



PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

October 6th, 2021 7:00 PM

Council Chambers | Novi Civic Center
45175 W. Ten Mile (248) 347-0475

CALL TO ORDER

The meeting was called to order at 7:00 PM.

ROLL CALL

Present: Member Avdoulos, Member Becker, Member Dismondy, Chair Pehrson, Member Roney, Member Verma

Absent: Member Lynch (excused)

Staff: Barbara McBeth, City Planner; Lindsay Bell, Senior Planner; Beth Saarela, City Attorney; Christian Carroll, Planner; Kate Purpura, Plan Review Engineer; Humna Anjum, Plan Review Engineer; Rick Meader, Landscape Architect

PLEDGE OF ALLEGIANCE

Member Verma led the meeting attendees in the recitation of the Pledge of Allegiance.

APPROVAL OF AGENDA

Motion made by Member Avdoulos and seconded by Member Roney.

VOICE VOTE TO APPROVE THE OCTOBER 12, 2021 PLANNING COMMISSION AGENDA MOVED BY MEMBER AVDOULOS AND SECONDED BY MEMBER RONEY.

Motion to approve the October 6, 2021 Planning Commission Agenda. Motion carried 6-0.

AUDIENCE PARTICIPATION

No one in the audience wished to speak.

CORRESPONDENCE

There was no correspondence.

COMMITTEE REPORTS

There were no Committee Reports

CITY PLANNER REPORT

The City Planner had nothing to report

CONSENT AGENDA - REMOVALS AND APPROVALS

There were no removals or approvals to the Consent Agenda.

PUBLIC HEARINGS

1. CATHOLIC CENTRAL CONNECTOR ROAD JSP21-17

Public hearing at the request of Catholic Central High School for Planning Commission's approval of Preliminary Site Plan, Wetland Permit, Woodland Permit and Stormwater Management Plan. The subject property is zoned R-4 One Family Residential, R-1 One Family Residential, and I-1 Light Industrial and is located in Section 18, west of Wixom Road and south of Twelve Mile Road. The applicant is proposing to construct a new driveway to provide a connection from the existing loop road to Twelve Mile Road through the northern area of the property. Utilities, stormwater detention and wetland mitigation are also proposed.

Senior Planner Bell said the location of the subject property is in Section 18, south of Twelve Mile Road on the west side of Wixom Road. The full property is about 115 acres, and it is the existing site of Catholic Central High School. The property is zoned RA Residential Acreage, R-4 One Family Residential, R-1 One family, B-1 Local Business, and I-1 Light industrial. The area to the west is zoned R-4 and RA. To the northeast is the Berkshire Point community, zoned RM-1 with a PRO. The area north of 12 Mile Road is in the City of Wixom and is zoned for RM-1 Multiple Family Residential. The area south of Catholic Central is zoned R-1. To the east is the retail center Novi Promenade, which is zoned I-1 but developed under a consent judgement as a B-3 General business district. The Future land use map indicates an Educational Facility for this property with single family residential on the northeast, west and south. The abutting City of Wixom area is planned for multi-family residential. East of the property is planned for Community Commercial uses. There is a significant amount of area on the property containing wetlands or woodlands.

Senior Planner Bell continued to say Catholic Central is proposing to construct a new driveway off Twelve Mile Road to connect to their existing loop road. Currently there is no road access from the Twelve Mile frontage. The new entrance to the property would include a signage wall entrance feature, like the improvement project that was done along Wixom Road of a smaller scale. No new buildings or parking is proposed at this time, although a gravel construction staging area is proposed to be located west of the new driveway. Three storm water detention ponds are proposed for stormwater collection and treatment. The proposed construction activities will permanently impact 0.44 acres of regulated wetland and requires a Wetland Permit. The City's wetland ordinance requires mitigation for impacts of .25 acre or more and forested wetlands require a 2:1 mitigation ratio. The applicant has accordingly proposed a 0.84-acre wetland mitigation area on the northeast side of the property. Permits from EGLE will also likely be required, and the applicants indicate they have submitted the necessary documents to begin that process. The tree survey indicates approximately 747 regulated woodland trees in this area of the property. 175 trees, or 26 percent, are proposed to be removed for this project, which will require 325 replacement credits. The plans show 260 trees, or 80 percent of the credits, being planted on-site and the remaining 65 credits would be paid into the tree fund. However, after hearing from the Berkshire Pointe homeowners in recent days, the applicant has indicated they will plant more credits on-site to help address visual buffering and light and noise concerns. Both woodland replacement trees and wetland mitigation areas would be protected by conservation easements.

Senior Planner Bell continued to say the applicant is requesting two waivers of landscaping standards. A waiver for a landscaped berm along the Berkshire Pointe property line is supported by staff because constructing such a berm would require removal of existing trees and greater impacts to existing wetlands. The other berm and greenbelt waiver along Twelve Mile Road is only partially supported. To the east of the proposed driveway where the berm would impact more existing wetlands and trees, staff supports the waiver. However, to the west of the new driveway, staff does not support waiving the requirement. In 2011, Catholic Central signed an agreement to construct the required greenbelt plantings and a 4-to-6-foot-tall landscape berm along Twelve Mile Road when future development was proposed. The applicant would still like to request the waiver from the requirement, so the Planning Commission would need to make a recommendation to City Council to consider amending that 2011 agreement. The proposed plan complies with all other provisions of the Zoning Ordinance and City Code.

Senior Planner Bell concluded by saying City staff met with several of the Berkshire Pointe homeowners to walk the neighborhood and hear their input. Some of their concerns include privacy, noise and light intrusion, loss of natural habitat, and existing drainage issues becoming worse. You will hear from many of them tonight. The applicant has also met with a few representatives from the Homeowners Association and have some ideas for how some of their concerns could be addressed. They have indicated they would like to request tonight's decision be postponed allowing for more time to provide some revisions to the plans to address those issues. The Planning Commission is asked tonight to hold the public hearing on the connector road project, including wetland permit, woodland permit, and stormwater management plan. Representing the project tonight are Catholic Central president Ed Turek and engineer Andy Wozniak. City staff and our consultants available to answer any questions you may have.

Catholic Central President Turek said we concur with Senior Planner Bell's statements. We would like to put in a connector driveway mostly for safety purposes and to lessen the traffic on Wixom Road. Also, more recently, we had an incident a few months ago where we needed another emergency access point. This plan addresses that concern as well. I would like to introduce some of the other members of our team: Principal Father Patrick Fulton, CFO Mike Wilson, and Director of Community Relations Angela Hill. Also here representing us tonight is our civil engineer Andy Wozniak from Zeimet Wozniak, our landscape engineer Rich Hodak from Grissim Metz, our owner's representative Jim Campo from the Jonna Company, and our attorney Tom Ryan. We are here to listen tonight. As Senior Planner Bell mentioned, we met with a small group of representatives from Berkshire last night. They requested that we delay the approval of the plan so that they may have more time to decipher the plan. We want to be good neighbors, so we agreed to that. After the public hearing, we hope to meet with them next week and any other concerned parties so we can come to a solution that is beneficial for all parties.

Chair Pehrson said this is a public hearing, and for the record, we have approximately 12 responses supporting the request and 175 responses that do not support the request from the returned public hearing notice response forms. These will be reflected in the record, but they will not be read out loud to conserve time.

Chair Pehrson opened the public hearing and invited any members in the audience to approach the podium to participate in the public hearing.

Berkshire Homeowner's Association President Jason Michner said I am here tonight to speak to you because we were first notified about this two Mondays ago when the city sent out a small form letter that indicated the plots and that there would be a road somewhere within those two plots. When I first saw it, I set it to the side and did not think much of it. However, we have a very engaged community that I am very proud of. You can see the representation from the community in the audience tonight, and many of them contacted the city the day following the receipt of the letters. Although we are a relatively new community, founded around 2015, we are very close knit. I feel that we are the very best that Novi has to offer; we are a diverse community that is engaged, loving, and caring. We represent many different walks of life and cultures, and our association is built up of individuals ranging from business owners to engineers. Almost to the one, our community sends at least one child to the Novi Community School District schools. We are very invested in our community, and that is why we are here tonight. Some of the residents pointed out to me that this is only part one of a five phase plan. They did a lot of research and investigation, and they informed me that most of the undeveloped meadows that are to our west will be developed with increased noise, traffic, and light. We then saw that the wetland mitigation area would also devastate all the natural woodlands. We have trees that are far above the two-story houses; they are 50 feet or taller. I can see them from my window, and I am not on the woodland side of the neighborhood. Those trees would all be gone. This plan will eventually impact 75-80 percent of our border with Catholic Central in a negative way. We will lose all those natural woodlands. When we investigated it further, the woodlands are affected because they become wetland mitigation areas. The wetland mitigation areas are occurring because they are running the road through the existing wetland. This is a downward spiral for us, the City of Novi, and the environment.

