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WHITE LAKE TOWNSHIP DEPARTMENT OF PUBLIC SERVICES

7525 Highland Road, White Lake, Michigan 48383-2900, (248) 698-7700, www.whitelaketwp.com

June 9, 2022

Honorable Board of Trustees
Charter Township of White Lake
7525 Highland Road
White Lake, MI 48383

RE: Request for utilities variance under Ord. Sec. 38-355

Dear Board of Trustees:

The North Shore Apartments (Condos) on M-59 west of Kohl's have lost one of their two wells that supply 80 units on the site. Under Township Ordinance 38-354 Sections B, C, and D, as well as Section 8 of the master deed, this development would be required to connect to Township water in the event of well failure. It is my understanding that their remaining well will not sufficiently supply the development and leaves them vulnerable to a major public health issue should the remaining well break down.

The owner of the development has quoted some costs of connection that did not come from DPS. No cost estimates were provided for the cost of constructing a connecting main. We have not located copies of the site plan at the time of this memo for development of a construction estimate. White Lake constructed an 8-inch stub for future supply to this development with the M-59 West watermain in 2005. This property was included in the SAD which was paid off.

The owner(s) of North Shore Condos are requesting a variance from Ord. Sec 38-354 per Ord. Sec. 38-355 under siting financial hardship and public health hazard.

Please feel free to contact me if you have any questions.

Sincerely,

Aaron D. Potter
Director, Dept. of Public Services
Charter Township of White Lake

NORTH SHORE CONDOMINIUM OF WHITE LAKE ASSOCIATION
970 Village Drive
White Lake, MI 48383

To: White Lake Township Board:

Honorable Township Board,

My Name is Jerry Shaba and I am the President of North Shore Condominiums. I am writing to you regarding drilling a new well; our water supply is considered a tape 1 supply. We currently have two wells working. While attempting to repair one of these two wells, unfortunately we were unsuccessful.

We have to drill a new well in order to fully operate successfully. We are in dire need of drilling a new well due to the occupancy of 81 residences currently, only operating under the use of one well. We applied to the State of Michigan for permits and approvals and received them. (see attached). This matter is urgent and critical for the operating success of our establishment and in order to ensure safe living environments for the citizens residing in this township.

We are in a very precarious situation and the State of Michigan has granted us an approval subject to our Honorable Townships approval since this matter is so critical. We cannot afford to lose our water supply for our 81 residences. The Township is asking us to tap into their system and that process takes approximately one year or more. We cannot wait that long for a water supply for our residents. The severity of the necessity for water becomes dangerous when or if our current only function well happens to need repair and then the entire association of 81 residents and their families will unfortunately have no water supply creating a very dangerous situation for all in the community. We would like to rectify this as soon as possible so that unfortunate occurrence does not happen.

The financial cost of tapping into the Township water supply versus drilling a new well is drastically different. Based off of estimates, it may cost the association anywhere from \$30,000 to \$60,000 in order to install a new well. Tapping into the township water is astronomically different in pricing as it involves paying the Township, State, Engineering and Contracting companies. This may cost upwards of \$10,000 per unit and that unfortunately would put our association out of business. I urge you to consider this request and approve this permit for the new well to be drilled as soon as possible please.

Thank you very much for your consideration,

Respectfully yours,

Jerry Shaba

President

Sec. 38-353. - Water system extension.

In the event the township elects to extend an existing water system or water main, any structure which has been built on property where connection to the system is reasonably available, and where the development within which the structure is located previously received a waiver pursuant to section 38-108, will be required to connect to the water system extension. For purposes of this section, the term "reasonably available" means one or more of the following conditions:

- (1) The public water line abuts the property;
- (2) A public water line has been built abutting property under the same ownership or control as the property on which the structure is located; or
- (3) Where the township, by resolution, agrees to extend the water system to the property within a stated reasonable time period.

Costs associated with this provision, including any fees and cost imposed by ordinance, plus the cost of installation of the service pipe into said structure shall be considered a special assessment and lien against the affected property, to be levied and paid over a ten-year period plus interest at the rate of eight percent per annum.

(Ord. of 8-17-2004; Ord. No. 22, § 12.1, 11-24-2009)

Sec. 38-354. - Connection to water system.

