

**MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION
REGULAR MEETING HELD WEDNESDAY, FEBRUARY 13, 2008 IN THE CLAY
TOWNSHIP MEETING HALL, 4710 PTE. TREMBLE ROAD,
CLAY TOWNSHIP, MICHIGAN 48001**

1. CALL TO ORDER:

Chairperson Dorothy DeBoyer called the meeting to order at 7:30 p.m.

2. ROLL CALL:

Secretary Schweikart called the roll.

PRESENT: Thomas Krueger, Kathy Schweikart, Vice-Chairman Anthony Antkowiak, Whitey Simon, George Lyle, and Edward Sharrow, Chairperson Dorothy DeBoyer

ABSENT AND EXCUSED: Edward Keller, II and Earl Lines, Jr.

A quorum was established.

ALSO PRESENT: Patrick Meagher, Community Planning & Management

3. AMENDMENTS TO AGENDA:

None.

4. APPROVAL OF MINUTES OF JANUARY 23, 2008:

Motion by Vice-Chairman Antkowiak, supported by Lyle to approve the Minutes of January 23, 2008 as submitted.

AYES: All NAYS: None ABSENT: Keller; Lines

MOTION CARRIED.

5. PUBLIC HEARING:

Special Approval Land Use/Site Plan Consideration – Great Lakes Inn Adult Foster Care – 9334 North River Road

Chairperson DeBoyer opened the public hearing at 7:33 p.m. and invited the Applicant to make his presentation.

Mario Palazzolo: He is one of the owners of the Great Lakes Inn. He wanted to explain adult foster care since there are a lot of misconceptions about what their purpose is. An adult foster care home is a facility to help people who normally cannot live on their own. They may have some medical needs such as memory loss issues, feebleness, Alzheimer's, or Lou Gherig's disease. The facility is primarily designed to accommodate the lives of these people. He feels this facility would offer several values to the community. One is that there is a need for this type of facility in this community. The facility will produce jobs for people in the area. The people that work in these facilities are trained. This is a semi-skilled position. It is very hard

job in the sense that you have to have your heart in it. The people and their needs in this facility will have to be accommodated 24 hours a day. They want this facility to have the appearance of a home and not an institution. They plan on maintaining the appearance of the existing facility. They do plan on sprucing up the outside of the building and planting additional trees and landscaping. He has another facility on 23 Mile Road next to the Salt River that has been in existence for approximately three years. It would be a convenience to the residents of this community to have a facility of this type in the community since it would make it easier for them to visit their relative instead of having to driving to another community. The clients will not be disruptive to the local community. There will be no children at the facility. There will be no homes or cars other than employees' and visitors' vehicles. This is not an independent living facility. The clients will not be allowed to have vehicles. A local doctor has agreed to be the medical director of the facility. There is a hospital nearby to the north. The employees are very well trained to take care of emergency issues. They are basically a free-standing facility to be able to take care of these types of clients.

Chairperson DeBoyer requested public comments from those in opposition to the proposed adult foster care facility. None were presented.

Chairperson DeBoyer then requested public comments from those in support of the proposed adult foster care. None were presented.

Chairperson DeBoyer closed the public hearing at 7:38 p.m.

Chairperson DeBoyer then requested comments and/or questions from the Planning Commissioners.

Lyle: Questioned whether there is a safety system in the facility so that the patients cannot exit the facility and get lost in the woods?

Palazzolo: There is a safety system in the facility called Wander Guards. Wander Guards are a specially-designed alarm system so that when someone comes to an outside door and they touch the door, an alarm will sound. After so many seconds of holding the door, the door will eventually open. The reason why it is designed this way is in the event of a fire. The Wander Guards will be set up throughout the building. Any exterior doors that someone may use will have a Wander Guard installed on it. The windows will also have alarms on them as well. The windows in the building cannot be locked but will have alarms installed on them throughout the perimeter of the building. The safety of their clients is their highest concern.

Chairperson DeBoyer: Questioned limiting access to anyone just walking into the facility?

Palazzolo: The facility must follow the licensing requirements of an adult foster care home. When a person comes to the building, they cannot just walk into the building. Employees will have to punch a code in to enter the front entrance and will still need to be buzzed in. Visitors will have to be buzzed into the building. Everyone entering the facility will also have to sign in regardless of who they are. The back entrance where the kitchen is located will be secured and there will also be a buzzer in place.