Jason Michner continued saying we strongly feel that if we could maintain the buffer between the road and our community, it would give us enough protection from the future development we know is coming. This road is really going to serve as a backbone for their future development, so it is more than just a connector road. It will eventually have much higher traffic, and it will serve as the main hub of their campus. While I understand that I cannot control what they do on their property, our owners must submit something to our HOA board for approval before doing a project, like Catholic Central is doing for you tonight. We try to take into consideration the impact on the neighbors. If someone wanted to install an in-ground pool but wanted to drain it into their neighbor's yard at the end of each summer, we would probably say no. While this is somewhat of an overstatement, these plans emulate a result that is similar. Breaking it down, the woodlands that would be affected are protected under chapter 7 of the code of ordinances. It essentially states that woodlands should be preserved to prevent erosion, provide natural barriers, preserve the beauty of Novi, and to beautify the environment and clean the air. This plan will impact around 747 if I remember from the study correctly, and there will be 175 that will be removed. 18 of the trees are dead, so it is 193 in total counting those. That is a large impact; around 25 percent of the trees mentioned in the study would be gone. They are going to replace them, but they will replace them with two and a half diameter trees that will maybe be a foot tall; it's like replacing a wall with toothpicks. The woodlands would be gone, as they are removed for wetland mitigation. These mitigation areas arise because Catholic Central is affecting 0.44 acres of wetland, but they must replace these wetlands at a 2:1 ratio. Essentially, the devastation to the woodlands is doubled every time the wetlands are impacted. Really, all this devastation to natural features is caused by the choice of road path. If the road path could be slightly altered or raised slightly above the ground so that there will be little impact on wetlands or woodlands, then the mitigation could be minimized almost to nothing. That means most of the trees stay up, we get to maintain our buffer, and

it would make our community more open to future development phases. Without the barrier, I could see strong reservations for all Catholic Central's future development plans.

Jason Michner concluded by saying we did eventually hear from Catholic Central, but we did not get to meet with them until 6pm of last evening, the day before this meeting. We strongly asked that they ask for a delay of approval, and we are thankful that they honored this commitment, so that we may work together to reach a solution that will be good for our community, their school, and our environment in the city. I will leave you with this thought: I understand the need to develop their land and to make their school the best school for their students; to make it profitable and sustainable into the future. However, at the end of the day, everyone at Catholic Central gets to go home to their own houses and live in their own cities. Hopefully their cities take their qualms into account and protects them. We are asking the same thing from you because although we are technically neighbors, our community lives there. We will be there for years hopefully, putting our kids through the Novi School District, and we really need that preserve.

Berkshire Pointe resident Harish Siddappa said I wanted to remind the Commission of the beautification project that was completed several months ago. There was a large light display that was supposed to be on during the daytime and turned off at night, but that didn't happen. The execution was poorly done, and a lot of trees were cut down. If this is the way that this new project will go, it will be a total disaster on the hands of the city. We have complained to the City and to Catholic Central and nothing has been done to resolve the issues. One of the woodland and wetland comments submitted by a city consultant about the plans strongly recommended reevaluation of the site layout to minimize impact to the regulated woodlands and wetlands. I do not think anyone addressed this, and I don't know why. This is misleading information from Catholic Central, as they are doing a 5-phase project, not just a connector road. Catholic Central has argued that the road is primarily for the safety of their students, and we do not disagree with that. However, there must be other ways to avoid affecting all the wetlands on the property. While Catholic Central did agree to meet with us, it was a little too late, and it was full of intimidation. Therefore, I would like the Commission to reject or postpone this proposal as it is misleading.

Berkshire Pointe resident at 49781 Hartwick Drive said my house is the last on the street. I always had a concern about my privacy on the north side of my house. I received the letter from the city, and I went to visit the city to view the plans. After looking at the plans I realized that they could protect my privacy more than their plans show. This made me wonder if Catholic Central could push the road further back and provide a nice border of trees between our community and the road. However, I can still see all the lights from my first story window. People driving by can see into my house. If the trees that exist now are removed, then my family and I will have absolutely no privacy. I would like Catholic Central to revisit this plan, and I would like to keep the conversation open with them to edit the plan.

Berkshire Pointe resident Ashish Sharma said I live on the other side of the subdivision. However, I am here to represent the people being affected. The proposal is going to have a negative impact on the environment. The area is rich with large trees. If the number of trees proposed to be removed are in fact removed, the character of the area will change completely. The area is also rich with wildlife; you can see the deer, the geese, sandhill cranes, and other birds – they will all be gone. Homeowners in the community will almost certainly experience a decrease in their home values. The proposed wetland mitigation area is so close to the community border that with the rainfall we have seen this year and

climate scientists expecting more rain in coming years, our back yards will be flooded and will begin to erode. It could weaken their foundation and cause not only damage to the home, but it poses a safety risk for those living there. The damage to the community as a whole is going to degrade the property values not only in Berkshire but also in surrounding areas. Last year, on the front part of Catholic Central's property, there was a lot of renovation done. As part of the renovation, many large trees were removed. These trees were replaced with 6 to 8 feet tall, 2-inch diameter trees, which cannot replace what was there before. Berkshire Point had to spend around 12,000 dollars to plant trees to replace to the trees that were removed. Therefore, I cannot support this plan in good faith.

Berkshire Pointe Resident at Lot 16 said I would like to reject the impact on wetlands and woodlands that affects me and my neighbors. You can see the view from my property. Car headlights are meant to be seen from beyond 350 feet. Our houses are within 200 feet of the road that they are proposing. The reflection of light into our houses is an invasion of privacy. A second concern are the future development phases. The future wetland mitigation area will affect many houses. On page 69, there is a wetland map from EGLE which clarifies that our houses are on wet soil. There should have been consideration of development on adjacent properties before attempting to get this approved. My daughter surprised me with a letter just from listening to my wife and I discuss these issues, and I will read some of it: "You are killing the ecosystem". Catholic Central is proposing to eliminate 1.7 acres of a forested woodland, not to mention the wildlife that lives there. We have invested in this City and our children are its future, so please to not take away the wetlands and woodlands that appreciate so much.

Hartwick Drive resident Shugna said I strongly object to this proposal. It would remove a state regulated wetland that lies adjacent to our community, thereby impacting our homes by making them more prone to flooding. We will also become more prone to light and noise from the campus. The proposed replacement trees will not be able to replace the atmosphere of the old trees and the wildlife that called them home. In addition, there will be an increase in traffic that will pose a privacy and security threat to some residents. Even the city's woodland and wetland consultant has asked Catholic Central to explore other options. Successfully developing the land without impacting our environment would set a good example for the students to conserve and protect nature. I ask that the Commission to hear our voices and to not approve the plan in its current form.

Berkshire Pointe resident Vijay (no last name stated) said my family and I strongly oppose the proposal before you tonight. I would like to urge the Commission and Catholic Central to look at this from our perspective. Imagine begin able to look out your window to see all the different animals running around on a weekend morning. Instead of destroying these wetlands, Catholic Central could easily modify their plan so that animals and other nature do not have to be harmed. The expansion phases can occur without destroying all these natural features. You are a very renowned school known for quality of education, but you are about to do the very things that you teach your students not to do. Removing all of these trees, which were referred to as garbage trees by Catholic Central in a previous meeting, should be met with a requirement to replace trees at a much higher rate than currently proposed to decrease carbon footprint. If Catholic Central stepped into our shoes for a moment, they would understand why this is so devastating to our community.

Berkshire Pointe resident Pravina Shinuvas said in many places we have been told that there is a very friendly attitude toward the environment. However, in practice and on an individual basis, we have seen that this is not the case. In the same vein, I believe wetlands

and woodlands are both important and we need to protect them because they form an integral part of the ecosystem. Another point: trees are very easily cut down and removed in a couple of hours. To replace one, it takes years. My family and I really don't want to lose the peace of mind we get from all the nature in our backyard. This was one of the reasons we chose to live in Berkshire Pointe. We plead you to reconsider and search for a new option that benefits everyone.

