

MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION REGULAR MEETING HELD ON MAY 10, 2006 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:**

Chairperson DeBoyer informed the Commission Michael Watson resigned position because of work obligations, currently without a secretary, Vice Chair Antkowiak will take the roll.

PRESENT: Chairperson DeBoyer, Vice Chair Anthony Antkowiak, George Lyle, Earl Lines, Pat Sharrow, Kathie Schweikart, Thomas Krueger, Edward Keller II.

ABSENT: None.

Also present was Peter Briddick, Community Planning.

3. **AMENDMENTS TO AGENDA:** None.

4. **APPROVAL OF MINUTES:** April 12, 2006

Moved by Lines, supported by Antkowiak, to approve the April 12, 2006 Planning Commission Minutes as submitted. AYES: All. NAYS: None. CARRIED.CC

5. **LOT SPLIT:** 06-04 KATHLEEN M. GADWAU 6535 S. CHANNEL DR.

Attorney represented the applicant: Kathy Gadwau is the recorded owner. She wishes to re-divide lots back to the original way. Referred to a letter from Assessor Schutt regarding lot depth not meeting the requirements. Referred to survey indicating 41'6" is under the water and portion is not useable.

Chairperson DeBoyer: Platted lot is the original size of the platted lot.

Comments from Board Members.

Thomas Krueger: Can we approve this lot split pending comment made by Assessor?

Chairperson DeBoyer: Yes, we can because it is a platted lot, can't say you have to take 78' off.

MOTION BY ANTKOWIAK, SUPPORTED BY LYLE TO RECOMMEND APPROVAL OF LOT SPLIT 06-04, KATHLEEN M. GADWAU FOR 6535 S. CHANNEL DRIVE, HARSENS ISLAND TO THE TOWNSHIP BOARD AS IT IS A PLATTED LOT EVEN THOUGH THE ISSUE OF THE VARIANCE IS THERE. R/C VOTE: AYES: SHARROW, LINES, LYLE, KRUEGER, SCHWEIKART, KELLER, DeBOYER. NAYS: NONE. ABSENT: NONE. CARRIED.

PLANNING COMMISSION MINUTES – MAY 10, 2006

Page 2

6. PUBLIC HEARING: SPECIAL APPROVAL/SITE PLAN CONSIDERATION

BILL'S BILLIARDS & REC. CENTER

5297 PTE. TREMBLE ROAD

Chairperson DeBoyer: Public hearing for a special approval/site plan consideration for an existing building. Site Plan Review Committee felt an interpretation should be made by the ZBA regarding if this type of facility was allowed in the zoning area.

Chairperson stated the public hearing rules that will be adhered to.

Public Hearing opened at 7:45 p.m.

Applicant Richard Decker, 4378 Clark, _____: Business in this area for 10 years, just trying to have a fun place for people to enjoy, clean environment, a place to practice a hobby, etc. Will not become a drug den, it will be controlled, never was that and it won't be this way here.

Public comments:

Rocky Meadows, 5275 Pte. Tremble Road: Large garden next to Mr. Decker, always got along fine. Afraid of a pool hall, garden would be torn up. Before the Board decides need to think about it. Respect our feelings.

Lynne Paquette, 5307 Pte. Tremble Road: Lived here one year, have done extensive renovation to our home and property, very opposed to the thought we will have a rec. next to us, do not see any good coming from this.

Shirley Ross, 5285 Pte. Tremble Road: Not opposed to having a place for kids to go to, roller park in Algonac there are always problems and that is our concern, high school is just down the road from this hall.

Mark DeKlein, 5265 Pte. Tremble Road: Police Officer has informed me trouble will start when other kids start to come, don't want that in my backyard.

Andy Kalsey, 5331 Harcus Ct.: Has the Police Chief been contacted as far as what kind of problems can occur in such an establishment? Does the Board understand what is going to happen here? We'll have juveniles at night; police would have to control the area 24 hours a day.

Mr. Decker: Appreciated all your concerns, am a responsible person and the people that I will have there will be responsible, don't plan to change, no drugs, plan to have a coffee shop, other facilities are successful.

No other public comments closed the public hearing at 7:55 p.m.

PLANNING COMMISSION MINUTES – MAY 10, 2006

Page 3

Planning Commission Comments:

George Lyle: Questioned what would be the hours of operation?

Applicant: 11:00 a.m. no later than 11:30 p.m.

