

## **AGENDA**

### **Traffic Committee Meeting**

**November 18, 2015 – 7:30 P.M.**

**Lower Level Conference Room – Troy City Hall, 500 West Big Beaver Road**

1. Roll Call
2. Minutes – October 21, 2015

### **PUBLIC HEARINGS**

3. Request for Sidewalk Waiver – 4041 Virgilia (Sidwell #88-20-16-452-033)
4. Public Comment
5. Other Business
6. Adjourn

cc: Item 3: Pat Bismack, 2742 Powderhorn, Rochester Hills, MI 48309  
Properties within 300'

Traffic Committee Members;  
Captain Robert Redmond & Sgt. Mike Szuminski, Police Department  
Lt. Eric Caloia, Fire Department  
William J. Huotari, Deputy City Engineer/Traffic Engineer

## TRAFFIC COMMITTEE

### MESSAGE TO VISITORS, DELEGATIONS AND CITIZENS

The Traffic Committee is composed of seven Troy citizens who have volunteered their time to the City to be involved in traffic and safety concerns. The stated role of this Committee is:

- a. To give first hearing to citizens' requests and obtain their input.
- b. To make recommendations to the City Council based on technical considerations, traffic surveys, established standards, and evaluation of citizen input.
- c. To identify hazardous locations and recommend improvements to reduce the potential for traffic crashes.

Final decisions on sidewalk waivers will be made by the Committee at this meeting.

The recommendations and conclusions arrived at on regular items this evening will be forwarded to the City Council for their final action. Any citizen can discuss these recommendations before City Council. The items discussed at the Traffic Committee meeting will be placed on the City Council Agenda by the City Manager. The earliest date these items might be considered by City Council would normally be 10 days to 2 weeks from the Traffic Committee meeting. If you are interested, you may wish to contact the City Manager's Office in order to determine when a particular item is on the Agenda.

Persons wishing to speak before this Committee should attempt to hold their remarks to no more than 5 minutes. Please try to keep your remarks relevant to the subject at hand. Please speak only when recognized by the Chair. These comments are made to keep this meeting moving along. Anyone wishing to be heard will be heard; we are here to listen and help in solving or resolving your particular concerns.

## **PUBLIC HEARINGS**

### **3. Request for Sidewalk Waiver – 4041 Virgilia (Sidwell #88-20-16-452-033)**

Pat Bismack requests a sidewalk waiver for the sidewalk at 4041 Virgilia (Sidwell #88-20-16-452-033). Mr. Bismack states that *“with the new 60’ right-of-way, the neighbor would walk out his front door and his first step would hit the sidewalk and my sidewalk would be the only one on the north side of Wattles, plus one would like to save my trees that are in the right-of-way”*.

The Department of Public Works (DPW) recommends approving the waiver request and that the sidewalk not be installed on Wattles or Virgilia per the attached memo.

### **SUGGESTED RESOLUTIONS:**

- a. WHEREAS, City of Troy Ordinances, Chapter 34, allows the Traffic Committee to grant waivers of the City of Troy Design Standards for Sidewalks upon a demonstration of necessity; and

WHEREAS, Pat Bismack has requested a waiver of the requirement to construct sidewalk based on no other sidewalks on Wattles or Virgilia to connect to; and

WHEREAS, the Traffic Committee has determined the following:

1. A waiver will not impair the public health, safety or general welfare of the inhabitants of the City and will not unreasonably diminish or impair established property values within the surrounding area, and
2. A strict application of the requirements to construct a sidewalk would result in practical difficulties to, or undue hardship upon, the owners, and
3. The construction of a new sidewalk would lead nowhere and connect to no other walk, and thus will not serve the purpose of a pedestrian travel-way.

NOW THEREFORE, BE IT RESOLVED, that the Traffic Committee **GRANTS** a waiver for the sidewalk requirement at 4041 Virgilia (Sidwell #88-20-16-452-033).

- b. WHEREAS, the Traffic Committee has determined, after a public hearing, that Petitioner failed to establish the standards justifying the granting of a waiver,

NOW THEREFORE, BE IT RESOLVED, that the Traffic Committee **DENIES** a waiver of the sidewalk requirement at 4041 Virgilia (Sidwell #88-20-16-452-033).