Antoine Mallard from Leisure Co-Op in Wixom said we were not notified of this project at Leisure Co-Op. We have a back entrance on 12 Mile. We have wetlands to the east of our property. The wetlands on the Novi side of our shared city border are higher than ours. If you begin to disturb the wetlands there, we will likely have to deal with the resulting problems on our property. Our 110 units are already having saturation issues right now. Leisure Co-Op has been around for 40-some years, so I would like the Novi Planning Commission to take another look at the location of where this road will be, and how our neighborhood will have to take most of the impact from wetland disturbance. Going forward, we would appreciate if Leisure Co-Op was kept up to date. We are already having trouble on 12 Mile with the traffic. Traffic from Grand River has been cutting through our neighborhood to avoid the intersection to get to 12 Mile quicker. Even though we are in Wixom, we are still your neighbor, so please take us into consideration.

Berkshire Pointe homeowner Li addressed the Commission in a foreign language, which was unfortunately unable to be transcribed for these minutes.

Laura Pace, 16-year resident of Island Lake, said that I fully support the proposal for a new road. There is a lot of traffic on Wixom, and I would like to see a change for the safety of the kids. I believe the entrance and exit times would only be affected by traffic for 45 minutes in the morning and 45 minutes in the afternoon. There would not be traffic constantly going along that road at all hours. If you haven't been to the front entrance, it was one of the most beautiful changes in the City of Novi, in my opinion. I would encourage all of you to take a drive through the campus. It is maintained beautifully, and there continues to be wildlife throughout the campus.

Island Lake resident Jim Govan said I went to Catholic Central; my son went to Catholic Central, and many others in our neighborhood. For those who don't know a lot about Catholic Central, 1,000 kids go there, and we strive for excellence. The same thing you are doing for your kids, we are doing for ours. We are nationally ranked in many fields, and we feel we bring a sense of pride to Novi. In this, we are also striving for excellence in the campus layout. This is a very passionate discussion because there is nothing more important than our homes and our families; I can certainly relate to that although I do not live behind Catholic Central. I am sure that many of the objections voiced will be heard by this group. This is the reason for this type of forum: to come together and hopefully reach consensus. Catholic Central also serves a diverse community. I am very proud to live in Novi, and I am very proud that Catholic Central is in Novi. To summarize, I am sure Catholic Central will try very hard to make it right, and I support their proposal.

Berkshire Pointe resident Dajuan Woods I wanted to address two things. Beforehand, I will say that I went to U of D high school, and I believe that Catholic school education is some of the finest there is. In this case, I think the correspondence was very poor. There was no road on the sheet of paper that was sent out to residents. This Commission encouraged Catholic Central to reach out to the Berkshire neighborhood and meet with us. They decided to not meet with us. They have the right to not meet with us, but it doesn't feel very neighborly.

We had a chance to meet with them yesterday at 6pm, and we are meeting again today. What we were presented with was eight giant documents highlighting further development beyond a road. If it were just a road, I think that everyone would be much more okay with it. However, it's a road, it's a stem building, it's another building, they're moving the parking lot over, it's a soccer stadium, it's a new 2-story parking garage. You all read the plans and recommended that Catholic Central reach out to us, and that did not happen. All we are asking is for the opportunity to see the full plans. We want to be good neighbors, and in our correspondence, we go out of our way to try to find common solutions. We love Novi, and education is a number one issue. I respect Catholic Central, but I also respect being neighborly and being honest with your neighbor. I would ask you all to take into consideration the future development plans and their impact on us.

Berkshire Pointe resident Ashutosh Patil said I live on the north side of the neighborhood along the border between our neighborhood and Catholic Central. I am strongly opposed to these plans. We were not given enough time to look at the plans. The more we look at the plans, the more scared we get. For me particularly, the wetland mitigation plan is the scariest; it will be like they are putting a giant pond right into your backyard. In the future, it could cause erosion and property damage. I moved into the subdivision just 6 months ago. You can imagine the confusion and frustration of someone who just moved into a neighborhood and immediately was met with plans to place a pond in your new backyard. It is stressful – I spent a lot of money to live in Novi and have access to Novi schools, and immediately we must deal with this. I do not think there was enough time spent on these plans to gather sufficient information from the hydrologist. I also see many opportunities for the road to take a different path to avoid the wetlands. I strongly oppose these plans as they stand now, and they need to make some significant changes. We do not oppose the development of their land into the future, but I think there are more efficient ways to deal with communication and to reach compromise.

Leisure Condominiums resident Nino Polis said it is no wonder that in today's environment of governmental and institutional mistrust, we think these people are trying to pull something over on us. I personally have the greatest respect for Catholic Central, their integrity, and what they are up to. I went to city hall and studied the plans, and I knew a road was coming, I knew a parking garage was coming, and I knew stadium was coming. I knew all of this, and I never thought that the wetlands would be touched at all. I didn't expect any of that to change. I expected them to protect the wetlands and not hurt them. I'm hoping that the solution to this will be that the road can be moved west. I see several benefits to this: students would not be exposed to high-speed traffic on 12 Mile; I think we also need a traffic light there and to pave 12 Mile Road. Then, perhaps, all our problems will be gone.

Berkshire Pointe resident Peter Ewing said I have lived in Michigan for about 30 years now, and I have lived in about 6 different cities. I settled in Novi around 20 years ago, and this is my second home. When I came to Novi, I stayed here for three reasons: the community, the quality of life, and the proximity to nature. It is beautiful here, and you can find things that you cannot find in any other city. You have heard from all my neighbors, and I think there are pros and cons to this project. However, I have to say I strongly object to their proposal as it stands today in terms of what is the beginning of a massive project. This connector road stands to do things that we know will bring great harm to protected, regulated woodlands and wetlands between our community and Catholic Central. Just as our Island Lake neighbors have said, Catholic Central is a fantastic institution that is teaching our children. To see that they have a long-term plan to further the benefits to their student: nobody can argue with that. Nevertheless, please hear this community when we

tell you that this road stands to significantly impact the quality of life of neighbors who are in their literal back yard. Good fences make good neighbors, and what I have seen so far does not make me feel good to be a part of this community. Wetlands are being removed and replaced with basins. Large water mitigation areas will affect the water table and send more stormwater directly toward our properties. We don't know what is going to happen, but it doesn't feel right. Leisure Co-op has issues as well as Garfield Lake and probably too many others to count. Woodland trees are being removed. They say that 175 trees are being taken down, but what you might not see in your 91-page packet is that 80 percent of those trees have an 8-to-20-inch diameter and are between 40 and 60 feet tall. They are going to replace those on a 1-to-1 basis with a tree that is 2 ½ inches in diameter. That is decades of growth erased. 1-to-1, 2-to-1, 3-to-1, 4-to-1: there is no comparison here. The devastation to that woodland cannot be calculated even if it is replaced. My final issue is the potential break in the local community. I want to believe in, and I am appreciative of, Catholic Central's willingness to postpone this vote and chose to reach out to our community. Hopefully, this will resolve any and all issues. I hope that the Planning Commission understands the plight of this neighborhood as it stands today, and I hope Catholic Central works with us to make it better.

Berkshire Pointe resident Dina Polanki said my house is at the north end of the community. This project will compromise my privacy. The very reason we moved to Novi was the school district, the community, and the wooded area behind our house. It is very unfortunate that the main reason we bought our home is going to be removed. Being an environmentalist myself, I do not want any nature to be disrupted; we should conserve it. Why is Novi going against what we must do to protect our nature? The other point I had was about the wildlife. Moving nature affects natural habitats for all sizes of animals. When I lived in a bigger city, all I saw was pavement and crows. Living in Novi is important to me to give my children access to nature. One of our Island Lake neighbors mentioned the beautification of the front portion of Catholic Central, and I do not think it was justified for that project to cut down all the trees that were there. If I had knowledge about that I would have stood against it as well. I reject the removal of the trees, the woodlands, and the wetland as well. I am very happy the Catholic Central is in Novi. My son may attend your school one day, and it is important that we preserve nature there.

Berkshire Pointe resident Medu Kuba said I live right behind the property in question, and I strongly oppose the proposed project. The City's code, page 59, there is a note about Michigan native tree species, and there are many native tree species in the woodland areas proposed to be removed. I had the opportunity to work with Clevo Harris from the Department of Natural Resources. He is an expert on invasive species in the Great Lakes, and he was adamant about getting the point across that the only way to control these species is by protecting the native species we have here. My second point is the wildlife. We spent hundreds of dollars to have some species relocated by experts when previous work around our neighborhood was done. With the amount of wetland and woodland area being affected with this project, I do not know how many species will lose their homes who have lived there for 60 or 70 years or longer. A last point would be that we cannot chose our neighbors, but we can respect our neighbors and be good neighbors.

