

MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION MEETING
HELD ON JULY 10, 2002 AT 7:30 P.M. IN THE CLAY TOWNSHIP BOARD ROOM,
4710 PTE. TREMBLE ROAD, CLAY TOWNSHIP.

1. Meeting called to order by Chairperson Mark Getman at 7:30 p.m.
2. Roll call: Present: Mark Getman, Chairperson, Vice-Chair Dorothy DeBoyer, John Makuch, Secretary, Pat Sharrow, Sandra O'Conner, Louise Cooper, Edward Keller II, Tony Antkowiak. Absent: Chuck Michel (excused). Also present Wade-Trim Consultant Kevin Lawrence.
3. **Communications:** A Land Use Seminar flyer, Sharrow stated Township Board not in favor of the workshop, prefer classes through MTA or MSPO.
4. **Approval of June 12, 2002 Minutes:**

Moved by DeBoyer, supported by Cooper, **MOTION CARRIED**, to approve the June 12, 2002 Planning Commission Minutes with the following amendments:

- Page 2, Motion to deny the site plan and s.a.l.u. for the reasons, change the 1st one to read "Not sufficient parking" for the two buildings at Pte. Tremble Road and Nook Road
- Page 3, under Chairman's Report, add the following statement: "The June 26, 2002 meeting will be postponed and will hold a training session only."

AYES: All. NAYS: None. ABSENT: Michel.

Amend the Agenda:

Moved by Sharrow, supported by Cooper, to amend the agenda as follows:

Item #5-A. Resolution to refer reviewing Zoning Ordinance to the St. Clair County Planning Commission and Township Board;

Item #5-B. Consideration for an extension for Thornhollow Mobile Home Park.

AYES: All. NAYS: None. Absent: Michel.

MOTION CARRIED.

5. **OLD BUSINESS:**

LOT SPLIT #02-04 – ROBERT SCHUTT, JR. - 9391 ISLAND DRIVE

Chairman Getman: Reducing the lots.

Applicant: He has four (4) lots and we are taking two.

Chairman Getman: Will be two (2) lot parcels.

Pat Sharrow: Questioned if lots were ever combined?

Dorothy DeBoyer: Per Lands & Graphics not a lot split, separating a plat of lots;

Assessor directs to Planning Commission, Lands & Graphics for their review.

Chairman Getman: Appears the lots meet all the requirements.

Patricia Sharrow: Questioned outbuilding on Lot 84? Comment regarding Platted lots.

Chairman Getman: Lot 82 & 83 staying with same people, Lot 81 & 84 will be sold.

Patricia Sharrow: Comment as to platted lots.

Sketches are not the same for Board members, not everyone received the two sketches.

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Moved by Sharrow, supported by DeBoyer, to recommend to the Township Board Lot Split 02-04 for Robert Schutt, Jr., 9391 Island Drive although this does not meet zoning ordinance requirements for lots, because these lots were platted years ago and they are being simply separated again that they must be allowed to be separated. AYES: All. NAYS: None. ABSENT: Chuck Michel.

MOTION CARRIED.

Chairman Getman: Planning Commission is acknowledging the 50' width of these lots.

LOT SPLIT 02-05 - BERNARD LICATA - 1825 SOUTH CHANNEL DRIVE

Applicant present.

Tony Antkowiak: Questioned the Road Commission remarks as to insufficient roads furnished for a driveway, would need recorded permission to occupy from adjoining property owners, something that should be in our motion?

Chairman Getman: Yes would consider that.

Applicant: Splitting up that larger piece of property and selling it off.

Tony Antkowiak: Clarification of which Parcels are owned by applicant.

Applicant: Parcel A includes the land extending to the River.

Sandra O'Conner: Why does the property protrude out like that?

Applicant: Requirements require an 80' frontage on the road.

Pat Sharrow: This gives Parcel A the 80', Parcel A is both sides of the road, note one side is vacant and the other has the house, vacant land side could never be a buildable lot.

Applicant: Informed lot was large enough for a garage.

Chairman Getman: Parcel A is on both sides of the street.

Pat Sharrow: Build a garage only and cross the street to the home on the other side, could not separate the two parcel A, same parcel forever.

Tony Antkowiak: Concerned with the County Road Commission's comments as to obtaining permission from other neighbors for a driveway.

Chairman Getman: Road Commission may not have been aware that is the same lot across the road.

Tony Antkowiak: Is a driveway to a garage any different than a driveway to a house? If building a garage there, Road Commission has concerns, need to include that in the motion.

Discussion regarding driveway width and notifying neighbors in the area per Road Commission; primary purpose of Co. Road review is the site issue, no obstruction of traffic.

Moved by Makuch, supported by O'Conner, to recommend the approval of Lot Split 02-05 for Bernard Licata, 1825 South Channel Drive, Harsens Island to the Township Board. AYES: All. NAYS: None. ABSENT: Michel.

