

**CHARTER TOWNSHIP OF MERIDIAN
PLANNING COMMISSION
REGULAR MEETING MINUTES
January 12, 2009**

APPROVED

**5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room, 7:00 P.M.**

PRESENT: Chair Wilcox, Secretary Jorkasky, Commissioners Deits, Honicky, Jackson, Klemans,
Reicosky
ABSENT: None
STAFF: Principal Planner Oranchak

1. Call meeting to order

Chair Wilcox called the regular meeting to order at 7:00 P.M.

2. Approval of agenda

Commissioner Jackson moved to approve the agenda amended as follows:

- **Add Agenda Item #9B: Resolution to cancel the January 26, 2009 Planning Commission Meeting**

Seconded by Commissioner Honicky.

VOICE VOTE: Motion carried unanimously.

3. Approval of Minutes

**Commissioner Klemans moved to approve the Regular Meeting Minutes of December 8, 2008.
Seconded by Commissioner Honicky.**

VOICE VOTE: Motion carried unanimously.

4. Public Remarks

Chair Wilcox opened the floor for public remarks.

Melany Hagle, Project Manager, AT&T Services, Inc., 221 N. Washington Square, Room 300, Lansing, responded to Planning Commission questions from an earlier meeting and offered comments as follows:

- AT&T hired Superior Environmental to conduct remedial activities and a small amount of contamination under the corner of the generator pad and under the transformer pad was found.
- Consumers Energy will remove the existing transformer and pad inside the screened-in courtyard area and relocate new transformer and pad, allowing removal of contaminated soils from the previous transformer pad and area under generator pad. Report will then be sent to the MDEQ
- AT&T will hire a company to decommission the tank by removing sludge and fill with light weight concrete
- Generator is tested once per month in the morning for 1-3 hours
- An additive is placed in the fuel to prevent the fuel from gelling, which is tested annually
- Ballistic tests indicate tank will withstand bullet fire
- Concrete block wall which is 9' 10" high surrounds the tank
- Remote fill and fill enclosure to ensure no fuel spillage when tank is refilled
- Decibel levels of existing tank with running generator were between 47-65 db

Planning Commission and applicant discussion:

- Reason for tank replacement was due to existing single wall tank rusting from the outside
- New generator is designed to the governmental entity's noise ordinance level

- If no noise ordinance is in existence, default is 65 db
- Generator replacement not currently on AT&T's agenda
- Upsize of fuel tank is due to need for replacement
- Possible safety/security concern with transformer platform outside of the enclosure
- Outside transformer in a locked enclosure
- Purpose of lightweight concrete inside a decommissioned tank is to preserve shape and ensure same vibration and noise control
- Base of generator enclosure is the tank
- Leak existed less than a month

Chair Wilcox closed public remarks.

5. Communications

- Township Board Update for the Regular Board meeting of December 16, 2008 was given by Principal Planner Oranchak

6. Election of the Chair, Vice-Chair and Secretary for 2009

Chair Wilcox opened the floor for nominations of the 2009 Chair.

Commissioner Jackson nominated Commissioner Wilcox as 2009 Chair. Seconded by Commissioner Reicosky.

Chair Wilcox closed the nominations.

VOICE VOTE: Motion carried unanimously.

Chair Wilcox opened the floor for nominations of the 2009 Vice-Chair.

Commissioner Jorkasky nominated Commissioner Reicosky as 2009 Vice-Chair. Seconded by Commissioner Jackson.

Chair Wilcox closed the nominations.

VOICE VOTE: Motion carried unanimously.

Chair Wilcox opened the floor for nominations of the 2009 Secretary.

Chair Wilcox nominated Commissioner Jorkasky as 2009 Secretary. Seconded by Commissioner Jackson.

Chair Wilcox closed the nominations.

VOICE VOTE: Motion carried unanimously.

7. Public hearings

- A. Wetland Use Permit #09-08-01 (METC), request to amend a condition of approval for Wetland Use Permit #08-01 (METC)

Chair Wilcox opened the public hearing at 7:22 P.M.

- Introduction by the Chair (announcement of procedures, time limits and protocols for public participation and applicants)

- Summary of subject matter
Principal Planner Oranchak summarized the proposed wetland use permit as outlined in staff memorandum dated January 8, 2009.
- Applicant
Roger Morgenstern, ITC Holdings, 801 S. Main Street, Wayland, reiterated that in October, the vegetation had already covered 95% of the area and availed himself for Planning Commission questions.
- Planning Commission discussion:
Commissioner Honicky asked when the applicant would mitigate against an invasive species, believing it wiser to remove early on.

