

MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION REGULAR MEETING HELD ON MAY 26, 2004 AT 7:30 P.M. IN THE CLAY TOWNSHIP BOARD ROOM, 4710 PTE. TREMBLE ROAD, CLAY TOWNSHIP, MICHIGAN 48001.

1. Chairman Dorothy DeBoyer called the regular meeting to order at 7:30 p.m.
2. Roll Call: PRESENT: Chair Dorothy DeBoyer, Mark Getman, Vice-Chair, John Makuch, Secretary, Patricia Sharrow, Tony Antkowiak, Chuck Michel, Edward Keller, George Lyle. ABSENT: Michael Watson (excused).
Also present was Zoning Official Timothy Wiggle.
Absent: Planning Consultant Patrick Meagher.

3. **Communications:**

Letter received from Attorney John McNamee re: farm market status, recommendations for consideration in the future to any amendments on the issue.

4. **Approval of Minutes:** May 12, 2004

Moved by Getman, supported by Sharrow, **MOTION CARRIED**, to approve the May 12, 2004 Planning Commission minutes with the following corrections:

Page 1: 9th line from the bottom, "Vice-Chair Makuch" should be changed to "Secretary Makuch".

Page 1: Last line and last work in comments to read "marginal."

AYES: All. NAYS: None.

5. **OLD BUSINESS:**

SPECIAL APPROVAL LAND USE/SITE PLAN CONSIDERATION:
SILENT ACRES FARM, INC. 2040 GOLF COURSE ROAD

Chair DeBoyer: Planner could not be here today, comments and recommendations were received by the Planner re: S.A.L.U./Site Plan for Silent Acres Farm, Inc.

MOTION BY SHARROW, SUPPORTED BY MICHEL, **MOTION CARRIED**, TO POSTPONE THE SPECIAL APPROVAL LAND USE/SITE PLAN CONSIDERATION FOR SILENT ACRES FARM, INC., 2040 GOLF COURSE ROAD UNTIL ALL THE APPLICABLE FEES ARE PAID, AS IT HAS BEEN DETERMINED THEY HAVE NOT BEEN PAID, AND THEN ANY ADDITIONS THAT THE PLANNING COMMISSION WOULD REQUIRE IN FUTURE DISCUSSION AND INCLUDING THE PLANNER'S RECOMMENDATION BE BROUGHT TO US. AYES: ALL. NAYS: NONE.

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6. REPORTS FROM: BY-LAW COMMITTEE:

Mark Getman: Distributed recommendations from the Committee on the following:

- Article VII - Add the number (5) indicating majority of the membership required for an affirmative vote.
- Section 2, new proposed agenda.
- Section 5, suggested “Robert’s Rules of Order” shall be used as a guide to conduct all Planning Commission meetings.

Discussion followed the suggestions by Commissioners.

Tony Antkowiak: Consider changing “Chairman/Vice-Chairman” should be referred to as “Chairperson/Vice-Chairperson.”

By-Laws in conflict with the Zoning Ordinance re: members required to call for a special meeting.

Chairperson DeBoyer: Per legal, Zoning Ordinance is law, By-Laws are guidelines.

Tony Antkowiak: Referred to affirmative majority vote, should it be added any applicant should be apprised of the affirmative vote number.

Discussion followed.

Chairperson DeBoyer: Is the majority of the membership what is in the municipal zoning act we are under?

Sharrow: Questioned if Planning Commission was short two members.

Chairperson DeBoyer: Questioning the subject of number required to call a special meeting, contact Attorney on the issue.

Bring this back at the next meeting with a legal clarification.

Tony Antkowiak: Questioned Section 3, how do we determine “due to a lack of interest....”.

Chairperson DeBoyer: Thank you to the Committee for their efforts, will bring the subject matter back.

ZONING ORDINANCE AMENDMENT COMMITTEE:

Chairperson DeBoyer update to Commissioners of what was discussed and the plans to continue with the map clarification, zoning ordinance amendments and Master Plan coordination by the Committee

Chuck Michel: Suggested Committee look at a special zoning district for Anchor Bay Drive as very narrow lots create many problems.

Pat Sharrow: Commissioners review the zoning ordinance section re: special approval land uses, i.e. are they proper or should it fall under the classification of a s.a.l.u., will bring back.

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7. CHAIRMAN'S REPORT

Chair DeBoyer: Maps working to clarify some confusion i.e. on Master Plan Map is indicating Old Club is planned for future public property, example of issues need to be looked at.

Site plan reviewing steps by the Commissioners that need to be followed.

Planning Consultant to take him on an extensive road trip of Clay, familiarize him with the area a little more.

Property on M-29 owned by Mr. Paulas re-zoned when Ordinance 123 was adopted, changed from I-1 to C-2, questioning why this occurred, will be looking at this issue shortly.

Discussion regarding coloring errors on the maps, proper notification to property owners when there was a zoning change.

Paul Paulus: Asked how long would have to wait before re-zoned back to I-1, stated would like to sell one of the buildings.

Pre-existing nonconformance can continue the same use.

Commissioners will be working on this issue.

Mapping information: property recently rezoned on Taft Road to R-1, correction to Isabelle Acres property on the map.

Map update indicating water and sewer lines within the Clay Township streets, streams.

When all the maps are updated and corrected, Commissioners will have a copy in a folder of all the maps for your referral.

9. ZONING ADMINISTRATOR COMMENTS

Timothy Wiggle update regarding the Bryson sites on Pte. Tremble Road, Court proceedings and requirements, etc.

Map is updated as Zoning changes are approved.

Report next month on the ZBA interpretations.

10. PLANNING COMMISSION COMMENTS

John Makuch: Questioned Brisbay Restaurant dumping of dirt where house was removed.

Tim Wiggle: Obtaining the proper permits from the S.C.C.R.C.

John Makuch: Inquiry as to notification of property owners of a rezoning.

Pat Sharrow: Explained the legal notification rules are.

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11. **PUBLIC COMMENTS**

Rocco Prinzivalli, Jr. , Owner Galley Restaurant, 2403 M-29: Comments regarding property next door, 2404 Pte. Tremble Road, Monte/Project Control: Stated several items concerned with not done properly through the Building Department, would like a copy of site plan, miscellaneous permits, etc. Lengthy comments, would like some action from the Commission.

Chair Dorothy DeBoyer: Commission is not a policing commission; do not direct the zoning and building department how they must deal with issues.

Pat Sharrow: Under the F.O.I. Act could request a copy of the items listed.

Comments by Commissioners.
Timothy Wiggle, Zoning Adm. responses.

Rocco Prinzivalli, Sr.: Site Plan by Monte, those on the Board should remember if he submitted a site plan.

12. **ADJOURNMENT**

Moved by Michel, supported by Makuch, **MOTION CARRIED**, to adjourn the meeting at 8:30 p.m. AYES: All. NAYS: None.

Valerie J. Kulba
Recording Secretary