

Jensam Development – Clarkston and Lake George

(Copied From Minutes)

6/7/2016 – Planning Commission

<https://www.ecode360.com/documents/OA3183/public/245527430.pdf#search=jensam>

MOTION BY ABBATE, SECONDED BY KWAPIS to Accept for Study Jensam LLC's request for Special Land Use for Ultimate Paved Road Density and to schedule a Public Hearing during the Planning Commission's regular July meeting.

MOTION CARRIED – UNANIMOUS

7/7/2016 – Planning Commission

<https://www.ecode360.com/documents/OA3183/public/253363498.pdf#search=jensam>

Consultant Report. Mr. Lewan stated the property is 250 Acres. The applicant is requesting a Special Land Use, which would allow a higher density than the current zoning designation. Approximately 105 units could occur on this property if current zoning is maxed out. Approximately 203 units could occur under UPRD, if maxed out. The applicant is proposing 169 lots.

Mr. Lewan summarized his report.

Mr. Lewan reviewed the applicable criteria which is used to review this request.

Mr. Lewan explained this is a single-family land use, however the proposed density and additional traffic could be perceived as causing impact.

Mr. Lewan stated that a Preliminary Site Plan has not been provided, and is required by the Special Land Use provisions. Mr. Lewan stated he is recommending denial of the applicant's request for Special Land Use – UPRD, for the following reasons:

1. The proposed increased density is not consistent with the Master Plan.
2. Additional traffic generated by the proposed development would ultimately deteriorate the surrounding unimproved roads.
3. The proposed density is not in harmony with existing properties in the vicinity of the site zoned VLRD.
4. Dust and additional traffic could be considered a nuisance.
5. A Preliminary Site Plan has not been provided.

Chairman Hein asked Mr. Lewan for comment on the traffic study that has been provided. Commission discussion followed.

Carlos Santia, Traffic Engineering Consultants commented on the traffic study. Chairman Hein questioned the site traffic assignment. Chairman Hein asked if Mr. Santia could look at school traffic and southbound traffic, i.e. whether Adams Rd. or Rochester Rd. would be used. Mr. Santia stated he would look into that.

Mr. Westphal stated he has heard the public comment, Mr. Lewan's report, and the Comments regarding the traffic study input and would like to be able to respond in more detail. Mr. Westphal requested that the Commission table any action on this request.

Commissioner Giannangeli stated he doesn't believe that the UPRD Section states that if you simply pave to a paved road, then it meets the requirement. Mr. Giannangeli stated that UPRD relates to safety, and this has to be addressed.

Commissioner Workings stated if only a portion of Clarkston Rd. is paved, then traffic which normally uses Stoney Creek Rd., would use Clarkston Rd., even though a portion is not paved. Commissioner Workings stated a subdivision of 350 homes is going in North of Letts Rd.

Secretary Scaccia stated his opinion is that most traffic would use Adams Rd. and not Rochester Rd.

MOTION BY WORKINGS, SECONDED BY GIANNANGELI to Table Action on Jensam, LLC – Request For Special Land Use for Ultimate Paved Road Density Parcels: #10-17-100-010, 10-17-200-001, 002, 003 & 004.

Public Comment: Tom McNulty, 1828 Pine Valley Ct., OT. The intersection at Lake George and Orion Rds. is a deathtrap. This intersection needs a stoplight. This proposal will cause more traffic at this intersection.

MOTION AMENDED BY WORKINGS, SECONDED BY GIANNANGELI to table Action on Jensam, LLC – Request For Special Land Use for Ultimate Paved Road Density Parcels: #10-17-100-010, 10-17-200-001, 002, 003 & 004, and to schedule a Continuation of Public Hearing during the Regular September Planning Commission meeting scheduled for September 6, 2016. MOTION CARRIED – UNANIMOUS

9/6/16 – Planning Commission

<https://www.ecode360.com/documents/OA3183/public/278143245.pdf#search=jensam>

MOTION BY GIANNANGELI, SECONDED BY KWAPIS to deny request from Jensam, LLC for Special Land Use for Ultimate Paved Road Density, Parcels # 10-17100-010, 10-17-200-001, 002, 003 & 004, based on the OT Planning Consultant's recommendation to Deny based on:

1. The proposed increase in density is not supported by the property's Low-Density/Conservation Future Land Use designation,
2. It is the Commission's understanding that the sewer capacity has not been increased and is not available for this development.

3. The proposed development does not meet two of the standards of the Special Land Use Review: a. that the use will be in harmony with the surrounding vicinity, and b. that the use will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, and

4. The Site Plan does not include necessary information according to the Ordinance.

AYES: ABBATE, GIANNANGELI, HEIN, KWAPIS, WORKINGS NAYS: NONE ABSTAINED: SCACCIA

MOTION CARRIED.

9/27/16 - Board of Trustees

<https://www.ecode360.com/documents/OA3183/public/278710650.pdf#search=jensam>

7. Jensam LLC Special Land Use

This item was removed from the agenda.