Northern Novi resident Carolyn Upton said while I do not live in Berkshire, I am here to talk to the Planning Commission, and it is long overdue that I come here. I come here with a heavy heart. I come here on behalf of the voiceless: the trees, the wetlands, the woodlands, and the wildlife. I think the thing that bothers me most is that all of us came to Novi recognizing that natural beauty was so present and powerful. In the City's Code of Ordinances, Chapter

37 is Woodland Protection. It says right off the city finds that rapid growth, the spread of development, and increasing demands upon natural resources have had the effect of encroaching upon, despoiling, or eliminating many of the trees and vegetation. It goes on to say some important points: woodland growth protects public health through buffering pollution and screening of contamination. It promotes public safety through prevention of erosion, siltation, and flooding. Trees and woodland growth are an essential component of the general welfare of the city by maintaining the natural beauty, recreation, and an irreplaceable heritage for existing and future city residents. Number four on this list says the protection of such natural resources is a matter of paramount public concern. In the city's 2016 Master Plan, woodlands are again addressed, with many of the same types of points, but they are so relevant. The greatest threat to natural woodland areas is destruction, followed by degradation or fragmentation, reducing natural woodlands into smaller and more isolated units destroys the habitat of many species, modifies the habitat of others, and creates new habitats for some species. The reduced area of woodlands allows undesirable species to take over the woodlands species and weakens basic diversity in both plants and animals that contribute to the forest ecosystem. High quality woodland areas need to be buffered from adjacent activity. It is important to maintain large areas of contiguous woodlands with little or no fragmentation. That is not all that the Master Plan discusses, but those are some important points. I do not know if you can see the diagram I am holding, but this is the last 10 years of Novi. The green bars represent the trees the city has planted, and the red is what they have removed. The numbers are staggering. In summary, we've destroyed tens of thousands of trees and replanted an estimated 27 percent. As everyone has noted, these are only 2-and-a-half-inch diameter trees. We're ruining the character of Novi. We're letting developers pay into the fund that now is at 4.3 million dollars at the expense of the character of this city. As Planning Commissioners, please plan better.

Berkshire Pointe resident Rudiya said my son graduated from Catholic Central 2 or 3 years ago, so please do not tell him that I came to speak because he loves the school so much. Anyway, last year, Catholic Central built a beautiful entrance archway right behind my house. The trees that were removed were right at the edge of my backyard. I would just like to share my experience with this project. It was a four to six month proposed development project, and I was working in Milwaukee at the time. My wife shared the public hearing notice with me, and we both agreed that there was very little information on it. However, by the time I returned from out of state, the project had basically begun, and we had to deal with it. The first thing the contractor did was remove all the trees. My wife and I took a walk from the road to see how the privacy of our house would be affected. We were scared to find out that you could see everything in our house with the trees gone. We close our blinds at 6 PM now because it is not comfortable. Finally, the tree surveyor arrived after six months. Catholic Central was kind enough to ask us which type of trees we would like for the replanting. We chose eight to ten pine trees. We asked them to set the trees back a bit further from our house than originally planned, but this still left a two or three tree-width gap between each replanting. The contractor told us then that there were no more trees left to be planted; after talking with Angela, we were able to get a few more. In the plan, they said they wanted to build a gate. The result was a gigantic and beautiful structure. Looking at the gate closely from my house is not appealing. It may look nice from far away, but up close it is daunting. I can also see it from almost every room in my house. What I will leave you with is that the replanted trees were on my property, so that took away around 6 feet from my 20 to 25-foot backyard. Also, these trees are probably only going to grow 20 or 30 feet high. Pulte charged me a 25,000-dollar premium saying that it was a wooded lot when I bought it, but now that more trees will be removed, I do not know how much property value will decrease.

Berkshire Pointe resident Rabhi Kuran said I respect my neighbors and the City of Novi. The first thing I notice when I enter the city's Civic Center is the globe that says, "go green". Visually, I see the city has taken on the motto of "go green," but in practice it isn't happening here. One of the great things about Novi is that we can come here and talk tonight, but the notice we received a notice 10 days before this meeting. We had a chance to look at the project plans, and we saw the destruction that could happen from what is planned. One important point, again, is that we observe light from Catholic Central because the stadium lights are so high. The lights shine into our homes on Friday during the football games, but I don't expect that to come every day.

Berkshire Pointe resident Abhi said I strongly object to the proposed plans, and I have 3 points to highlight: wetlands, review Catholic Central as a developer and not a school, and invest in Novi residents. The protection of our environment is on the Planning Commission. Let's work together to save the vegetation and animals who live in ecosystems here. Building in wetlands is harder, and it has a bigger impact. My second point is to review Catholic Central as a school and not a developer. We have all seen the recent beautification project, and we are not happy. They have great infrastructure, but no responsibility. They could have chosen a simpler path than they did to save all the natural resources. I hope the reason they did not is merely due to lack of oversight. We want to be responsible for the future of Novi. If there were no wetlands in the city left, then there would not be a city at all. Judge the plans of this developer by their previous projects.

Berkshire Pointe resident Sullan said I object to the proposed project. We lived in Texas for about 11 years before moving to Michigan, and we love Michigan. The wetlands, the woodlands, and the back yard: we didn't get all of this in Texas. My daughters use our backyard and I also have a small space on my deck that I use for work, and much of this would be gone. I also wanted to point out that we paid a high premium for these plots due to the wetlands, and now they are under threat of being taken away. I want to share my professional background: I am an associate professor who works very often with SEMCOG. We look at how to make communities more livable and accessible throughout the region, so I know this is the correct time to stand up for my property. We do not want any animosity with Catholic Central, we love them. However, their access drive should not need to go directly behind our property.

Berkshire Pointe resident Kunal Koh said even though my property not directly impacted, I would like to object the proposal. I am a bit skeptical of this process. We received a letter eight to ten days before this meeting. I know the normal time is 5 days before; you are just trying to tick the boxes, and that's fine. This whole project is going to go on for several years, and it is a million-dollar project. If there has been discussion going on between the city and Catholic Central for months or maybe over a year, why are so many impacted residents not involved in the process early on? Why wait until the last stage? If Catholic Central really wants to be good neighbors, then why did they not want to involve us in their process? I recognize that the city has certain regulations to follow, but it just isn't right that we are supposed to prepare for a 5-year project with only a 5-day notice; we just don't have those resources as a neighborhood association.

Michael Wilczynski, Geologist with Pangea Environmental LLC, said I have over 40 years of experience primarily in hydro geology and construction. I retired from the Michigan Department of Environmental Quality, and I have taught at several colleges. I haven't had much time to look at this project. Please correct me if I am wrong, but I have not seen

anything that addresses water management issues. Looking at the geologic map, there are some issues. The whole project is not very environmentally friendly, and it could easily be made more so. I am willing to work pro bono on this and I have been. I have been taught to stand up for my fellow man and the environment, so that is what I have been doing through most of my retirement. We are not against this development; we just want to do it correctly. There are water management issues and there hasn't been enough attention paid to hydrogeology. These wetlands are perched on clay; can you reconstruct these? It doesn't seem that you know what kind of wetlands these are to properly reconstruct them. I am working on a project in Kent County where they did not do a proper hydro-study, and they ended up destroying regulated wetlands and a pond on private property. I am currently working for Jackson County on a project where homes were flooded because they raised the water table just a small amount, and it is destroying homes. The same thing could happen here since the water table is very similar. You are redirecting surface water into retention ponds and wetlands. What impact will that have on hydrogeology? Are patios going to start separating from houses like they are in Jackson County? That is a possible future lawsuit. We also have Garfield Lake that was permitted by the city and EGLE, and now we have a lake that is being destroyed and wetlands that are being destroyed. We can do this project, and we can do this right. The water that is going to run off into the wetlands is going to be contaminated as the plans stand now.

Berkshire Pointe Resident Shivar Diya said first I would like to voice my main objections: the wetland impact and the noise and light pollution. There are so many regulations on wetlands from many levels and institutions that seemed to be ignored. Is this project for the public benefit? EGLE and Article 4 of the city ordinance both state the drastic importance of preserving wetlands for public safety and environmental preservation. I am showing the map of the state of Michigan. The water sheds that are part of this area, and I do not know if a study was conducted to see if these watersheds would be impacted. I also do not know if a study was done to ensure that under 5 acres of wetlands was going to be disturbed; otherwise, there are certain regulations that must be followed. I am a taxpaying resident, and I am being affected by this project. I send my kids to public school because I cannot afford private school. We respect Catholic Central, so please respect us.

