

**MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION REGULAR MEETING HELD
WEDNESDAY, JULY 8, 2009 IN THE CLAY TOWNSHIP MEETING HALL, 4710 PTE. TREMBLE
ROAD, CLAY TOWNSHIP, MICHIGAN 48001**

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

2. ROLL CALL:

PRESENT: George Lyle; Edward Keller, II; Kathie Schweikart; Edward Sharrow; Anthony Antkowiak; Whitey Simon; Thomas Krueger; Dorothy DeBoyer

ABSENT AND EXCUSED: John Blair

A quorum was established.

Also Present: Patrick Meagher, Community Planning and Management

3. AMENDMENTS TO AGENDA:

None.

4. APPROVAL OF MINUTES OF JUNE 24, 2009:

Motion by Antkowiak, supported by Sharrow to approve the Minutes of June 24, 2009 as presented.

AYES: All NAYS: None ABSENT & EXCUSED: Blair

MOTION CARRIED.

5. PUBLIC HEARING:

Special Approval Land Use/Site Plan Consideration: Veterans Auto Repair – 6541 Dyke Road – Dr. Leonard Kasperowicz

Chairperson DeBoyer opened the public hearing at 7:34 p.m.

Chairperson DeBoyer invited the applicant to address the Planning Commission.

Dr. Leonard Kasperowicz: Stated that he has been trying to get this project started. He has owned this piece of property and it was utilized as an auto repair facility. In reviewing his records, he has spent \$90,000.00 in taxes over the years for this property. He spent \$130,000.00 on clean up. He is trying to create three jobs and get the opportunity to make a living and use the property for what it was initially intended. He has gone over the Site Plan checklist review and conformed to all of them. He has an issue as to the City Planner's recommendation to remove the northern-most access drive to Dyke Road. In 1990, there was an issue with the side drive to be maintained. It cost him \$2,800.00 to put it in and now the recommendation is to have it removed. He doesn't feel this makes sense. If you look down the road, Colony Marine has four driveways. He questioned whether they will be removing any of their driveways. There have not been accidents as a result of the ingress and egress in the past. The light pole that was an issue is not on the Site Plan. In regard to the trash removal,

the trash will be stored inside because of the nature of the flammable liquids. He doesn't want to put them outside. The loading and unloading will be done at the front door. He feels he has met all the requirements. He further stated that in 1990 when it was approved, he volunteered as a trauma combat surgeon during Desert Storm and served during the Korean War. He put things on hold to volunteer and hoped that it will be given some consideration in this matter.

Chairperson DeBoyer then invited the public to come forward and speak in support or in opposition.

Cindy Kirkpatrick, 9641 Wright Drive: Stated she is in favor of the Special Approval Land Use for two reasons. She feels it will bring in jobs to the area. Also, he's paying taxes on land that is already sitting there and is somewhat of an eyesore. She feels what he is planning would improve the curb appeal of the property.

Jason Pryor, 8870 Field Road: Stated that he agrees with Ms. Kirkpatrick. He also feels that it would bring in some jobs.

Richard Szefer, 4757 Pte. Tremble Road: Stated that he is in favor of the project.

David Hess, 7287 Dyke Road: Stated he is in favor of the project. He believes Dr. Kasperowicz will do what he is saying. He has done a lot of work to the building and has had it cleaned up and painted. He further stated that he still believes in buying and shopping locally.

Chairperson DeBoyer then invited the Applicant to make additional comments.

Kasperowicz: Stated that he wants to get the ball rolling so he can start making some money on his place. He pays the taxes and has people that can make a living out of there.

Chairperson DeBoyer closed the public hearing at 7:40 p.m.

Chairperson DeBoyer then invited the Planning Commissioners to ask the Applicant any questions, to discuss this matter, and to possibly arrive at a determination on the issue.

Simon: Stated that there is an indication that the front part of the building is an office and the rear part next to the service area has a set of restrooms with a door leading into the restrooms from the service garage area. There are two existing doors into that side of the building. He questioned the Applicant as to whether he planned on maintaining the access doors to the restrooms so that people don't have to go through the service area?

Kasperowicz: The exterior access doors will also be maintained so that there will be access to the restrooms from the interior and exterior of the building.

