

MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION MEETING HELD ON WEDNESDAY, JULY 9, 2003 IN THE CLAY TOWNSHIP BOARD ROOM, 4710 PTE. TREMBLE ROAD, CLAY TOWNSHIP, MI 48001.

1. Meeting called to order by Chairperson Mark Getman at 7:30 p.m.
2. Roll Call: Present: Chairperson Mark Getman; Vice-Chair Dorothy DeBoyer, Secretary John Makuch, Pat Sharrow, Sandra O'Conner, Louise Cooper, Tony Antkowiak, Edward Keller II. Absent: Chuck Michel (excused). Also present was Timothy Wiggle, Zoning Enforcement Official, Patrick Meagher and Stacey Lubinski with Community Planning & Management.
3. Communications: None.
4. **APPROVAL OF JUNE 25, 2003 MINUTES:**

Moved by Cooper, supported by Sharrow, **MOTION CARRIED**, to approve the June 25, 2003 Planning Commission minutes with the following amendments:

- Page 2, ½ way down, Tony Antkowiak's comment, change the word "efficient" to "sufficient".
- Page 3, last line, comment from Timothy Wiggle, change the word "advise" to "advice".

5. **PUBLIC HEARING:**
SPECIAL APPROVAL LAND USE/SITE PLAN
CONSIDERATION – NELSON' SAND BAR 7479 DYKE ROAD

Chairman Mark Getman: The public hearing will be the 1st of two public hearings on this matter, this one will be recessed when we are done to the August 13th meeting; notices sent out to Clay residents within 500', Ira Twp. residents within 500' were not notified, legally have to notify, all notices were placed in the newspaper, discussed with Planning Consultant, Twp. Attorney and Clerk. Purpose tonight will be listen to the public's comments pertaining to the Special Approval Land Use, continue the public hearing on the 13th.

Open the Public Hearing:

State your name and address, explained procedure to follow.

Applicant/Applicants may make their opening statement.

Applicant Glenn Brisson: Declared why say anything a waste of time if have to wait until August.

Chairman Getman: If want this is the time to speak, site plan deficient, no action would have been taken tonight for the reason site plan lacked engineers seal.

Denise Tilly, 7886 Inglewood: Explain what petitioner is requesting, applicant asking certain hours, days, etc., will the Planning Commission set those rules?

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Chairman Getman: Yes, if it is approved, public hearing required since it is a special approval, has to meet the conditions under the Ordinance for special approval, Board determines if special approval is harmful or damaging to other people in the community, conditions such as hours of operation, days open will be set by Planning Commission.

Denise Tilly: Nelson's Sand Bar owners have made big attempts to be a good neighbor.

Tom Kershaw, 7511 Zobl Court: Live in Ira and within 500' of the Bar, speak very highly of Nelson's Sand bar, have done a very good job of living up to all their commitments in the neighborhood, cleaned up the marina, music kept low.

Doug Tilly, 7886 Inglewood: Closest neighbor to the Bar, 65' across the canal, difficulty living across from a marina and bar, deal with people and loud boats, owners have been accommodating, proximity so close to the residential area, both sides have to bend, bad experience with former owners, new owners cleaned it up and is a welcome site; if owner sells the property, what will we be looking at in the future.

Chairman Getman: Special approval land restrictions would go with the property.

Greg Sepanski, 7836 Inglewood: New owners have done a good job cleaning it up, concern is hours of operation, have two small children, live entertainment will bring a large crowd, too big to control.

Heidi Duduz, 7838 Inglewood: Two young children, a lot of kids in the neighborhood, hear some very in appropriate language from the boaters and customers.

Tim Wiggle, 7487 Zobl: Speaking as a resident, live less than 65' from the bar, owners has down a good job, property looks the best it has ever, if the hours of operation are handled properly and the entertainment is right do not have an issue.

Rozann Medelis, 7479 Dyke Road, owner of Nelson's Sand Bar: Main purpose for the gazebo is to build a little place that will be covered, not worried about outdoor entertainment, have it inside already.

Chairman Getman: Someone filed an application in the Building Department for special approval for outdoor entertainment.

Rozann Medelis: That was with the last one, main purpose is for the gazebo.