10/11/16 – Board of Trustees

<https://www.ecode360.com/documents/OA3183/public/283946757.pdf#search=jensam>

2. Jensam LLC Special Land Use The Board heard comment from: David Plunkett – Williams, Williams, Rattner & Plunkett, P.C. Jennifer Blankenship – Donald C. Westphal Associates, L.L.C.

MOTION by Bailey, supported by Buxar to deny the Special Land Use request of Jensam, LLC, for modification of the applicable density under the Township's Ultimate Paved Road Map and Ordinance as set forth in Section 05.04.09, for the reasons that the application does not establish the lack of adverse effects or, injuries to our residents, users, or adjoining property, or the Township as a whole and, further, for the reasons set forth in the Carlisle Wortman Report of June 20, 2016 and August 30, 2016 and, for the reasons stated by the Planning Commission in its recommendation of denial on September 6, 2016; including, this Board's agreement that:

(1) the density modification is not supported by the properties low density/conservation future land use designation;

(2) an insufficient finding of available sewer capacity for this development;

(3) failure of the development to meet the standards of the Township 's Special Land Use Ordinance as it relates to the use must be in harmony with the surrounding vicinity that the use will make vehicular and pedestrian traffic no more hazardous than is normal for the district; And

(4) the submitted site plan lacks dimensional information necessary to verify ordinance compliance.

Roll Call vote: Ayes: Buxar, Bailey, Langlois, Gonser, Reilly, Ferriolo,
None

Giannangeli Nays:

Motion carried unanimously.

MOTION by Giannangeli, supported by Buxar to approve that the denial motion will serve as written verification.

Motion carried unanimously.

12/20/16 – Zoning Board of Appeals

<https://www.ecode360.com/documents/OA3183/public/336840111.pdf#search=jensam>

MOTION BY BLUST, SECONDED BY JANDESKA in the Case of ZBA 16-003, Jensam, LLC, to DENY the petitioner's request to overturn the decision of the Board of Trustees which denied a Special Land Use utilizing Ultimate Paved Road Density for the following reasons:

1. The decision of the Board of Trustees was within their discretionary authority and based on clearly stated ordinance standards, and;
2. The decision of the Board of Trustees was based upon proper procedure and supported by substantial evidence on the record, and;
3. The petitioner has not shown that the Board of Trustees applied the ordinance standards for Special Land Use incorrectly.

And that the following findings of fact are noted as part of this motion:

1. Jensam, LLC had requested approval of Special Approval Land Use from the Board of Trustees, which was subsequently denied;
2. The Zoning Board of Appeals reviewed the facts as presented by the petitioner and as presented to the Board of Trustees;
3. The Zoning Board of Appeals finds that there were no errors in the application of the Special Land Use Requirements as listed in the Zoning Ordinance, except for providing an acceptable Tree Survey as noted by the Board of Trustees;
4. The Zoning Board of Appeals finds that the Board of Trustees considered all aspects of the Special Land Use Requirements as listed in the Zoning Ordinance, including but not limited to sewer taps, tree surveys, pedestrian and traffic patterns, effects of zoning density change on the surrounding acreage, environmental effects and comments by applicant and numerous private citizens.

MOTION CARRIED - UNANIMOUS

10/23/2018 – Board of Trustees

<https://www.ecode360.com/documents/OA3183/public/461749784.pdf#search=jensam>

3. Jensam Litigation Update – Discussion Only

Attorney Dan Kelly gave a brief summary as an update on this agenda item.

The Board heard public comment from: Reg Brown – 3666 Locust Dr. John Markel – 245 Birch Hill Dr.

<https://www.ecode360.com/documents/OA3183/public/512262012.pdf>

10/22/2019 – Board of Trustees

2. Consideration of Proposed Consent Judgement to Resolve Pending Litigation Between Oakland Township and Jensam, LLC

MOTION by Giannangeli, supported by Bailey to resolve the litigation filed by Jensam, LLC, with Oakland Township and approve the Consent Judgment as contained in the October 22, 2019, Board of Trustees' Packet with any minor corrections or alterations as approved by the Township Attorney and authorize the Township Supervisor and Clerk to execute the Consent Judgment and authorize the Township Attorney to execute the appropriate Order of Dismissal resolving all litigation between the Township and Jensam, without costs or fees to either party.

The Board heard public comment from:

Craig Blust – 2222 W. Buell

Jerry Kolinski – 1181 Oak Hill Road

John Markel – 245 Birch Hill Dr

Roll Call Vote:

Ayes: Bailey, Ferriolo, Giannangeli, Mangiapane

Nays: Buxar, Langlois, Reilly

Absent: None

Motion carried 4/3.

1/7/2020 – Planning Commission

PUBLIC COMMENT – Items not on the Agenda

Robert Romain – 2725 E. Clarkston Rd. Commented on the Jensam paving project on E. Clarkston Rd. and how it may take away from the historic character of his property.