

MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION REGULAR MEETING HELD ON OCTOBER 11, 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: Chairperson DeBoyer, Vice Chair Anthony Antkowiak, Pat Sharrow, Whitey Simon, Kathie Schweikart, Thomas Krueger, Edward Keller II, Earl Lines.

ABSENT: George Lyle (Excused).

Also present was Community Planning Peter Briddick.

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

4. **APPROVAL OF MINUTES:** September 13, 2006

Motion by Antkowiak, supported by Simon to approve the September 13, 2006 Minutes. Changes to the minutes: Page 1, 4th paragraph from the top, 5th sentence, correct the word advise should be “..... advice of our Attorney John McNamee.”

Page 2, 3rd paragraph, motion was made by Krueger to recommend to the Township Board Lot Split 06-11 for John Horvath.

Page 2, 4th paragraph, comment by John Horvath: add the word “but” after “going to build but built the garage.....”

Minutes approved with the above corrections as stated.

AYES: All. NAYS: EXCUSED: George Lyle. **MOTION CARRIED.**

5. **OLD BUSINESS:**

PUD – GRAND POINTE PROPERTIES, LLC – SAND ISLAND CLUB

Chairperson DeBoyer: Reminder not a public hearing tonight, the public hearing was closed several weeks ago. The Commission is here tonight to discuss the information that has been submitted to us.

Pat Sharrow: Does the applicant have any more information about the lawsuit that might affect the right of way on Grande Pointe? Coast Guard seems unfavorable about your bridge, what is your alternative?

Contractor Ken Cobb introduced several people involved in the development.

Preliminary planned unit development and will have to go through a permitting process with the Coast Guard, EDT, State of Michigan Wetlands, sanitary treatment facility, etc. Waiting for the preliminary approval then would be working through public hearings with the Coast Guard and establish what the clearances would be.

Pat Smith: Notes from the Judge ruling on the land determination, June 24, 1999.

Chairperson DeBoyer: Any contact with Road Commission re: the 22' road?

Pat Smith: Met with them, did not seem to be a problem, roads on the Island vary in width.

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Chairperson DeBoyer: Regulation road is 66' wide, new road must meet those road regulations. Traffic study, there are concerns re: stacking of cars on M-29.

Carl Santino: Traffic Study Consultant: A formal count survey not completed, 890 vehicles per day peak hours. Traffic currently using the ferry adding only 4% to that traffic, amounts to approximately a car and a ½ a minute, not a significant impact to traffic on M-29 at the Ferry. Very minimum impact to the existing congestion.

Thomas Krueger: Planner has addressed issues in several letters, have they been addressed?

Community Planning Peter Briddick: June 5th was the last letter. Quick review of issues:

- Traffic study – qualifying data was not included in the initial study.
- Review of fire and emergency services.
- Lots 407-428 will have to be formally vacated at final phase.
- Waste water treatment facility dealt with in the engineering phase.
- Buffering and setback requirements, Commission will make those decisions.

Parallel plan: no measurements on it or setbacks, need to provide copies for the Township.

Coast Guard letter is a huge issue and very important.

Recommend preliminary only after issues with bridge and the Coast Guard are resolved.

Chairperson DeBoyer: As Planner stated there are a number of things that can be addressed and we as a Commission can determine whether these things are acceptable or ask for changes. Major issues are the traffic study, N. Channel Road & Bridge.

Pat Sharrow: Looking at the parallel plan how do we know if the 104 building sites may not be available due to wetlands in this layout?

Ken Cobb: Mitigate with the DEQ, dealt with the DEQ before.

Pat Sharrow: Possible 104 building sites may not be available, compare the units planned for the P.U.D. that would change the figures, decision the State of Michigan would make. Surprised the developer would want us to approve the preliminary with this letter from the Coast Guard saying that their plans for the bridge are totally unacceptable and there is no alternative. Before there is a preliminary definitely feel there should be a traffic study for N. Channel and the Ferry area with a traffic engineer assigned by the Planning Commission paid for by the developer and a water flow line presented to the Commission, road right of way and the bridge are very crucial before the preliminary approval. If all the Ordinance requirements are met, it probably can be approved but not without the knowledge of the bridge, traffic study and a test on the water line done.

