

**MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION
REGULAR MEETING HELD APRIL 25, 2007 IN THE CLAY
TOWNSHIP MEETING HALL, 4710 PTE. TREMBLE ROAD,
CLAY TOWNSHIP, MICHIGAN 48001**

1. Chairperson Dorothy DeBoyer called the meeting to order at 7:32 p.m.

2. **ROLL CALL:**

PRESENT: Chairperson Dorothy DeBoyer, Vice-Chair Anthony Antkowiak, Secretary Kathy Schweikart, Edward Keller, II, Earl Lines, George Lyle, Whitey Simon, and Thomas Krueger

ABSENT: Pat Sharrow (Excused)

Also present: Peter Briddick, Community Planner

3. **AMENDMENTS TO THE AGENDA:**

None.

4. **APPROVAL OF MINUTES:**

Motion by Antkowiak, supported by Lyle to approve March 28, 2007 and April 11, 2007 Minutes.

AYES: All NAYS: None ABSENT: Sharrow (excused)

MOTION CARRIED.

5. **OLD BUSINESS:**

New Clay Township Zoning Ordinance #126:

DeBoyer: Amendment Committee has met, and I spoke with Peter Briddick and Patrick Meagher and it has been determined that since we have already had a public hearing and the public hearing has been closed, we cannot go back and make any changes other than typographical errors in the Ordinance. If we were to decide to go back and start at square one, we would be looking at 3 to 4 months down the road. In the future we know that we will have to amend the section on the Planned Unit Developments to bring it in line with the new Zoning Enabling Act. Our Township Planner has recommended that we move ahead with our proposed Ordinance. When we make an amendment to the then Ordinance for the PUD section, we can make the other changes that have been brought up at 3/28/07 meeting. This will probably have to be done after the first of the year. Also, by law, we must complete our review of our Master Plan by December 31, 2007.

Schweikart: Stated that some people had some strong opinions on certain aspects of the proposed Ordinance that they wanted changed.

CLAY TOWNSHIP PLANNING COMMISSION MINUTES – APRIL 25, 2007

Page 2

Lyle: Requested clarification regarding suggested changes to Ordinance in 3/28/07 Minutes. Also questioned changes regarding boat houses.

DeBoyer: Those will be carried over until we make an amendment to the Ordinance unless they are typographical errors that need to be corrected. Enclosed boat houses will be by Special Approval Land Use, each looked at individually by the Planning Commission instead of going to the ZBA.

Schweikart: Questioned the additional cost to come to Planning Commission.

DeBoyer: There is not a lot of cost difference. The application fee is the same. The only difference in cost is for review by our Planner. The cost is dependent on each project.

Lines: Questioned whether we would need another public hearing upon reviewing the Ordinance at the beginning of next year.

DeBoyer: Whenever you make any kind of amendment to the Ordinance, there must be a public hearing.

Antkowiak: Amendments can be made at any time. Stated that with regard to issues from the ZBA, still feels the language Mr. Kras provided could be used in assisting in making determinations on whether variances are applicable.

DeBoyer: Feels we can work with what we have without people having to go to ZBA. This will also give us an opportunity to see how this works. Wording in our proposed Ordinance was recommended by our Planner.

Antkowiak: And, it fits the new Zoning Enabling Act, which was one of the more important things we had to deal with.

Motion by Antkowiak, supported by Lines to recommend approval to the Clay Township Board that the Clay Township Zoning Ordinance #126 be approved.

DeBoyer: Requests that it also be recommended for approval to the Metropolitan Planning Commission.

Motion restated by Antkowiak, supported by Lines to recommend approval to the Clay Township Board and the Metropolitan Planning Commission that the Clay Township Zoning Ordinance #126 be approved.

Keller: Questioned whether any zoning was being changed?

DeBoyer: No zoning was changed at all. The only difference is the colors on the map.

Antkowiak: The Legend also includes the new RL1 zoning, although there is nothing zoned RL1 at this time.

Simon: Questioned whether we would have any problems with regard to marinas?

DeBoyer: Marina was put back in where it originally was. The one placed under Special Approval Land Use will remain there.

R/C VOTE: AYES: DeBoyer, Antkowiak, Lines, Keller, Simon, Lyle, Schweikart, Krueger

NAYS: None

ABSENT: Sharrow (excused)

MOTION CARRIED.

6. PLANNING CONSULTANT'S REPORT:

Briddick: Questioned whether everyone received Michigan Planner Magazine? Suggested all Planning Commissioners read the article on first page regarding Code of Conduct that relates to discussion at previous meeting.

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

Antkowiak: None.

8. CHAIRPERSON'S REPORT:

DeBoyer: None.

9. PLANNING COMMISSION MEMBER'S COMMENTS:

Schweikart: Welcomed everyone back.

Krueger: Questioned when public hearing from April 11, 2007 will be rescheduled?