- (a) All new structures which are occupied by individuals or are proposed to be occupied by individuals (except for storage structures not intended for continuous occupancy) lying within the boundaries of the township shall be connected to an available public water system in the township before a certificate of occupancy shall be issued if such a public water system exists.
- (b) Existing structures are occupied by individuals or are proposed to be occupied by individuals, (except for storage structures not intended for continuous occupancy) lying within the boundaries of the township (but outside of a special assessment district) shall be connected to the available public water system upon the earlier of the following events:
 - (1) Within 90 days after the date of mailing or posting of written notice by the township or the county health division that a health hazard exists due to the failure of an existing well system due to well failure, soil conditions or for any other reason.
 - (2) Where a new well is necessary because of the construction of new structures or additions to existing structures.
 - (3) Where any addition or alterations to an existing structure is proposed, whether or not new and/or additional water systems are necessary. However, if the township board determines, in its discretion, that compliance with this subsection (b)(3) would pose a

hardship to the property owner, the board may defer the time period for connection for up to five years. In such event, all persons with any interest in this property shall execute a covenant, in form suitable for recording at the county register of deeds, and approved by the township attorney, confirming the requirement to connect to the public water system.

- (c) Existing structures subject to prior agreements (including, without limitation, the agreement referenced in subsection (d) of this section immediately following) or prior approval conditions requiring water hookup when such water system becomes available shall connect to the water system as provided in said agreement or conditions.
- (d) This subsection applies to new structures for which an available public water system is not immediately available for connection but the township reasonably anticipates that the public water system will be extended in the future in reasonable proximity to such new structure. In such event, the township may, as a condition of site plan approval, require the applicant to connect said structure to the public water system within 60 days of the date the township notifies the owner of the property (as shown on the last tax assessment roll of the township) that the system is available for connection. In such event, all persons with any interest in the property shall execute a document, in form suitable for recording at the county register of deeds, and approved by the township attorney, confirming the requirement to connect to the public water system.
- (e) All structures within the boundaries of a water related special assessment district shall be connected to the available public water system. This connection shall be completed promptly, but not later than 90 days after the township sends written notice to the owner of the property on which the structure is located, as shown by the last tax assessment roll of the township, giving notice of the availability of the public water system and the existence of this article.
- (f) The township board may, by resolution, establish the geographic boundaries of one or more mandatory water connection districts. All structures requiring potable water, located within a mandatory water connection district where connection to the system is reasonably available, shall be required to connect to the water system. For properties within a mandatory water connection district, the township shall notify the property owners that the water system is available for connection. The property owners shall be required to connect their structures to the system within 90 days after the mailing or posting of the notice of availability.

(Ord. of 8-17-2004; Ord. No. 22, § 12.2, 11-24-2009)

Sec. 38-355. - Variance.

The township board may grant a variance from the provisions of sections 38-353 and 38-354 under

the following terms and conditions:

- (1) The applicant must submit a written request to the township board for a variance from the requirements of this article and demonstrate:
 - a. That compliance with the terms of this article would result in an unreasonable hardship; and
 - b. The property is otherwise served by an existing source of water that conforms to the requirements of all applicable local, state and county regulatory agencies.
- (2) The township board shall consider the request and grant a variance only if it makes a finding that the granting of the variance will be in harmony with the general purpose and intent of this article and not be detrimental to the public welfare.
- (3) In granting any variance, the township board may prescribe appropriate conditions in conformity with this article. Violation of such conditions shall be deemed a violation of this article and punishable under applicable provisions of this article. Conditions imposed shall meet all the following requirements.
 - a. Be designed to protect natural resources, the health, safety and welfare, and the social and economic well being of those who will use the premises and the community as a whole.
 - b. Be related to the valid exercise of the township's powers and purposes as to the specific property involved.
 - c. Be necessary to meet the intent and purpose of this article.
- (4) Any variance granted pursuant to this section shall continue only as long as the source of water in existence at the time the variance request was granted, continues to comply with the standards of all applicable state and county regulatory agencies. Should the source of water not so comply, the variance shall automatically terminate.

(Ord. of 8-17-2004; Ord. No. 22, § 12.3, 11-24-2009; Ord. of 12-21-2021.)