Earl Lines: Lighting could be a nuisance, installing lights without asking the neighbors, driveway Lot 119 uses will be a problem, congested area will have problems entering their property and do we have enough room for parking?

Pat Sharrow: Site plan should be included and that would answer some of our questions; history of the building: 20 years back it was commercial, used as an industrial use, don't have industrial on the water side, glad will be going back to commercial; hours Planning Commission can set them; curfew where the children have to be off the street, worried about is outside the building and it is surrounded by residential, can we require some of the barrier, screening, walls because it is an existing building?

Planner Peter Briddick: Have the right to set those barriers, big issue is traffic circulation, narrow access drive on the west side of the building, vehicle/pedestrian circulation is a problem; general objection is how will this affect the neighborhood, recommend intense screening.

Anthony Antkowiak: Did the applicant address any of these concerns?

Peter Briddick: Policy is to 1st dispense to Commissioners.

MOTION BY ANTKOWIAK, SUPPORTED BY SCHWEIKART TO POSTPONE ANY ACTION ON THE SPECIAL APPROVAL/SITE PLAN CONSIDERATION FOR BILL'S BILLIARDS & REC. CENTER, 5297 PTE. TREMBLE ROAD UNTIL THE ISSUES BROUGHT UP BY OUR PLANNER CAN BE ADDRESSED BY THE APPLICANT AND PROCEED FROM THERE.

Discussion of motion:

Pat Sharrow: Would like to see site plan signifying the type of screening, barriers, etc.

Earl Lines: Questioned if there would be another public hearing?

Chairperson DeBoyer: Not another public hearing is required, returns to the Planning Commission would be publications in the newspaper, agenda posted, public information.

VOTE ON THE MOTION: R/C VOTE: AYES: SHARROW, LINES, LYLE, ANTKOWIAK, KRUEGER, SCHWEIKART, KELLER, DEBOYER. NAYS: NONE. ABSENT: NONE. CARRIED.

PLANNING COMMISSION MINUTES – MAY 10, 2006

Page 4

7. PLANNED UNIT DEVELOPMENT PROJECT REVIEW:
MCKINLEY FARMS SWARTOUT & MCKINLEY

Chairperson DeBoyer: Conceptual P.U.D. was handled at the site plan committee level; we are here tonight to discuss and set the public hearing date.

Timothy Strokley, Representative for the owner William Roland:

Appreciate the help received at the site plan committee meeting. Preliminary plan before the Committee. Zoned RS-1 as the project property. Drain course runs through the property. Treatment facility representative will be here to answer any questions; welcome the opportunity to conduct a trip to show the Board what happens. Opportunity to look at the technology that is there. Will not be a visible, wooded area around the treatment facility. Proposing one large open access space for the P.U.D., have adjusted the lot size and moved the development slightly furthering to create some open space.

Site Plan Committee suggested we provide three main access points. Landscape plan that goes with it and are open for comments. Screening and create a natural wooded area and a nice entry feature along Swartout Road. Other question Committee had was the use of the open space: submitted a natural open space put in a walking trail. Open to your thoughts, that is one question that remains unanswered. Sidewalk located within the roadway. A wetlands study will be done and will submit it to the Commission.

In short we'll do all the things the Committee noted.

Introduced Mr. Tom Burgess from the Waste Water Management, Grand Rapids: He defined the design of a wastewater treatment plant used within the P.U.D. project. Explained the health and DEQ design of the wastewater plant and the maintenance required. It would be very efficient for the number of homes within the project, would not be unsightly, explained the process of the ground water treatment system.

Earl Lines: How many feet of tile will this treatment facility have? How deep will the tiles be, concerned about frost. Way to back up in case of a power outage, noise from the pumps.

Mr. Burgess: State makes us monitor the plant on a daily basis.

Pat Sharrow: Question to Planner Mr. Briddick regarding such waster water treatment systems cannot be denied within a legal P.U.D. according to the State.

Planner Peter Briddick: Legal opinion from the Township lawyer.

Pat Sharrow: Will it be part of the condo agreement will there be funds collected to rebuild the treatment facility if it should need extensive work?

