

CHARTER TOWNSHIP OF HARRISON
PLANNING COMMISSION MINUTES
HARRISON TOWNSHIP, MICHIGAN 48045
THURSDAY, FEBRUARY 15, 2007 – 7:00 PM

A regular meeting of the Harrison Township Planning Commission was held on **Thursday, February 15, 2007 at 7:00 PM** in Rosso Memorial Hall located at 38255 L'Anse Creuse, Harrison Township, Michigan 48045.

A. CALL MEETING TO ORDER:

Chairman Tomenello called the meeting to order at 7:04 p.m.

B. ROLL CALL:

PRESENT: Bill Fowke, Michael Rice, Maria Zingas & Chairman Lawrence Tomenello

EXCUSED: Mark Bacha, Doug McDougal & John Swiatkowski

ALSO PRESENT: Rosemary Davis - Township Attorney, Patrick Meagher & Peter Briddick - Township Planners, and David Nummer - Township Engineer.

C. APPROVAL OF AGENDA:

Motion by Member Rice supported by Member Zingas to approve the February 15, 2007 agenda as presented.

<u>Roll Call Vote:</u>	Member Rice	Yes
	Member Zingas	Yes
	Member Fowke	Yes
	Chairman Tomenello	Yes

Motion Carried

D. APPROVAL OF MINUTES: November 16, 2006

Motion by Member Zingas supported by Member Rice to approve the regular meeting minutes from November 16, 2006 as presented.

Chairman Tomenello asked if there were any comments. Seeing none he asked for a roll call.

<u>Roll Call Vote:</u>	Member Zingas	Yes
	Member Rice	Yes
	Member Fowke	Yes
	Chairman Tomenello	Yes

Motion Carried

Chairman Tomenello welcomed new member Bill Fowke to the Planning Commission.

E. HEARINGS AND REVIEWS

F. PUBLIC HEARING:

CHARTER TOWNSHIP OF HARRISON
PLANNING COMMISSION MINUTES
HARRISON TOWNSHIP, MICHIGAN 48045
THURSDAY, FEBRUARY 15, 2007 – 7:00 PM

**1) CASE #02-07SLU: **Eastside Collision Center – Jason Palazzola
Automotive Collision Repair – 42469 Irwin****

Chairman Tomenello asked the petitioner to come forward and give an overview of his petition.

Petitioner, Jason Palazzola, came forward and explained that he is requesting a Special Land Use for heavy automotive repair and some storage of flammables.

Chairman Tomenello asked if there were any questions from the Commissioners.

Member Rice suggested they go through the Planner's Comments.

Mr. Palazzola stated that the only item on the Planner's comments that would be an issue is the one regarding storage of wrecked vehicles.

Member Rowke asked where the vehicles would be stored. Mr. Palazzola replied that they would be stored in the front. They would only be stored as long as it takes for the insurance company to come out and inspect it.

It was stated that the petitioner would have to go before the ZBA for the storage issue, and that there would have to be documentation that all the issues on the Planner's Comments were met.

Motion by Member Rice supported by Member Zingas to open the public hearing.

<u>Roll Call Vote:</u>	Member Rice	Yes
	Member Zingas	Yes
	Member Fowke	Yes
	Chairman Tomenello	Yes

Motion Carried

Chairman Tomenello asked if there was anyone in the audience who wished to speak on this issue. No one came forward.

Peter Briddick, Township Planner, suggested that if the Commission was going to table the issue, they should keep the public hearing open. He then stated that the applicant would have to petition the Zoning Board of Appeals for a variance for the storage of wrecked or damaged vehicles. He then stated that the Planning Commission would need to consider two factors; one of which is the type of screening that will be required for the area, and, if a variance is granted, where the vehicles will be stored, and two, if there is to be storage of parked or wheeled vehicles, the area will have to be paved to Township standards, or a surface that is suitable as deemed by the Planning Commission.

The applicant was asked about the paint booth and the storage of paint. He was then told to contact the DEQ in order to get a hazardous waste generator number and to make sure the paint booth meets EPA standards.