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
WARREN DISTRICT OFFICE



LIESL EICHLER CLARK
DIRECTOR

June 3, 2022

Jerry Shaba, Owner
North Shore Apartments
P.O. Box 252201
West Bloomfield, Michigan 48325

WSSN: 06487
County: Oakland
Supply: North Shore Apartments

Dear Jerry Shaba:

SUBJECT: North Shore Apartments – Test Well 01 Approval

The Department of Environment, Great Lakes, and Energy (EGLE), Drinking Water and Environmental Health Division (DWEHD) has reviewed the documentation submitted for the proposed test well (TW-01). The purpose of TW-01 is to replace existing production Well No. 2 (east well). The proposed well capacity is 200 gallons per minute (gpm).

After a thorough review, this letter grants test well drilling approval to conduct well site investigation work for North Shore Apartments. TW-01 site investigative work will be completed at (42.650780, -83.517357). TW-01 will be an 8-inch diameter polyvinyl chloride (PVC) well, constructed to a depth of at least 70 feet (ft) and grouted with neat cement. If the proposed test well is planned to be converted into a production well, all work shall be done in accordance with Part 127 of the Public Health Code Act 368, known informally as the Michigan Well Construction Code.

TW-01 is located in the same watershed boundary and the proposed capacity is an equivalent replacement of production Well No. 2 (east well). A Site-Specific Review (SSR) pre-screening to determine if the withdrawal would cause an Adverse Resource Impact will not be required.

TW-01 may be converted into a production well if constructed in accordance with Type 1 public water supply well construction requirements. The following information must be submitted to the Warren District Office (WDO) prior to submitting the permit application to convert TW-01 to a production well:

1. An aquifer test must be completed in accordance with EGLE's **Aquifer Test Requirements for Public Water Supply Wells** policy ODWMA-399-003 (enclosed). One hard copy and an electronic copy of the Aquifer Test Report (Report) shall be provided to EGLE for review.
2. In accordance with R325.10810 of Act 399, type I public water supplies (PWS) shall own the entirety of the approved isolation to prevent use that could contaminate the PWS. If ownership is demonstrated to not be possible then adequate control is required, such as with long-term leases or easements.
3. A final site plan showing the location with GPS coordinates of TW-01 relative to property lines and any potential standard source of contamination within 200 ft. All major sources of contamination will need to be identified within 2,000 ft of TW-01 Isolation areas measured out from the wellhead will need to be provided on the site plan. Any other wells installed on the property will need to be identified along with GPS coordinates on the site plan.

4. Final well logs for the aquifer test and any other wells installed on the property will need to be included in the Report.
5. A new source water will require the water to be sampled and analyzed for compliance with Act 399. Water analysis must include partial chemistry, cyanide, volatile organic compounds, carbamates, herbicides, pesticides, metals, radiological, corrosivity, and Per- and Polyfluoroalkyl Substances (PFAS).

The enclosed **Chemical Monitoring Requirements for New Community Water Supply Wells** provides a list of analytes that are required to be analyzed. Water samples must be collected at the end of the pump test for analysis. Copies of the analytical results along with conclusions and recommendations on the water quality will need to be included in the Report. Information on EGLE's Drinking Water Laboratory and list of other certified laboratories can be viewed at www.michigan.gov/drinkingwater.

6. Water quality parameters along with chloride and sulfate analysis will need to be used to determine the corrosivity of the new source water. Conclusions and recommendations on the corrosivity of the new source will need to be included in the Report.

This test well approval letter does not approve TW-01 for use as a production well or connection to a community water supply system. Installation of pump equipment and related appurtenances and connection to the water system is prohibited until a permit has been issued by EGLE.

A **Permit Application for Water Supply Systems** can be downloaded from www.michigan.gov/drinkingwater open Community Water Supply then under Manuals, Forms, and Brochures open Water Supply Permit Application. The permit application, construction specifications, and plans will need to be completed by an engineer registered in the State of Michigan and submitted to the Warren District Office for review.

This test well approval letter expires in two years of the date of this letter. This letter does not remove the need for other applicable local, state, or federal approvals or permits. If you should have any questions regarding this correspondence, please contact me by phone at 248-794-2479; by email at AdenJ@michigan.gov; or in writing at EGLE, DWEHD, WDO, 27700 Donald Court, Warren, Michigan 48092.