### **4. Public Comment**

### **5. Other Business**

### **6. Adjourn**

A regular meeting of the Troy Traffic Committee was held Wednesday, October 21, 2015 in the Lower Level Conference Room at Troy City Hall. Pete Ziegenfelder called the meeting to order at 7:30 p.m.

**1. Roll Call**

Present: Tim Brandstetter  
Mitch Huber  
Al Petrulis  
Pete Ziegenfelder

Absent: David Easterbrook  
Richard Kilmer  
Cynthia Wilsher  
Katie Regan (Student Representative)

Also present: Allen Ferguson, 6737 Michael Drive  
Jennifer Walters, 84 Melanie Lane  
Roch Morin, 6725 Michael Drive  
Kevin Nunning, 79 Melanie Lane  
Justin John, 6756 Michael Drive  
Lt. Eric Caloia, Fire Department  
Sgt. Mike Szuminski, Police Department  
Bill Huotari, Deputy City Engineer/Traffic Engineer

**2. Minutes – September 16, 2015**

Resolution # 2015-10-44  
Moved by Petrulis  
Seconded by Brandstetter

To approve the September 16, 2015 minutes as printed.

Yes: Brandstetter, Huber, Petrulis, Ziegenfelder  
No: None  
Absent: Easterbrook, Kilmer, Wilsher

**MOTION CARRIED**

**REGULAR BUSINESS**

**3. Reconsideration – Request for Traffic Control – Melanie Lane at Michael Drive**

The Traffic Committee recommended that a Stop sign be installed on the southbound Michael Drive approach to Melanie Lane at the September 16, 2015 meeting. This recommendation was brought back to the Traffic Committee for reconsideration to allow for additional resident input and for explanation of the Safe Approach Speed calculation with supporting information provided by OHM Advisors relative to their study of the intersection.

Kevin Nunning, 79 Melanie Lane, supports a Stop sign on Michael Drive. He reports that the cleaning service for his house was almost hit at the intersection and ended up in a front yard avoiding the crash.

Roch Morin, 6725 Michael Drive, stated that he is the president of Lamb's Other End subdivision. He supports no traffic control or a Yield sign at the intersection. Everyone must be vigilant when driving in a subdivision. He believes that a Stop sign may create a false sense of security as drivers on Melanie Lane may assume that a driver on Michael Drive is going to stop.

Jennifer Walters, 84 Melanie Lane, supports a Stop sign at the intersection. She reports that there are sixteen (16) children living on Melanie Lane. She has almost been involved in three (3) crashes at the intersection and ended up in the front yard of 43 Melanie Lane while avoiding a collision. There may not be reported crashes, but there have been several near misses. There is a "rush hour" in the subdivision as most residents have school age children and work. She defers to the expert recommendation by OHM Advisors. A three (3) foot tall child is much more difficult to see than a approaching vehicle.

Justin John, 6765 Michael, supports no traffic control or a Yield sign at the intersection. He rarely see traffic when he travels through the intersection, but knows to yield to oncoming traffic if present. He reviewed eighteen (18) intersections in the one-square mile section, centered on Livernois, and found that four (4) intersections had Stop signs; eight (8) had Yield signs; and the remaining intersections had no traffic control. He feels that a Stop sign is excessive for this location.

Al Ferguson, 6737 Michael Drive, is opposed to a Stop sign. He has counted the number of encounters he has had with opposing traffic since the original notice to residents was sent and he personally has had no conflicts with other vehicles in his over 50 trips through the intersection. The OHM Advisors recommendation is based on a Safe Approach Speed of 9.8 mph which is very near the 10 mph limit and he believes that a Yield sign should be permissible. He noted a "typo" in the original report delineating obstructions in the "northeast corner" when in actuality the obstruction used in the calculation is in the "northwest corner". The tree (obstruction) in question is 22 feet off the road and the measurement is inexact at best. Mr. Ferguson referenced Mr. John's study of similar intersections and stated that other locations that have Stop signs have vision obstructions such as berms or trees that obstruct vision down to the ground.

