

Present: Chairperson Jensen; Vice-Chairperson Borowski; Members:, Nedley, Schneiders, Smith, Tillman, and Woodrow

Absent: Bliven and Hayes

Also Present: Building Official, Byrwa  
Planning Consultant, Wyrosdick  
Council Liaison, Downey  
Council member, Walsh

Chairperson Jensen called the meeting to order at 7:30 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road.

**APPROVAL OF AGENDA**

MOTION by Borowski, seconded by Woodrow, to approve the agenda as published.

Motion passes unanimously.

**PUBLIC COMMENTS ON ITEMS NOT ON THE PUBLISHED AGENDA**

There were no comments from the public.

**APPROVE MINUTES OF A JOINT COUNCIL/PLANNING BOARD MEETING HELD ON THURSDAY, OCTOBER 4, 2001**

MOTION by Borowski, seconded by Woodrow, that the minutes of a joint Council/Planning Board meeting held on Thursday, October 4, 2001 be approved as submitted.

Motion passes unanimously.

**APPROVE MINUTES OF A REGULAR PLANNING BOARD MEETING HELD ON WEDNESDAY, OCTOBER 10, 2001**

MOTION by Borowski, seconded by Nedley, that the minutes of a regular Planning Board meeting held on Wednesday, October 10, 2001 be approved as submitted.

Motion passes unanimously.

**PUBLIC HEARING FOR LOT SPLIT REQUEST AT 19745 BEVERLY ROAD**

Planning consultant Wyrosdick stated that additional information was submitted by the property owners after her initial review letter on the land division proposal was distributed to the Planning Board. The new information may have a bearing on the policy and procedure for considering this land division.

The October 17, 2001 review letter from Birchler Arroyo states that the major issue with the Roma proposal is that it cannot be considered as a land division since it is an existing lot rather than a metes and bounds parcel. The applicants' property is part of Lot 20 of the Supervisor's Plat. According to Section 263 of the Land Division Act, a municipality may permit the additional partitioning of an existing lot into not more than four lots. The Roma lot is already a partitioned lot from the original Lot 20 of the of the Supervisor's Plat, which has already been divided into four smaller lots. In order for the Romas to proceed with a land division, they would be required to vacate their portion of Lot 20 from the existing recorded Supervisor's Plat, which would require a circuit court action. It was Wyrosdick's original opinion that the Romas were not permitted any additional splits and that the application be withdrawn.

Wyrosdick related that the Romas provided Birchler Arroyo with an Attorney General's opinion made in 1975, which they received from the County. This opinion states that lot splits prior to January 1, 1968 (effective date of the Subdivision Control Act) could not be counted against lot splits permitted under the new Subdivision Control Act. Village attorney Tom Ryan concurs that this AG opinion would permit further partitioning of already platted lots that had been previously divided prior to 1/1/1968. However, this is subject to the requirements of the Village's Zoning Ordinance and Land Division Ordinance and approval of the Village Council.

Wyrosdick recommends that this issue be tabled until the Romas submit what would now constitute a complete application by providing sufficient information showing that Lot 20 of the Supervisor's Plat (their home site) was partitioned prior to January 1, 1968. The Planning Board could then consider their application. Wyrosdick added that Birchler Arroyo has concerns regarding the proposed land splits and the variances that would be required from the Village Council, Planning Board, and Zoning Board of Appeals. Birchler Arroyo would not recommend approval. Some of the issues with the lot division include:

- Parcel B exceeds the 4:1 lot width to depth requirement
- Parcel B is considered a flag lot and does not have adequate road frontage
- Parcel B does not have the required R-1 district lot width of 100 feet
- Parcel C does not have any road frontage

Wyrosdick spoke with Ryan and advised him of the October 24 public hearing scheduled on this land division request. Ryan indicated that it would be appropriate to hear comments from the public and then to table the issue to give the applicants an opportunity to submit additional information.

State law requires that an applicant receive a decision from the municipality on a lot split request within 45 days after submitting a complete application. In light of the Attorney General's opinion, the Village now needs additional information from the property owner before this application can be considered complete. Wyrosdick stated that tabling the application in order to receive a complete application will stop the clock on this lot split request.