Chairman Getman: Special use which is the entertainment is the discussion per public hearing, if you want to withdraw the application, not suggesting or telling you to do this, that would take it off the table, Planning Commission in the future would only address the site

plan. Cannot do the site plan until we have the special approval out of the way, don't have everything for the site plan cannot approve it tonight. Questioned the use of the gazebo?

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Rozann Medelis: Gazebo is covered sitting for customers, umbrellas on tables over.

Chairman Getman: Asked Planning Consultant Patrick Meagher for opinion, would it be advisable to proceed on the assumption not going to do a special approval and go on with the site plan at this point.

Patrick Meagher: If applicant wishes to officially withdraw the application on the record, technically can do that.

Rozann Medelis: If goes to August 13th, no reason to withdraw, will proceed with the S.A.L.U.

Chairman Getman: Can't tell you what we will do with it until site plan is reviewed, cannot even make decisions on the site plan until the special approval is in place.

No other public comments.

Recess the public hearing until August 13, 2003, 7:30 p.m. same location.

Rozann Medelis: Hours of entertainment would be: Sunday, 3:00 p.m. to 8:00 p.m. and Wednesday, 7:00 p.m. to 10:00 p.m.

Chairman Getman: One correspondence for the record from Terence Quinn, 7488 Zobl Ct. opposing the outdoor entertainment, gazebo not the issue. Reviewed the site plan report from Patrick Meagher.

Patrick Meagher, Planner: For the record, item #4 on the review dated 7-8-03 has been indicated on the plan.

Chairman Getman: Citizen pointed out evergreens at one time were along the canal area to shield residents from lights and noise, current Ord. Requires a buffer between residential and commercial.

Timothy Wiggle: Minor change to the site, don't see what they are proposing for the gazebo what affect will have on the current conditions of the future.

Chairman Getman: Referred to the issuing of the deck permit by Building Inspector, should not have been issued, site plan should have gone before the Planning Commission, site plan would have required proper landscaping, nothing in the Ordinance allows to exempt them.

Pat Meagher, Planner: In agreement, real challenge for the applicant to meet the requirements of the ordinance regarding the screening.

Dorothy DeBoyer: Would this be considered a reoccupation of an existing business?

Restaurant was closed for a short time. If it was considered to be a reoccupation, are these things i.e. new landscaping are they required.? Referring to Item #7 in the Planner's report.

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Pat Meagher, Planner: Not sure there is any landscaping on the site at all, Ordinance does not give any leeway with regard to not supplying a landscaped plan, would have to do some planning based on the percentage requirement in the Ordinance.

Pat Sharrow: Referred to Fire Chief Edler's concerns i.e. fire hydrant location.

Questioned the sand beach area, utilities not indicated, continue the wooden wall to the north along the deck and to the West along the edge shielding this outside area from the residential area; need from the applicant what they consider outside entertainment.

Rozann Medelis: Will be fenced in around the area but not high, would not get any air in. Interfere with the boat docking.

DeBoyer: Questioned what would be screening?

Chairman Getman: Ordinance does state the entire commercial property needs to be screened from residential, not practical with a marina.

John Makuch: Gazebo is just to better service customers outside, will not be a bar there.

Sharrow: Still will be tables out there and no umbrellas.

Chairman Getman: A number of deficiencies aren't able to make a final approval; copy of the review from the planner; reiterated the times of the entertainment, type of music would be easy listening, Jimmy Buffet, old time rock & roll, live entertainment.

Tony Antkowiak: Questioned if property sells and the S.A.L.U. goes with the property, can we stipulate what kind of music can be provided to the new owner?

Chairman Getman: No music variety cannot be stipulated.

DeBoyer: Something were to change in the future, do have an Anti Noise #37 Ordinance in place to enforce and control.

Sharrow: Use going with the land, stressed how careful outside entertainment has to be carefully defined.

Sharrow: Questioned the "temporary trash storage" on site plan, trash from the restaurant was laying on the ground, needs to be addressed.

Applicant explained situation.