Chairperson DeBoyer: Stated that the recommendation to remove one of the driveways to M-29 was based on MDOT standards. It has also been recommended that the entrance from Cardinal be closed and landscaped.

Kasperowicz: If you study the traffic pattern on that piece of property, a truck pulling a car would be forced to use the right-of-way on M-29 in order to back the trucks onto the property. He was forced to put in the driveways and now they are stating he needs to remove them. He does not have the money to take them out.

Antkowiak: Stated that he understands consideration about MDOT recommendations, but he sees that this is something that's not required of other businesses on M-29 and, reducing this property to one driveway would cause difficulties for his business. He does not see an issue with two driveways and the Cardinal Road driveway.

Lyle: Questioned whether MDOT contacted the Planning Commission regarding the driveways and questioned whether the Planner interprets the standards?

Chairperson DeBoyer: Stated that MDOT did not contact the Planning Commission but that MDOT has standards. The Township Planner does not interpret them but looks at them to see what MDOT standards require.

Meagher: The Township Zoning Ordinance and Master Plan state that they are going to work towards reducing access traffic on M-29 to reduce potential traffic hazards and improve traffic flow.

Lyle: Stated that they did not mention the driveway on Cardinal.

Meagher: Stated that the Planning Commission has the discretion to determine whether there are an excess number of curb cuts in relation to abutting public roads. The Planning Commission has the discretion if there are too many drives and whether it is limited to what's necessary for the site to operate.

Chairperson DeBoyer: Stated the Planning Commissioners also have to consider that the Zoning Ordinance requires dumpsters and enclosures for the dumpsters. The Applicant is requesting there be no dumpsters and that the trash be stored inside the building.

Keller: Stated that he feels the Applicant is going to need the service drives to remain as they are right now. He further stated that he feels it would put a hardship on the Applicant to change the traffic flow on the property.

Chairperson DeBoyer: Stated that another issue the Planning Commission has to consider is that the Zoning Ordinance requires the parking lot to be asphalt or concrete and the parking lot of the subject property is neither.

Antkowiak: Stated that Dr. Kasperowicz has indicated that the trash would be stored inside the building and will be removed by a waste hauler and auto parts would be returned to the customer who will be responsible for the disposal of those parts. He questioned Dr. Kasperowicz as to what other type of trash would be generated by this business?

Kasperowicz: Stated that it would be excessive parts and boxes that they are stored in. He further stated that the waste hauler will probably come once a month.

Simon: Questioned whether there is anything in the Zoning Ordinance regarding conceivable fire hazardous materials being stored inside the building and what requirements exist regarding having these materials stored inside the building inside of fireproof containers?

Chairperson DeBoyer: Stated that would come under the Fire Department's inspection and requirements.

Kasperowicz: Stated that he already has containers in place for those materials.

Simon: Stated that when he visited the site, he noticed that the parking lot had large ruts and if there is any rain, it would be difficult to pull in and out of the area and park in there without having it paved.

Schweikart: Stated that she doesn't have a problem with leaving the driveways as they currently exist and storing the trash in the building, but stated that she feels the parking lot should be paved in accordance with the Ordinance.

Chairperson DeBoyer: Advised that the report from the Township Water Department stated that the existing $\frac{3}{4}$ inch water service is there and inspection of the sanitary sewer lead is required to determine if the lead is still adequate for service should the Planning Commission approve the Special Land Use.

Antkowiak: Questioned whether the Planning Commissioners were satisfied with the landscaping plan as presented?

Chairperson DeBoyer: Stated that it is her opinion that a minimum of landscaping along the road is a good idea so that it doesn't block the view to the highway.

Lyle: Stated that he feels that the parking lot needs to be paved with either blacktop or concrete.

Antkowiak: Questioned whether there were any concerns regarding the loading and unloading area of this property?

A discussion then occurred amongst the Planning Commissioners regarding the issue of loading and unloading at this property.

Motion by Antkowiak, supported by Lyle to approve the Special Approval Land Use/Site Plan Consideration for Veterans Auto Repair, 6541 Dyke Road, Dr. Leonard Kasperowicz, with plans as submitted, allowing the existing driveways to remain, the submitted landscaping plan as being adequate, allowing trash to be picked up from inside the building by a removal company on at least a monthly basis, and that the loading and unloading area shall be allowed as is, but with the stipulation that the parking lot is to be paved with asphalt or concrete, and the property is also subject to an inspection by the water and sewer department.

