

MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION REGULAR MEETING HELD ON JULY 12, 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:**

PRESENT: Pat Sharrow, Earl Lines, George Lyle, Whitey Simon, Anthony Antkowiak, Kathie Schweikart, Thomas Krueger, Edward Keller II, Dorothy DeBoyer. ABSENT: None.

Also present was Peter Briddick, Community Planning.

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

4. **APPROVAL OF MINUTES:** June 14, 2006

Moved by Antkowiak, supported by Lines to approve the 6/14/06 Minutes.

Discussion of changes/corrections to the minutes:

- Correct Whitey Simon's name in the minutes, remove "s"
- Page 2, L.S. 06-06: Motion by Sharrow, supported by Lyle.
- Page 2, comment from Chairperson re: Brisbay Restaurant, 7291 Dyke Road: change to read as follows: "Lot next to them is not finished, to use for parking and to continue it would need something from MDOT to park in the right of way"
- Page 3, top page, Sharrow's comment re: 9555 Lakepointe – "cannot require a developer to do off site improvements."
- Page 3, L.S. 06-08, 2976 Fruit Road, Chairperson DeBoyer's 1st comment: change as follows: ".....does not meet the width requirement of 65'." 2nd comment by Chair should read as follows: "Parent parcel does not have to meet depth to width, but needs the 65' frontage."
- Page 5, Planning Consultant's Report change to read ".....rules of the Zoning & Enabling Act....."

APPROVE THE MINUTES WITH THE CORRECTIONS AS STATED.

AYES: ALL. NAYS: NONE.

CARRIED.

5. **LOT SPLIT 06-09 – ART ARMSTRONG
(74-14-703-0012-000/74-14-703-0011-050)**

Chairperson DeBoyer: property on Harsens Island, applicant is desiring to split.

MOTION BY SHARROW, SUPPORTED BY LYLE TO RECOMMEND APPROVAL OF LOT SPLIT 06-09 FOR ART ARMSTRONG, IT MEETS THE QUALIFICATION OF THE ZONING ORDINANCE. R/C VOTE: AYES: SHARROW, LINES, LYLE, SIMON, ANTKOWIAK, SCHWEIKART, KRUEGER, KELLER, DeBOYER.

NAY: NONE.

MOTION CARRIED.

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6. PUBLIC HEARING: PUD (PLANNED UNIT DEVELOPMENT)

Chair DeBoyer: Reviewed the rules of a public hearing as stated on the back of the agenda. In addition, will not allow any cheering, clapping, etc. from the public. Planning Commission members are citizens of this Township, cannot make a decision based on emotion, we are ruled by the laws of the State of Michigan and the ordinance of Clay Twp. Decision will not be made tonight, P.U.D. is a lengthy process.

Ken Cobb, Developer Representing JJR: Very extensive and informative power point program presented on The Sand Island Club development. Presentation included maps of the area viewing the location of Sand Island, sketches of architectural homes within the development, habitat restoration plans, open space maintained in the development, preserve the natural shoreline, etc.

OPEN THE PUBLIC HEARING:

Chairperson DeBoyer read four (4) letters into the record:

1. Opposed to the project: Mrs. S. Hilton, 409 N. Channel, Russell Island.
2. Opposed to the project: Andre & Judith Suykerbuyk, 7290 S. Channel Drive, H.I.
3. Opposed to the project: Mrs. L. Bain, Harsens Island.
4. Mr. & Mrs. A. Armstrong, 371 Grande Pointe Cut

Franklin Schoonover, 3240 S. Channel: Concern is the water quality and the waste water treatment plant.

Mr. McQue, 721 N. Channel Drive, Russell Is.: Live 150' from the proposed bridge and the sewer disposal treatment plant, worried how this will affect a sale of his property?

Ralph Livingston, 731 N. Channel, R. I.: What has the developer done to address the situation with the bridge and the Island, right of way is only 22' wide, road cannot support 90 homes.

Mrs. Jane Wright, 999 Lee Street: Concern is N. Channel Drive, will plunder Harsens Island of a private dead end, should not be a thoroughfare; Island a filter mechanism for the Great Lakes, flood plain matter.