Mr. Ferguson continued that there have been no crashes at the intersection in his 12 ½ years living in this subdivision. He would support a Yield sign if that would provide more clear direction as to right-of-way at the intersection. Stop signs should not be installed at locations where they are not warranted. He travels through the intersection at all times of the day and does not feel there is an issue with right-of-way. Mr. Ferguson submitted a letter to the Traffic Committee opposed to the installation of a Stop sign. The letter was signed by ten (10) residents on Michael Drive.

Mr. Morin stated that when he sees kids on the roads or sidewalks he slows down or stops.

Mr. Ferguson asked that the Traffic Committee take into consideration the ten (10) residents on Michael Drive that signed the letter opposing a Stop sign. He stated that there is no data that supports a Stop sign. He feels that you should not place a sign based on one person's request.

There was general discussion regarding aggressive drivers and what assistance Troy Police could offer.

Mr. Huber asked about "Children at Play" signs. These types of signs are not installed in Troy as the Michigan Vehicle Code prohibits the installation of any sign that is not specified in the Michigan Manual of Uniform Traffic Control Devices (MMUTCD). These types of signs show no evidence of having reduced pedestrian crashes or vehicle speeds. "Children at Play" signs create a false sense of security for parents and children. Motorists have been found to pay little attention to them. Playing in the street is unsafe and illegal.

Resolution # 2015-10-45  
Moved by Petrulis  
Seconded by Brandstetter

WHEREAS, the Traffic Committee passed a resolution at its September 16, 2015 meeting recommending that the intersection of Melanie Lane at Michael Drive be MODIFIED from NO traffic control to ONE-WAY STOP control with a sign on the southbound Michael Drive approach to Melanie Lane; and

WHEREAS, the recommendation was brought back to the Traffic Committee for reconsideration to allow for additional resident input and for explanation of the Safe Approach Speed calculation with supporting information provided by OHM Advisors relative to their study of the intersection;

NOW THEREFORE, BE IT RESOLVED, that the Traffic Committee approves reconsideration of its recommendation for a traffic control device at the intersection of Michael Drive at Melanie Lane.

Yes: Brandstetter, Huber, Petrulis, Ziegenfelder  
No: None  
Absent: Easterbrook, Kilmer, Wilsher

Steve Dearing, traffic engineering consultant, was present at the meeting to discuss the report prepared by OHM Advisors for the intersection of Michael Drive at Melanie Lane. Mr. Dearing provided a history of traffic control devices and their use. In short, the Michigan Manual of Uniform Traffic Control Devices (MMUTCD) is adopted by the Michigan Vehicle Code and is the basis of law. He continued in discussing how, when and where do you pick a Stop vs a Yield sign vs uncontrolled.

Traffic control in a residential area can be very emotional and the goal behind the Safe Approach Speed (SAS) calculation is to make the placement of traffic control objective rather than subjective. The SAS goes back to the early 1960's when the concept was originally developed by AAA to determine if an intersection is restricted enough to limit a driver's ability

to see a conflict. Over the years a rational method was developed based on nomographs that was turned into a calculation. The calculation is conservative by nature and based on worst case scenarios. There is engineering judgment used as the calculation provides a value based on the input provided. There is no perfect safety and the placement of traffic control looks at risk management in a conservative nature. In the end, an intersection study is based on a judgment call.

Mr. Petrulis discussed driver behavior at Stop and Yield signs based on his experiences as a driver.

Mr. Ziegenfelder stated that he is always in favor of traffic control devices at an intersection. He believes that Stop signs provide much clearer guidance in the event of a crash.

Mr. Petrulis did review the intersection and said that he did not notice any significant obstructions on the corners. He feels that a Stop or Yield sign would be appropriate but has concerns about how effective a Stop sign would be if drivers don't believe it is warranted and may treat it as a Yield sign.

Mr. Brandstetter shared similar concerns in that a Stop sign may create a false sense of security at this particular location.

Resolution # 2015-10-46

Moved by Huber

Seconded by Brandstetter

RESOLVED, that the intersection of Melanie Lane at Michael Drive be MODIFIED from NO traffic control to a YIELD sign on the southbound Michael Drive approach to Melanie Lane.