Property owners Jennifer and Anthony Roma of 19745 Beverly Road were present. They displayed plans showing their long, deep lot located on Beverly Road just east of Evergreen Road. The original proposal was to split the 2.264 acre lot into three parcels, which would create two additional lots behind their home. Their existing house on proposed parcel A has a circular drive with two entrances from Beverly Road. Access to Parcel B would be from a narrow strip of land west of the existing home site, creating a flag lot. The petitioners plan to build a house on Parcel B. Anthony Roma indicated that they will probably change their lot split request to create two parcels rather than three, and leave the rear property in its natural state.

Jensen stated that the Planning Board will not make a recommendation on this lot split request tonight. The application will be tabled in order to give the property owners an opportunity to provide the Village with the appropriate information that would complete the application. The lot division proposal will be considered by the Planning Board upon receipt of a completed application.

Jensen declared the public hearing open at 7:44 p.m. on the Roma land division.

M. S. Rashid of 1776 Palmetto Court, Bloomfield Hills, stated that he owns the lot at 19705 Beverly Road, which adjoins the property in question. He reviewed that, in 1987, he requested splitting the property at 19705 Beverly into four parcels with a 30' easement to provide access to Beverly Road. Rashid read portions of a letter dated June 4, 1987 from the Village planning consultant at that time. Rashid stated that the planner recommended approval pending the drafting of an easement that would provide access to the adjoining lot to the west to facilitate a similar split of that lot. At the time, the owner of 19745 Beverly Road was not interested in the proposal.

Rashid indicated that he is willing to meet with the present owners of 19745 Beverly Road to arrive at a new proposal to provide an access road that runs down the middle of the two lots and a cul-de-sac that would be shared by both properties.

Mark Williams of 19845 Beverly Road opposes the lot split primarily because it would destroy the natural beauty of the area. There are fox, deer, badger, raccoons and ducks on that property. After hearing the proposal of Mr. Rashid to split the abutting lot in conjunction with the Roma property, Williams is concerned that a subdivision will be proposed within this area. He questions what will be done with parcels B and C as indicated on the plans.

Tony Roma explained that Parcel B is an open area where they plan to build a house and live in it. They will sell the existing house fronting on Beverly Road. The trees begin on what is designated on the drawing as Parcel C. Jennifer Roma stated that they are considering changing their

proposal to request a lot split that will result in two lots, leaving the rear portion of Parcel B wooded.

Williams expressed concern that granting the lot split request may lead to additional proposals for land division in the area.

Lyle Russell of 32201 Rosevear questioned whether there will be an additional opportunity for public comments before a decision is made on this proposal. He is concerned about the lot split proposal suggested by the individual who owns the lot adjacent to 19745 Beverly Road. Russell does not feel like he has enough information on the proposal at this time.

Jensen stated that comments from citizens are welcome at Planning Board meetings. Residents may attend the next meeting at which time this proposal will be addressed.

Aliceanne Inskip of 19912 Wilshire stated that her concern is with the possible domino effect of what is being proposed by the Romas and the Rashids. She moved to Beverly Hills for the open space and does not favor higher density in the area.

Ted Dobski of 19746 Wilshire borders the property in question on the south. He is concerned about the proposed lot split and about the land division suggested tonight by the property owner of 19705 Beverly Road. Dobski stated that consideration should be given to safety issues due to the bend in the road at that point.

Lyle Russell questioned whether consideration has been given to Municipal Code Section 22.08.170 regulating private roads. He shares concerns expressed about traffic on Beverly Road. Caution should be given to creating a safety hazard.

Elaine Dobski of 19746 Wilshire asked if area residents will be notified when this proposal comes back on the Planning Board agenda.

Property owners within 500 feet of the property in question were notified of tonight's public hearing. Jensen stated that residents will not be notified of upcoming Planning Board meetings when this proposal will be discussed. Residents can contact the Village office on the Thursday or Friday before the next regularly scheduled Planning Board meeting to determine if this lot split request is on the agenda.

Byrwa added that the Village Council will hold a public hearing after receiving a recommendation on the proposal from the Planning Board. Residents will be notified of the Council public hearing.