R/C VOTE: AYES: Krueger; Antkowiak; Schweikart; Simon; Keller; Lyle; Sharrow; Chairperson DeBoyer

NAYS: None

ABSENT & EXCUSED: Blair

MOTION CARRIED.

Chairperson DeBoyer then recessed the meeting at 7:59 p.m.

Chairperson DeBoyer reconvened the meeting at 8:10 p.m.

6. PUBLIC HEARING:

Special Approval Land Use/Site Plan Consideration: Kroger Gas Station – 2696 Pte. Tremble Road – JGD Associates, Inc.

Chairperson DeBoyer opened the public meeting at 8:12 p.m.

Chairperson DeBoyer invited the Applicant to address the Planning Commission.

Matthew J. S. Pisko: Stated that it has been a pleasure working with Kroger and Clay Township in a cooperative effort to develop the vacant site. He stated that the kiosk that is proposed is a functioning cash register for the store and does not operate independent of the Kroger store. Whatever the store hours are would be maintained at the kiosk. Under normal circumstances, they try to place a Kroger fueling facility within their parking field less than 500 feet away. This could not be accommodated at this site since they went to a separate parcel. The kiosk will contain a restroom for the attendant. The cash register in the kiosk is cued to the store. He stated he could not speak as to cross-merchandising between the store and the fuel discount. Kroger has close to 700 fueling facilities. It is an approximately \$1.2 million investment and will create three full-time jobs. MDOT has given approval for a proposed curb cut on M-29. The landscaping on the photo displayed of the proposed site is not complete so that you can actually see the kiosk and the canopy. They have actually extended the landscaping past the property onto the property between the approach on Nook and the back of this parcel. They extended the sidewalk so that it breaks at the approach so it would appear that the sliver of land is attached. They landscaped it for buffering adjacent properties and extended the sidewalk. There will be four dispensers, a kiosk, restroom for the attendant, and will maintain the hours of the store. He then requested any questions from the Planning Commissioners.

Lyle: Stated that he understood that the tanks would be tied down with cement blocks when installed and questioned whether they will stay there or will they be removed at a later date?

Pisko: Stated that the “dead men” are literally parking blocks with rebar. They are placed adjacent to the tank and strapped with fiberglass straps. It is a permanent part of the installation.

Simon: Questioned where on the Site Plan the 10 foot wide island separating the gas station from the main entry aisle is located? He further stated that they are essentially combining the driveway between the two and has looked at the tanker truck proposed loading/unloading and ingress/egress positions and questioned whether tankers are limited to no longer than 48 to 50 feet? He feels that if the tankers are longer than 48 feet it would be difficult for them to get in and out.

Pisko: Stated that they looked at several different configurations and Patrick's recommendations, and he could argue both sides of the fence. He further stated that islands interior to their operations are project stoppers when they evaluate them as far as free access within a site. Considering the traffic options, it was something they were opposed to, and that is why they put in a striped island. They didn't put in a raised isle because stacking the tanks was not an option because of the soil conditions. They have to be placed adjacent to one another and shore the hole. He believes they have the landscaping issue covered. Kroger is very interested in the health, safety and welfare of their customers. They are not contrary with the Township's desires on this but when the fire and police departments did their reviews on this, he may have misunderstood that they looked at the painted island as being adequate.

Lyle: Stated that there would be people coming into the gas station with boats and questioned whether there would be room for a car pulling a boat to come in and get gas?

Pisko: They ran turns with trucks, pickups, cars, and boats of reasonable length, 20 to 22 feet, and with the island in there it would make it unfriendly for people to go in and out and that was their concern.

Simon: Questioned Mr. Meagher as to whether the 10 feet would interfere with the traffic?

Meagher: His opinion is that they need something more than striping if they're going to control any type of traffic movement on the site. With the four pumps there are eight lanes of traffic that would all be filtering into a lane that would be leaving a fast food facility. This entire site is notorious for miserable traffic movements. There are ways that this could be addressed so that it could be landscaped down, it could have some road curbs on the ends of them, shortened one side, etc. It is tight, but it could be done in an aesthetic fashion rather than just putting striping on the ground. He further stated that Comment 1 on his letter should be deleted.