Yes: Brandstetter, Huber, Petrulis, Ziegenfelder

No: None

Absent: Easterbrook, Kilmer, Wilsher

#### **MOTION CARRIED**

A question was posed by Ms. Walters regarding liability of the City based on the published study by OHM Advisors recommending a Stop sign. Mr. Dearing addressed the question by discussing tort liability. The State has exempted executive decisions such as those of fundamental policy. Whether to install a traffic control device, such as a Stop or Yield sign, is an issue where you exercise judgment and so is considered protected from claims of tort liability. The judgment is based on information provided and the executive action or approval is based on the best interests of the City.

#### **4. Public Comment**

There was no additional public comment.

**5. Other Business**

An update on the status of the pathway program was provided.

**6. Adjourn**

The meeting adjourned at 8:45 p.m.

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Pete Ziegenfelder, Chairperson

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Bill Huotari, Deputy City Engineer/Traffic Engineer

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500 W. Big Beaver.  
Troy, MI 48084  
248.524.3300  
troymi.gov

10-16-2015

TO: The City of Troy Traffic Committee

FROM: Timothy Richnak, Public Works Director   
Kurt Bovensiepe, Public Works Manager 

SUBJECT: Request for Waiver of Sidewalk Requirement  
Sidwell Number 88-20-16-452-033

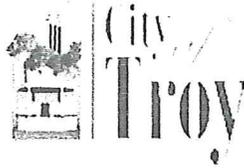
Per the attached waiver form, Pat Bismack, is requesting a waiver for the sidewalk on the property located at 4041 Virgilia, 88-20-16-452-033, in the Lakewood Subdivision.

Chapter 34 City of Troy Sidewalks and Driveway Approaches Ordinance # 34-07 requires, all owners of lots and premises abutting dedicated streets open to the public shall be required to construct sidewalks and driveway approaches at the time of construction of any new buildings or structures, or additions to buildings or structures, or at the time a nonconforming use changes to a permitted use in the Zoning District. No occupancy permit shall be issued until such time as the owners of said property have complied with the requirements of this provision provided only that the Director of Building and Zoning may extend the time for completion of the required sidewalks and driveway approaches in accordance with established procedure.

City of Troy Sidewalks and Driveway Approaches Ordinance # 34.07.01 also requires that a sidewalk be installed in conjunction with the development of a parcel because of a recent lot split, combined and re-platted

Please be advised that there is no sidewalk along the north side of Wattles, Virgilia, on any surrounding streets in the subdivision, or the adjacent parcels.

We recommend that the sidewalk not be installed as per ordinance #34.07. The installation of a sidewalk on this property would not provide any pedestrian connections. The adjacent parcels and the rest of the subdivision were not developed with sidewalks. If the sidewalk requirements were to be waived, we recommend the approval be subject to the execution and recording of an "Agreement for Irrevocable Petition for Sidewalk", or the submission of a cash deposit for future construction to assure consent and participation if there is future sidewalk installation.



City of Troy  
Mr. Timothy L. Richnak  
Public Works Director  
4693 Rochester Road  
Troy, MI 48098

Mr. Richnak,

I am/we are the owner(s) of the property at 4041 VIRGINIA

Lot number 122 & 123

Subdivision Name LAKELWOOD

Sidewell Number 20 16 452 033

I/we would like to request a sidewalk variance for the following reasons:

WITH THE NEW 60' RIGHT AWAY  
THE NEIGHBOR WOULD WALK OUT  
HIS FRONT DOOR AN HIS FIRST WOULD  
HIT THE SIDEWALK AND MY SIDEWALK  
WOULD BE THE ONLY ONE ON NORTH  
SIDE OF WATTLES PLUS ONE WOULD LIKE TO  
SAVE MY TREE THAT ARE IN RIGHT AWAY

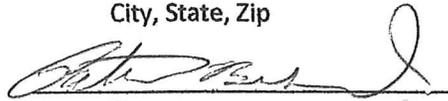
See attached plan/sketch.