Jim Praught, 1180 N. Channel, H.I.: Fire and Police service concerns, owners of these luxury homes will want Clay Police and Fire to respond, N. Channel cannot handle the current traffic, much less the additional traffic when these 90 homes are built.

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Ann Steel, 687 S. Russell Drive: Area has a beautiful environment and like other people to share in the beauty; issues have are: safety access into the N. Channel will not be there between the two Islands; environmental precautions be taken and lastly the Island ascetics maintained i.e. plan too dense can cause crowding, need to make it smaller and less grand.

Jill Richards, Harsens Island: concerns the amount of land being used and how much land is going to be mitigated to complete the project; treated sewage runoff polluting our waters, Ferry anxiety.

Judy S., 727 N. Channel: Live close to the proposed development, lot 3 & 4 a private road, lawsuit by 10 homeowners several years ago, Judge Deegan ruled the end of Grande Pointe Cut would specifically be a turn around once they make this a private road; seven (7) owners should have that right also.

Mrs. Sloan Englehardt, 120 N. Channel Dr. R.I.: sewage treatment plants are known to fail, how much dredging will you do, EPA permits obtained so far? 90 Homes will bring easily 180 cars easy, where will all those cars park? Lighting and Winter access an issue. Winter access, Grande Pointe Cut is closed would have to go around, waterways get very agitated from the boat traffic now and will only getting worse. Development will change the whole flavor of the area.

William Kersten, 201 S. Channel: Transporting the material to build will be a tremendous stress on the Ferry, developer needs to look at material being brought to them by boat.

Chuck Glotton, 371 Monroe, H. Is.: N. Channel Drive from M-154 is residential, homes and kids on that street, truck traffic detrimental to the road, extra burden to the ferry load.

Mr. Thomas, 158 Grande Pointe Cut, H.I.: Own one of the largest of the areas on the cut, specific issues: Police/Fire services paying for 14 years, location of the septic system, building height 35', 10' high berm. Not opposed, interested in working with the developer and the residents can work with him.

Larry M. 170 Grande Pointe Cut: Concerns the bridge height, sanitation system, if leakage odors will drift and smell, like the odor issue addressed.

Bud Breitmeyer: Resident for 40 years, wife died of cancer in 1998, St. Clair County has the highest cancer rate. Any development has got the risk to adding toxins to the waterways, pollution would be involved.

Philip Sloan, resident of Russell Island: Against this development, 53 boat slips, 90 homes way to dense.

Chairperson DeBoyer: Applicant will have an opportunity to make statements.

Ken Cobb, Developer with JJR: Bridge access to Sand Island emergency access is not a problem have already taken that up with the Road Commission.

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Treatment Plant: Bob-Lo Island uses the same biological treatment system. MDEQ would be the final arbitrator.

Mitigate land: public hearings would be held, as we go through this process, will work with the Corp of Engineers.

Protected area in terms of environment.

Bridge will have to be worked through the DEQ, public hearings will be held.

Parking: 2-car garages and an apron for extra parking.

Lady: Sand Island parking at the Canoe Cut has only 40-50 spaces.

Ken, Developer: Will be addressed a safe place to turn around.

Art Armstrong, 371 Grande Pointe Cut: Concern is the bridge Island side west of Grande Pointe Cut, talked to the County Road and told the developer had not heard word about this development, 1999 Judge ruled those ten property owners own that road except for 22', a decision would have to be made as to what that road can handle.

Chairperson DeBoyer: M-29 Ferry we have stacking of cars always on the weekend.

Pat Smith, One of the principals of Grande Pointe Properties: Breakdown percentage wide regarding car traffic on the ferry with this development.

Chairperson DeBoyer: Ferry is a private enterprise, not a great concern, M-29 will be address in the future.

Unidentified citizen: Truck trips over how many years to finish this project?

Ken Cobb, Developer: 2-3 years maximum, possible to have own ferry bring supplies to site.

Citizen: How would you regulate the use of the bridge?