Edward Keller: Visited the waste disposal plant in Romeo, very impressed with the system, well maintained, have a system like that would personally see no problem with it.

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Whitey Simon: Waste Water Treatment Plant visit comments, overall well maintained.

Earl Lines: Concern is 10-12 years down the line when they start to break down. Who is going to maintain them or is it going to fall upon the Township or the County. MDEQ should know how our position.

Chairperson DeBoyer: Reminder to Commissioners, not within our authority to disapprove or approve, only thing can address is where it is located on the site plan and MDEQ will make that decision. If the State approves, the Township does have the right to put in place an agreement and a special assessment district to care for it.

John Fiero, Civil Engineer: DEQ does provide for all those concerns. Island facility a delicate area careful with the design. DEQ will not issue permits until the Developer shows the plant would be technically feasible to meet the standards but the project has the financial means to sustain it. Worked on the wastewater treatment plant at the Old Club.

Simon: What is the life cycle of a plant. Residents at the Old Club have detected an odor at certain times.

John Fiero, Civil Engineer: 20-30 years life cycle; pumps, valves and moving parts would have a shorter term, initially will last 30 years. DEQ requires financial document to cover your current operating costs and a “sinking fund” to take care of your long term needs. Treatment plants are biological processes very sensitive to the seasons and uses, process for Sand Island is much more conservative, always have those concerns.

Pat Sharrow: State law recently passed states a municipality has the authority to create an assessment district, not collecting money today, but for example if a plant breaks down in 25 years and something happens to the funding, there would be a funding mechanism where the Township could step in to rebuild, repair or replace w/o the other taxpayers in the Township spending their money. Would need more info from the Clerk. Could be a part of an agreement with the developer if this moves forward.

Antkowiak: Bridge a very serious issue and other issues not addressed, not anywhere near to giving a preliminary approval at this time.

Planner Peter Briddick: In light of the fact have not heard any real negative concerns of the concept of the development, valid concerns generally speaking, and in general project could work. Suggest it be tabled if mutually acceptable to both parties and the issues of the Coast Guard and the traffic analysis is reviewed with the proper authorities and the applicant can give us a status report at a future meeting. Subject matter will always have it on the agenda.

Chairperson DeBoyer: I agree, my personal opinion if all things are met, it could be a beautiful development but do have concerns would like some answers on before we make a recommendation to the Township Board these things need to be addressed.

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Applicant Ken Cobb: Never ran into a situation where the preliminary drawing was not approved and the detail and intent regulations were pursued after. Not sure the Coast Guard has jurisdiction here.

Chairperson DeBoyer: Referred to letter from Robert W. Bloom, Jr., Bridge Program Manager of the Coast Guard does say the water way does in fact fall under the jurisdiction of the U. S. Coast Guard, until we have evidence different, we have to go with what is said here.

Ken Cobb: Disappointed the Planning Commission putting so much details on this project.

Chairperson DeBoyer: No permit submitted, no evidence there has been any effort to comply in some way. The Road situation is a serious issue; I would like to see some comment from the Road Commission addressing this 22' situation.

Planner Peter Briddick: Favorable concept, issue of the road and Coast Guard do impact the Commission in making a decision, need a time frame to make a status report and bring it back to this Commission, no one has said they do not like the project.

Chairperson DeBoyer: Preliminary stages, concern of the 22' road right of way and the bridge, a water flow report would be required later on after the preliminary

Earl Lines: Comments regarding the water situation, feel this should be also addressed before the preliminary approval.

Chairperson DeBoyer: Cold water testing when completed, will lift that hold on the water.

Simon: As far as preliminary approval, we should obviously deal with those aspects of the project that falls under our jurisdiction; bridge and road does not fall under us, preliminary approval might be in order.

Ken Cobb: Designing the project for the residents and the emergency cut; mitigation of the land, technical issue believe it can be worked out. Property owner at N. Channel has enough room to fit in the approach and the turn around, 11' of clearance with no problem at all.

Chairperson DeBoyer: How long do you think it would take you to get something from the Road Commission and whether the Coast Guard has jurisdiction or not?

Ken Cobb: Next month's meeting, 1st meeting in November.