I/We can be contacted at 810 397 5327  
Phone Number

PAT BISMACK  
Name

2742 POWDERHORN  
Address

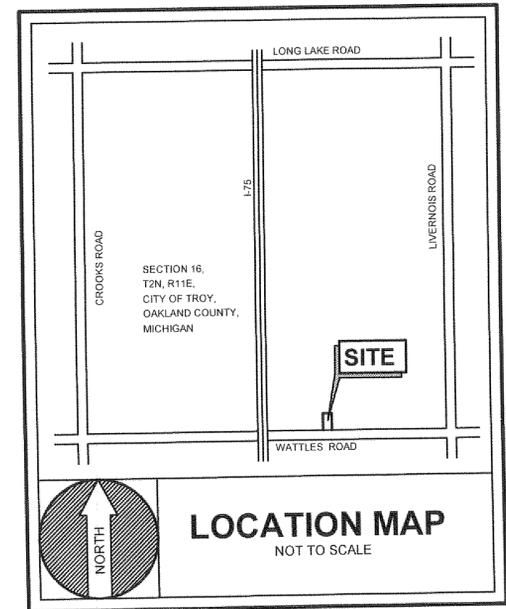
ROCK HILLS MI 48309  
City, State, Zip

  
Signature

# TOPOGRAPHIC PRE-GRADE LOT 123 & PART OF LOT 122 "LAKEWOOD SUBDIVISION"

PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 SITUATED SOUTH OF LAND FORMERLY OWNED BY HIRAM SMITH ON SECTION 16 TOWN 2 NORTH RANGE 11 EAST. CITY OF TROY, OAKLAND COUNTY MICHIGAN.

PARCEL ID #20-16-452-033  
#4041 VIRGILIA STREET



## BENCHMARK:

#1) SAN MH @ IN FRONT OF UNIT 123  
ELEV. 702.00 (AS-BUILT)

## DESCRIPTION OF PROPERTY

LOT 123 AND EAST 56.25 FEET OF LOT 122 OF "LAKEWOOD SUBDIVISION", PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 SITUATED SOUTH OF LAND FORMERLY OWNED BY HIRAM SMITH ON SECTION 16, TOWN 2 NORTH RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN.

NOTE: FAZAL KHAN & ASSOCIATES ASSUMES NO RESPONSIBILITY FOR BUILDING DIMENSIONS PROVIDED BY CLIENT. OWNER/BUILDER MUST VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.

NOTE: THIS PLOT PLAN WAS PREPARED WITH PLANS OBTAINED FROM THE CITY. NO FIELD WORK WAS PERFORMED. APPROVAL OF THIS PLAN DOES NOT RELIEVE THE OWNER/BUILDER OF COMPLIANCE WITH ALL APPLICABLE CODES AND/OR ORDINANCES.

NOTE: DRIVEWAY PLACEMENT AS SHOWN IS FOR CONCEPTUAL PURPOSES ONLY. SEE BUILDER SPECIFICATIONS FOR FINAL DRIVEWAY LAYOUT.

NOTE: SUMP PUMP DISCHARGE SHALL BE CONNECTED TO AN APPROVED DRAINAGE SYSTEM

## EROSION CONTROL MEASURES & SEQUENCE OF CONSTRUCTION

- USE EXISTING CONCRETE DRIVE FOR ACCESS.
- INSTALL TEMPORARY SOIL EROSION CONTROL MEASURES AND SILT FENCE AS INDICATED ON PLAN AND AT ADDITIONAL AREAS AS NECESSARY.
- REMOVE EXISTING HOUSE AND CONCRETE AS INDICATED.
- MAINTAIN A 15 FT. BUFFER OF VEGETATION WHERE POSSIBLE AROUND PERIMETER OF SITE.
- STRIP AND STOCKPILE TOPSOIL FROM PROPOSED PAVED AREAS. STOCKPILES SHALL BE LOCATED AWAY FROM DRAINAGE COURSES AND SHALL BE GRADED AND SEED.
- INSTALL UTILITIES AND UTILITY LEADS.
- CONSTRUCT BUILDING.
- FINAL GRADE, REDISTRIBUTE STOCKPILED TOPSOIL, ESTABLISH VEGETATION AND/OR LANDSCAPE ALL DISTURBED AREAS NOT BUILT OR PAVED UPON.
- CLEAN PAVEMENT AND REMOVE ALL TEMPORARY EROSION CONTROL MEASURES. RE-ESTABLISH VEGETATION AS NECESSARY.
- ALL DIRT AND MUD TRACKED ONTO PUBLIC ROADS SHALL BE REMOVED DAILY.