CHARTER TOWNSHIP OF HARRISON
PLANNING COMMISSION MINUTES
HARRISON TOWNSHIP, MICHIGAN 48045
THURSDAY, FEBRUARY 15, 2007 – 7:00 PM

Chairman Tomenello then asked for any comments from the Commission or a motion to table and to send the petitioner to the Zoning Board of Appeals.

Motion by Member Rice supported by Member Zingas to table this agenda item, send the petitioner to the ZBA, for the petitioner to complete Items 1-10 on the revised January 5, 2007 letter from Community Planning & Management and obtaining or applying for any and all items required.

The Planner suggested that if the Commission was going to keep the public hearing open, they needed to note that as part of the motion and to table it to a date specific.

The motion was amended to add the public hearing was being left open and that the item was being tabled to a date specific of April 19, 2007.

Member Rice agreed to the amendment and it was supported by Member Zingas.

<u>Roll Call Vote:</u>	Member Rice	Yes
	Member Zingas	Yes
	Member Fowke	Yes
	Chairman Tomenello	Yes

Motion Carried

**Proposed Amendments to the Charter Township of
Harrison Zoning Ordinance, Article 9, Section 9.00 (C)**

Chairman Tomenello stated that the public hearing was open; it was left open at the meeting of November 16, 2006. It is in regards to additional modifications to the central air conditioning unit ordinance. Chairman Tomenello asked Patrick Meagher, the Township Planner, to give a little background on the amendments.

Patrick Meagher went on to give a brief overview of the changes made to the ordinance.

Chairman Tomenello then asked if there were any questions from the Board. Seeing none he asked if there were any comments from the audience. Seeing none, he asked for a motion to close the public hearing.

Motion by Member Zingas supported by Member Rice to close the public hearing.

Chairman Tomenello asked for any discussion. Seeing none he asked for a roll call.

<u>Roll Call Vote:</u>	Member Zingas	Yes
	Member Rice	Yes
	Member Fowke	Yes
	Chairman Tomenello	Yes

Motion Carried

CHARTER TOWNSHIP OF HARRISON
PLANNING COMMISSION MINUTES
HARRISON TOWNSHIP, MICHIGAN 48045
THURSDAY, FEBRUARY 15, 2007 – 7:00 PM

Chairman Tomenello then stated he would be looking for a motion.

Motion by Member Zingas supported by Member Rice to recommend to the Harrison Township Board to amend Article 9, Section 9.00 (C) as presented and read.

Chairman Tomenello asked for any discussion. Seeing none, he asked for a roll call.

<u>Roll Call Vote:</u>	Member Zingas	Yes
	Member Rice	Yes
	Member Fowke	Yes
	Chairman Tomenello	Yes

Motion Carried

Schedule public hearing date for Case #03-07RZ - Proposed Rezoning Request for John Champagne - R-1-C (Single Family Residential) to RM-3 (Multiple Family Residential) – 13.86 Acres – Described Property of Rosecroft Shores Subdivision, Shook & Jefferson (11-36-227-011 / 0001 0048 00).

Terry Welch, resident, questioned whether or not a public hearing should even be set because a similar request came before the Planning Commission years ago.

Discussion was held as to whether or not a public hearing should be set.

It was decided to schedule the public hearing contingent upon, after research by the Township Planner and Township Counsel, whether or not the applicant has the right to a public hearing.

Motion by Member Zingas supported by Member Rice to grant the public hearing date for Case #03-07RZ, the proposed rezoning request for John Champagne, R-1-C (Single Family) to RM-3 (Multiple Family Residential) 13.86 acres, Shook and Jefferson, for Thursday, March 15, 2007, with the caveat that , provided the applicant has the right to a public hearing based on our Counsel’s research and our Planner’s research.

Rosemary Davis, Township Attorney, stated that a public hearing is part of an applicant’s due process rights, and that the precedent would be that you can’t grant the same rezoning petition, not whether or not you can deny a person the right to a public hearing.

Chairman Tomenello then asked if there were any questions on the motion. Seeing none he asked for a roll call.