Chairman Getman: Reiterated the fact the Ordinance does require all plans to show an engineered seal. Cannot take action on this, unofficially reviewing it so you would know the issues. The rest of the public hearing will be on August 13th, submit the new site plan by the deadline date and address these concerns discussed.

Those in Ira will be getting a written notice in the mail.

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6. **AMENDMENT TO SITE PLAN:**

SUNSET HARBOR 1784 N. CHANNEL DRIVE

Chairman Getman: Copy of the Planner's review, Planning Commission two months ago addressed the Harbor site plan, pool and picnic shelter after thought by the applicant.

Applicant: Wanted to continue to improve the marina for the customers, if there is a way to get it done would enjoy doing it. Any questions you might have, it is a submission of a pool and a picnic shelter on the lawn area that is existing. Spoke with the Planner prior to his preliminary comments, provided a response with a little more detail on an 8-1/2 x 11" site plan of the area of the marina where the pool will go.

Chairman Getman: Same problem that last applicant did, all needs to be on the same plan and would need to be engineered seal.

Applicant: Delay in Building Department re: pool issue, willing to support whatever process had to follow. Glad to transfer this information onto a large sheet w/ eng. seal, request the contents could be reviewed this evening.

John Makuch: Questioned if a preliminary approval can be given, building permit not issued until a 2nd full size drawing is submitted with all the details, eng. Seal.

Sharrow: Mr. Meagher aware this was an amendment to a site plan previously approved.

Patrick Meagher: Yes, not aware if approved under previous ordinance or this one.

Sharrow: Would that have made any difference in your advice.

Patrick Meagher: Enough information submitted for the pool based on the ord.

Requirements, ordinance written so strictly does not give me any flexibility to waive certain requirements, such projects as pool and gazebo require a full blown engineered site plan.

Applicant: Would be able to incorporate all the data on full size sheet by tomorrow.

Chairman Getman: Questioned procedure to approving a site plan pending the corrections.

Patrick Meagher: Fairly minor change to the site and a definite improvement, approve it subject to submitting the amended site plan, sealed and signed, see no objections.

MOTION BY MAKUCH, SUPPORTED BY DEBOYER, TO APPROVE THE AMENDED SITE PLAN FOR SUNSET HARBOR PENDING SUBMITTAL OF A 2ND SHEET WHICH IS ENGINEERED AND SEALED CONTAINING THE DETAILS REGARDING THE PROPOSED POOL AND SHELTER TO BE REVIEWED BY THE BUILDING DEPARTMENT AND APPROVED PRIOR TO THE ISSUANCE OF THE BUILDING PERMIT.

AYES: ALL. NAYS: NONE. ABSENT: MICHEL.

MOTION CARRIED.

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7. LOT SPLIT: 03-09 RICHARD MROZ VAC. PEARL BEACH

MOTION BY SHARROW, SUPPORTED BY MAKUCH, TO RECOMMEND APPROVAL OF LOT SPLIT 03-09 FOR RICHARD MROZ, VACANT LOT ON PEARL BEACH TO THE TOWNSHIP BOARD AS IT MEETS ALL REQUIREMENTS OF THE LAND DIVISION ACT AND THE ZONING ORDINANCE. AYES: ALL. NAYS: NONE. ABSENT: MICHEL.

MOTION CARRIED.

8. LOT SPLIT: 03-10 NORMA HALKAIS VAC. FRUIT ROAD

Pat Sharrow: Inquiry to Petitioner re: quick claim deed for Parcel 1, deed for Parcel 2 and one for Parcel 3 and than one for Parcel 2 & 3 combined, what splits do they want?

Attorney for the Halkias Family: Explained the configuration for the parcels regarding the front footages required and the plan to put the landfill piece on its own parcel.

Sharrow: Clear 77' easement to gain access to Parcel 1, 77' will remain part of parcel 2 & 3.

Attorney: 77' will be part of Parcel 1, additional easement given for ingress/egress onto Parcel 2 & 3, Twp. does not allow road frontage by way of an easement, access through Fruit Road, intention is Parcel 1 will be its own piece, split the 77' and Parcel 3 would have an access and Parcel 2 has its own frontage.

Sharrow: Question is we have these deeds, do they want all this property on one deed?