Letters were sent from the following residents in opposition to the proposed lot split. The reasons given include the following: The residents prefer large lots and open space. They do not want to see a change in the natural environment as a result of further development of the area. There was also a concern about traffic safety if there is additional access to Beverly Road.

Victor Marshall	19905 Beverly Road
Calvin and Vera Gray	19823 Beverly Road
Linda S. Locken & Angelo V. Lotti	32076 Rosevear Drive

A letter from Kulsum and M. S. Rashid of 1776 Palmetto Court, Bloomfield Hills was outlined in the presentation made by Mr. Rashid this evening.

No one else wished to be heard; therefore, the public hearing was closed at 8:04 p.m.

MOTION by Borowski, seconded by Schneiders, to table the lot split request at 19745 Beverly Road to allow the applicant to submit information that will complete the petition.

Motion passes unanimously.

#### **PUBLIC DISCUSSION OF EVERGREEN ROAD PATHWAY PLAN**

Jensen reviewed that the Village Council approved the Pathways Plan at its October 1, 2001 meeting with the exclusion of the pathway along Evergreen Road from Riverside to Beverly Roads. Council suggested further study of alternatives in that area. At a joint meeting with the

Planning Board held on October 4, Council referred the Pathways Plan back to the Planning Board to consider alternate strategies for a pathway along Evergreen Road with the request that a recommendation come back to Council within 120 days.

Residents who live along Evergreen Road and those who have access to Evergreen between Riverside and Beverly Road received a letter from the Village inviting them to a Planning Board public discussion this evening. The Planning Board is interested in hearing the thoughts and ideas of residents about a connector pathway in that area.

Harold Milinsky of 32467 Evergreen complained that he received no notification of the Planning Board sidewalk study before the plan was completed and a public hearing was scheduled at the Council level. He stated that Council passed a motion on October 1 to approve the Pathways Plan with the exclusion of the Evergreen Road sidewalk. He questions why he received a letter inviting him to discuss pathway alternatives when sidewalks on Evergreen Road were voted out of the plan.

Milinsky expressed the view that there is no way that a sidewalk can be constructed along Evergreen towards Beverly Road due to the hilly terrain. In addition, Evergreen Road was declared a natural beauty road from Riverside Drive to Beverly Road. Changes cannot be made to that road without a discussion that involves area residents.

Vonda Krear of 20140 Village Drive, who has lived in Beverly Hills for 17 years, was present representing 16 homeowners of Evergreen Village. She thinks that Evergreen Road is too narrow for a sidewalk and would create a dangerous situation. Young people would use the sidewalk in an area that is dangerous due to the trees and curves in the road blocking vision. Krear also believes that a sidewalk along Evergreen Road would be unsightly.

Nanci Freedman of 32460 Evergreen questioned the timing of the Planning Board's discussion of a pathway along Evergreen Road. She understands that Council formed a Pathways Advisory Committee at its October 15 meeting and will be appointing members to that body in November. Freedman has submitted an application to serve on that committee. It seems ill-timed to have this public discussion before the committee is appointed and able to listen to these comments.

Freedman lives on the corner of Evergreen and Riverside Drive and has 250 feet of frontage. She is concerned about who would be responsible for the cost of construction and for maintaining sidewalk abutting her property. Freedman does not want a sidewalk and does not want to pay for it.

She stated that there was once a sidewalk on the south side of Riverside just east of Evergreen. The elevation is steep in that area, and frost heaved the sidewalk so that it was always uneven.

Freedman stated that installing sidewalk would jeopardize the landscaping they planted for natural screening along their property. Another reason that she does not want a sidewalk across her property is due to problems they have had in the past with people leaving garbage on their property. She feels that anything that brings people to their property such as a sidewalk represents a danger and a liability to them.

Freedman stated that she was a member of the natural beauty road committee that was trying to preserve that area. Constructing a sidewalk will require removing some of the natural vegetation. Creating a pathway consisting of alternative material could be dangerous due to the change in surfaces bicyclists would experience. The road is narrow and there is difficult visibility in the area of the curve. To encourage bicycles along that narrow area is a real danger and could expose the Village to possible liability.

