest proposed lot would need the entry point moved on the radius of the proposed finished cul-de-sac, but this is just a configuration issue. J. Palmer asked the Board what their questions, comments and concerns are. J. Campbell asked if Bruce and the Village resolve their issues would the Livonia Joint Planning Board OK Bruce's plan. J. Sparling wondered if there are still issues with maximum building lots per subdivision with regard to a second access road. A. Backus said in the 1980's there was an ordinance in the Village requiring a second access road once the subdivision reached twenty homes. It does not appear to apply to current ordinances and would no longer apply to this situation. A. Backus said that it has been mentioned by current residents of Meadow Drive that there is a significant water pressure issue, especially in the regard that it diminishes gradually as the road progresses south. J. Campbell said that he believes the Livingston County Water and Sewer Authority would be of assistance with the water pressure issue.

Bruce said that Max Farash-the previous owner before Bruce- had the lot in question approved to have "a ton of apartments built there" and a road would have circled around to the West side of the property and would have mitigated the water pressure issue some. D. Richards asked if the circle drawn on Bruce's survey map would be sufficient for fire access. A. Backus said that if this concept plan evolved into a final site plan we would make sure the circle was up to Fire Access Management Code. J. Palmer asked the Board for their thoughts. C. Casaceli asked

Bruce why he was only planning on putting in four building lots rather than more. Bruce replied that when you get above four lots it gets complicated and he wants to just keep it simple and make some money and get it cleaned up. J. Campbell asked if the Board would feel comfortable writing a letter to the Mayor stating that they conceptually approve of Bruce's lot subdivision plans. The Board agreed that they would do that. Bruce asked to receive a copy of that letter as well. A. Backus confirmed that we will send all parties the letter. J. Palmer asked if, as a concept plan does the Board approve of the conceptual subdivision plans. All Board members agreeable.

Acting Chair J. Palmer asked **Anthony and Joann Backus** to approach the Livonia Joint Planning Board to explain their concept plan. CEO A. Backus stated for full disclosure, that Tony Backus is his father and Joann Backus purchased the land in question before he started working for the Town of Livonia. Joann stated that there was an issue decades ago before her parents passed away; her parents had a chicken coup that was one inch over their property line at 106 Big Tree Street that extended onto the land they recently purchased from Bruce Beardsley. Joann said that when she inherited the house and property at 106 Big Tree Street she and her attorney tried unsuccessfully to find out who owned the vacant land on Meadow Drive. Before she knew it, Bruce had bought the land and was looking to sell portions of the land as building lots. Joann said that they are not looking to build, but rather looking to explore what the options are for the land in the future. Joann stated that ultimately they need this concept plan in place in case they need money someday, they could sell a lot or two of land as building lots. She said that they are not developers and they would have bought the whole parcel had Bruce not gotten to it before them. They would have left the land untouched as it has been for twenty plus years. Tony said they want to know if their proposed subdivision concept plan is possible for the future. They paid building lot prices to buy it from Bruce and they do not want to pay building lot taxes, so they only want to get feedback on their concept plan for the future. A. Backus said that concerns surfaced when Building and Zoning found that there was a twenty lot maximum without a second access road but that is no longer an issue. Tony said the Kevin Masterson said there is no guarantee their parcel can be broken into three lots so they are asking for the feedback of the Livonia Joint Planning Board.

J. Sparling asked if there would be a turnaround needed in the future if the lot was eventually split into three building lots. Tony said there's currently a gravel road started but nothing has ever been mentioned to them about a turnaround needed. R. Haak asked if anything would be needed for school bus access. J. Campbell said it's just a turnaround at the end of the road that is needed. A. Backus said if

anything, a Y-end is possible. J. Campbell clarified that nothing would have to be dedicate able.

Joann Backus stated that she feels the lot is her nest egg and does not want to sell the land as building lots. She feels that the land got sold out from under her and does not want to upset her neighbors with building lot plans. A. Backus clarified that they only are looking to have this concept plan in motion for financial security. Tony stated that if they ever had to sell a building lot it would be B-3 (indicated on the presented survey map). They had originally only wanted to buy twenty feet of land extending back behind their property at 106 Big Tree Street but Bruce said no and they had to buy more. Joann said that all their neighbors are more secure with her owning the land because she wants the land to stay a natural habitat as she is a naturalist. J. Campbell stated again that this all came about due to when we thought there was still a twenty lot threshold but that is not applicable anymore. He said that in the future, no matter how the board is comprised, they should be able to come forward with a subdivision plan comparable to this and it should be OK. Tony said they just do not want to be left out of the mix. A. Backus said it is important for the Board to consider the entire development while considering Bruce Beardsley's development plans.

Joann Backus said there is still the big water pressure problem since the Meadow Drive subdivision originally was constructed in the late 1980's. She reiterated that her plan is to keep the land a natural habitat unless it becomes no longer financially feasible.

Acting Chair J. Palmer asked if the Livonia Joint Planning Board would support this as a concept plan. The Board is agreeable.

J. Palmer asked for a motion to close the Livonia Joint Planning Board Meeting at 8pm.

M/2/C (D. Richards/ R. Haak)

Motion carried 5-0

Respectfully submitted,

Jeanne Brown
Recording Secretary