

MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION REGULAR MEETING HELD ON FEBRUARY 11, 2004 AT 7:30 P.M. IN THE CLAY TOWNSHIP BOARD ROOM, 4710 PTE. TREMBLE ROAD, CLAY TOWNSHIP, MI 48001.

1. Chairman Mark Getman called the regular meeting to order at 7:30 p.m.
2. Roll Call: Present Chairman Mark Getman, Vice-Chair Dorothy DeBoyer, Secretary John Makuch, Pat Sharrow, Tony Antkowiak, Chuck Michel, Michael Watson.  
Absent: Sandra O'Conner (excused), Edward Keller (excused).
3. Communications: None.
4. Approval of Minutes: December 10, 2003

Moved by DeBoyer, supported by Makuch, **MOTION CARRIED**, to accept the minutes of the December 10, 2003 Regular Planning Commission Meeting as submitted. AYES: All. NAYS: None. ABSENT: O'Conner, Keller.

5. Introduction of new member: Mike Watson

6. **OLD BUSINESS:**

**Election of Officers (held over from the December 10, 2003 meeting):**

Moved by Antkowiak, supported by Makuch, to elect Dorothy DeBoyer as the 2004 Planning Commission Chairperson.

Discussion: None.

R/C VOTE: AYES: DeBoyer, Antkowiak, Makuch, Watson. NAYS: Getman, Michel, Sharrow. ABSENT: O'Conner, Keller.

**MOTION CARRIED.**

Moved by Michel, supported by Sharrow, to nominate Mark Getman as the 2004 Planning Commission Vice-Chair.

Discussion: None.

R/C VOTE: AYES: Michel, Sharrow, Watson, Getman. NAYS: Antkowiak, Makuch, DeBoyer. ABSENT: O'Conner, Keller.

**MOTION CARRIED.**

Moved by Michel, supported by Sharrow, to nominate John Makuch for the 2004 Planning Commission Secretary.

Discussion: None.

R/C VOTE: AYES: Sharrow, Antkowiak, Makuch, DeBoyer, Michel, Watson, Getman. NAYS: None. ABSENT: O'Conner, Keller.

**MOTION CARRIED.**

7. **RE-ZONING: LETTER FROM TOWNSHIP BOARD**

**123-4 ERIC & HELEN STANCZAK 222 WILLIAMS (LOT 71 & 72) R-1 TO C-2**

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**Planning Commissioner Comments:**

Pat Sharrow: Adoption of new Ordinance corrected properties zoned incorrect for the surrounding areas.

Dorothy DeBoyer: Amended the Master Plan this area was not amended according to the zoning ordinance; problem is what type of business could go in there in the future.

Patrick Meagher, Planning Consultant opinion: Master Plan a 20-year document when considering land use, consider growth & zoning patterns, intent is area will develop commercially over 20-years, per review based on the existing conditions, surrounding zoning and land uses not an appropriate use at this time.

Chairman Getman: Master Plan intent was more demand on Harsens Island for more commercial use the area would ultimately become commercial.

Pat Sharrow: Comments regarding the environmental aspects and uniqueness of the Island, noted commercial areas desirable for the public i.e. additional parking for San Souci, residents do not want over development, property losing value if changed from commercial to residential, properties near South Channel would stay at a high value, not taking the use away if remains residential or non-conforming business, referred to Zoning Ordinance, page 198 “.....no vested right in zoning”, this needs to be read carefully.

Chairman Getman: Clay Twp. commercial property not as valuable as your residential.

Pat Sharrow: Financial consideration not sure that is there, is it a threat to this neighborhood to have it changed to commercial or better to have it continue as the non-conforming business it is now, final answer will be with the Township Board, asking for the Planning Commission input.

Patrick Meagher: Questioning process tonight, particularly in regard to potential litigation, due process, etc., public hearing was previously held, new evidence/discussion should be held at the Township Board level in the form of a public hearing, attorney opinion regarding whether or not the Planning Commission should continue this process.

Pat Sharrow: Township Board referring to State Law if disagrees with the original zoning ordinance it is sent back to the Planning Commission for review.

Pat Meagher: Voiced concerns of the process, appears to be a re-decision without a public hearing and the repercussions if not all the proper steps are followed.

John Makuch: Agree requesting a 2<sup>nd</sup> public hearing is necessary because of the legalities.

Brief discussion regarding what the Township Board exactly asked for from the Planning Commission, purpose of a 2<sup>nd</sup> public hearing, possible lawsuit if there is not the public involvement, etc.

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Motion by Michel, supported by Antkowiak, to ask the Township Board to hold a public hearing on the Re-Zoning of the property owned by Eric and Helen Stanczak, 222 Williams, Lot 71 & 72, Harsens Island from Residential (R-1) to Commercial (C-2) and the Township Attorney reviews the facts and issues his opinion.

Discussion:

Dorothy DeBoyer: Questioned if this is what we want to do as a Planning Commission request the Twp. Board to hold a public hearing.

Various comments from the Board re: why it is important a public hearing be held, i.e. possible litigation, public involvement.

VOTE ON THE MOTION: AYES: ALL. NAYS: NONE. ABSENT: O'CONNOR, KELLER.

Secretary John Makuch will write a letter to the Township Board per motion.

8. **NEW BUSINESS:**

**PUBLIC HEARING:**

**RE-ZONING 123-6 NORMA HALKIAS                      VAC. LOT FRUIT ROAD  
(INDUSTRIAL TO RESIDENTIAL)**

**Open the Public Hearing:**

Chairman Getman stated the rules: allow the petitioner an opportunity to make an opening statement, followed by the public, address comments to the Planning Commission, state your name and address.