Lyle: Questioned what type of landscaping would be done?

Palazzolo: They will plant trees. In the back parking lot they plan on planting several trees. They will not have a lot of cars. He believes the types of trees are listed in the Site Plan drawing. They will also put some trees around the back. There is about 7 acres of land and they are trying to keep a majority of that space open. They will be filling in the swimming pool. They will put a lock on the back fence area for security reasons. Most of the trees will cover the back area of the property especially where the parking lot is located.

Simon: Stated that would also screen off the dumpster pad.

Palazzolo: They would like to keep the area in the front of the building open. They want to make this look like a home for the public and the residents. The residents in this facility are there to live. They will have field trips and activities. We are there to improve their life and keep them safe. The meals are unbelievable in these facilities. We cater to their dietary needs. We have med passers that are trained to insure the clients receive their medications at the appropriate time. This facility is managed by the license that he has. If he makes a mistake, he has to notify the licensing agency and the State of Michigan will come in with an auditor and check what they've done. The adult foster care facilities are highly managed by a licensing agency.

Krueger: Noticed on the second story of the building there are no elevators and questioned whether they were required in an adult foster care facility?

Palazzolo: They are not required. Even with elevators, if they have a handicapped person they could not live upstairs. The largest license that they can get is for 20 beds. For them to do 40 beds, he would have to geographically split the building. What they are planning on eventually doing in the future is putting more handicapped rooms on the first floor and eventually installing an elevator.

Sharrow: Questioned whether the people living on the second floor would be capable of traversing the stairs and whether there would be help available to help them down the stairs?

Palazzolo: There is always help available. But, you cannot have someone upstairs who can't make it downstairs on their own pursuant to the licensing requirements.

Sharrow: Stated he was thinking in regards to if there was a fire.

Palazzolo: Stated that this fire department's requirements are actually different than the State's requirements. Licensing states that if they can't walk down stairs on their own, they cannot be upstairs regardless if there is an elevator or not. They want to use the existing building without altering it. They believe it's been in the community for a long time and is sort of showpiece of this community. He feels it will be a fine place for people to take their loved ones that need help.

Lyle: Questioned decorative fencing in the comments from the Site Plan Committee and whether the Planning Commission is going to require same?

Chairperson DeBoyer: That is up to the Planning Commission. This was something that we talked about and asked about as far as what their plans were. We also talked about additional landscaping.

Lyle: He does not feel that decorative fencing is needed. This is not a building that you would want to hide. He feels that it is a showpiece and putting up fences would detract from the building.

Chairperson DeBoyer: This is a decision that the Planning Commission can make. She further questioned the Planning Commissioners as to whether they would like additional time to consider the request? Also, she questioned whether any Commissioners had questions for the Planner?

Krueger: Questioned what the lighting issue referred to by the Site Plan Committee?

Chairperson DeBoyer: It was just a question as to whether there would be any additional lighting. There, of course, has to be adequate lighting, but you do not want lighting that is obtrusive to the neighbors. She has indicated that there would not be any additional lighting required.

Vice-Chairman Antkowiak: The last sentence in the second comment from the Planner indicates the Ordinance requires a landscape greenbelt that will have to be provided. He is assuming the greenbelt landscaping is going to be around the perimeter of the whole property. He questioned whether the applicant was considering doing additional landscaping other than what is indicated on the Site Plan?

Palazzolo: On the side of the property where all the real estate is they don't plan on planting any trees. There are a few trees there but not as many as on the back side by the parking lot. The north side will be all grass.

Vice-Chairman Antkowiak: Questioned whether the trees in the back would be scotch pines as indicated?

Palazzolo: Yes, they will be scotch pines. We don't want to block the whole back of the building or the front of the building. But, we decided that where the parking lot is would be a good area to put in several trees in case someone circles around the parking lot with their headlights on, the trees will be a buffer. On the other side, we are not sure what will eventually go on the other 7 acres of the property. There is a long distance between our building and the next property. Also, he believes the property abutting his property is zoned RM.

Chairperson DeBoyer: Stated that the adjoining property is a residential zoning and that this property is zoned commercial.

