

**MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING HELD JANUARY 23, 2008 IN THE CLAY  
TOWNSHIP MEETING HALL, 4710 PTE. TREMBLE ROAD,  
CLAY TOWNSHIP, MICHIGAN 48001**

1. Vice-Chairman Anthony Antkowiak called the meeting to order at 7:34 p.m.

2. **ROLL CALL:**

PRESENT: Vice-Chairman Anthony Antkowiak, Secretary Kathy Schweikart, Whitey Simon, Earl Lines, George Lyle, Edward Keller, II, Thomas Krueger, and Edward Sharrow

ABSENT AND EXCUSED: Chairperson Dorothy DeBoyer

ALSO PRESENT: Patrick Meagher, Community Planning & Management

3. **AMENDMENTS TO THE AGENDA:**

None.

4. **APPROVAL OF MINUTES:**

**Motion by Lines, supported by Krueger to approve the minutes of January 9, 2008 as presented.**

**AYES: All                    NAYS: None**

**ABSENT: Chairperson DeBoyer (excused)**

**MOTION CARRIED.**

5. **WORKSHOP:**

A. January 8, 2008 letter from Township Attorney John McNamee:

Vice-Chairman Antkowiak: The letter from Township Attorney John McNamee dated January 8, 2008 gives us an update of the status in regards to the Thulin property. It appears that this matter will be proceeding to Court.

B. January 17, 2008 letter from William Kauffman, St. Clair County Metropolitan Planning Commission:

Vice-Chairman Antkowiak: This is the St. County Metropolitan Planning Commission's response and recommendation regarding the re-zoning request on the school house on Harsens Island to change it from RS-1 to C-2. He then read the letter aloud. This recommendation will now go to the Township Board for their decision.

Schweikart: Questioned whether this will be on the agenda for the next Clay Township Board meeting?

Vice-Chairman Antkowiak: Stated that his is not sure when it will be on the agenda.

Krueger: He does not think it is on the agenda yet.

Sharrow: He assumes that the people who own the property were notified of the meeting.

Krueger: Stated that he understood that the owners were present at the meeting. Feels that this decision should not surprise the Planning Commission since Townships should not go against their Master Plan. He is in support of the re-zoning of the property partly because of the 15 year lapse in time between the re-focusing on the Master Plan. With regard to the County Planning Commission's comment that this would be considered spot zoning, he feels that the whole Island has spot zoning with the golf course being the biggest example of spot zoning since it is zoned C-3 and is actually the largest piece of non-conforming use anywhere in the Township. He still feels this would be the best use for this building and will voice that same opinion at the Clay Township Board meeting.

Lines: Agrees with Krueger and also feels that there is no place in the downtown area of the Island to support this type of business with the septic system restraints and the Island needs additional commercial areas.

Krueger: One of the statements the County makes is that they are telling us to update our Master Plan and this request may have a different light. He is still committed to approve this request and feels that there are a lot of factors that make this property more commercial than residential and feels it would be the best use for it.

Lyle: In regard to the letter from Mr. McNamee on the Thulin property, he questioned why we are suing the landowner and not the tenant since it is the tenant that is at fault, and questioned whether we should also sue the tenant?

Vice-Chairman Antkowiak: The land owner has to do whatever he needs to do to get the tenant to comply. It would be the responsibility of the landowner to sue the tenant.

Simon: The Special Use was granted to the landowner, not the tenant.

C. December 18, 2007 letter from Parsons:

This is the traffic engineer expert that will be completing the study on the proposed Grande Pointe development on Harsens Island that the Planning Commission had requested. This is a very reputable firm in the State of Michigan. This letter explains what they are going to do and, upon completion, they will issue a report.

Lyle: Questioned whether the property owner agreed with this and whether they will pay for the study?

Vice-Chairman Antkowiak: This letter was also sent to the property owner and he knows that he will be required to pay for same.

Krueger: Questioned whether the Planning Commission had to accept and approve the letter from Parsons.

Vice-Chairman Antkowiak: No, that has already been done through a prior motion at a prior Planning Commission meeting.

D. List of Planning Commission Members and Terms:

Vice-Chairman Antkowiak: Stated that Chairperson DeBoyer requested that all Planning Commissioners review this list and supply her with any corrections or updates.