DeBoyer: It will be the end of May because it must be republished in the newspaper and everything has to be done over again. We have to follow the law and republish it and send out letters again.

Antkowiak: Questioned whether Planning Commissioners should also notify the Building Department in the event of an absence at a schedule meeting?

DeBoyer: Stated it would be a good idea.

Antkowiak: They could keep track and if they saw that we were getting close to not having a quorum, they could notify people and make sure people are coming.

DeBoyer: Even if there is not a quorum, we should still meet and state that there is not a quorum present. If a meeting is going to be canceled, there should be 24 hour notice. The only exception would be due to unforeseen circumstances, such as a blizzard.

Lines: Questioned Chairperson DeBoyer as to whether she had any information on the upcoming seminar? Stated that he felt it would be a beneficial seminar to attend.

DeBoyer: Seminar is listed in the Michigan Planner Magazine as being scheduled for May 10, 2007 in Port Huron at the Edison Inn. It will have to be placed on the May 7, 2007 Township Board agenda for approval. However, the seminar is scheduled for May 10th and a late fee would be required for registration within 5 days of the workshop. Will contact them and see if they will consider waiving the late fee due to the fact this has to be Board approved and the next Township Board meeting is not until May 7th.

Simon: Suggested pointing out that notice was just received on April 25, 2007 and doesn't leave much time for approval.

10. PUBLIC COMMENTS:

J. Chamness, Monroe Street, Harsens Island:

55 year resident of Harsens Island. Questioned what Ordinance #126 is, and requested a brief description of what it covers?

DeBoyer: Explained it is a Zoning Ordinance for Clay Township. It is the zoning ordinance for districts which determine whether they are residential, commercial, etc., and states what is allowed, what is not allowed, what the requirements are, etc.

Chamness: Had questions regarding the Boys Club on Harsens Island.

DeBoyer: Stated that the Planning Commission has not received any information and, therefore, cannot discuss this issue.

Chamness: Questioned whether it was the job of the Planning Consultant to start looking into what's going on with the Boys Club?

DeBoyer: Not until the application is received in the Building Department and is sent to the Planner for review.

Chamness: Stated that he thought that the rerouting of North Channel Drive that is being planned would be part of the Planning Commission.

DeBoyer: Explained that it will be eventually, but at this point no applications have been submitted.

Chamness: Questioned that if you have no information or applications in front of you, then what makes the developer feel that they're going to go ahead with the job?

DeBoyer: Any developer has a positive point of view or they would never begin a project.

Chamness: Mentioned meeting at the Lion's Hall on Harsens Island which concerned closing North Channel Drive.

DeBoyer: Stated that the Planning Commission did not attend that meeting, it was a meeting conducted by the St. Clair County Road Commission.

Chamness: Questions why there is no positive activity of anyone doing anything about anything?

DeBoyer: Again explained that no applications have come in. So, you are not going to hear or see anything until it comes to the Planning Commission.

Chamness: Wants it placed on the record and in the minutes that as of this date, right now, there is no authority to do anything.

DeBoyer: Not from the Township, no.

Chamness: Also, inquired as to the bridge from the mainland to the island and the Sand Island development. Feels that the Planning Commission has to be kept informed by someone and questioned who would do that? Hoped that Whitey Simon would speak out on these issues.

DeBoyer: Explained that Mr. Simon is the head of the homeowner's association on Harsens Island. However, he is also a Planning Commissioner. So, if he is involved in any way under the homeowner's association, he has to recuse himself from the Planning Commission.

Chamness: Questioned whether there was any information delivered to the Planning Commission of what had taken place at the meeting at the Lion's Hall?

DeBoyer: No, there was not.

Chamness: Questioned why not?

DeBoyer: Again explained that it was a Road Commission meeting.

Chamness: Stated that he feels that bureaucracy in this country is so terrible. Everyone has to depend on another commission, another source, etc. It's not fair to the public any more because we can do nothing.

DeBoyer: Explained that if they're talking about changes to a county road, the Township has no say in that, only the County Road Commission has a say in it.

Chamness: Thankful for the opportunity to speak at the meeting. Hoped that the minutes of the meeting would reflect that there are questions out here amongst the public.

DeBoyer: Explained that if the issue comes to the Planning Commission, there will be a public hearing scheduled and the public will have an opportunity to speak. There would be a notice of the public hearing advertised in the newspaper. Also, stated that the homeowner's association would probably let everyone know about the public hearing.

Krueger: Stated that Nick would probably also have notice of a public hearing posted in his window at the hardware store on the island.

11. ADJOURNMENT:

Motion by Simon, supported by Krueger, to adjourn the meeting at 8:00 p.m.

AYES: All NAYS: None. ABSENT: Sharrow (excused).

MOTION CARRIED.

Respectfully Submitted,

Christine Holcomb
Recording Secretary