Meagher: The Ordinance is structured to allow the Planning Commission to determine, based on the two uses that are next to each other, what might be an appropriate screen and gives you some flexibility.

Vice-Chairman Antkowiak: When you look at the Site Plan, there are four trees by the existing residence and there is a considerable amount of landscaping blockage. He then read from No. 6 under Standards and questioned what is meant by “will not create excessive additional public cost” and what was meant by the Applicant where it indicates “Great Lakes Inn A.F.C. will not produce per living the public cost that families produce”? He questioned whether the Applicant was referring to individuals?

Palazzolo: Stated that what they were trying to compare it to was if you actually made this a residential site and had single family homes, families would have a much greater need such as the school system, police, fire, etc.

Vice-Chairman Antkowiak: Commented that the Applicant did look at the standards and addressed them very well.

Lyle: Stated that the only complaints from the public that he recalled regarding this application at a previous hearing was to the request for changing the zoning. There were no complaints about actually having this become an adult foster care facility.

Chairperson DeBoyer: Stated that she recalled some people had expressed concerns about people getting out of the facility. As the applicant has stated, this is an adult foster care facility and the State of Michigan has very strict regulations.

Motion by Krueger, supported by Schweikart to approve the Special Approval Land Use and Site Plan for Great Lakes Inn A.F.C., 9334 North River Road with the exception of not requiring a greenbelt on the north or west sides of the property, but requiring additional an greenbelt on the south side of the property which abuts the R-1 district.

Chairperson DeBoyer: Questioned Mr. Krueger as to whether he believes they meet the Special Approval Land Use and Site Plan requirements?

Krueger: Stated that he does.

Lyle: Doesn't feel that they need the greenbelt along the entire south property line since 70% of the area behind the building is woods. Questioned why they would need a greenbelt to protect them from woods? He is referring to the back area of the property where there are no homes, just woods. The house on the abutting property is located at the front of the property and questioned why there would need to be a greenbelt way in the back of the property?

Vice-Chairman Antkowiak: That was due to concern with the parking lot.

Lyle: He is referring to the land next door to the property where there are no houses located in the rear of the property. The house next door is located at the front of the property near the road. He again questioned why a greenbelt would be needed at the back of the property when there was nothing but woods located there?

Chairperson DeBoyer: The Applicant has stated that is what they would like to do.

Sharrow: Doesn't feel there is anything wrong with what they want to do.

Lyle: Stated that the Planning Commission's requirement for a greenbelt may be different than what he wants to do, and we're going to ask for 15 feet of bushes and trees and everything else.

Chairperson DeBoyer: As our Planner said, it is optional to the Planning Commission to say "the greenbelt as shown".

Krueger: Stated that the additional greenbelt he was referring to in his motion on the south side of the property would be to the front section of the property.

Vice-Chairman Antkowiak: Questioned Mr. Krueger as to how much of the front part are you referring to?

Krueger: Let's just say from where the tree line ends by the parking lot all the way to North River Road. The Applicant has four or five trees indicated on the Site Plan, but he feels that it would require a few more trees to protect the property owner on the south side.

Lyle: Stated that there currently are several shrubs located at the front of the building.

Krueger: Questioned whether Mr. Lyle was referring to the front of the building or the side of the building that he has drawn on the Site Plan?

Lyle: Stated he was referring to along the driveway. There are several shrubs alongside the driveway that the Applicant has circled on the Site Plan.

Simon: It appears that the trees that are show in that location on the Site Plan are not on his property, but are located on the abutting property.

Palazzolo: Stated he believes they are located on his property.

Krueger: Stated that the Ordinance states that a greenbelt is required all the way around the property. What he is saying is he does not feel that a greenbelt is necessary all the way around the property and points out the areas on the Site Plan that he is referring to which he feels should have additional trees planted to protect the adjoining property owner.

Lyle: Stated that the main reason for a greenbelt is to protect it from unsightliness. He does not feel this is an unsightly building.

Chairperson DeBoyer: Stated it is also to protect you from headlights shining into someone's home and not just for unsightliness.

Lyle: Stated he does not feel the greenbelt would protect the residents when the cars go in and out of the driveway.

Vice-Chairman Antkowiak: Feels that it would be a good compromise to ask for more trees at the south side of the property and allow less trees in other areas of the property.