Attorney: Probably Norma Halkias would issue a deed to the new purchaser for Parcel 1 which would have the 77', would not need a deed for Parcel 2 and 3 as she would still own, each will have lost 77', can handle Parcel 3 anyway the Township wants, referred to the current Platt whereas Parcel 3 is two separate lots.

Sharrow: Parcel #1 it states has an easement for ingress/egress, it does not describe the 77' as being part of Parcel #1.

Dorothy DeBoyer: Confirmed yes it does, it is in the description.

Sharrow: No reason it should read easement if own the property; questioned on Field Road it is residential, Parcel 3 could not access through there as an industrial access.

DeBoyer: Reasoning behind the deeding of Parcel 2 & 3 as one parcel, would give access to the whole thing.

Sharrow: Actually doing two splits, Parcel 1 and Parcel 2 & 3 together, in the future if an easement over Parcel 2 could be given to the back part from Fruit could use it industrial.

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MOTION BY SHARROW, SUPPORTED BY DEBOYER TO RECOMMEND TO THE TOWNSHIP BOARD APPROVAL OF A LOT SPLIT #03-10 FOR NORMA HALKIAS, VACANT PROPERTY ON FRUIT ROAD FOR PARCEL 1 (MOST RECENTLY USED LANDFILL AREA) CONTAINING 18.76 ACRES AND THE REMAINDER OF THE PROPERTY TO REMAIN AS ONE PARCEL.

DISCUSSION: Chairman Getman verified would be having deeds for Parcel 1 and Parcel 2/3.

AYES: ALL. NAYS: NONE. ABSENT: MICHEL.

MOTION CARRIED.

9. LOT SPLIT: 03-11 RICHARD MARYANSKI VAC. FRUIT ROAD

MOVED BY DEBOYER, SUPPORTED BY COOPER TO RECOMMEND APPROVAL TO THE TOWNSHIP BOARD OF LOT SPLIT #03-11, RICHARD MARYANSKI, VACANT LOT ON FRUIT ROAD, IT DOES MEET ALL THE REQUIREMENTS.

DISCUSSION: Pat Sharrow: Disagree, does not meet all the requirements, not 65' of road frontage on Maneval Court, unusually shaped piece of property, lot frontage must be the area fronting on a road per the Ordinance, survey map indicates northwest corner of the lot extends out to Oakdale Road which does not exist, although it is platted, half of it is blocked by this property, survey is probably inaccurate, checked with Barb have a 25' easement for a road, they are indicating 50', not 65' of road frontage.

Dorothy DeBoyer: According to the drawing, Maneval Road is only 50' wide, is that accurate, does not detail the part on Maneval Road.

Greg Kunnath, Broker representing the buyer: Purchaser Ron Schwartz owns all the property on Oakdale, is an extension going north of this property, if he purchases the property on Fruit Road all the way back to Manavel, he'll own all that property through Manavel and all the property on Oakdale, lot split on Manavel, to get the 65' of road frontage, proposing we do a radius or a cul-de-sac or something on that order to get the 65' of road frontage on Parcel C on the back side part of the Fruit Road property, irregularities there and once one owner owns the property could be quickly resolved.

Sharrow: Suggestion bring this back with a split of two lots off of Fruit Road and the back parcel combined with the 1st lot on Oakdale for a combined title, would be a property line adjustment, no split and have a lot of frontage; Manavel Ct. is 50' wide and it ends at this lot, there is only 50' on the road.

DeBoyer: Asked applicant did you know the back corner where Manavel and Oakdale come together, that back parcel A is just 50' the width of Manavel Ct., the property just goes to that corner, pointed this out to the applicant on the map.

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Jody Fournier, Broker: Buyer would like to do a radius to get 65' of road frontage, area to turn around at Oakdale, do whatever it takes to get 65' of road frontage on Manavel Ct. To have Parcel A as a buildable lot, proposal to create a radius.

Chairman Getman: Possible solution resubmitting the Lot Split with the irregularities on the road frontage taken care of or appeal to the ZBA as an unusual shaped lot, vary from the 65' requirement as there is more than 65' at the building line; motion on the floor, really cannot approve it as is.