Unidentified member of the public said Catholic Central says they are building the road in this curvy fashion for safety reasons and to minimize cost. There is one area where the road connects to a parking lot that already has an access drive, which seems unnecessary. It seems like it would be more cost efficient to build a straight line, and it would minimize three fourths of the current wetlands impacted. This project that will go on for years has a mitigation zone being proposed later being the last few houses in the Berkshire neighborhood. This means they would have to take out all the trees from that area eventually. These mature trees that are decades old have very stable and large roots that keep the foundation of the soil. This protects the houses' foundation. When those trees are gone, it will not matter how many trees they plant because the water that was absorbed by large tree roots will seep into basements. The new basin will not be affective because the water will still seep in.

Berkshire Pointe Resident Kiran Gattamaneni said I would like to show some current photos of my backyard. You can see how thick the woods are. My children are devastated by this. What exactly is Catholic Central teaching to their kids? Is it okay to teach them that it's okay to destroy natural environments? Ever since I learned my ABC's, I have also been taught that the environment is an integral part to healthy individuals and society. Does Catholic Central not teach this as well? They should try to lead by a correct example. I hope the

Planning Commission will understand these points. Catholic Central is a bad neighbor. We saw that with the beautification project a few years ago, and we are seeing it again now. They are a respected institution, but they are not good neighbors. We are good neighbors, but they are not good neighbors.

Berkshire Pointe resident Bo said I just want to add one more point. I did not realize at first that there would eventually be a large soccer stadium built over wetlands. My son plays for the Michigan Jaguars, a Novi soccer team, for many years. We have tons of soccer fields and stadiums in the area: outdoor, indoor, private, and public. They're located in Novi and surrounding communities, like Wixom. We have plenty of space to play soccer. Many universities and colleges use the same field for football and soccer; they do this at the Big House in Ann Arbor, and I have seen it many times. Building a soccer stadium where we need to cut down so many trees and destroy wetlands doesn't not seem like a good idea to me. There are plenty of other options.

Berkshire Pointe resident Xing Xing said all I have to say is go Green! I really love that saying, and I think it really does apply to his beautiful community with so much wildlife and nature. I hope that we can find a way to protect it. There must be other options to avoid impacting wetlands and woodlands here.

Berkshire Pointe resident Venjit Nyal said one of the primary reasons I would like to object is that even though I will not be directly affected by this project, I was deeply affected by the school's last project along Wixom Road. We lost a lot of privacy and the light pollution got worse. Once the plan was approved and construction began, we could not find comfort. There are a ton of noises and if the workers come onto our property or are doing something against what was approved, the workers just tell us to contact who ever has instructed them to do the work. It was a very painful process for us. The project before us tonight is certainly a large, long-term project. Naturally, if you uphold this plan without checks and balances, there will be a never-ending loop of being redirected to another person if we have an issue with the process. The removal of woodlands and wetlands certainly does not match the Novi character that I moved here for and pay 10,000 dollars for in yearly taxes. Something must be done to protect natural features. There needs to be some stable implemented form of communication between all stakeholders, including residents.

49493 Harrier Place and Berkshire Pointe resident Srinivas Chaganti said I was here when the last project Catholic Central proposed was approved. Many of the community residents did not attend the meetings because the project was framed as a beautification measure. What ended up happening was the school put up a 35-foot stone archway and put up bright lights while taking many large trees down. Even after meeting with Catholic Central, many of the residents on Harrier Place have still not been heard completely. We were most affected by the large archway on the Wixom Road entrance, and it seems like our concerns are being ignored again. There needs be a mutual agreement so both the neighborhood and the school can coexist in the same area.

Liberoff Sweeny said I want to try my luck tonight. The third time is the charm I believe. The first time was the Wixom Road beautification project. We showed up to the meetings and nothing happened. The second time was the incident with the lights; all we asked was if they could turn the lights off when it gets dark, and nobody is at the school. They did not listen to us. One year worth of emails that I have saved yielded absolutely no response or results from Catholic Central. If Catholic Central cannot uphold a promise about turning lights off for an entire year, it begs the question what we should trust them on here. I came

to the US about 22 years ago, and I have lived everywhere in the country. Before coming back to Novi, I lived in Ohio because I had a business there. I moved my business to Novi because it is such a nice place, both the environment and the people. I don't have to know someone for them to ask me how my day is going. We are not against the project, but we want it to be done right because we love Novi.

Island Lake resident Charlie Pierce said I moved to Novi because of Catholic Central. We are in the process of putting four boys through the school, and it has been life changing for them. I remember not too long ago driving by what is now Berkshire Pointe was a beautiful, wooded lot, probably with tons of wildlife. However, you developed it, and I am glad you did because it brought more passionate community members to Novi; the city is better for that. When there is progress, that is what happens. Catholic Central can move the road, but that's not the hard part. If they move the road, they will displace other development, so instead of removed woodlands being in your back yard, there would be a building. Two to five years from now, you'll be saying I wish we would have had something a little bit smaller than this giant building. Also, keep in mind that these woodlands and wetlands are on Catholic Central property.

Berkshire Pointe Resident Prasada Furi said after researching this project, I must object to it since it will bring a rise in noise, light pollution, and reduction of woodlands and wetlands. There must be an alternate road route that someone at Catholic Central or the city could implement, and if they need help, we will pitch in. During the Wixom Road beautification project, the school did not replant the number of trees they were supposed to after removing so many. Catholic Central has the right to this, but they should still respect their neighbors. I want to recall a famous quote: "Man is called selfish not for doing his own good but for neglecting his neighbors." I hope that Catholic Central will take that quote as inspiration. We want to achieve development, but not development for development's sake. We want to leave behind a good legacy for our children. The city must balance between growth of the built environment and the protection of the natural environment.

Berkshire Pointe resident Sertu Katrice said I strongly object to this project. Development is one thing, but letting it destroy nature in neighborhood backyards. It is ironic that the school is teaching sustainability while doing this project. Would you accept this in your backyard? If the answer is no, then it should not happen in ours. What is the point of having experts here if all the ordinance is being waived? During the beautification process, Rick Meader requested that Catholic Central place trees along the sidewalk like everywhere else in the city, but the Planning Commission waived that. The lighting there has cheap filters. Even though they could build the road in a straight line, they do not want to because it will affect the aesthetic of their campus. Instead, they want to create a drainage area that will destroy our properties. We should get a written statement from Catholic Central and the City that says they will be responsible for any damage done to our homes from leaking or seepage.

Berkshire Pointe resident Purush Marakatar said I have been living happily in Novi, but now I see all the changes coming. It would be a huge loss for us to lose these natural features, so please take our position into consideration.

Berkshire Pointe resident Prabhakar said we put a lot of trust in you that you are going to protect us, our properties, and quality of life. However, that trust has come into question with this project and projects before this. We hope you will build that trust back. Will you have another hearing? We do not want to be left in the dark when further approval comes. I am not sure what kind of assessments have been made; do these assessments take our

houses into consideration. I hope the city creates a bond for Catholic Central for these future damages. I should have the right to protect my property, and the city should protect my property. Right now, Catholic Central can not even fulfill a promise to turn off a light. We are worried they will not fulfill further promises.

Berkshire Pointe resident Aaron said Catholic Central seemed nice at first, and they tried to reach out to be friendly. However, we are now seeing that they are not being so nice. They suggested that you either get a flooded wetland or a two-story building in our backyard. I just wanted to make it clear to the Commission that when our neighborhood interacts with Catholic Central, it isn't always very friendly.

Berkshire Pointe resident Genie said I am speaking on behalf of my dad who cannot speak English. With respect to the plan, I do not currently approve. I see my dad everyday enjoying the backyard nature. He really loves sitting back there and relaxing since he retired, and it would be a shame if the woodlands and wetlands were removed.

Novi resident Chuck Williams said I have lived here for eleven years and have children that go to Catholic Central. I support the proposal for two reasons. I support any proposal that enhances the education for my children; the experience so far has been amazing for them. The second point would be the safety concern. When my kids were younger, I drove them to school, I saw how crowded Wixom Road can get. Now they drive themselves, and I honestly worry about them getting to school safely as well as anyone who drives on Wixom during those peak times.

Berkshire Pointe resident Navi Raveer said Catholic Central should lead by example and teach kids about environmental science and being good neighbors. We are not apposed to the project, but please leave the woodlands and wetlands alone. You have enough land to do whatever you want. We also want to be good neighbors. We appreciate you shaping the future of our communities, but I would also like my children to enjoy this community and this city.

Berkshire Resident Sri Galopari said this is a very emotional issue for the entire community, so I am only going to mention one thing. Find a win-win-win solution: a win for Catholic Central, Berkshire, and for the city.