Chairperson DeBoyer then invited the public to come forward and speak in favor or in opposition to the requested Special Approval Land Use.

Public Comments in opposition to the requested Special Approval Land Use:

Patricia Florence, 187 Butterfield Lane: She presented the Planning Commissioners with documentation that she compiled. She stated that as a community, the public is concerned about the planning development. She believes it is the role of the Planning Commission to look for good business development for the community and to make sure that businesses have a chance to thrive. She questioned whether it was a good business plan to have 4 gas stations in a little town? She feels that another gas station would not provide more jobs but could possibly displace an existing business and jobs. She feels that by putting a gas station at this location, it

would change the pattern of the traffic flow and cost addition money to prevent accidents from occurring. She feels a gas station would lower their property values. She requested the Planning Commission take a good look at the plan and determine whether it's a good business plan and whether it would support the existing businesses.

Sandy Mondello, 2653 Pte. Tremble: Stated she is perplexed that MDOT has given them permission for a curb cut. She doesn't feel this business would add to the tax base especially if it knocked out an existing business. She further stated she doesn't feel this community needs another gas station. She is asking that this not be approved and feels that there is something that would be better suited to this community as opposed to bars and gas stations.

Hannelore Sproviero, 2701 Pte. Tremble: Stated that she lives directly across from Nook Road and it is already difficult for her and the neighbors trying to enter M-29. If this gas station is allowed it would create more problems for them. She doesn't see a need for another gas station, and feels they could instead put the gas station in Kroger's parking lot. She further stated that it will cause more garbage, lights from the station at night, and will take away the enjoyment of local homeowners. She feels we need things for people to come into the town and enjoy, not another gas station.

Cindy Kirkpatrick, 9641 Wright Drive: She has had a home on M-29 for sale for quite some time and has a problem with the traffic. She feels a gas station would cause more boaters to go there and feels it would exacerbate the current traffic problems. She further stated she doesn't see a need for another gas station or empty building that becomes another eyesore in the community. She questioned why Kroger has not kept the grass on the subject property cut? She feels the change in the traffic flow would cause much confusion and accidents. She also questioned whether the road would need to be widened causing the residents to lose more of their road frontage? She is extremely opposed to the development and feels it is a hazard waiting to happen.

Tony Garbanek, 2703 Pte. Tremble: Stated that he feels the traffic would make it impossible for them to get out of their driveway. Also, he feels it would increase the trash from the road and from the boaters. He is totally against the request.

Kathi Hackstock, 9666 Nook: Stated she is very opposed to this development and questioned what it would do to their property values. She feels they need to support their local businesses instead of putting in something they don't need. She further stated this is something that is not needed in this town and that there should be something put in that is more useful, can be appreciated, will help keep their property values, and not increase the traffic.

Gary Gendernalik, 52624 Laurel Oak Lane, Chesterfield: Stated he is the attorney representing Mr. Yazbick and his family who own the Marathon gas station in Clay Township. Kroger had attempted to put a gas station in the parking lot of their store in Chesterfield and the Planning Commission there decided it was not a good idea. He has reviewed the Site Plan, documentation, and the Zoning Ordinance. He presented the Planning Commissioners with a letter and then commented on same. He read from Sections 19.05(6), and 19.03(g) of the Zoning Ordinance. He stated that within a short distance of 5 miles from Clay Township, there are 5 gas stations, two of which are closed, which he feels indicates a market saturation.

Adding another gas station would most likely cause another gas station to close. He feels that Kroger has failed to demonstrate compliance with the aforesaid provisions of the Ordinance. In regards to the truck turning diagram of the Site Plan, it appears to him that the trucks would not be able to make the maneuver given the turning radius off of Nook Road. He further stated that he does not feel the illustrations demonstrate efficient and safe traffic flow. On behalf of his client, they believe there is a saturation in the community, that the Site Plan doesn't meet the criteria set forth in the Special Land Use provisions of the Ordinance, and requested that the Planning Commission deny the Special Approval Land Use and Site Plan.

Nancy Maiorana, 9650 Nook Road: Stated that there is already a traffic problem at this area. They have shopping baskets on their lawns and trash on their property now. She disapproves of the proposed development. She believes it would further affect their property values. She believes it would be a traffic hazard. She has lived in the area for 31 years. She reiterated that she believes this is a bad idea, that someone is going to seriously get hurt with the increase in traffic, and another gas station is not needed.