Mr. Morgenstern noted his environmental consultant, Commonwealth Associates, believed the Environmental Commission incorrectly identified the yellow nutsedge from the pictures in the field identification. He added there are no invasive species as a result of METC's mitigation of the area. Mr. Morgenstern offered to revisit the site in the spring.

Principal Planner Oranchak added the Township's consultant performed an onsite inspection of this site. She noted the original mitigation plan proposal as approved stated the applicant would excavate the soils with seeds from the existing site. The excavated soil was used in the 50 foot subject mitigation area containing plants which existed in the wetland connected to the site.

Commissioner Deits urged caution in requesting there be no invasive species in the 50 foot mitigation area, as it presupposes there are no invasive species in the acres of wetland immediately adjacent to the mitigation area.

Commissioner Jackson inquired as to the purpose of five-year monitoring.

Principal Planner Oranchak responded the length of monitoring is a criteria in the wetland ordinance for reviewing a mitigation plan.

Commissioner Jackson further inquired as to the exact nature of the monitoring..

Principal Planner Oranchak answered that the Environmental Consultant is checking to see if the mitigated wetland is achieving its intended goal toward development as a successful wetland. She added each yearly visit would estimate how far the wetland has developed as expected.

Commissioner Jackson inquired as to the likelihood that the quality of the growth would change from one growing season to the next.

Principal Planner Oranchak responded the environmental consultant expected the wetland to progress from one year to the next until the goal is achieved. She added the grass seed was placed as a stabilizer and would be replaced in the future by the wetland plants.

Commissioner Reicosky asked the applicant if they could guarantee success from this year to the next. He recommended at least one growing season transpire before releasing the remaining annual monitoring activities.

Commissioner Deits reminded fellow Commissioners of the small size of this wetland in comparison to the vast surrounding wetland area and did not believe the reasons presented

were strong enough to require further monitoring.

Commissioner Jackson expressed an interest in reducing the number of years for monitoring, but believed the wetland should experience another year of growth.

Commissioner Klemans inquired as to the size of the adjacent wetland.

Principal Planner Oranchak stated the wetland is very large and meanders around the site.

Commissioner Deits noted the wetland area most immediately adjacent is 20,000 square feet.

Commissioner Klemans inquired as to where the soil came from used for the mitigation.

Principal Planner Oranchak answered that the top six (6) inches of excavated soil was used for the mitigation area.

Commissioner Jorkasky inquired if the five year requirement in the wetland mitigation ordinance should be reconsidered.

Principal Planner Oranchak responded that five (5) years is used as there is an expectation that it will take a long time for the vegetation to be established, especially in a large area. In this case, vegetation was established after the first growing season.

Chair Wilcox added she believed this to be one of the best designed mitigated areas she has seen in her tenure on the Planning Commission due, in large part, to the fact that it is adjacent to a large existing wetland and use of the excavated soil in the mitigation. The 95% growth far surpassed the minimum standard of 60% growth after five (5) years by using the seed bank created.

Chair Wilcox closed the public hearing at 7:57 P.M.

B. Commission Review #09013 (Planning Commission), amendment to the Planning Commission Bylaws (formerly Rules of Procedure)

Chair Wilcox opened the public hearing at 7:57 P.M.

- Summary of subject matter
Principal Planner Oranchak summarized the Planning Commission bylaws as contained in the commission review staff memorandum dated January 8, 2009.
- Planning Commission discussion:
Commissioner Honicky inquired if there was a “downside” to the Planning Commission not being able to reconsider a decision once it has been made by the Commission.

Principal Planner Oranchak responded the Planning Commission does not currently have the ability to reconsider a decision as most of the decisions are recommendations to the Board. Decisions made by the Planning Commission are appealable to the Township Board.

Commissioner Deits recommended the following language change to the bylaws:

- Rule 5.1 from “no less than” to “no fewer than”
- Rule 5.11b.(4) - concern with three (3) minute limitation for a public member to speak
- Rule 5.11b.(6) – Requirement for the public to identify themselves by name and address prior to presenting comments is a violation of the Freedom of Information Act
- Rule 5.7a. – Delete the word “revisions”

- Rule 3a (2) – Concern with use of the language “streets, roads, highways”

Chair Wilcox closed the public hearing at 8:12 P.M.