Berkshire Pointe resident Cheung said the reason we moved here was for the trees in the backyard. This community is also very friendly. When my wife and I got a notice for the road, we thought that was normal, but we got angry when we noticed they were planning to remove trees behind our house. I understand the student's safety is important, but I think they can move the road further west into the campus. This would also save cost because the road is proposed to be very curvy. I strongly object, and I hope you reconsider.

Berkshire Pointe Resident Kasho said I have a couple of questions. Why is the city not considering that wetlands and woodlands are protected over development in the ordinance? It is not right that we would be replacing huge trees and brush with small trees.

Berkshire Pointe resident Satish said I feel as though we were rushed into this entire process. Did the Planning Commission to look at all the plans? We would like some sort of commitment that they will look at all the plans. Also, the city should do a complete analysis of the entire project to see how future phases will impact the wetlands and woodlands, as well as our homes. When I bought my home, I paid a premium for the wetlands and

woodlands behind my house because the real estate agent said that they were protected and could not be touched. I do not understand how this has changed and why it is so destructive. What is EGLE saying? Please go back to the drawing board and make a less destructive plan.

Berkshire Pointe resident Robert said I would first like to thank my neighbors here because they have done a lot of work over the past week or so on this project. I feel that we have been deceived. We decided to move here from Farmington Hills because of the schools and the neighborhood. I studied in a Jesuit institution for much of my childhood, and this plan is not about instilling values into students – it's about commercial appeal. I am not here to question values, but we should consider the impact of our property decisions to the community.

Berkshire Pointe resident Piush said inclusion is the word I choose. We want to be included throughout this process, and through each phase. It will be a long process, and we do not want to be left in the dark for the next several years.

Seeing that nobody else wish to participate in the public hearing, Chair Pehrson closed the public hearing and turned it over to the Planning Commission for comments.

Chair Pehrson said the result of this session will be a vote to postpone approval of this plan as requested by the applicant.

Member Avdoulos said I appreciate all the residents coming forward and expressing their concerns. I also appreciate Catholic Central bringing the project forward. The Planning Commission received this package on Friday; the residents have looked at longer than we have. We are reviewing it, learning about it from staff, and then it is up to us to decide on approval based on facts. This has been very emotional topic, but sometimes we must remove emotion from decision; we are here to make sure that projects follow the rules. We have been part of a lot of projects that have wetland and woodland issues. There is always a give and take. We look at everything. This project, because of what it is, it needs to go through the Planning Commission and public hearing. We wanted to hear these concerns. I had a question: when we worked on this project back in 2002, the original construction of Catholic Central, did we have a master map of all the development up to Twelve Mile to understand what was coming in the future?

Senior Planner Bell said the applicant did not own the property that bordered 12 Mile at that time. As far as I could find in our files, the original proposal was only the campus as it exists today, and I think they've added some parking lots since then. When they did acquire the property zoned I-1 and bordering Berkshire and the 12 Mile frontage in 2011, they proposed some athletic practice fields. That came through the Commission in 2011.

Member Avdoulos said I wanted to check if there was anything documented regarding proposed developments being looked at.

Senior Planner Bell said the applicant may be able to tell us more about that and when it began.

Member Avdoulos thanked Senior Planner Bell and continued saying there is a lot on this development. It may be as simple as a road right now, but it will have a domino effect. I think, as good neighbors, Catholic Central should work with Berkshire residents to address

and meet the needs of all involved. There must be some sort of dialogue if this is going to work out. I knew that this would almost certainly be postponed when I first saw it. What we are doing now is having this dialogue so Catholic Central knows what we are looking for. The other question I had was is the beautification project along Wixom Road complete yet?

Andy Wozniak said that project has been completed. The only outstanding thing is the monitoring of the wetland mitigation and built roads.

Member Avdoulos said I remember from the beautification project that there were concerned members of Berkshire and wanted some buffering between the properties. Maybe Catholic Central could take a second look at that for possible solutions.

Andy Wozniak said it is ongoing, and during the approval process we suggested that trees be planted on the rear yards on the adjacent properties. That was done, and, in fact, more trees were planted than required. The timing of the signs and the brightness of the sign has been adjusted to around 5 percent of its capacity. The timing does need more attention, especially now that it is getting darker earlier.

I think most residents and the homeowner's association president feel that there is no problem with the actual development of the land; it is more about being sensitive to your surrounding neighbors. Your trees end at the property line and the other property continues, but there is an entire environment there that the homeowners want to maintain. I was on the Planning Commission when Catholic Central came to Novi, and we worked very closely back then. I am going to make the motion for postponing the approval of this project now, and we can continue discussing afterward if we'd like to.

Motion made by Member Avdoulos and seconded by Member Roney.

In the matter of the Catholic Central Connector Road, JSP21-17, a motion to postpone decision on the proposed Preliminary Site Plan, Woodland Permit, Wetland Permit, and Stormwater Management Plan. This motion is made to allow the applicant time to address some of the concerns raised by community members and the Planning Commission, as discussed at the meeting. The applicant and staff are in agreement with this action to postpone. Motion carried 6-0.

Member Becker said I am sure everyone will be pleased, since we are going to be tabling this, most of my comments can be set aside. There are two areas I'd like to speak on. As I have stated before, one of the first steps I take with each proposal is to assess the impact of property owners. I am always concerned that when we approve waivers outside of what is allowed per the ordinance that we are setting precedent that could be applied to future projects. In 2013, a developer asked the Planning Commission and City Council to grant a PRO for several contiguous pieces of property. In the spirit to thoughtful accommodation and with the belief that the PRO would be beneficial, it was approved. The applicant said also that the development would require the removal of 153 trees of which 95 were at least 8 inches in diameter; many were larger than that. That applicant was allowed to replace these trees with trees that were only about 2 and a half inches in diameter and conifers that were only 7 or 8 inches tall. That applicant also said the development would require filling in over a third of an acre of existing wetland. In the spirit of thoughtful accommodation, that applicant was allowed to replace these wetlands with other newly created ones on the property. The applicant was also granted variances and waivers for lot size, building size, and setbacks. I can't help but think that some place this evening there is a certain 10-

year-old resident saying, "Shame on that applicant". However, the applicant was the developer of Berkshire Pointe. Without the willingness of the governing bodies of the City of Novi to thoughtfully accommodate that developer, then there would not be a Berkshire Pointe. Eight years ago, our city set a precedent of thoughtful accommodation concerning Berkshire Pointe. I'm not sure why we shouldn't apply that same thoughtful consideration to the proposal in front of us. Finally, all it takes is a slow drive through Catholic Central's campus to notice the high level of woodlands that the school has maintained. In a letter from the applicant's consultants at Zeimet and Wozniak, dated 9/23 of this year, stated that the applicant is committed to preserving 30 acres of existing woodlands and wetlands. This is 26 percent of their total property. I can only imagine how much it would cost the city, and thus the residents, if we were to purchase 30 acres of existing wetlands and woodlands at fair market value to preserve them. My only request to the applicant at this point is to echo the statement from Davies Resource Group to, "Please provide other options and alternatives that were considered for the location of the connector road that would limit the impacts to the woodland" and "DRG strongly recommends they reevaluate the site layout to minimize the impacts of this high-quality, regulated woodland". I agree with that wholeheartedly.

Member Roney said first, thank you to everyone who came out to voice their issues. Again, we just received these plans on Friday. My first impression was very similar to yours. I was concerned with the plans for the wetland and woodland mitigation. Hopefully something can change there, and I am glad that you all are planning to meet again to hopefully make those changes together.

Member Dismondy said this is proof that the process works. The applicant now understands the concerns. Now, you all can work together and hopefully come up with a solution.

Member Verma said it was a very emotional meeting today, and I have not seen it like this in the past. I am an engineer, so I can tell you, the engineer drew a line on the plan without considering impact on environmental areas. Environmental engineers are different from the engineers who drew these plans. It seems that an engineer laid out this road not realizing the impacts on wetlands, and at that time they chose to not here the sentiments of Berkshire Pointe. I agree, the water will seep into the basements within these plans. Planning staff has asked the engineers for Catholic Central to talk with the neighbors. At that time, they did not do that. If they had, there may have been a different story today. I still believe that there can be a win-win for everyone if the engineers go back and redraw. There is a way to do this better.