Linda Hensley, 9646 Nook Road: Stated that auto companies are going bankrupt and that electric cars will eventually alleviate the need for gas stations, so why do we need another gas station? She feels it would also increase the pollution. She feels that there is something better for the property than a gas station.

Chairperson DeBoyer then read a letter from Mike & Cathy Stevenson, 204 Butterfield Lane in opposition to the requested Special Approval Land Use.

Chairperson DeBoyer invited the Applicant to make any additional comments.

Pisko: Stated that he could not alleviate all of the public's concerns. He stated that this Kroger store does not operate 24 hours a day. It is open from 6:00 a.m. to 11:00 p.m. and that would be the hours of the gas station. Kroger has to stay competitive in the market place. Other grocers have begun including gas stations when they develop their sites. They have to work within the confines of an existing site or adjacent site in order to stay competitive. If the Kroger store closes, their corporate By-Laws require that the gas station site would be removed, including removal of the tanks, dispensers, kiosk, and canopy. Eighty percent of people using the Kroger fueling facilities are Kroger customers. The projected volume of the site requires three loads per week, 30-35 minutes per rack. It is not a two a day fill up with the tankers. He stated he could not speak as to the grass cutting but would assure that the grass will be cut. He has worked with Kroger for quite some time and they are a good and extremely competent operation.

Lyle: Questioned the Applicant as to what would happen if the gas station closed and not the Kroger store.

Pisko: Stated that usually when a Kroger gas station is installed, the Kroger store grows and business at the gas station grows. If the station is not in operation, the Kroger By-Laws require that the station be removed because they won't transfer the station to anyone else. In relation to the environmental concerns, this is a state-of-the-art system and it doesn't get any better than

what Kroger puts in. The tanks are double-wall. They have an interstitial space that is monitored, the sumps are monitored, there are alarms in the kiosk and remote alarms.

Krueger: Questioned whether it was standard procedure for Kroger that when they have a store in operation to want to also have a fueling facility?

Pisko: Stated that they usually do. They have not been as successful in getting them permitted, but that is the case.

Tom Frank, Real Estate Manager for Kroger Company of Michigan: Stated that Kroger currently has 808 fuel centers nationwide out of 2,300 stores. They would like to add additional fuel centers to their existing store base. They are very pleased as to the way Kroger has been received in this community. They would like to add the fueling center as an additional feature and service to the community. They feel they can compete effectively. He further stated that gasoline will still be a very viable market for years to come. They conducted two market studies to insure that once they invested \$1.2 million in this community would get a return for their investors. He assured that this is not a 24 hour gas station. Under law, they would have to put in a Halon fire suppression system, and the plans do not call for that. Therefore, under law they could not operate at 24 hours.

Krueger: Questioned whether the establishment of a Kroger store was contingent upon it having a gas station?

Frank: Stated that it is not contingent. Both entities stand alone. They would like to add the feature for their customers. It is a way to reward their loyal customers.

Krueger: Questioned the brand of gasoline?

Frank: Stated that they buy their fuel at street price and the sign would state Kroger.

Krueger: Questioned whether their market analysis took into consideration how many customers would be captured that now use other gas stations in the area?

Frank: Stated that they had a capture rate based on customer traffic at the store and street traffic. Customers are now shopping at other stations for fuel in the Clay Township area. They want to give them another choice.

Chairperson DeBoyer closed the public hearing at 9:08 p.m.

Chairperson DeBoyer then asked the Planner whether he had any comments for the Commission.

Meagher: Stated he had no further comments outside of those contained in his report.

Chairperson DeBoyer then requested the Planning Commissioner's comments and discussion on the issue.

Simon: Stated that he still has questions regarding the 10 foot island between the two properties and the ability of the delivery trucks to get in and out, and also whether fuel trucks are generally 48 feet or shorter?

A discussion then occurred amongst Planning Commissioners regarding same.

Simon: Questioned whether a bond would need to be posted in regards to the possibility of the gas station closing and the property being restored to its natural state?

Chairperson DeBoyer: Stated she doesn't believe so.