CONTACT NAME:  
**BISMACK DESIGNS INC.**  
(248) 705-6988  
2742 POWDERHORN RIDGE  
ROCHESTER HILLS, MI 48309

DISTANCE TO LANE DRAIN  
± 2.3 MILES

AREA OF DISTURBANCE  
±0.76 ACRES

NOTE: SOIL EROSION CONTROLS  
WILL BE MAINTAINED WEEKLY AND  
AFTER EVERY STORM EVENT.

NOTE: THIS TIMING AND SEQUENCE  
CHART IS TO BE FILLED IN BY THE  
APPLICANT PRIOR TO SUBMITTAL OF  
THE SOIL EROSION APPLICATION.

## SEQUENCE OF CONSTRUCTION

MONTH	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC
SOIL EROSION CONTROL												
EXCAVATE BASEMENT												
BACKFILL BASEMENT												
STONE ACCESS												
COMPLETE ALL EARTH MOVEMENT												
SEED & MULCH												

## CITY OF TROY STANDARD NOTES

NOTIFY THE CITY OF TROY ENGINEERING DEPARTMENT AND SEWER AND WATER DEPARTMENT A MINIMUM OF 48 HOURS PRIOR TO THE START OF CONSTRUCTION.

ALL CONSTRUCTION MUST BE CONFORMING TO THE CURRENT STANDARDS AND SPECIFICATIONS ADOPTED BY THE CITY OF TROY.

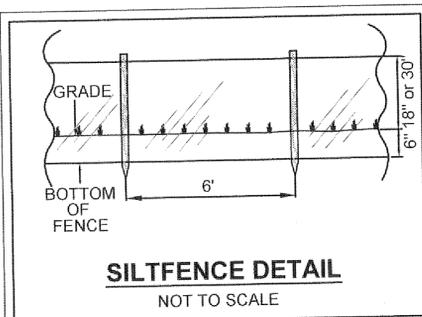
CALL MISS DIG (1-800-482-7171 OR 811) A MINIMUM OF 72 HOURS PRIOR TO THE START OF CONSTRUCTION.

ALL SOIL EROSION AND SILT MUST BE CONTROLLED AND CONTAINED ON SITE.

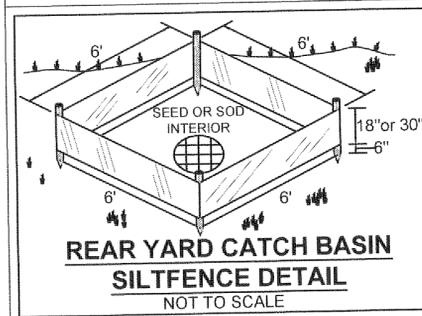
ALL EXCAVATION UNDER OR WITHIN 3 FT. OF PUBLIC PAVEMENT, EXISTING OR PROPOSED, SHALL BE BACKFILLED AND COMPACTED WITH SAND (CLASS II MDOT MINIMUM).

THE CONTRACTOR IS RESPONSIBLE FOR ALL DAMAGE TO EXISTING UTILITIES.

THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL CITY OF TROY PERMITS INCLUDING A PERMIT TO OCCUPY PUBLIC UTILITY EASEMENTS OR PUBLIC RIGHTS-OF-WAY.