Gary Cameron of 32440 Evergreen agreed that there is no space for a safe sidewalk on Evergreen Road, particularly in the area around the bend near the bridge and in the area of the hill. He thinks that installing a sidewalk would be creating an attractive nuisance in a very high traffic area. The sidewalk would have to be built too close to Evergreen Road. Cameron added that a sidewalk along Evergreen Road would not look good.

Mike Freedman of 32460 Evergreen commented that the discussion of Evergreen Road pathways should be coordinated with getting to Beverly Road or 13 Mile Road. Jensen stated that the

Planning Board was asked to look at a section of Evergreen Road. The board has been studying the entire pathway plan for 18 months.

Freedman observed that sidewalk is not being proposed on certain parts of 13 Mile Road or Lahser Road because people in that area do not want sidewalk. He stated that he does not want the Evergreen Road area to look like Georgetown. Proposing sidewalk on Evergreen Road defeats the charm of Beverly Hills.

Gayle Murphy of 31810 Evergreen at the northeast corner of Beverly and Evergreen Roads is concerned about safety. She has lived there for 38 years and has seen Evergreen Road go from a dirt road to the route to I-696. There have been many accidents along Evergreen Road. Murphy questions the safety of constructing a sidewalk in such a narrow area.

The second issue is preservation of a natural beauty road. Constructing a sidewalk will involve removing trees and vegetation. Murphy has a concern about storm water management. Runoff from sidewalks, sedimentation, and stability of the soil should be taken into consideration.

Mark Warnsman of 32481 Evergreen Road suggests that the Evergreen/Riverside community is a neighborhood just like any other neighborhood within the Village. There is a certain character to that neighborhood that he asked the board to take into consideration.

Warnsman stated that he read about traffic calming techniques in the Pathways Plan and learned that you can narrow a road to make it safer and slow down traffic. It seems to him that constructing sidewalks along Evergreen Road will expand the thoroughfare and create the opposite effect of traffic calming on a road that is posted at 25 MPH. He suggests that the nature and character of that road should not be changed.

Warnsman questioned why Council referred this area back to the board for study. Council voted on October 1 by a 4-2 vote to approve the Pathways Plan without the Evergreen Road sidewalk. Putting an Evergreen Road sidewalk back into the plan in an unchanged form is not what is called for here.

There were no other comments from the audience on pathways along Evergreen Road. The public discussion was closed at 8:34 p.m.

#### **REVIEW VILLAGE ENTRY SIGN PROPOSALS**

Jensen displayed a drawing prepared by the sign designer showing the proposed identification sign for the municipal offices and a drawing showing four base designs for Village entry signs.

Board members agreed to replace the current pole sign in front of the Village offices with an oval banner sign of the same size and colors as the public safety building identification sign. The board also agreed on the design and the metal base to be used on the pole entryway signs. The wording on the sign was discussed.

The height of the signs will be four or five feet so it can be seen from a passing car. It would be high enough not to be covered with snow, yet low enough to discourage the attachment of ancillary signs. Byrwa remarked that the Village ordinance states that any signs in the right-of-way must be approved by Council.

Jensen will bring back final drawings for review and recommendation by the board at its next meeting.

#### **REVIEW LETTER FROM PLANNING BOARD TO COUNCIL ON 14 MILE ROAD CORRIDOR PLAN**

Board members made a few additional changes to a letter to the Village Council. Planning consultant Wyrosdick will incorporate the suggested modifications into the letter and forward it to the Village Council with the 14 Mile Road Corridor Plan.

#### **SELECT PLANNING BOARD MEMBER TO SERVE ON THE PATHWAY ADVISORY COMMITTEE**

At its October 15 meeting, Council formed a Pathways Advisory Committee consisting of seven members: Doyle Downey as Council representative and chair, one member of the Planning Board,

one member of the Finance Committee, four residents at-large selected by Council, and an ex-officio member of administration selected by the Village Manager. This committee will have a life of six months from the date when the members are seated. The committee was directed to focus its activities in three specific areas: 1) Prioritize the pathways identified in the plan; 2) Estimate the cost of constructing the pathways, and; 3) Evaluate funding alternatives.

Michele Tillman volunteered to serve on this committee representing the Planning Board. Downey reviewed the charge of the committee. He anticipates that the committee will meet once a month. Most of the background work such as cost estimates and grant research will be generated by administration. The idea is to provide a group that is a cross section of the Village in terms of location and viewpoints.