Sincerely,



Joshua Aden
Environmental Quality Analyst
Field Operations Section
Drinking Water and Environmental Health Division

Enclosures

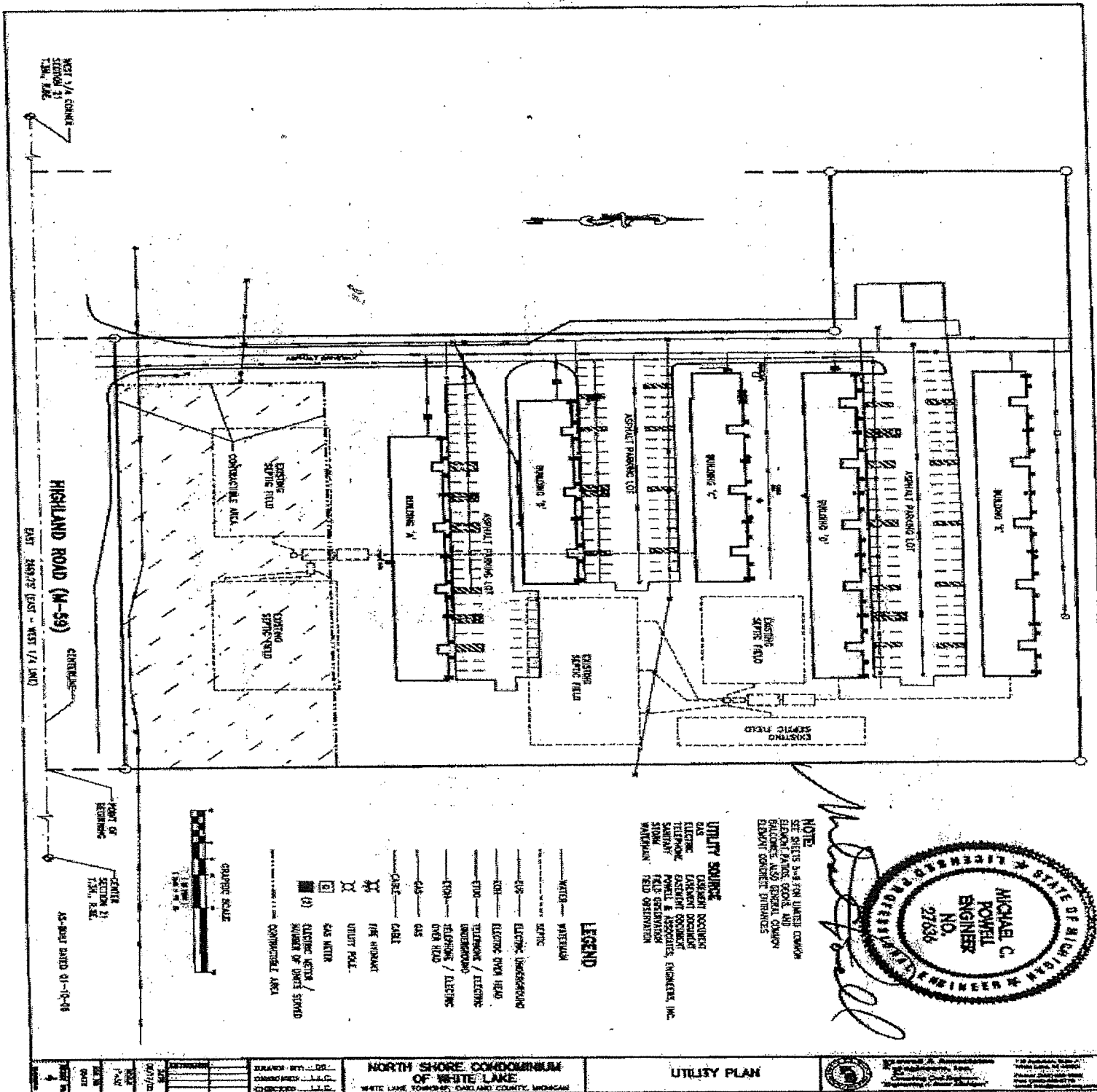
cc: Dan Whalen, Williams and Works
Matt Lalone, Lalone Well Drilling
Oakland County Health Division
Yunus Patel, EGLE

performing any responsibilities under this Article IV which are required, in the first instance, to be borne by any Co-owner shall be assessed against such Co-owner and shall be due and payable with his or her monthly assessment next falling due; further, the lien for non-payment shall attach as in all cases of regular assessments and such assessments may be enforced by the use of all means available to the Association under the Condominium Documents and by law for the collection of regular assessments including, without limitation, legal action, foreclosure of the lien securing payment and imposition of fines.

