

MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION REGULAR MEETING HELD ON SEPTEMBER 24, 2003 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: Chairperson Mark Getman, Vice-Chair Dorothy DeBoyer, Secretary John Makuch, Pat Sharrow, Sandra O'Conner, Chuck Michel, Louise Cooper, Tony Antkowiak, Edward Keller.  
Absent: None.

Also present was Community Planning & Management Patrick Meagher and Stacey Lubinski, Zoning Enforcement Officer Tim Wiggle.

3. **COMMUNICATIONS:** None.

4. **APPROVAL MINUTES OF SEPTEMBER 10, 2003:**

Moved by Cooper, supported by Michel, to approve the September 10, 2003 Planning Commission Minutes as submitted.

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

**MOTION CARRIED.**

5. **OLD BUSINESS:**

**RE-ZONING 123-3                      VACANT LOTS GREEN DRIVE 1254 & 1247 FROM  
(R-1) RESIDENTIAL TO (RS-1) RESIDENTIAL**

Chairman Getman: Public Hearing held 9-10-03 for the Re-Zoning for vacant lots 1254 and 1247 on Green Drive from R-1 Residential to RS-1 Residential. Board members have a copy of Planning Consultant Patrick Meagher's review.

MOTION BY MICHEL, SUPPORTED BY DEBOYER, **MOTION CARRIED**, TO RECOMMEND TO THE TOWNSHIP BOARD THE APPROVAL OF THE RE-ZONING FOR CASE NO. 123-3 FOR THE GREEN DRIVE VACANT LOTS 1254 & 1247 FROM R-1 RESIDENTIAL TO RS-1 RESIDENTIAL PER THE PLANNER'S RECOMMENDATION AND THE ON-SITE REVIEW INDICATED THE RE-ZONING WOULD NOT BE DETRIMENTAL TO THE AREA.

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

6. **AMENDMENT TO SITE PLAN:**

**PEARL BEACH CONDOMINIUM - PTE. TREMBLE ROAD**

Chairman Getman: Clarification for the fence and copula, amendment is the copula. Applicant explained to the Board.

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Chairman Getman: Approved original site plan, deleted the copula since the height was not allowed by Ordinance 89, told could go to the ZBA for a variance or wait until Ordinance 123 was adopted which would allow this height.

Chairman Getman: Fence not on the site plan.

Applicant: No, a separate thing looking for clarification, masonry poured wall 4-6', Planning Commission agreed it would be more astatically pleasing to use a white vinyl fence, it was not put in the minutes.

Chairman Getman: Under Ord. 89 we had the jurisdiction to determine what the construction would be.

Pat Sharrow: Questioned the original site plan signed, should that be brought out and signed showing the copula and the white vinyl fence.

Planning Consultant Patrick Meagher: Signing of the new addendum would be fine, make sure get four copies and note it is part of the amendment and place it in the same file.

MOTION BY MAKUCH, SUPPORTED BY SHARROW, **MOTION CARRIED**, TO APPROVE THE AMENDMENT TO THE SITE PLAN FOR THE PEARL BEACH CONDOMINIUMS TO THE CURRENT DRAWINGS THAT WOULD ALLOW FOR THE COPULAS.

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

MOTION BY SHARROW, SUPPORTED BY MAKUCH, **MOTION CARRIED**, CLARIFICATION THE PLANNING COMMISSION PREFERS THE WHITE VINYL FENCE TO A MASONRY WALL, THE COMMENT WAS OMITTED INADVERTLY FROM THE ORIGINAL MOTION AND CORRECTING AT THIS TIME.

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

7. **CHAIRMAN'S REPORT** - NONE.

8. **PLANNING CONSULTANT'S REPORT** - NONE.

9. **ZONING ADMINISTRATOR COMMENTS:**

Timothy Wiggle: Met with Gary from Clay Commons, situation have two buildings ready for occupancy, as a single site development would want all common landscaping, driveways along Nook Road completed before he would be allowed to sell or occupy those buildings; if allowed to use these 1<sup>st</sup> two units he would be willing to escrow money in the amount that would cover for the common paving, landscaping along Nook Road and whatever parameters the Commission would set it up. Amount would be determined from the contracts.

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Pat Sharrow: Ordinance does not allow a bond, either cash or irrevocable letter of credit, commonary behind the project some wetland, used it as open space required it be cleaned of deadwood and brush, make sure all these things are completed.

Gary, Clay Commons: Everything contracted out, two elderly people have bought and need to move in soon, problems with Drains slowed the building process, 45 days should have the berm, drive, landscaping, etc. completed.

John Makuch: Unfortunate things such as the Drain Commission has delayed the project.

Tim Wiggle: C. Of O. Temporary and not final.

MOTION BY SHARROW, SUPPORTED BY MICHEL, **MOTION CARRIED**, TO GRANT A 60-DAY EXTENSION BE GRANTED TO CLAY COMMONS, NOOK ROAD FOR THE IMPROVEMENTS FOR DRAINAGE, DRIVEWAY, LAWNS, BERMS, LANDSCAPING FOR THE CLAY COMMONS CONDO PROJECT AND RETURN A TEMPORARY CERTIFICATE OF OCCUPANCY WILL BE GRANTED FOR THE 1<sup>ST</sup> UNIT PROVIDED THE FULL CASH AMOUNT IN THE FORM OF CASH OR AN IRREVOCABLE LETTER OF CREDIT IS PROVIDED TO THE TOWNSHIP IN FULL PRIOR TO GRANTING THE CERTIFICATE OF OCCUPANCY.

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

10. **PLANNING COMMISSION COMMENTS**

John Makuch: Capri Restaurant was closed and opened again, questioned the timeframe.

Tim Wiggle: Same person owns it.

John Makuch: Marine Construction going on by the Harsens Island Ferry, building tugs, barges, marine construction, etc., something that needs to be addressed.

John Makuch: Came before the Planning Commission and now the use has changed.

Tim Wiggle: Will check it out further.

Dorothy DeBoyer: MSPO Conference October 15-18, 2003, any other Commissioner would like to go contact the Clerk's Office.

Chuck Michel: Smoke N'Go, nine signs in the front yard and three on the side, looks bad, check it out. Ultimate is running an industrial business in a commercial zone, not just storing, he is operating the business with the equipment he has in the building, denied their special approval, not an approved use.

Chairman Getman: Explained the events that have happened in the last couple of years with this business.

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Pat Sharrow: Referred to two items in Ordinance 123 that need to be corrected.

12. **PUBLIC COMMENTS:**

Mary Jane Hardy: Comments as to the storage at the Ultimate Construction business on Pte. Tremble Road, store on the outside pieces of wood, filled in property that is wetlands, if high water will flood her place.

13. **ADJOURNMENT**

MOVED BY MICHEL, SUPPORTED BY DEBOYER, **MOTION CARRIED**, TO  
ADJOURN AT 8:15 P.M. AYES: All. NAYS: None. ABSENT: None.

Valerie J. Kulba  
Recording Secretary