Chair Pehrson said I just want to echo everything mentioned on this side of the table. We are placed into situations that may not be cut and dry. These are unusual properties and unusual developments that existed before Berkshire. You are doing what you need to do to educate yourself understand this process by coming here tonight. The property owner and developer can develop their property if they follow the guidelines Member Avdoulos previously mentioned. It's not a matter of what we want; it is a matter of if the project matches what is required by the ordinances and codes of the city. This is one of the largest turnouts we have had in a while, and you will find that nobody on this panel will ever turn a blind eye to what is being requested or fail to hold a fair hearing; this is true regardless of the outcome. We have never taken money or had back door discussions on this Commission, that is not what this body is about. Don't be fooled or mislead; that property owner has a 5-year plan to develop the property as they want. When you have the chance, have meaningful conversations to understand that long-term. Ultimately, it probably will

occur in your backyard, and please remember this when the applicant comes to you to let you know they plan to build a soccer field or whatever it might be. This will be postponed until everyone on this Commission has a chance to reexamine the plans with your comments in mind. I applaud everyone for your timeliness. It is not easy to do this, and I hope you can understand that we are trying to do what is best for everyone here.

ROLL CALL VOTE TO POSTPONE THE APPROVAL OF PRELIMINARY SITE PLAN FOR JSP21-17 CATHOLIC CENTRAL CONNECTOR ROAD MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER RONEY.

Motion to postpone the approval of the preliminary site plan for JSP21-23 Catholic Central Connector Road. Motion carried 6-0.

MATTERS FOR CONSIDERATION

1. ISLAND LAKE NORTH BAY TREE REMOVALS JSP21-23

Consideration at the request of Elliott Milstein, President of Island Lake North Bay Homeowner's Association, for approval of a Revised Landscape Plan. The subject property contains 22.1 acres and is located in Section 18 & 19, east of Napier Road, north of Seaglen Drive. In this revised request, the applicant is proposing to remove 37 landscape trees within open space common area of the Island Lake North Bay Homeowner's Association (Phase 6 of Island Lake) due to tree health, site congestion, and aesthetics.

Planner Carroll said this originally came before you on July 14th, and it is a revised request from Elliot Milstein, the Island Lake North Bay Homeowner's Association President. The Island Lake North Bay complex contains about 22 acres and is located east of Napier Road, north of Seaglen Drive (north of Ten Mile Road). It is zoned R-1 with a Residential Unit Development (RUD) Agreement & Area Plan in place. Since we have discussed zoning and the future land use before, we can briefly review those. The Future Land Use map indicated single family for the site, with some park space in the surrounding area. There is a mobile home park to the north, and Lyon Township is to the west. On this revised request, there is a proposed removal of 37 landscape trees, and the original plan proposed the removal of 31. This is a difference of an additional 6 trees being removed, and the applicant is asking that they all be removed without replacement. These trees are in the open space common area. Upon submittal, it was determined that the subject site has a minimum of 309 landscape and shoreline trees that were required and planted as part of previously approved site plans and subsequent shoreline plans for the development. In this tree survey and the narrative provided by the applicant, approximately 431 trees have been identified in the tree survey; that is about a 122-tree difference. These additional trees were likely planted over the years by various members of the community and by the developer to landscape the community.

Planner Carroll continued to say on the plans in front of you that have been marked by our landscape architect, 37 trees are proposed for removal. 15 of the trees, shown with a circle, are recommended for removal without replacement because they are not on any plan that the city has on record. An additional 14 trees are recommended for removal without replacement because they contribute to the congested appearance of the site; they are shown with a triangle. In total, 29 trees are recommended for approval by staff without replacements being required. However, it is staff's opinion that remaining 8 trees proposed for removal, which are shown with a square, either be replaced or not removed since they add privacy between the buildings, create a consistent look across the front of the units, and provide ecological benefits and shoreline stabilization. In your motion sheet, that is item

C/D. The C item mentions keeping the trees existing, and the D item mentions they can remove them by adding replacements. Below there is the applicant requested motion, as well. With that being said, the Planning Commission is asked tonight to review this matter and approve or deny the Revised Landscape Plan. The applicant, Elliott Milstein, is present tonight, and staff is available to answer any questions.

Island Lake North Bay Condominium Association President Elliot Milstein said I would like to thank you for putting me second on this agenda; I think I would have been nervous speaking in front of a full room. In June of this year, we submitted an application to the Commission soliciting approval for a reduction of trees in our community. We are now formally requesting that the tree plan for our RUD be amended as specified in our September 8th appeal document. This amendment to the RUD involves the acceptance of a much more accurate tree plan and the reduction of 37 trees. I believe the appeal document is self-explanatory. I would like to briefly review three of the most salient points made in the appeal

- The current RUD tree plan shows 243 trees on our property excluding city trees, but a survey that we paid for revealed 431 trees on the property. This is a difference of 186 and a 75 percent increase over the RUD plan. Based on our experience and the advice of several professional arborists, it is a fact that we have too many trees for a healthy landscape environment. The 37 trees we wish to remove were carefully chosen with the advice of professional arborists to accomplish our task with a minimum reduction. Therefore, we believe that our request is very modest, especially given that it still leaves 149 excess trees.
- The current RUD tree plan is extremely inadequate and inaccurate. The actual location of the trees on our property versus the position on the tree plan hardly corresponds at all. The acceptance of the new plan would provide our community and the city with a RUD tree plan that is more accurate by orders of magnitude.
- This Commission is unquestionably empowered with the authority to approve this change to our RUD tree plan and give us permission to remove the 37 trees.

Mr. Milstein continued to say the motion sheet provides three options for the Commissioners: to deny the motion, to approve the motion, and to approve the motion regarding 29 of the trees but to deny 8 trees. I think appeal along with the points I just made has given ample evidence as to why the Commission should approve this motion. However, since the appeal does not give reasons for removal tree-by-tree, the Commission may see some justification in denying the removal of the 8 specified trees; I would like to address that now. The department says that these trees should be kept or replaced because, and I quote, "Such landscape trees add privacy between the buildings, create a consistent look across the front of the units, provide ecological benefits and shoreline stabilization, and add to the beauty of the site. I will briefly respond to each of these reasons, in turn:

- Privacy: How many trees are necessary to provide an appropriate amount of privacy? The answer is totally subjective. Some people might like their home completely concealed from observation, while others may enjoy giving their neighbors a totally unobscured view. Surely, the homeowners are in the best position to say what they want. As their elected officials to manage their property, we believe the Board of Directors is fully qualified and authorized to make this decision. City involvement in this determination is unnecessary and superfluous.
- Consistent look: This, too, is subjective. The current front of the buildings is similar but not identical. Some buildings have as many as 8 trees in front of them, some fewer, and one building has only 3. Nevertheless, we all agree that, as of now, the look is consistent. Furthermore, please note that there are currently over 80 trees directly

located in front of buildings. Of the 8 trees that the department is requesting we retain, only 3 of them are directly in front of buildings. Given the removal of a mere 3 trees, there may be minimal changes in the similarity of the building frontages, but not enough to say they are not consistent.

- Provide ecological benefits: This is admittedly more objective and scientific than the other two positions. I am not an expert, and I cannot speak directly to this. However, I can tell you that we have extensively utilized the services of two different tree companies and their arborists in choosing these trees to eliminate. In their expert opinion, the removal of these trees does not harm the ecology of the site and will in fact improve it by reducing tree congestion.
- Shoreline stabilization: There is only one tree to be removed at the shoreline: tree number 1279 on page 3 of the survey. Our arborists do not see this tree as necessary to the environment, but I must admit that they are not experts in shoreline management. The Planning Division's packet did not arrive in time for us to consult a shoreline management company for input, but we care about our shoreline very much, and we do not believe the removal of this tree would substantially affect shoreline stabilization.
- Beauty of the site: Beauty of the site is entirely in the eye of the beholder. The people who behold this site daily, the residents and co-owners of our community, consider that beauty would be enhanced by the removal of these trees. I do not see why their judgement should be questioned.

Mr. Milstein concluded by saying for all these reasons, and especially because the modification we are proposing is so small, we respectfully ask the Planning Commission to approve the plan as submitted.

Chair Pehrson turned it over to the Planning Commission for consideration.

Member Dismondy said I support this, the reason being the 149 excess trees over the RUD. I do not believe I saw any resident correspondence that was opposed to this matter.

Member Becker asked Landscape Architect Meader since the July 14th Planning Commission meeting where the applicant's issue was first brought to the Commission, has the association or a representative of the applicant requested a meeting with you to explore alternative solutions to the issue at hand? The objective being to find a compromise that would satisfy both the applicant and the City of Novi.

Landscape Architect Meader replied by saying we haven't been in contact since immediately after the July 14th meeting when I spoke with Jim Utley about different ways to approach the issue and to be able to create a motion like this that you could approve.

Member Becker asked nothing about alternatives, though?

Landscape Architect Meader replied no.

Member Becker said just to be thorough, I will ask the same question to the planning staff. Since July 14th, has the applicant or a representative contacted you about discussing options for resolving the issue at hand.