MOTION by Smith, seconded by Borowski, to appoint Michele Tillman by acclamation as Planning Board representative to the Pathways Advisory Committee.

Motion passes unanimously.

#### **PLANNING BOARD COMMENTS**

Woodrow understands that there is an opinion by the Attorney General that has an effect on the lot split application for 19745 Beverly Road. From a legal standpoint, he is not convinced that an opinion by the Attorney General will allow the petitioners to proceed with a lot split request without first petitioning the court as required by the Land Division Act before consideration can be given to their proposal. An Attorney General's opinion is not a law, nor is it an order from the courts. Woodrow would like a written opinion from Village Attorney Ryan indicating that the AG opinion has legal effect to allow the applicants to request the land division as proposed.

Wyrosdick stated that the Attorney General's Opinion dated 1975 was received by Mr. and Mrs. Roma from Oakland County. Oakland County has been using this Attorney General's Opinion to approve splits of lots that were created prior to 1968. Wyrosdick stated that the Rashids, who own property at 19705 Beverly Road that was part of Lot 20 in 1985, requested a similar lot split. It appears that the Village did not prohibit them from making application because of this issue, but denied the lot split for other reasons.

Wyrosdick had a conversation with Mr. Ryan on the Attorney General's Opinion. The Planning Board could ask administration for a formal opinion letter from Ryan.

It was clarified that the issue of whether a property owner can apply for a lot split is different from the issue of whether the Planning Board and Council should approve the proposal should the property owner be eligible to apply. Lot splits are viewed according to the Zoning Ordinance and land division standards. The issue at hand is whether the lot split request is eligible.

Woodrow stated that he is not convinced that the AG opinion bypasses that court procedure which the planner originally stated was required by the applicant. The board was in agreement to request that administration ask Village Attorney Ryan for a written response addressing what effect the Attorney General Opinion has on the Roma lot division request.

Smith stated that, at a joint meeting with Council on October 4, the question came up as to the status of the Village Master Plan. He asked the chair to consider an agenda item for the next meeting to assign a subcommittee to look at the status of the Master Plan.

Jensen reported that he met at the Village office last week with Renzo Spallasso, Kathy Wyrosdick, Dave Birchler, and Bob DeCorte from the Oakland County Traffic Improvement Association to discuss different alternatives for Evergreen Road. Tonight's input will be forwarded to these experts as this is analyzed further. Jensen commented that traffic and accident information for Evergreen Road from Riverside to Beverly Roads is being compiled.

#### **PUBLIC COMMENTS**

Mark Warnsman of 32481 Evergreen Road suggested that the Planning Board publish its agenda on the Village web site. He also encourages the Village to publish meeting minutes in pre-approved form in a timely manner. Warnsman suggested that board should look at traffic and accident statistics on Evergreen Road in the context of other through streets in the Village.

At the November 14 Planning Board meeting, Wyrosdick will present various options and alternatives for this portion of Evergreen Road based on input from DeCorte, Spallasso, and the public. Jensen stated that the board has mentioned the possibility of walking Evergreen Road from Riverside to Beverly Roads for a first-hand view of the various conditions and issues that have been raised. It was suggested that this walk occur on Saturday, November 17.

Mark Warnsman and Nanci Freedman indicated that they would be interested in joining the Planning Board on its walk of Evergreen Road.

Borowski reminded the board that proper notification of the Evergreen Road walk must be made under the Open Meetings Act.

MOTION by Smith, seconded by Tillman, to adjourn the meeting at 9:25 p.m.

Motion passes unanimously.

**Carry over items:**

- 1 - Entranceway signs (10-27-99)
- 2 - Fourteen Mile Road Corridor Study (10-11-00). Referred to Council (10-24-01).
- 3 - Opinion from legal counsel on current ordinance definition of family (01-24-01).
- 4 - Receive further information on tabled lot split request for 19745 Beverly Road (10-10-01).
- 5- Review alternatives for Evergreen Road pathway (10-24-01).

**David Jensen, Chairperson  
Planning Board**

**Ellen E. Marshall  
Village Clerk**