8. Unfinished Business

A. Special Use Permit #08-74141 (AT&T), request to allow an above ground fuel storage tank at 1672 Lake Lansing Road

Commissioner Reicosky moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby approves Special Use Permit #08-74141 (AT&T) with the following conditions:

1. **Approval is subject to the plans and specifications prepared by AT&T, dated August 13, 2008 and the accompanying materials submitted as part of Special Use Permit #08-74141, subject to revisions as required.**
2. **Prior to issuance of a building permit for the wall and prior to the installation of the new 2,000 gallon above-ground fuel storage tank, those remaining contaminated soils from the spill area, located below the transformer pad and the northwest corner of the generator pad, shall be cleaned up, removed, and disposed of to the greatest extent practical and pursuant to all applicable federal, state, county, and township regulations. Written documentation of the clean-up results shall be provided with the building permit application.**
3. **Site plan compliance of the facility shall be determined during review of the building permit.**
4. **The applicant shall obtain any necessary permits, licenses, and approvals from the Ingham County Drain Commissioner's office, Ingham County Health Department and the Township, including the filing of a Pollution Incident Prevention Plan (PIPP) and the appropriate materials to the Meridian Township Fire Department. Copies of all permits, licenses, and approval letters shall be submitted to the Department of Community Planning and Development.**
5. **Refilling the tank shall take place from a truck located in the AT&T parking lot and not from either Lake Lansing Road or Harvey Street.**
6. **The applicant shall apply for and receive all necessary variances from the Zoning Board of Appeals or revise the plans so the variances are no longer necessary.**
7. **When the existing generator is replaced, any remaining contaminated soils shall be removed. Compliance with all applicable federal, state, county, and township codes and ordinances shall be required to install a new generator and to bring the spill site into compliance with the Michigan Department of Environmental Quality's criteria for residential clean-up pursuant to Part 201 of Act 451.**

Seconded by Commissioner Deits.

Planning Commission discussion:

- Applicant's willingness to respond to all questions asked during the public hearing

ROLL CALL VOTE: YEAS: Commissioners Deits, Honicky, Jackson, Jorkasky, Klemans, Reicosky, Chair Wilcox

NAYS: None

Motion carried unanimously.

- B. Zoning Amendment #08120 (Township Board), request to amend the off-street parking requirements for office uses

Commissioner Deits moved [and read into the record] NOW THEREFORE BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby recommends approval of Zoning Amendment #08120 by changing the general office parking standard to no less than three and no more than four parking spaces per 1,000 square feet of gross floor area and medical office parking at no less than five parking spaces per 1,000 square feet of gross floor area. Seconded by Commissioner Jorkasky.

Planning Commission discussion:

- Difficult to estimate reduction of parking spaces as a percentage as it will be looked at on a case-by-case basis
- Option to initiate a zoning amendment to look at that section of the office district

ROLL CALL VOTE: YEAS: Commissioners Deits, Honicky, Jackson, Jorkasky, Klemans, Reicosky, Chair Wilcox

NAYS: None

Motion carried unanimously.

9. Other Business

- A. Recommendation for the Planning Commission representative to the Zoning Board of Appeals
Chair Wilcox moved to recommend Commissioner Jackson as the Planning Commission representative to the Zoning Board of Appeals. Seconded by Commissioner Honicky.

VOICE VOTE: Motion carried unanimously.

- B. Resolution to cancel the January 26, 2009 Planning Commission Meeting.

Commissioner Honicky moved [and read into the record], NOW THEREFORE BE IT RESOLVED THAT THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby revises the 2009 meeting schedule by canceling the regular meeting scheduled for January 26, 2009. Seconded by Commissioner Klemans.

ROLL CALL VOTE: YEAS: Commissioners Deits, Honicky, Jackson, Jorkasky, Klemans, Reicosky, Chair Wilcox

NAYS: None

Motion carried unanimously.

10. Township Board, Planning Commission officer, committee chair, and staff comments and reports

Commissioner Deits reported the Downtown Development Authority (DDA) addressed some of its beautification efforts. He stated discussion continues on the roundabout at the Okemos/Hamilton Road intersection. The DDA will be transmitting its report to the Planning Commission.

In response to a Commissioner inquiry, Principal Planner Oranchak noted any member of the public may address the Planning Commission.

Commissioner Reicosky noted comments at the Joint Meeting showed a common interest among several commissions in the redevelopment PUD. He noted there was also strong interest in the use of pervious pavement.

Commissioner Reicosky urged the Planning Commission to concentrate its efforts on future land use activities and not consider zoning changes not requested by an applicant.

Chair Wilcox requested members offer thoughts on the redevelopment /MUPUD ordinance which will be discussed at the January 20, 2009 Board meeting. Commissioner Reicosky requested there not be a total relaxation of setbacks when considering a redevelopment planned unit development.

11. New applications (None)

12. Site plans received (None)

13. Site plans approved (None)

14. Public remarks

Chair Wilcox opened and closed public remarks.

15. Adjournment

Chair Wilcox adjourned the regular meeting at 8:47 P.M.

Respectfully Submitted,

Sandra K. Otto
Recording Secretary