Great concern to several residents re: a fee to use the bridge, winter access to Russell Island via Sand Island, etc.

Ken, Developer: Owners of the Island are willing to talk about that.

Chairperson DeBoyer: Will be addressed in the future and want to work with the people along that area.

Lucy Burby: Development compared to the Old Club, problems with their sewer disposal system.

Chairperson DeBoyer: Sewer system for the Old Club was done years ago, technology has progress over the years.

Pat Sharrow: Planning Commission does not have much control over the system, if the State of Michigan approves it, we cannot do nothing about it. Bridge falls under the Corp of Engineers and Coast Guard authorities.

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Chairperson DeBoyer: DEQ and the DNR will be addressed; referred to parking in a non auto project, modest impact on Grande Pointe Cut and Sand Island.

Received all the response from the residents present at the meeting.

Comment: As Planning Commission members we care about our community, we are ruled by the rules of the State of Michigan and our own Clay Township laws. The applicants must meet all requirements. Decision will be made based on facts and laws.

Close the Public Hearing at 9:15 p.m.

PLANNING COMMISSION MEMBER COMMENTS:

Planner Peter Briddick: Discussed the feasibility of the parallel plan as presented on the development.

George Lyle: Questioned percentage of unused water taps available within Clay.

Chairperson DeBoyer: Contract with Algonac for over 2 million gallons per day, there is adequate water available and pressure too at the north end. Concern: State of Michigan has put a hold on extensions because the cold water testing won't be done until Feb. 2007 when the moratorium will be lifted. Per DPW Supervisor, water flow testing indicates there is enough water flow.

Sharrow: Traffic impact study on N. Channel Drive.

Chair DeBoyer: M-29 study.

Earl Lines: Judge Deegan's decision, how can I read his ruling in 1999. Concern is the lighting on Sand Island. Biologically sludge does not break down.

Chair DeBoyer: Ordinance does limit lighting; sewer treatment plant will take care of this treatment.

Chair DeBoyer: Members have a great deal of info to digest, information will be sent to our attorney and engineer, fire and rescue department, police, once we have all their feedback, will come back to a Planning Commission meeting and a decisions will be made, from there it will be reviewed by the Township Board for their remarks, a lengthy process.

7. PLANNING CONSULTANT'S REPORT

Peter Briddick, Planner: Attended many public meetings at other entities, tonight's public hearing was handled very professional and very impressed with the eloquent thoughts and ideas and concerns by all involved.

8. Z.B.A. REPRESENTATIVE'S REPORT – No Report.

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9. CHAIRPERSON'S REPORT

Survey Committee Report: Kathie Schweikart – joint meeting with DDA; proposed survey cost, DDA yesterday made a motion to pay up to \$1,500.

Chairperson DeBoyer: Decision whether we are going to ask the Board of Trustees to pay part of this for the Planning Commission. Supervisor Manos pointed out to the DDA legally are not suppose to spend tax dollars outside their district.

MOTION BY LINES TO PRESENT THE SURVEY COST PROPOSAL TO THE BOARD OF TRUSTEES FOR THEIR APPRAISAL AND THEIR DECISION IF THEY ARE GOING TO PAY WHATEVER THEIR SHARE WILL BE. SUPPORTED BY ANTKOWIAK. AYES: ALL. NAY: NONE. MOTION CARRIED.

10. PLANNING COMMISSION

George Lyle: Compliment to the Chair for the very professional way this public hearing was handled.

Pat Sharrow: Regarding Lot Split, did Attorney McNamee send a response?

Chair DeBoyer: Some history to look at yet.

11. PUBLIC COMMENTS

Chair DeBoyer: Public comments from the hearing will be a matter of record; copy can be obtained under the F.O.I.A.

Pat Smith: Superior job regarding the public hearing, Mrs. DeBoyer did a great job.

12. ADJOURNMENT

MOTION BY SIMON, SUPPORTED BY LINES TO ADJOURN THE MEETING AT 9:37 P.M. AYES: ALL. NAY: NONE. CARRIED.

Valerie J. Kulba
Recording Secretary