**6. PLANNING CONSULTANT'S REPORT:**

Meagher: We have an Ordinance Committee meeting scheduled for January 24, 2008. He has put together some information for discussion regarding a parking ordinance. They will also talk about the Open Space Ordinance. He wanted the Planning Commissioners to be aware that he has offered to the citizen's group from Harsens Island to come out to one of their meetings on his own time and at no expense to the Township. Also, he has also spoke with another Planner that he met at a conference in Traverse City and invited him to come to his office and sit down and discuss the Grande Pointe project.

Krueger: Questioned whether or not anyone from the citizen's committee has taken him up on his offer?

Meagher: Not as of yet, but he stated that it is an open invitation. He is aware that they will be having a series of meetings, and he has spoken to Mr. Miller several times and they will notify him of a precise date. He also gave Mr. Nagy his business card should he decide to take him up on coming to his office.

Krueger: He feels it would be a good idea. He feels that one of the things that has to take place with respect to the Harsens Island group is that there has to be a better understanding of how the Planning Commission has to operate. It is not that the Planning Commission is trying to ignore them or try to do anything, it is just the way that the Planning Commission has to operate. He feels this would be a great way to better explain all of this.

Meagher: Stated that it is not because he knows anything better than any member of the Planning Commission but merely that he is not a member of the Planning Commission and, as such, he has the liberty of discussing these things with them.

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

Vice-Chairman Antkowiak: Stated that the ZBA conditionally approved a variance for the property on the corner of Folkert and Holland to allow it to become an indoor mini-storage facility. He understands that the Appellate has already spoke to the Building Department and is preparing the Site Plan for the Planning Commission's review. The ZBA also approved a lot split on Fruit Road which did not meet the 5-to-1 ratio. The 2008 ZBA officers were also

elected with Anthony Antkowiak as Chairman, Joanne Shirkey as Vice-Chairperson, and John Chamberlain as Secretary. He feels that the ZBA will have a good year.

**8. CHAIRPERSON'S REPORT:**

None.

**9. PLANNING COMMISSION MEMBER'S COMMENTS:**

Schweikart: She attended the Saturday, January 19, 2008 citizen's meeting on Harsens Island. She felt it was rather informative. Mr. Rhodes gave an overall feel of what they are trying to accomplish and how they're setting their group up. Mr. Nagy gave a presentation including his background, view points, and comments. Overall, she felt it was a good experience.

**10. PUBLIC COMMENTS:**

**Chuck Miller, 5178 Green Drive, Harsens Island:**

Stated that the group really appreciated Kathy Schweikart attending the meeting on Saturday. They were very pleased with the turnout at the meeting and had approximately 80 people in attendance. Mr. Nagy discussed a broad range of things, but he thinks one the key points was that he gave them a very interesting and important education on what the process of planning entails and some of the limitations that they did not particularly realize. He feels this will be an unfolding process between all of us. Mr. Meagher was kind enough to offer to visit with them and have a presentation. They would like to be working with Mr. Meagher on more of a routine basis. They would like to have some opportunity to have interplay with Mr. Meagher in such aspects as the revisions to the Master Plan outside of the formal board environment. They are hoping that there is some agreement that this kind of communication can exist and that it can come back to the Planning Commission through appropriate portals. The only reason Mr. Meagher doesn't have a specific date for a meeting is because they have not pinned a date down as of yet for the months of February and March. They will communicate with Mr. Meagher to set same up. They are casting their net on a broad basis to have a lot of folks come in and speak with them on the planning process. Over the next three months they are hoping to have a series of speakers, of which Mr. Meagher would be one, to broaden the whole basis of this on the Island. Again, it would be for educational purposes to give them an idea of the Master Planning process, for instance, and the critical components of the Master Planning process. He stated that they have had some confusion emerge among various people in conversations regarding the role of the Planning Commission relative to what your real task is on the Grand Pointe Development proposal. There is a group that feels the Planning Commission is an advisory commission that will consider the proposal, come to a conclusion, and make a recommendation to the Board of Supervisors, and the Board will ultimately make the decision on this development. The other group holds to the idea that the Planning Commission has sole authority for the decision relative to the Grand Pointe proposal and that the decision once made is yours and yours alone and does not get proposed to the Board for approval, and that decision is final and unappealable to the Zoning Board of Appeals. Questioned Mr. Antkowiak as to which one of the two alternatives is in play?