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MOTION BY SHARROW, TO POSTPONE A DECISION UNTIL THE 1ST MEETING IN NOVEMBER OR THE WORK MEETING IN ORDER TO HAVE THE APPLICANT BRING BACK INFORMATION ABOUT THE BRIDGE ON THE COAST GUARD'S RIGHT TO CONTROL A BRIDGE OR A HIGHER BRIDGE PLAN AND A TRAFFIC STUDY FOR N. CHANNEL FROM A TRAFFIC ENGINEER OF OUR PLANNING CONSULTANT'S CHOICE AND A COMMENT FROM THE ROAD COMMISSION TO BE SURE THEY APPROVE OF THE RIGHT OF WAY AND WILL ALLOW THE 22' RIGHT OF WAY ONTO THE BRIDGE. SUPPORTED BY SIMON.

Discussion:

Chairperson DeBoyer: If not prepared by 1st meeting in November, work shop on November 21 or one meeting in December.

R/C VOTE: AYES: KRUEGER, LINES, SCHWEIKART, KELLER, SHARROW, SIMON, BRYSON, DeBOYER. NAYS: NONE. ABSENT: LYLE. MOTION CARRIED.

6. PLANNING COMMISSION MEMBER'S COMMENTS

Peter Briddick: Update on the Amendments to the Zoning Ordinance, finished with our review, forwarded an electronic copy to you for any fine tuning. Next meeting will conduct a PUD presentation.

Question to Anthony Antkowiak, ZBA Rep. regarding Brisbay revised plan, could you clarify those variances?

7. Z.B.A. REPRESENTATIVE'S REPORT

Anthony Antkowiak: Brisbay revised plan: ZBA required the greenbelt, any number of legal parking spaces they could get into their space realizing they would be using other spaces that we cannot approve.

8. CHAIRPERSON'S REPORT

There had been another public hearing for another PUD before us. Judy Biland concerned the minutes from the public hearing indicate she was in favor of the PUD. She would like it made clear she was not speaking in favor but asking two questions. Karen Benoit same comment. Let the record show "Judy Biland and Karen Benoit did not intend to speak in favor of the PUD project on McKinley Road." This will be noted for the record.

Pat Sharrow: We do not take that into consideration when judging a project, project has to be judged according to the ordinance.

Joint meeting with the Township Board on October 25, 2006 addressed by our Planner and Attorney.

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St. Clair County Metropolitan Planning Commission Fall Work Shop is Thursday, 10/26/06, Township Board approved anyone who would like to attend contact Dorothy.

We all live in this community, I have been reading and hearing things that are not totally accurate on what is going on and what is being said. If you have questions about something before the Planning Commission come in go through the files and get the accurate information so you know exactly what we are dealing with. Please ask questions and don't assume.

9. PLANNING COMMISSION COMMENTS:

Earl Lines: Nice to be back, thank you for your thoughts and good wishes.

Pat Sharrow: Algonac School Superintendent Dr. Dennis Guiser will be more than willing to supply us with the information and figures we need re: losing students in the schools. Our school desperately needs students; Algonac School District has lost students.

10. PUBLIC COMMENTS:

Dennis Schaible, 6186 Swartout Road: Comments regarding Commission not supplied with the appropriate amount of information on the bridge and right of way, when does the Planning Commission make a decision without the Planner involved?

Chairperson DeBoyer: Ordinance tells us what we have to have in front of us. Applicant had provided information, now it was time to discuss it as a Board and tell the applicant what we needed and what we felt was the next step. P.U.D. is a long drawn out process and a decision by this Board has a process to follow.

Dennis Schaible: Objected to the Planner interjecting comments, not appropriate, educated people on this board without hearing from the Planner. Comment as to traffic survey should include the Chief of Police.

Only right everyone in this room should be able to hear the Planner's comments especially for the hearing impaired that cannot hear from their seat.

Nick Sarzynski, 7482 Venice Hwy. Harsens Island: Comments re: traffic pattern and the study, when would this study happen? During the winter month's traffic will fluctuate. As developments grow, there is erosion of our wetlands and wild life will become extinct.

11. ADJOURNMENT

Motion by Lines supported by Sharrow to adjourn the meeting at 8:45 p.m. Ayes: All. Nays: None. Absent: Lyle. **MOTION CARRIED.**

Valerie J. Kulba
Recording Secretary