Krueger: Stated that the overriding consideration he has is market saturation. Kroger is a very good company that has been very good to our community. He would like to give them every advantage but firmly believes that if another gas station goes in, it will cause one or two to close.

A discussion then occurred between Planning Commissioners regarding market saturation and also whether they would be doing a disservice to the citizens by denying them discounted gas.

Chairperson DeBoyer: Stated that the Planning Commission does not go out looking for businesses to locate to Clay Township. The businesses who want to locate here come to the Planning Commission.

Motion by Lyle, supported by Schweikart to postpone a decision on the Special Approval Land Use/Site Plan Consideration: Kroger Gas Station – 2696 Pte. Tremble Road, JGD Associates, Inc. due to the complexity until the next Planning Commission meeting.

AYES: All NAYS: None ABSENT: Blair

MOTION CARRIED.

7. PLANNING CONSULTANT'S REPORT:

Meagher: Stated that the Master Plan Committee has met. The first visioning session is scheduled for July 11, 2009 at 12:00 p.m. noon at the Lions Hall on Harsens Island.

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

Antkowiak: Nothing to report.

9. CHAIRPERSON'S REPORT:

Chairperson DeBoyer: Stated that she had received correspondence from the Township Attorney stating that Lucky 7 has filed an appeal with the Michigan Court of Appeals.

10. PLANNING COMMISSION MEMBER'S COMMENTS:

Chairperson DeBoyer: Stated that at the Township Board meeting on Monday comments concerning the Zoning Ordinance being vague were made and that is of concern to her. She reviewed the Zoning Ordinance regarding the matters that were mentioned and presented same to the Planning Commissioners. One of the items related to a resident of one of the "bird isles" who has been filing complaints regarding a boat on the vacant lot next to his property. This boat has been stored on this property for more than two years, is covered with a tarp, contains no motor, is not registered, has a hole in the bow, and is rotted in areas to the point that you can see right through to the ground. The comment at the Township Board meeting was that there was not a provision in our Zoning Ordinance. She then read from Section 3.17, Storage or Moorings of Boats or Watercraft. She further noted subparagraph (i) of Section 3.17 and read same. She then questioned the Commissioners as to whether they believed the Ordinance was vague on the subject.

It was the unanimous decision of the Commissioners that they did not believe it was vague.

Chairperson DeBoyer: She further stated that she heard repeatedly at the Township Board meeting that the Ordinance was vague and that it reflects back to this Planning Commission that our Ordinance doesn't take care of things that need to be taken care of in the community. She stated she doesn't believe that to be the case.

Antkowiak: Questioned how much more specific could it become?

Schweikart: Questioned whether the complainant has pointed out the above sections and whether same has been enforced?

Chairperson DeBoyer: Stated that she could not answer as to whether that has been done.

Meagher: Stated that the same instance applied to a previous meeting regarding fences. This Commission also felt the portion of the Ordinance relating to that issue was pretty specific.

A discussion then occurred amongst Planning Commissioners regarding the Ordinance and its interpretation.

Chairperson DeBoyer: Stated that she feels the Ordinance spells out quite clearly what you need to do.

Antkowiak: Questioned who would enforce the person who is interpreting it to do it the correct way?

Chairperson DeBoyer: Stated that if an interpretation is needed regarding the Zoning Ordinance it should be sent to the Zoning Board of Appeals.

Krueger: Stated that as far as the boat is concerned, an interpretation is not needed. The gentlemen who lives next door to where this boat is stored has come before the Township Board twice now on this issue, but not as an agenda item. He didn't understand how someone

could have a boat in his driveway with no engines, half of it carved out, no license for two years and feels it should be called blight. For some unknown reason, our Zoning Administrator determined that it is proper, and he stated that he doesn't agree.

Schweikart: Suggested someone pointing out the provisions of the Zoning Ordinance relating to this issue to the Zoning Administrator.

Chairperson DeBoyer: Stated that she is not finding fault with anyone but knows the work that the Planning Commission has done and continues to do with the Zoning Ordinance and doesn't appreciate the message going out to the community that our Zoning Ordinance doesn't address anything and is inadequate.

Antkowiak: Stated that if we're going to have a problem with illogical logic as we had with the fence issue and that it really wasn't specified in the Ordinance, what are we to do about that? It was forced to come to the ZBA, and it sounds like this issue regarding the boat is the same thing. He questioned is the same thing going to happen?