Jody Fournier: Possible to get an approval tonight subject to us resubmitting it with the 65' radius on the road.

Chairman Getman: No, we could approve it pending the granting of a variance from the ZBA or resubmit it, can table it and have you make the amendments and can revisit it. If ZBA does not grant the variance will have to make the change anyway.

MOTION BY DEBOYER, SUPPORTED BY COOPER TO WITHDRAW THE ORIGINAL MOTION.

MOTION BY MAKUCH, SUPPORTED BY SHARROW, TO POSTPONE LOT SPLIT 03-11 FOR RICHARD MARYANSKI, VACANT FRUIT ROAD PROPERTY UNTIL AUGUST 13TH UPON RESUBMISSIONS OF A REVAMPED LOT SPLIT SHOWING THE RADIUS OF A 65' FRONTAGE.

Discussion:

Planner Patrick Meagher: May have to coordinate type of improvement where there is a road configuration change with the Road Commission.

Chairman Getman: Explained to Planner the road does not exist, it is platted, never developed, not dedicated. Amending the road frontage on Manavel Ct.

Sharrow: Road Commission would have to be contacted since by making a cul-de-sac are giving some land to the County if they would accept it. Oakdale does not exist, still belongs to the owner.

DeBoyer: Platt map from L & G where does Manavel Ct. end?

Does not show it.

Discussion followed.

If Maneval did go further and give them frontage there, but not in the description of the land.

Chairman Getman: Questioned if approve the lot split and they come back to us as suggested, may be an issue with the County over Manavel Ct., still can have the lot split.

Board members agree.

Tony Antkowiak: Questioned ZBA's action if went there vs. Planning Commission approving the revamped lot split.

Chairman Getman: May be the way for them to go is for a ZBA variance.

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Sharrow: Maybe a motion should be made to recommend to the Twp. Board approval of this lot split if the ZBA chooses to grant a variance or if that does not occur and they return with a different configuration, Co. may say do not want that land and will not accept it.

Jody Fournier: Our buyer would rather talk to the County right at this time pending the Planning Commission if something goes wrong here can always go to the ZBA.

**AMENDED MOTION BY MAKUCH, SUPPORTED BY SHARROW,
PENDING THE RESUBMISSION OF A REVAMPED LOT SPLIT PROPOSAL AND
ST. CLAIR ROAD COMMISSION APPROVALS.**

DISCUSSION: None.

**VOTE ON THE AMENDMENT: AYES: ALL. NAYS: NONE. ABSENT:
MICHEL.**

AMENDED MOTION CARRIED.

**VOTE ON THE MOTION: AYES: ALL. NAYS: NONE. ABSENT: MICHEL.
MOTION CARRIED.**

10. **CHAIRMAN'S REPORT**

Chairman Getman: Welcome to our new Planning Consultants, Community Planning & Associates Patrick Meagher and Staci.

11. **PLANNING CONSULTANT'S REPORT**

None.

12. **ZONING ADMINISTRATOR COMMENTS**

Tim Wiggle: Per Township Board's direction a letter was sent to David Bryson regarding dirt stockpiling at Champion's Ferry to activate the legal proceedings if no action is taken by Mr. Bryson by the ten day requirement.

Look forward to working with Community Planning & Associates, very capable and sure will do an excellent job for the Township.

Like to set up an in-house meeting with the Planner and Planning Commission Chairman Mark Getman.

13. **PLANNING COMMISSION COMMENTS**

Dorothy DeBoyer: Letter to David Bryson noted typo error.

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14. **PUBLIC COMMENTS:**

Jody Fournier: Questioned the approval of Norma Halkais Lot Split tonight, did you separate the landfill and create that as a separate parcel ? Selling that property before she always wanted to separate that landfill from the rest of the property so she would not be responsible for.

Chairman Getman: Recommended, don't know why she wanted to split it, don't address that.

15. **ADJOURNMENT:**

MOVED BY DEBOYER, SUPPORTED BY ANTKOWIAK, **MOTION CARRIED**, TO ADJOURN THE MEETING AT 9:30 P.M. AYES: ALL. NAYS: NONE. ABSENT: MICHEL.

Valerie J. Kulba
Recording Secretary

