

Planning Commission Recommends Preliminary Approval for Lombardo Stoney Creek Condominium 143 Home Development on Acres on Buell North of Oakland Hunt, Including Wastewater (sewage) Treatment Plant

By Bob Yager – Editor – Oakland Township Sentinel

After an awkward silence greeted Chairman Kwapis question “if there is a motion”, finally Commissioner George Platz offered one to recommend preliminary approval to the Board. If the Board of Trustees accepts this 6/1 vote (Joe Peruzzi voted NO) recommendation (likely to be on the agenda at either the 5/12 or 5/26 Board meeting) this means the developer can proceed with detailed planning per the two-step process detailed in the Zoning Ordinance Article X Section 16-1003 on Site Condominiums found on the township website at this link:

<https://www.ecode360.com/documents/OA3183/public/431381679.pdf>

Section 16-1003 is cut and pasted below:

ARTICLE X: SITE CONDOMINIUMS	1
16-1000 INTENT	1
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16-1002 GENERAL REQUIREMENTS	1
16-1003 SITE PLAN REQUIREMENTS.....	1
16-1004 REQUIRED IMPROVEMENTS.....	3
16-1005 INFORMATION REQUIRED PRIOR TO OCCUPANCY	4
16-1006 REVISION OF CONDOMINIUM SUBDIVISION PLAN	4
16-1007 AMENDMENT OF CONDOMINIUM DOCUMENTS	4
16-1008 RELOCATION OF BOUNDARIES	4
16-1009 SUBDIVISION OF CONDOMINIUM LOT	4

16-1003 SITE PLAN REQUIREMENTS

Site plan approval and approval of condominium documents by the Township Board, after

Charter Township of Oakland

X-1

Zoning Ordinance

Site Condominiums

review and recommendation by the Planning Commission, shall be required as a condition to the right to construct, expand, or convert a site condominium project. No permits for erosion control, building construction, grading, or installation of water or sanitary facilities shall be issued for property in the site condominium development until a site plan has been approved by the Township Board and is in effect. Preliminary and final approval shall not be combined. Site Condominium review shall be considered a two (2) part process as outlined below:

1. Preliminary Approval.

- a. Each preliminary site plan submitted for review shall provide the following information:
 - i. Property owner's and applicant's name and address;
 - ii. Scale, north arrow, and date of plan;
 - iii. Location, description, dimensions, and area of the site; zoning classification; and demonstration of compliance with lot area, width, coverage and setback requirements;
 - iv. General topography and soils information and existing natural and man-made features to be retained or removed;
 - v. Location and dimensions of proposed buildings/structures; including floor area, number of floors, height, number and type of dwelling units (where applicable);
 - vi. Proposed streets/drives; including general alignment, right-of-way surface type, and width;
 - vii. Proposed parking; including location and dimensions of spaces and aisles, and surface type;
 - viii. Adjacent land uses, property owner, and zoning and location of adjacent buildings and drives/streets;
 - ix. Proposed phasing; and
 - x. Location and width of any easements on the site.
- b. If the site plan conforms in all respects to applicable laws, ordinances and design standards, preliminary approval shall be recommended by the Planning Commission to the Township Board.
- c. If the site plan fails to conform, the Planning Commission shall either recommend denial of the application, or recommend preliminary approval with conditions, provided such conditions are met before final approval to the Township Board.
- d. Upon receipt of the Planning Commission's recommendation, the Township Board shall approve, approve with conditions, or deny the preliminary site plan.
- e. Approval of the preliminary site condominium site plan does not constitute a

final site condominium plan, but only bestows the right on the applicant to proceed to the final site condominium plan stage.

2. Final Approval.

- a. **Site Plan.** Following preliminary approval, the applicant shall submit a final site plan pursuant to the standards and procedures set forth in Article VI, Site Plan Review, of this Ordinance.
- b. **Master Deed and Bylaws.** The Condominium Documents shall be reviewed with respect to all matters subject to regulation by the township including: ongoing preservation and maintenance of drainage, retention, wetland and other natural and/or common areas; maintenance of private roads, if any; and maintenance of stormwater, sanitary, and water facilities and utilities.
- c. **Engineering Plans.** In addition to the Site Plan, the applicant shall also submit engineering plans in sufficient detail for the Township to determine compliance with applicable laws, ordinances, and design standards for construction of the project.
- d. **Outside Agency Approvals.** The applicant shall provide proof of approvals by all county and state agencies having jurisdiction over improvements in the site condominium development. The Township shall not approve a site plan until each county and state agency having such jurisdiction has approved that portion of the final site plan this is subject to its jurisdiction.
- e. **Insurance and Bonds.** Prior to construction of project improvements, the contractor shall procure and maintain during the life of any contract or agreement for such construction, insurance as required under Township Engineering design standards. In addition, the contractor shall furnish a two-year maintenance bond in accordance with the required agencies.
- f. **Required Condominium Documents.** Any other condominium documents required by the Condominium Act.

I still find it appalling that the wastewater treatment plant (WWTP) will put its supposedly pristine effluent into Stony Creek on its way past our newest park on Snell, (bought to preserve nature) and then into Stony Creek Metropark lake. Resident and Parks Commissioner Daniel Simon made such remarks. There is little to nothing our Township can do about it, except challenge the state laws, as Lobbyists have done an end run and taken that decision out of local hands and into the hands of regulators, The State Environment, Great Lakes and Energy department (EGLE). This is the favorite trick of lobbyists now, to get a law passed disallowing local control.

We are assured that the WWTP will be run by a professional company and overseen by state officials, with public reports, just like my former company's Teflon plant in Parkersburg, West Virginia was run by

professionals and overseen by West Virginia environmental officials. See the movie, “Dark Waters” to see how government oversight can fail. I was once proud to have worked 38 years for DuPont. No more.

Trustee Buxar attended and expressed concern that questions were left unanswered about several matters that should be answered before sending to the Board. Chairman Kwapis seemed to disagree. I must admit I lost track of where many of the discussions ended.

The Planning Commissioners should each be provided a set of full size plans, instead of expecting them to review miniscule copies sent by email, with illegible detail. We require 16 sets of plans at least 24” x 36”. What are these for if not for Planning Commissioners to review?

16-604 PROCEDURES FOR SITE PLAN REVIEW

- A. Site plans for any project reviewed by the Planning Commission and Township Board shall include sixteen (16) copies of all required information, including application form, as well as one disk with a .pdf file or other electronic media version of the site plan approved by the Township, and one 11x17 reduced copy of the site plan. It shall be prepared by an Engineer, Architect, or Landscape Architect licensed to work in Michigan and shall include and illustrate at a minimum the requirements found as listed above, unless deemed unnecessary by the Zoning Administrator.

The complete and extensive detailing of what is required in a site plan is found in the Zoning Ordinance Article VI Sections 16-600 to 16-610.

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Applause to John Giannangeli and others for pursuing the problem of the WWTP failing and HOA residents having no money to fix it. Lombardo reps assured them that the State requires large escrow contingency funds. This is all in regulations somewhere.

Hats off to Judy Workings, always on top of the details, for uncovering that the test plan, used to determine the number of allowed lots, was very likely one or more lots too high because several lots were too narrow. Supposedly she was wrong, but how could she or anyone tell who did not have full size legible drawings, Mr. Mende?

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