Motion by Simon, supported by Antkowiak that the Planning Commission submit a letter to the Township Board commenting on the information in the Ordinance regarding boat storage and fences and have the Planning Commission liaison to the Township Board present same to the Township Board.

Chairperson DeBoyer: Stated that as to the fence, it was a non-conforming fence. It was on the waterfront, split rail with wire inside. They were allowed to take the fence down and put up a chain link fence that ran from the house to the water's edge. Neighbors were up in arms about it. She further stated that this issue is addressed in the Zoning Ordinance. If you go to the definition of a fence, it is an accessory structure. She then read from the Zoning Ordinance with regard to front yards and the type of fencing that is allowed, and which specifically states "non-obscuring decorative fencing does not include chain link fence".

A discussion then occurred amongst Commissioners regarding chain link fences and the appropriate sections of the Ordinance in which they are addressed.

Chairperson DeBoyer: Directed the Commissioners to the Unobstructed Yard Space section of the Zoning Ordinance and read from same.

A discussion then occurred amongst Planning Commissioners regarding this section of the Zoning Ordinance and its application.

Motion by Simon, supported by Antkowiak to amend the previous motion to submit a letter to the Township Board commenting on the information in the Zoning Ordinance regarding storage or moorings of boats, fencing and non-conforming structures and to have the Planning Commission liaison to the Township Board present same to the Township Board.

Lyle: Questioned how a citizen can now be required to take a fence down for which she has paid \$2,000.00?

Chairperson DeBoyer: Stated that it is not the Planning Commission's responsibility. What she is stating is to use the Zoning Ordinance that we have and require that it be used in making decisions so we don't get into these types of situations. We should not put our citizens in these situations. Her whole point of this is to strongly state that we have an Ordinance that addresses these issues, please use it.

A discussion then occurred amongst Commissioners.

Simon: Requested that the Planning Commission liaison to the Township Board assure that the letter is read at the next Township Board meeting during the television hours so that the vagueness will be addressed and the citizens will hear the fact that the ordinances are not vague.

Krueger: Stated that he will look into possibly having this issue placed on the Township Board agenda for the next meeting.

Keller: Stated that to him these two particular issues are related to another department's enforcement on our Ordinance and feels that the lack of proper management of the other department is what's making this Commission look inadequate. Hopefully, the reading of the letter to the public will help.

Krueger: Stated that he doesn't understand when there are issues such as these, why the Chairperson of the Planning Commission isn't consulted to make sure the interpretation is clear. And, if a resolution isn't reached, then the President of the ZBA should be consulted regarding an interpretation.

Restated motion by Simon, supported by Antkowiak to amend the previous motion to submit a letter to the Township Board commenting on the information in the Zoning Ordinance regarding storage or moorings of boats, fencing and non-conforming structures and to have the Planning Commission liaison to the Township Board present same to the Township Board.

AYES: All

NAYS: None

ABSENT & EXCUSED: Blair

MOTION CARRIED.

Krueger: In regard to the front yard/rear yard problem, he referred to Definitions on page 38 of the Zoning Ordinance, and read same. He further stated that he was of the belief that the public right-of-way line was the street.

A discussion then occurred amongst Commissioners and Mr. Meagher regarding same.

11. PUBLIC COMMENTS:

Cindy Kirkpatrick, 9641 Wright Drive: Requested that a letter be sent to her as to the date of the Planning Commission meeting at which the tabled Special Approval Land Use will be

continued. She further stated that she believed there may be a letter from the Township Attorney somewhere in the files in relation to the fence issue. She also believes that the Ordinance also specifies that you cannot store anything on vacant land.

Patricia Florence, 187 Butterfield Lane: Also requested that a letter be sent to her as to the date of the Planning Commission meeting at which the tabled Special Approval Land Use will be continued.

Chairperson DeBoyer advised that a copy of the Agenda of the Planning Commission meeting can be requested from the Building Department but that notices would not be mailed to individuals.

12. ADJOURNMENT:

Motion by Simon, supported by Antkowiak to adjourn the meeting at 9:52 p.m.

AYES: All NAYS: None ABSENT & EXCUSED: Blair

MOTION CARRIED.

Respectfully Submitted,

Christine Holcomb
Recording Secretary