Planner Carrol said yes, after the July 14th Commission meeting, City Planner McBeth, Mr. Meader, and I all met with Mr. Utley one time shortly after that day.

Member Becker said I just have a couple more questions for Mr. Meader to make sure that I have all the facts and rules straight. If a regulated tree is heavily damaged by a natural event or disaster and it is no longer viable, what is the responsibility of the property owner of replacing that tree should they cut it down?

Landscape Architect Meader said per the Ordinance sections 5 and 5.6, the property owner or resident is supposed to keep the property up to the standard of the approved site plan. They must replace it even if it is destroyed by natural causes. The same applies to if a tree was diseased; they should remove it and replace it.

Member Becker asked if a property owner cuts down a tree that they feel is aesthetically unpleasing, what is the responsibility of the property owner to replace that tree?

Landscape Architect Meader said basically, you still must keep up with the plan. If it is a tree that is unattractive, or even if they happen to be allergic to the tree, they are still required to come up with a suitable replacement.

Member Becker asked regarding the 8 trees in question on the proposal, is there any reason why they could not be placed elsewhere?

Landscape Architect Meader said while deciding on this recommendation, I went through the original RUD plan, and Mr. Milstein is correct: the trees are not always planted exactly to the plan. Sometimes this is due to utility issues or something else unrelated. That happens all the time. Every development is a little different than the landscape plan. What I did was count the number of trees between units for each cluster to be helpful to them in terms of where they could replant or take out. However, on the original plan, many of the clusters between units were meant to create some separation between units. That is what I was trying to maintain in my recommendation: the spirit of the original plan.

Member Becker asked haven't there been times where we tell a property owner that they can cut down a regulated tree if they replant somewhere on the property? In this situation, I know it wouldn't satisfy the RUD, but it would be a way out.

Landscape Architect Meader said there are times when we do that. If they can't put a tree in a particular place, we will let them put it somewhere else to at least reach the required tree count.

Member Becker asked was that proposed to the applicant?

Landscape Architect Meader said no I didn't because they only came in with the trees they wanted to remove, so I responded to that. When I made my original response, I did say that you don't have to replant a removed tree exactly in the same spot, but it must be in the general vicinity to keep the spirit of the original plan.

Member Avdoulos said I think I am going to make a motion and then we can see if we want to discuss further after.

Motion made by Member Avdoulos and seconded by Member Becker.

In the matter of Island Lake North Bay Tree Removals, JSP21-23, motion to approve the Second Revised Landscape Plan subject to:

- a. The proposed amendment does not constitute a major change to the RUD Agreement as described in Section 3.29.18.A of the Zoning Ordinance, since it meets the standards of the ordinance as a minor change as detailed in the motion above;**
- b. The removal of twenty-nine (29) landscape trees without replacement because such landscape trees are either not identified on a plan (15) or because the removal of these trees does not compromise the overall planting plan (14);**
- c. The replacement of eight (8) of the seven (37) landscape trees proposed for removal shall be required, with some allowance for adjustment of positioning to alleviate congestion, because such landscape trees add privacy between the buildings, create a consistent look across the front of the units, provide ecological benefits and shoreline stabilization, and add to the beauty of the site;**
- d. The maintenance of all remaining landscape and shoreline trees as identified in any previously approved site plans and shoreline plans for the development shall be the responsibility of the association;**
- e. The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan**

This motion is made because the plan is otherwise in compliance with Article 3, Article 4, and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance.

Member Verma asked when the new trees are planted in a development, does our staff go to the site to make sure that they are following the plan?

Landscape Architect Meader said we inspect them when they are first installed, then again after two years, but we don't usually inspect every year past then.

Member Verma asked why, then, in this case were so many more trees planted than were approved on the plan, and how did nobody know about it?

Landscape Architect Meader said I don't know because that happened a long time before I was here. I have been told that the developer added more trees to the site after the fact than were marked on the plans. The trees between the buildings and the shoreline, for example, were not planted as part of the approved site plan.

Member Verma asked as the Landscape Architect, do you get the as-built drawings of how the trees were planted?

Landscape Architect Meader said not always because we do not always ask for them. We ask for as-builts when there are significant changes to the things we are going to inspect, but we were never asked to inspect these extra trees. We didn't get another set of plans from them showing the extra plantings.

Member Verma asked when any public building or structure is built, our building staff goes to look at it, and when it is done, they get the as-built drawings. However, the Landscape Architect does not get as-built plans?

Landscape Architect Meader We do not always get as-built drawings. As-built engineering issues are very critical because there is infrastructure that needs to be safely maintained. For the trees, we have the plan of what they were required to build, but if someone added trees afterward there is not a requirement for them to provide an as-built landscape plan.

Member Verma said I am amazed that we are always so strict in the meetings with where they must put the trees. However, there are a bunch of trees there now that shouldn't be, and they have had two surveys done properly. Have you seen those surveys?

Landscape Architect Meader as I said, I have seen the trees on-site and on their surveys, but we never had a plan that showed them. I looked through all our plans to try to find them because I couldn't believe there would be extra trees.

Member Verma asked as a landscape architect, do you think we should allow them to cut those trees down? The homeowners themselves are asking us to remove them.

Landscape Architect Meader said I would prefer that they didn't remove any trees without replacing them because the site looks pretty good as it is. However, with some of the trees not being on a plan, we can't really require them to be replaced, but on others I think we can because removing them would detract from the consistency of foundation trees. With many of these proposals, applicants plan to take out too many trees for the area they are in.

Member Verma reiterated his question by saying do you as landscape architect say that it is okay to let them cut down these trees?

Landscape Architect Meader said again, I would prefer if they did not. However, there are certain trees that are not on a plan, so I do not think there is a way we can say no to those removals. For the other ones, we can say that they can't remove them if that is what the Commission wants to see. There are some clustered areas that would not be affected much if at all if a few trees were removed: I'm not disputing that. I am just saying that I am a little uncomfortable picking and choosing which trees they should remove.

City Planner McBeth said if I may, through the Chair, that is the reason we brought this to the Planning Commission. Rick has the authority to approve the removal of certain trees, but the eight trees in question now are the discretion of the Planning Commission. It is your responsibility to say whether it okay to remove with or without replacing them. Either way, Rick promised us he would not be offended.

Member Verma said, I only ask these questions because I hardly know anything about landscaping. I would like to take on the position of our landscape architect, and that is the motion I will support.

Member Roney said I understand the intent of trying to return to the original plan. Of course, those trees were probably planted years ago and weren't as big then as they are now. I do agree, there are a lot of trees on that property. It does look good, but the health of the trees is partly questionable. It really seems to come down to these eight trees and whether we want to require the applicant to replace them. To me, it is just a matter of preference since it is such a small number of trees relative to the size of the community. I am in favor of supporting the preference of the applicant. He has done his homework, they brought

professionals in, and came to a sound conclusion even with multiple perspectives flying around.

ROLL CALL VOTE TO APPROVE THE SECOND REVISED LANDSCAPE PLAN (STAFF RECOMMENDATION) FOR JSP21-23 ISLAND LAKE NORTH BAY TREE REMOVALS MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER BECKER.

Motion to approve the second revised landscape plan as recommended by staff for JSP21-23 Island Lake North Bay Tree Removals. Motion carried 4-2 (Roney, Dismondy).

2. APPROVAL OF THE SEPTEMBER 22, 2021 PLANNING COMMISSION MINUTES

Motion made by Member Avdoulos and seconded by Member Verma.

ROLL CALL VOTE TO APPROVE THE SEPTEMBER 22, 2021 PLANNING COMMISSION MEETING MINUTES MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER VERMA.

Motion to approve the September 22, 2021 Planning Commission Meeting Minutes. Motion carried 6-0.

CONSENT AGENDA REMOVALS FOR COMMISSION ACTION

City Planner McBeth said our Michigan Association of Planning Conference is coming up at the end of October. If anyone wants to, look at the webpage, and let me know if you are interested.

SUPPLEMENTAL ISSUES/TRAINING UPDATES

There were no supplemental issues or training updates.

AUDIENCE PARTICIPATION

Nobody in the audience wished to participate

ADJOURNMENT

Motion to adjourn made by Chair Pehrson and seconded by Member Avdoulos.

VOICE VOTE ON THE MOTION TO ADJOURN MADE BY CHAIR PEHRSON AND SECONDED BY MEMBER AVDOULOS.

Motion to adjourn the October 6, 2021 Planning Commission meeting. Motion carried 6-0.

The meeting adjourned at 10:21 PM.