Schweikart: Stated that she feels it is necessary because of the headlight issue and not because of any unsightliness. It is a beautiful site and building. She is just concerned about the neighbor next door.

Lyle: Stated that he doesn't feel there is going to be all that much nighttime traffic.

Chairperson DeBoyer: We must always think about not only the Applicant but those surrounding the Applicant and look out for the safety, health, and welfare of all of them. She does not get the impression that the Applicant feels that we are burdening him or placing a hardship upon him, and we are looking out for the people next door.

Sharrow: Stated that he feels it is designed well and everything moves fine and that the Planning Commission should vote on it so the Applicant can get moving on his project.

Chairperson DeBoyer: Requested a Roll Call Vote on the motion.

R/C VOTE:

AYES: Simon, Vice-Chairman Antkowiak, Krueger, Lyle, Schweikart, Sharrow, Chairperson DeBoyer

NAYS: None.

ABSENT: Keller; Lines

MOTION CARRIED.

6. PLANNING CONSULTANT'S REPORT:

None.

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

None.

8. CHAIRPERSON'S REPORT:

Chairperson DeBoyer: Stated that she advised the Planning Commissioners that the workshop scheduled for February 26, 2008 does not contribute to the CEU's for Master Citizen Planner designation. She did speak with the MSU Extension Representative and the St. Clair County Planning Commission Executive Director and was informed that on March 31, 2008 in Port Huron there will be a class that will contribute the CEU's necessary for Master Citizen Planner. She has not received a brochure or any information as of yet, but will forward the information to the Commissioners as soon as she does. She further stated that she had been approached by the Chairman from the Algonac Planning Commission who advised that the Algonac Planning Commission would like to have a joint meeting with the Clay Township Planning Commission. If agreeable, she will advise the Algonac Planning Commission Chairman that the Clay

Township Planning Commission would be happy to host the joint meeting and tentatively schedule same for April 9, 2008.

Planning Commissioners requested Chairperson DeBoyer to do so.

9. PLANNING COMMISSION MEMBERS COMMENTS:

Simon: Stated that he was able to speak to the person who compiled the data of the survey that was completed. She advised him that in her efforts she used an access data base and on further discussion indicated that if we wanted to begin looking at some of the things that could be done, we would need to have that program available. Since she has the “professional” application, that is what we would, by necessity, need to also have especially if we were to look at the comments of the survey and be able to search same by particular key words. She also cautioned me that it would be an expense in excess of approximately \$600.00. He is aware of organizations that deal with software from most vendors and provide that software at reduced costs to not-for-profit organizations.

Chairperson DeBoyer: Questioned on what computer this software would be placed?

Simon: Stated it could be placed on any desktop computer.

Chairperson DeBoyer: Stated that she was referring to computers available at the Township and that they are all designated to their particular department. There is not a computer that is available for any random usage. She further stated that since this was a joint venture with the Downtown Development Authority, it may be an option to approach the Downtown Development Authority and inquire as to whether they may be willing to expend some portion of their budget for this purpose. If the Planning Commissioners would like, she would request that this issue be placed on the agenda for the Downtown Development Authority’s next meeting.

Krueger and Schweikart: Requested Chairperson DeBoyer request same be placed on the DDA’s next agenda.

Chairperson DeBoyer: The DDA’s next meeting is not until March 11, 2008. She will make a note to have same put on the agenda for that meeting.

10. PUBLIC COMMENTS:

Norman Rhodes, 3206 South Channel Drive, Harsens Island

Stated that he has learned that the Township Board had approved the funding for amending the Master Plan and they are anxious to begin working on same. He stated that at the meetings he always has a hard time hearing comments from the Planner and requested that the Planner be given a microphone or be required to speak at the podium so that everyone in the room can hear his comments. He also wanted to inform everyone of an article he read this date in the Detroit Free Press concerning the law firm of Dickinson Wright who are the representatives of The Lucky Seven, and employs their presenter, Mr. Stoepker. This firm has been chastised and is being investigated for violations concerning forcing the City of Acme, Michigan into accepting

a Meijer store that the citizens voted against. Dickinson Wright, through the Meijer's group, created a organization called something similar to Citizens for Growth of which Dickinson Wright and Meijer's funneled money into to recall the City officials. This is totally unethical, bribery, highway robbery and all that stuff. The Attorney General is conducting an investigation. He just thought it was interesting that it was Dickinson Wright and felt the Board should be aware of same.