**SILT FENCE DETAIL**  
NOT TO SCALE



**REAR YARD CATCH BASIN SILT FENCE DETAIL**  
NOT TO SCALE

NOTE:  
AS-BUILTS TAKEN BY FAZAL KHAN & ASSOCIATES  
8-12-15  
NO GARAGE FOOTINGS WERE BUILT ON THIS DATE

NOTE:  
TOP OF BASEMENT WALL 705.79  
TOP OF FOOTING 696.99

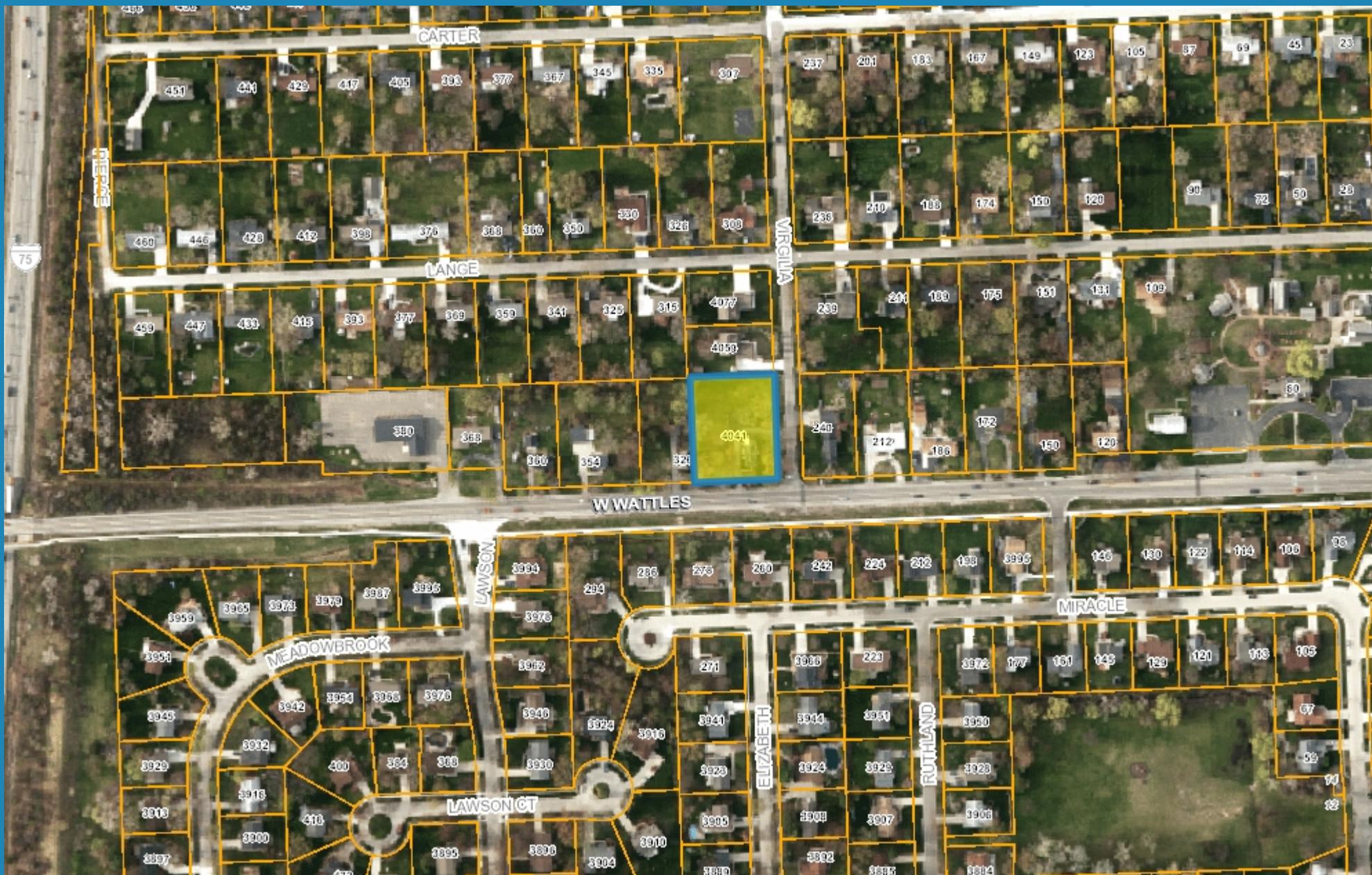
SE. COR  
LOT 123

CALL MISS DIG  
72 HOURS  
(800) 482-7171  
BEFORE YOU DIG  
1-800-482-7171  
OR 811  
(TOLL FREE)

LOT 123 & PART OF LOT 122  
"LAKEWOOD SUBDIVISION"  
PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 SITUATED SOUTH OF LAND FORMERLY OWNED BY HIRAM SMITH ON SECTION 16 TOWN 2 NORTH RANGE 11 EAST. CITY OF TROY, OAKLAND COUNTY MICHIGAN

FAZAL KHAN & ASSOCIATES, INC.  
CIVIL ENGINEERS & LAND SURVEYORS  
42279 SCHOENHEER, STERLING HEIGHTS, MI 48313  
PHONE (586) 739-8007 FAX (586) 739-6994  
WWW.FAZALKHAN.COM