PLANNING COMMISSION MINUTES – MAY 10, 2006

Page 5

Lawyer Timothy Strokley: Referred to a previous case a statute was passed – Lake Isabella, that within a document a maintenance fund is created that will require a bond, a final continued maintenance and continuing update. DEQ permits are issued, time period on it, project periodically reviewed, water quality discharge permits, very stringent rules and regulations to follow. Plans are approved and the construction, public notices are done, public hearings held. DEQ draft permit would set the standards, subject to review. Numerous steps to advise the public what is being done.

Thomas Krueger: Over the life of the Condo Agreement will it require a professional be in charge of the facility?

Tom Burgess: Certified operator of a wastewater treatment and why.

Lawyer: Special Assessment would be levied in the Township; the amount of the security is determined by the DEQ.

George Lyle: How will the facility be monitored daily?

Tom Burgess: Tele radio, if a problem could have someone here within an hour.

Pat Sharrow: Concept like it, no stress on our water department, traffic flow would use Starville and northerly route to Mt. Clemens, no stress on M-29, would bring families in, good for school enrollment, police and fire department no stress, don't see any way Clay Township would be impacted.

Earl Lines: Property appears to have monitoring wells there.

Owner William Roland: No affect, which will disappear, well put in to determine a water table.

George Lyle: Questioned how would road be surfaced?

Chairperson DeBoyer: Follow the County Road specifications.

Road would be a dedicated road.

Thomas Krueger: How will ownership be handled, community owned or deeded?

Lawyer: A unit is a limited common element, annual dues assessed by an association or governing board, right to access their property for review, County or municipality does not get involved in the collecting of the dues or taxes, regulated by State statute.

Anthony Antkowiak: Questioned items mentioned will be submitted on a site plan, do we have a public hearing date set?

Lawyer comment re: the timing.

PLANNING COMMISSION MINUTES – MAY 10, 2006

Page 6

Chairperson DeBoyer: Asked the owner for an idea how much time they would need, we'll set the public hearing based on that.

Lawyer: Do encourage the Commission to do a site inspection of the facility.

Pat Sharrow: Years ago the property at Swartout & McKinley was not a race track, it was a training track.

Chairperson DeBoyer: Comments from the engineer can be addressed in the forth-coming plan.

Thomas Krueger: Questioned the final condo agreement to the P.U.D. agreement.

Planner Peter Briddick: Specific final phase there is a draft that is required

Chairperson DeBoyer: Never saw a parallel plan that was supposedly mentioned, was there such a plan?

MOTION BY SHARROW, SUPPORTED BY ANTKOWIAK, TO SET THE PUBLIC HEARING FOR THE PLANNED UNIT DEVELOPMENT FOR THE MCKINLEY FARMS BE HELD AUGUST 9, 2006 AT THE REGULAR PLANNING COMMISSION MEETING. AYES: ALL. NAYS: NONE. ABSENT: NONE. CARRIED.

8. DISCUSSION ON SURVEY

Kathie Schweikart update: Not too much accomplished this month, DDA Chair won't be back until the 19th, trying to plan a joint meeting for the survey, not sure if they can pay, can the DDA pay for something outside their district?

Pat Sharrow: Like to see the Planning Commission go ahead with a decision, can the DDA pay for a small part? Survey will be very beneficial, need to act.

Kathie Schweikart: Should be able to fit the survey within the newsletter.

9. PLANNING CONSULTANT'S REPORT – None.

10. Z.B.A. REPRESENTATIVE'S REPORT – Anchor Bay Drive issues.

11. CHAIRPERSON'S REPORT

Township Board has approved Boards attending the 2006 Michigan Zoning Enabling Act on May 30th, must turn in your applications by the 17th to the Office, met with the lawyer and planner to discuss this enabling act, goes into law July 1st, much work ahead with this and the P.U.D. coming up, eventually all of these amendments will be incorporated into one big amendment. Encourage the Commission to read over the P.U.D. closely and be prepared.

PLANNING COMMISSION MINUTES – MAY 10, 2006

Page 7

12. **PLANNING COMMISSION MEMBER'S COMMENTS**

George Lyle: How was Fox Fire Farms allowed to put in the greenhouses?

Chairperson DeBoyer: Fox Fire Farms is part of a farm and is nonconforming, falls under the Right to Farm Act.

Edward Keller II: Comment regarding the P.U.D. presentation was very good.

13. **PUBLIC COMMENTS** – None.

14. **ADJOURNMENT**

Moved by Antkowiak, supported by Lines to adjourn the regular meeting at 9:20 p.m.

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

Valerie J. Kulba
Recorder