Charles Miller, 5178 Green Drive, Harsens Island

Stated that he has a question and needs some advice concerning a meeting scheduled for March 3, 2008 that is a Conservation Grant Workshop being put on by Candice Miller in Lenox, Michigan. The island has a phragmite control group that is also working with the St. John's Marsh group. They have a \$500,000 grant to kill phragmites this year. They would like to go after some money for this year. Candice Miller is holding this workshop to decide how grants can be applied for. From their perspective, it would be helpful if they could get the broadest political based group to go after such a grant and is wondering how to approach the Township with respect to becoming a possible endorsee or partner in the process of trying to obtain some anti-phragmite grant funds.

Chairperson DeBoyer: Suggested the Mr. Miller attend the Township Board meeting on Monday, February 18, 2008.

Frank Schoonover, 3240 South Channel Drive, Harsens Island

Mr. Schoonover presented a University of Michigan publication to the Planning Commissioners with a copy for the Township Attorney and Planner. He is speaking as the attorney for the Citizens for the Reasonable Development of Harsens Island regarding the Boys Club property on a pro bono basis and in the interest of reasonable development on the Island. As of this date, they have not found that the Boys Club property owners own the property on the water side of the road. They believe it is similar to the property at the water at the end Elm and Poplar Streets that is "dedicated to the public". The Township claims they don't own it. The Road Commission claims they don't own it. The DNR/DEQ may own it or at least control it by virtue of their water quality and environmental quality, duties, and responsibilities. But, as of this time, all of the research that they have done shows that no one owns the property and it is dedicated to the public. He has been through this as he lives on the corner of Poplar and South Channel. When he went to get a permit to repair a seawalled area that is used as a park and replace some of the stone at the end of the road, which is an approximately 50 foot wide easement, they found out that no one owned the property and it was dedicated to the public. He then ended up going to nine different agencies to obtain his permits. He then requested the Planning Commissioners refer to the University of Michigan publication he presented to them. He referred them to page 6 which references natural lake contours and shoreline locations and read from same. He also referred them to pages 10 and 11 which references the ordinary high water mark and read from same. He requested the Planning Commissioners read the entire publication. He further stated that North Channel Drive is almost a historical road since it dates back to the pre-1900's. The question he has is how Grand Pointe Development can dredge the water line and cut the road through property that they do not own? They are still researching ownership of the property, but he feels that it is probably property that is dedicated to the public since it is not on the deed to the Boys Club property.

Larry Reha, 165 Bruce Street, Marine City

He is also a property owner on Harsens Island. He had a question regarding a 1992 Master Plan and whether that was the last and most current Master Plan that the Township operates under?

Chairperson DeBoyer: Yes, it is. There was an amendment to it, but that is the most current Master Plan.

Reha: Also questioned that on one of the maps in the Master Plan regarding the flood plain for Harsens Island and Clay Township that is in black in white that shows a circle that states the 100 year flood plain and another circle below, which might have been a color block that should have been in there, that denotes the 500 year flood plain, and below that is another blacked in circle that doesn't refer to anything in particular. He questioned whether there was another chart that had color blocks that would indicate the differences in the 100 year and 500 year flood plains and where would he locate same?

Chairperson DeBoyer: Stated that Mr. Reha had the black and white copy just as the Planning Commission has the black and white copy. At the time the Master Plan was done, there were no color copiers and everything was done in black and white. The Building Department does have flood maps and they are not in color but mostly grays and whites. She further stated that there are approximately five companies across the country that make flood plain determinations today for all financial institutions. But, as far as the Township having any type of color map of the flood plains, they do not.

Reha: Questioned whether he could go to the Clay Township Building Department and obtain a chart that might reflect those?

Chairperson DeBoyer: They would have flood maps, but they would be old. The government has not issued any new flood maps in recent years.

