

MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION REGULAR MEETING HELD ON NOVEMBER 22, 2005 IN THE CLAY TOWNSHIP MEETING HALL, 4710 PTE. TREMBLE ROAD, CLAY TOWNSHIP, MICHIGAN 48001.

1. Chairperson Dorothy DeBoyer called the meeting to order at 7:30 p.m.

2. ROLL CALL BY VICE CHAIR ANTHONY ANTKOWIAK:

PRESENT: Chairperson DeBoyer, Vice Chair Antkowiak, Pat Sharrow, George Lyle, Earl Lines, Thomas Krueger, Kathie Schweikart, Edward Keller II. ABSENT: Watson (excused).

Also present Zoning Official Timothy Wiggle, Community Planner Peter Briddick.

3. AMENDMENTS TO AGENDA:

Moved by Antkowiak, supported by Lyle to amend the agenda to include Lot Split #05-11 Atkinson Road under #5. OLD BUSINESS, ITEM #5-A. AYES: All. NAYS: None. ABSENT: Watson. CARRIED.

4. APPROVAL OF MINUTES: November 9, 2005

Moved by Krueger, supported by Lyle to approve the November 9, 2005 Planning Commission Minutes.

Discussion:

Pat Sharrow: Page 3 ref. Lot 05-12, Circuit Drive was intended to be or platted to be a road, did not intend to mean it never existed.

Page 1, last comment, should read "10 years back Atkinson Road was determined not to be a private road by the Planning Commission."

Chairperson DeBoyer: Page 3 last comment, new depth to width ratio as of Friday is 5-1 ratio.

Motion by Krueger, supported by Lyle to approve the amendments to the November 9, 2005 Planning Commission Minutes. AYES: All. NAYS: None. ABSENT: Watson. CARRIED.

5. OLD BUSINESS

LOT SPLIT 05-12 - KAREN PELSAR 1126 CIRCUIT DRIVE

Chairperson DeBoyer: Applicant back before Plng.Comm., previously did not meet the depth to width, applicant has resubmitted plans.

MOTION BY SHARROW, SUPPORTED BY LINES TO RECOMMEND TO THE TOWNSHIP BOARD APPROVAL OF LOT SPLIT 05-12 AS IT NOW MEETS THE REQUIREMENTS OF THE LAND DIVISION ACT AND THE ZONING ORDINANCE. ROLL CALL VOTE: AYES: SHARROW, SCHWEIKART, LINES, LYLE, KRUEGER, KELLER, ANTKOWIAK, DEBOYER. NAYS: NONE. ABSENT: WATSON. CARRIED.

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5-A. LOT SPLIT 05-11 ATKINSON ROAD.

Chairperson DeBoyer: Basis of information from the Twp. Assessor if the road is enhanced as in all parcels of land to be using this private road, the road would have to be brought up to County specifications. Per County it is not a dedicated County road, simply on the map as a reference point, private road maintained privately.

Pat Sharrow: Legal opinion as to the determination if Atkinson Road is a private road or a drive.

Chairperson DeBoyer: Stated why Assessor was contacted for her determination.

Pat Sharrow: Working from memory, it could have been 10 years ago, if the southeast corner was allowed to be split at that time, if there is a record when split or property sold would tell us when it was before the Planning Commission; opening up a can of worms by allowing more property back there.

Chairperson DeBoyer: Explained to the applicant nothing was found by the County or the Township indicated that this was dedicated private road, if they desire to develop the back and split it off, per Planning Commission comments at last meeting will have to have a County approved road.

Thomas Krueger: Question if applicant wants to withdraw the application or act on this one?

Chairperson DeBoyer: Split off the one parcel and he will come back for the other split. Even if recognized as a private road a number of years ago, still could not use it in the condition it is now.

Zoning Adm. Timothy Wiggle: County requires it meet their specs, private road that services more than one parcel.

Discussion followed concerning private road or driveway, water or tax bills were never directed to the road.

MOTION BY SHARROW, SUPPORTED BY LINES, TO ASK FOR THE TOWNSHIP ATTORNEY'S LEGAL OPINION AS TO WHETHER HE AGREES THE PLANNING COMMISSION'S DETERMINATION THAT THIS IS NOT A PRIVATE ROAD WHERE MORE LOT SPLITS CAN OCCUR.

Discussion:

Anthony Antkowiak: Questioned already been postponed.

Chairperson DeBoyer: Postponed until we get further information.

Thomas Krueger: Opinion why bother for an opinion, will still have to be brought up to County specs to put a road in.

Pat Sharrow: It would give us a basis how to decide whether it is a private road.

Kathie Schweikart: Agree should do some research in the past minutes before we contact the attorney.

Chairperson DeBoyer: Can do the research tomorrow.

VOTE ON THE MOTION:

ROLL CALL VOTE: AYES: LINES, LYLE, SHARROW, ANTKOWIAK, SCHWEIKART.

NAYS: KRUEGER, KELLER, DEBOYER.

ABSENT: WATSON.

CARRIED.

6. **ARTICLE III, AMENDMENTS:**

Chairperson DeBoyer: Last meeting were not given the following amendments: General Provisions, 3.01, #3 & #4, review and compare.

Lighting, 3.15 – more detail than what we have now, review and next meeting will set the public hearing for the amendments to Article III.

Article 5 – RS Rural Suburban recommended changes for you to review and in addition is the adult foster care, Michigan Law there are a lot of categories look this one over too and be ready at the next meeting to make a decision what we want to do.

7. **PLANNING CONSULTANT'S REPORT**

Community Planner Peter Briddick: Wish Ms. Chairperson DeBoyer a “Happy Birthday” and a Happy Thanksgiving to all the Board members.

8. **Z.B.A. REPRESENTATIVE'S REPORT**

Anthony Antkowiak: A different form in recording the activities that come before the ZBA, will specify the practical difficulty and should help the ZBA along.

9. **ZONING ADMINISTRATOR'S REPORT**

Tim Wiggle: Wished Dorothy DeBoyer a very happy birthday.
Tim's wife made a chocolate cake for the birthday girl.

10. **CHAIRPERSON'S REPORT**

Thank you for the birthday wishes and the cake, everyone welcome to it.

11. **PLANNING COMMISSION COMMENTS:**

Edward Keller II: Atkinson Road situation, research should have been done on that before it came to the Planning Commission.

12. **PUBLIC COMMENTS**: None.

13. **ADJOURNMENT**

Motion by Lines, supported by Antkowiak, MOTION CARRIED, to adjourn the meeting at 8:00 p.m. AYES: All. NAYS: None. ABSENT: Watson.

Valerie Kulba
Recorder