Section 7. Contracts for Goods and Services. The Association may, in the discretion of the Board of Directors, enter into such contracts for goods and services for the benefit of the Co-owners as it may deem advisable including, without limitation, contracts for buildings and grounds maintenance, trash handling, vending machines, cable television service, security service and leases of equipment. The Association may also operate for the benefit of the Association the washers and dryers located in the laundry/office room.

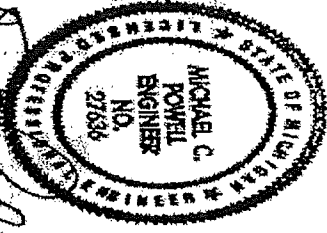
Section 8. Septic System and Well System. In the event that, in the future, it shall be required by a public authority or public authorities to install and connect to the public sewer main and/or public water main to serve the Units in this Condominium, then the collective costs assessable to the Condominium Premises as a whole of installation and connection of such mains shall be borne by all Co-owners in accordance either with the formula established by the appropriate governmental authority or, if no such formula is established, then in accordance with the percentages of value assigned herein. Likewise, in the event that there is either a septic failure or a well water failure either within any Unit or in the Project which, in turn, necessitates the connection to either a public sewer mains or water mains, then the main or mains as needed sufficient to serve all Units shall be installed and the costs thereof assessable to the Condominium Premises shall be apportioned among all Co-owners as provided in the preceding sentence. Any costs of installation of such mains along a public right-of-way to such point of contiguity shall be assessable as otherwise provided by law. The cost to connect either to the public sewer main and/or public water main may occur by the establishment of a special assessment district. The acceptance of a conveyance or the execution of a land contract by any Owner or purchaser of a Condominium Unit shall constitute the agreement by such Owner or purchaser, his/her heirs, executors, administrators, or assigns, that the Board of Directors of the Association shall be vested with full power and authority to obligate all Co-owners to participate in a special assessment district, sign petitions requesting said special assessment, and consider and otherwise act on all assessment issues on behalf of the Association and all Co-owners; provided, that prior to signature by the Association on a petition for connection to either the public sewer main and/or public water main, the desirability of special assessment shall be approved by an affirmative vote of not less than 51% of all Co-owners. No consent of mortgagees shall be required for approval of said petition for a special assessment.

LIBER 37431 PG 64



NOTE
 SEE SHEETS 3-A-1-10 THROUGH 3-A-1-14 FOR UTILITY CONNECTIONS TO THE BUILDINGS AND FOR THE EXISTING SEPTIC FIELDS AND CONVERSIONS. ALSO GENERAL COMMENTS REGARDING CONCRETE FOUNDATIONS.

Michael C. Powell



LEGEND

- WATER — WATERMAIN
- SEWER — SEWER
- E-1 — ELECTRIC UNDERGROUND
- E-2 — ELECTRIC OVERHEAD
- T-1 — TELEPHONE / ELECTRIC UNDERGROUND
- T-2 — TELEPHONE / ELECTRIC OVERHEAD
- G-1 — GAS
- C-1 — CABLE
- F-1 — FIRE ALARM
- U-1 — UTILITY POLE
- S-1 — GAS METER
- (S) — ELECTRIC METERS / NUMBER OF METERS SHOWN
- [Hatched Area] — CONVERTIBLE AREA



HIGHLAND ROAD (M-59)
 CENTERLINE

WEST 1/4 CORNER SECTION 21 T34N. R4E.

PORT OF HERRING SECTION 21 T34N. R4E.

AS-SHOWN DATED 01-10-08

PROJECT NO.	DATE	BY	CHECKED	DATE	BY	SCALE	DESCRIPTION

NORTH SHORE CONDOMINIUM OF WHITE LAKE
 WHITE LAKE, TOWNSHIP OF GAYLAND COUNTY, MICHIGAN

UTILITY PLAN



DATE	BY	DESCRIPTION