MOTION CARRIED

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LOT SPLIT 02-06 NORMA HALKIAS - 3766 FRUIT ROAD

B. J. Meldrum and Jody Fornier representing Norma Halkias.

Pat Sharrow: Everything seems in order, except the back part are creating a landlock piece, indicating intentions of giving an easement over other lands to get to the back, do not have that in writing or show the back portion be connected and have a deed showing that and the remainder of the property of the landfill that exists other than these lots. Six crippled deeds for the five lots on Fruit Road and the land lock piece, why do we need a deed for a land lock piece.

Dorothy DeBoyer: Agreement of easement signed, it was in the 2nd packet.

Pat Sharrow: Still need that land connected with the rest of it; Attorney review to see if it is satisfactory.

Jody Fornier: Questioned which parcel are you referring , connecting to the 20 acre and 5 acre piece; map indicates it is already connected.

Pat Sharrow: Don't have a deed to show that.

Discussion continued concerning the Halkias' property landlocked revamp a deed to include the landlocked property.

B. J. Meldrum: Trying to make it a nice part of the community, people interested in putting in light industrial, do not want this property non-useable.

Pat Sharrow: No opposition to the easement if reviewed by the Township Attorney.

Moved by Antkowiak, supported by DeBoyer, to recommend to the Township Board approval of the Lot Split 02-06 for Norma Halkias, 3766 Fruit Road pending a positive review of the easement agreement from the Township Attorney. AYES: All. NAYS: None. ABSENT: Chuck Michel.

MOTION CARRIED.

5-A. **Resolution to recommend draft Clay Twp. Ordinance to the St. Clair County Planning Commission and the Township Board:**

Moved by Sharrow, supported by Antkowiak, **MOTION CARRIED**, to adopt the Resolution to recommend the forwarding of the draft Clay Township Zoning Ordinance to the St. Clair County Planning Commission and the Clay Township Board. AYES: All. NAYS: None. ABSENT: Michel.

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5-B. Request from Thornhollow Mobile Home Park for a 6-month extension:

Site Plan is already approved, expired June 13th, past due, questioned would the extension be retroactive? Granted an extension in December because of DEQ Permit.

Kevin Lawrence, Wade-Trim Planner: would be wise to go retroactive.

Motion by DeBoyer, supported by Cooper, to approve the six-month extension for Thornhollow Mobile Park retroactive to June 13, 2002 with the approval of the Township Attorney that the retroactive extension for the six months is legal.

Discussion:

John Makuch: don't agree, sloppy work on the applicant's part letting it go past the 6-months.

Dorothy DeBoyer: State agencies are not responding on a timely basis.

Sandra O'Conner: Where do you draw the line with others not meeting the time limits.

Edward Keller: If we don't recommend extension the process would start over again?

Chairman Mark Getman: Would require another site plan, no opposition to it before.

Pat Sharrow: Remind Building Department that if something such as this happens again things have to be done on time.

Edward Keller: In favor if Attorney reviews retro for legal purposes.

VOTE ON THE MOTION: AYES: Sharrow, DeBoyer, Cooper, Antkowiak, Keller, Getman. NAYS: Makuch. ABSENT: Michel.

6. CHAIRMAN'S REPORT

A Special Planning Commission meeting will be held on July 31, 2002 at 7:30 p.m. on the Site Plan and S.A.L.U. consideration for Wendy's, Pte. Tremble Road/Nook Road, would be another public hearing.

7. **PLANNING CONSULTANT'S REPORT:** None.

8. PLANNING COMMISSION COMMENT:

Pat Sharrow: Township Board has approved contracting with Wade-Trim to update the Master Plan.

Chairman Getman: Will use the same committee that worked on the ordinance review.

Pat Sharrow: Questioned if you had said there was one simple amendment on the master plan?

Chairman Getman: No don't think so.

Pat Sharrow: Mike Kras mentioned the code under now has made building permits good forever without expiration, does the Zoning Ordinance take precedence?

Kevin Lawrence, Wade-Trim: Will verify if there is a limitation in the Ordinance.

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9. **PUBLIC COMMENTS:**

Richard Baker, Stone Road: Halkias Property was a waste disposal, would the Township have any obligation or be liable?

Chairman Getman: Separate the land from where the dump was, those front lots would be light industrial use.

Pat Sharrow: Township doing some investigating regarding the Brownsfield clean-up, badly polluted land that would require mast amounts of clean-up for residential use, but could allow industrial use with a reasonable clean-up.

10. **ADJOURNMENT:**

Moved by DeBoyer, supported by Makuch, **MOTION CARRIED**, to adjourn at 8:39 p.m. AYES: All. NAYS: None. ABSENT: Michel.

Valerie J. Kulba
Recording Secretary