PROJECT NO. 15-0014F  
DATE 8-13-15  
DRAWN BY E.A.  
CHECKED BY C.P.T.  
FIELD BOOK XXX  
CLIENT BISMACK DESIGNS  
SCALE 1" = 30'



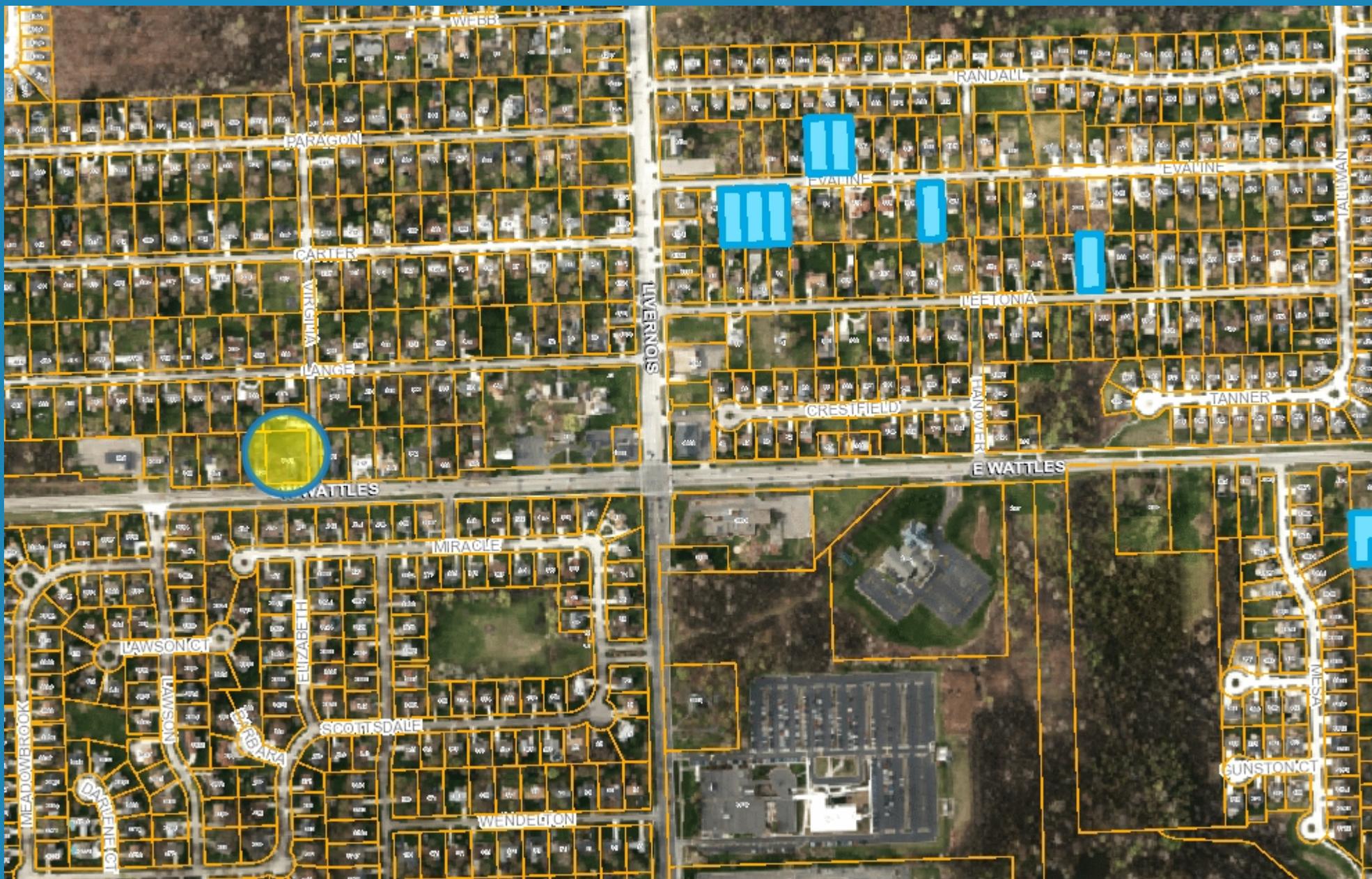
700 0 350 700Feet



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.



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1,401 0 700 1,401 Feet



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