Alice Szulburski, 773 North Channel Drive, Harsens Island

Requested that the Planning Commission attempt to have the Minutes of the meetings posted on the internet in a more timely manner. In November she paid \$20.00 for copies of the Minutes of October 10, 2007 and November 14, 2007. In January, she paid \$9.00 for a copy of the Minutes of the January 9 and 23, 2008 meetings. Also, she stated that from where she sits in the meeting room it is difficult to hear what the Planner is saying since he is speaking towards the Planning Commissioners and that is why she obtains copies of the Minutes. She checked the website today and up until today's date, the last Planning Commission Minutes that were posted were from September 12, 2007 and today the December 12, 2007 Minutes were posted on the website. She requested that Minutes get to the website quicker.

Chairperson DeBoyer: Stated that the Minutes cannot be posted until they have been approved by the Planning Commission. The Minutes of January 23, 2008 were just approved tonight. They cannot be posted on the internet until they are approved.

Szulburski: Stated that she understood that Minutes from January 23, 2008 were just approved tonight but that they have just posted December 12, 2007 Minutes today and up until last week the September 12, 2007 Minutes were the most recent Minutes posted and nothing from October or November were posted. It cost her \$30.00 to obtain copies of the Minutes to find out what was going on at the meeting.

Chairperson DeBoyer: She is aware that this has been reviewed recently and has made sure that everything was up to date. Also, they are in the process of building a new website. She further stated that she knows that they have been bringing things up to date, but again stated that whenever there is a meeting, the Minutes have to be approved at the next meeting before they can be put on the website, which would be approximately a month after the meeting date.

Szulburski: She stated that she understood, but up until last week the Minutes that were posted on the website were from September 2007 and none of the October or November Minutes were posted.

Chairperson DeBoyer: Stated that she would look into and contact the person who handles the website to make sure they are current.

Donna Halacoglu, 898 North Channel Drive, Harsens Island

She is new to the community as they just purchased their home in Summer of 2007. In regards to updating the Master Plan, she would like to know how, as a member of the community, she could be a part of updating the Master Plan in any way to represent the people that live in the community where she lives at North Channel and Little Road? It is her community that is going to be affected, and she would like to know how she would be able to represent the community.

Chairperson DeBoyer: Explained the process is first, by law, the Planning Commission is charged with doing the Master Plan. There will be meetings in the community, not just Harsens Island. Harsens Island is a part of Clay Township. The Master Plan covers the entire area of Clay Township. There will be meetings in different areas at different times to hear the residents' comments and to discuss things with them.

Halacoglu: Stated that those would be views, but the decisions would be made by 9 people on the Planning Commission and questioned how many of the nine Commissioners actually live on Harsens Island?

Chairperson DeBoyer: Stated that actually one-third of the Planning Commission consists of residents of Harsens Island.

Halacoglu: Stated that even if one-third all disagreed on something, there is still not an equal vote in regards to what's happening and that she doesn't understand this.

Chairperson DeBoyer: Stated that what they are looking at is the whole community. The Master Plan is a vision of what you see happening in this community in the next 10 years. That is what a Master Plan is all about.

Halacoglu: Questioned if she wanted to become a Planning Commissioner whether she would be voted into that position?

Chairperson DeBoyer: No, these are appointed positions.

Halacoglu: Questioned how she would be able to become a Planning Commissioner?

Chairperson DeBoyer: Stated that she would have to be appointed when there is a vacancy. It would go to the Township Supervisor and he makes a recommendation to the Township Board. The Township Board appoints the Planning Commissioner.

Halacoglu: Questioned how she would approach the Township Board to be considered? Does she need to take the necessary classes that are involved first?

Chairperson DeBoyer: It would be your choice. In the past, people who are appointed to the Planning Commission then approach the Township Board and ask if they would finance the cost of them attending the classes.

Halacoglu: Stated that she understands that the Planning Commission just replaced a member that passed away. She questioned whether there was an announcement to the community that there was an available space?

Chairperson DeBoyer: No, there was not because the person who passed away was the representative from the Township Board. The Township Board replaced them on the Planning Commission.

Halacoglu: Questioned whether a person can sit on the Township Board and the Planning Commission?

Chairperson DeBoyer: The law states that one person from the Township Board must sit on the Planning Commission.

11. ADJOURNMENT:

Motion by Simon, supported by Lyle to adjourn the meeting at 8:40 p.m.

AYES: All NAYS: None ABSENT: Keller; Lines

MOTION CARRIED.

Respectfully Submitted,

Christine Holcomb
Recording Secretary