Vice-Chairman Antkowiak: Believes it is the second alternative.

Meagher: That is correct.

Miller: The Planning Commission has the sole authority to make the decision.

Vice-Chairman Antkowiak: And, it could not be appealed.

Miller: It would not be appealable to the Zoning Board of Appeals?

Vice-Chairman Antkowiak: Correct.

Krueger: By law, the Planning Commissioners take an oath to enforce the Clay Township Zoning Ordinance. So, it is the Planning Commission's decision to make, but they make the decision based on the rules and regulations that are in the Clay Township Zoning Ordinance.

Miller: Questioned whether there is an update as to revision of the Master Plan?

Chairman Antkowiak: The most recent update is that the Township Board has yet to approve the funds to update the Master Plan so it is in limbo at the moment.

Krueger: The Planning Commission decided they wanted to ask the Township Board for funds to update the Master Plan. The Township Board initially requested the Planning Commission try to postpone the update, stretch it out, or not update it at this time, or tweak it a little without having to spend all the funds. It has been 15 years since the Master Plan has been adequately updated. Chairperson DeBoyer is in the process of submitting a letter to the Clay Township Board to reject the notion that anything but a full scale revamping must be done to the Master Plan. This has not come back to the Township Board yet but probably will at the next Township Board meeting.

Miller: They have had subsequent conversations with John Nagy. Mr. Nagy has agreed in preliminary discussions to work with them by looking over their shoulder in the process of the Master Plan revisions as it might apply to the Island community. They are hoping to bring some expertise or oversight that will guide them in keeping them in the direct path. They hope to be able to start to do that process and be thinking about that process right now, before anything the Planning Commission may or may not be able to accomplish. Questioned Mr. Meagher as to whether the Ordinance Committee meeting is open to the public?

Meagher: It is set up as a closed meeting. Whether or not they would allow someone to come in is up to the committee.

Simon: Questioned Mr. Miller that since they are working hard to educate the Island community of Clay Township, have they given any thought to inviting mainland residents of Clay Township that are also interested to their scheduled meetings?

Miller: They had a gentlemen from Marine City and some other folks that Mr. Rhodes may be able to elaborate on as to whether or not they were from the mainland portion of Clay Township. He agrees 100% that the Master Plan is not something that can be done in a vacuum.

**Norman Rhodes, 3206 South Channel Drive, Harsens Island**

They would like the Planning Commission to look at, as far as the Ordinances are concerned, is the possibility of tailoring a specific set of ordinances for the out islands (Harsens Island, Dickinson Island, Russell Island), because they are different animals. There are different parts of the Ordinance for different sections that have specific situations, and they would like to look at it for Harsens Island, too, in the next revision on the Ordinances. Specifically, they would like to pull out Harsens Island and directly associate the Ordinances with that. They did have a considerable representation from the mainland at the January 19, 2008 meeting. Everyone seems to want to learn and understand the role on each side, which they find very unique. People do want to get involved. A lot of times the Township is looking for people to fill positions and he thinks a lot of reason that people don't participate is that they don't understand. If they had a better understanding of the Planning Commission, the Dangerous Building Commission, etc., there would be better participation. They did touch on it and will continue to address it at their meetings. They are hoping at upcoming meetings to have the DEQ and the St. Clair County Road Commission attend and educate the people on their roles and how they operate with their specific public hearings, and how to follow the rules and the understandings that they're involved in. He again invited everyone to join them at their meetings.

Vice-Chairman Antkowiak closed public comments at 8:04 p.m.

Vice-Chairman Antkowiak: Stated that for those Planning Commissioners that need the CEU's to get their Master Citizen Planner, on February 26, 2008 in Port Huron there will be a series of meetings that will provide the .6 CEU's that we need. They have obtained a grant and it may not cost us anything to attend, which is another plus. Also, as he mentioned before, they have extended the time for us to get our CEU's until March 31, 2008, so this will also fit in that time frame.

**11. ADJOURNMENT:**

**Motion by Simon, supported by Krueger to adjourn the meeting at 8:06 p.m.**

**AYES: All                      NAYS: None**

**ABSENT: Chairperson DeBoyer (excused)**

**MOTION CARRIED.**

Respectfully Submitted,

Christine Holcomb  
Recording Secretary