Public Comments:

Jody Fournier, 3766 Fruit Road: Bought the Halkias property and pole barn, sold property on Fruit Road, opposed to the re-zoning, Mr. Kahl bought the 5 acres adjacent to this property for the industrial zoning surrounded by industrial, 77' road down the side of the property, what if this were subdivided, would be more residential.

Ron Kahl, 9167 Anchor Bay Drive: Own property on Fruit Road, my property is industrial, looked high and low for property that was surrounded by industrial zoning, don't want the residential zoning next to the property; questioned the road going in, told gives me double road frontage, changes set-backs, changes the picture of the property when it was purchased, per Master Plan area was an industrial area, residential is moving in, opposed to the rezoning.

Jerry Green, 1027 St. John Drive: Own industrial property on Fruit Road, not opposed to this split, Mrs. Halkias wants one piece zoned residential, will not affect anything in the back of the property that is still zoned industrial.

Matthew Vermeullen, 7601 Broadbridge, Ira: Own the landfill with the 77' easement, not opposed to the re-zoning.

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David Saddler, 3308 Fruit Road: One piece re-zoned back to residential it will join the other family properties, his son wants to buy it and build a residential home there.

No other public comments on the proposed re-zoning for Fruit Road Vacant lot.

**CLOSE THE PUBLIC HEARING.**

Chairman Getman: Cited the process the Planning Commission follows, won't take action night of the public hearing, Planning Consultant will review public comments, Planning members also time to review the property in question, consider comments made, review a report from the Consultant, the re-zoning will be on the agenda for the next meeting; explained the steps following recommendation by the Planning Commission.

**9. LOT SPLIT: 04-01      JOAN SCHUSTER 222 LACROIX, HARSENS ISLAND**

Sandy Angers, Representing the Applicant: Making lot more conforming, better situation. Sharrow: Not creating any new lots, boundary redefined where there is some encroachment; boundary changes will not make either lot nonconforming.

Moved by Sharrow, supported by DeBoyer, **MOTION CARRIED**, to recommend to the Township Board approve Lot Split 04-01 for Joan Schuster, 222 LaCroix Road, Harsens Island. AYES: All. NAYS: None. ABSENT: O'Conner, Keller.

10. **CHAIRMAN'S REPORT:** None.

11. **PLANNING CONSULTANT'S REPORT:**

Patrick Meagher, Community Planning: Spoke with Bill Kaufman from the Co. regarding the aerial plans distributed to the Commission, sent them after the last review, just a reminder to the members at one time there was a special plan just for the Island.

Bill Kaufman will be happy to work with Township and our firm for any type of mapping services and products, in the process of completing a large zoning map for the Township with the files received from Mr. Kaufman's office.

12. **ZONING ADMINISTRATOR COMMENTS:**

Tim Wiggle, Zoning Enforcement Official:

Updates on some legal issues:

Lapinski Property: Island removed from the Court Action, last hearing to finish the clean-up between the parties, front parcel an agreement was settled.

David Bryson: Obtained an injunction, when signed, he would have 30 days to clean up the parcel, ferry, docks, 90 days to get the other property cleaned up, no storage allowed until he comes to this body.

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Re-Zoning Ordinance: section requiring zoning compliance permits, asked for the Board's opinion.

Patrick Meagher: Could modify the language to make this work or could change the name of the occupancy permit to a zoning compliance/occupancy permit.

Tim Wiggle: C Of O is a required part of the State Code.

Definition Section of Farms, refers back to the keeping of animals section, wrong number designation.

Maps in the main hall are current as of today.

Chuck Michel: Halkias property was a waste dump, land subject to any kind of clean-up or checking required if has been infiltrated.

Patrick Meagher: Potential is there, recently received a copy of an environmental report.

John Makuch: Questioned the Wendy's site plan approval conditions.

Tim Wiggle: All changes made with the exception of the signage not on original plan.

Pat Sharrow: Like to look at it and no decision made to sign.

Chairman Getman: It is an amendment to the site plan so it needs to come back.

John Makuch: Incorporated all the conditions, added signage it is now an amendment to the site plan, agree must return to Planning Commission.

John Makuch: Update list of phone numbers and email addresses of Planning Commission.

Dorothy DeBoyer: Referred to the memo from Cottrellville Twp. regarding County holding a class, date will conflict with next Planning Commission meeting.

Patrick Meagher: Suggested Mr. Kaufman probably would be willing to come here to the Township to share this information at one of our workshops.

Pat Sharrow: Franklin Schoonover, Harsens Is. Resident, Rep. County Community Planning Commission would like to see more input from community on environment, traffic flow, SCOTTS meeting, etc.

John Makuch: Send a letter to Cottrellville Twp. thanking them for the invite.

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14. **PUBLIC COMMENTS:**

Chairman Getman: Cautioned Mr. Stanczak regarding re-zoning comments that now would be part of a public hearing.

Eric Stanczak, 222 Williams: Video store comments, objection to a 2<sup>nd</sup> public hearing, statement regarding commercial property value.

David Saddler, Fruit Road: Comments regarding the re-zoning.

Chairman Getman: Comments not proper at this time.

Pat Meagher: Environmental issue, findings and facts in review.

Chairman Getman: Commissioners are very aware of past property use.

15. **ADJOURNMENT**

Moved by Michel, supported by DeBoyer, **MOTION CARRIED**, to adjourn the regular meeting at 8:45 p.m. AYES: All. NAYS: None. ABSENT: O’Conner, Keller.

Valerie J. Kulba  
Recording Secretary