<u>Roll Call Vote:</u>	Member Zingas	Yes
	Member Rice	Yes
	Member Fowke	Yes
	Chairman Tomenello	Yes

Motion Carried

CHARTER TOWNSHIP OF HARRISON
PLANNING COMMISSION MINUTES
HARRISON TOWNSHIP, MICHIGAN 48045
THURSDAY, FEBRUARY 15, 2007 – 7:00 PM

G. UNFINISHED BUSINESS:

2) Case #05-05S

**Harbor Club North Phase II
Proposed Condominium project – 37500 Jefferson Ave.**

Mr. Meagher stated that he had spoken to the petitioner and that the petitioner had indicated that he (the petitioner) would like to proceed with the project. However, the petitioner would like some assurance from the Planning Commission that the issue regarding the water main, which is located near the decks of the adjacent unit, will not have to be relocated as part of his responsibility to the project. Both Mr. Meagher and David Nummer, the Township Engineer, stated that was not a problem for them. If the Planning Commission didn't have a problem with that, Mr. Meagher would let the petitioner know, and the petitioner would then go forward with getting new design plans. Mr. Meagher did go on to state that the water main was only one of many issues that the petitioner had to address.

Chairman Tomenello asked if there were any comments from the Board.

Member Rice asked who was responsible for the water main being located where it is, and why. He also wanted to know what would happen if the water main breaks, and who is responsible for the expense of fixing it. He went on to state several other concerns he had with the project.

There was further discussion regarding the water main. It was discussed that perhaps it would be necessary to get a legal opinion regarding who would be financially responsible, if in fact, there was a water main break.

David Nummer discussed the issue regarding the water main, which runs too close to the buildings, and the water & sewer mains that run underneath the garages. He explained that the petitioner has agreed to abandon and reroute the mains that run under the garages. The petitioner has agreed to relocate the sanitary sewer so that it is outside the footprint of the garages. The petitioner has agreed to connect to a dead end water main in another area of the project and then loop it around.

Chairman Tomenello asked if there were any public comments.

Greg Sebastian – asked if the same developer owned both developments and both parcels of land. He then asked if the amenities from Phase I could be abandoned and have all new amenities built in Phase II, and he wanted to know if the decks were permanently attached to the buildings.

Linda Ruff – resident of Harbor Club North – asked about 15 acres of wetlands that are owned by the developer. She also wanted to know when the carports were converted to garages, did the developer or the association have to come before the Planning Commission or other department in order to convert them into garages.

Sharon Cisco – Harbor Club North – stated that the decks are made of wood and are attached to the buildings, and expressed her concern with the water main being so close to the building.

Chairman Tomenello asked if there were any further public comments. Seeing none, he brought it back to the Board and stated he would be looking for a motion.

CHARTER TOWNSHIP OF HARRISON
PLANNING COMMISSION MINUTES
HARRISON TOWNSHIP, MICHIGAN 48045
THURSDAY, FEBRUARY 15, 2007 – 7:00 PM

Motion by Member Zingas to make a recommendation to our counsel to provide us with a legal opinion about all of the issues that we have raised tonight in regards to Harbor Club North Phase II in relation to the proposed condominium project.

Ms. Davis stated that if Kirk and Huth was able to give a legal opinion, they would.

Chairman Tomenello then stated that perhaps, **as part of the motion, they should include that if there is any conflict of interest with our current counsel that it be approved by the Township Board to possibly go to a third party counsel for a legal opinion.**

Member Zingas agreed to make that part of her motion. Member Rice supported the motion.

Chairman Tomenello then asked for any comments on the motion.

Mr. Meagher asked if the motion included tabling the matter for a few months in order to address all of the issues.

There was discussion as to how much time would be needed. It was decided **to table the matter to no later than the meeting of May 17, 2007.**

Member Zingas amended her motion and Member Rice amended his support.

Motion by Member Zingas supported by Member Rice to make a recommendation to our counsel to provide us with a legal opinion about all of the issues that we have raised tonight in regards to Harbor Club North Phase II in relation to the proposed condominium project. If there is any conflict of interest with our current counsel, that it be approved by the Township Board to possibly go to a third party counsel for a legal opinion, and to table the matter to no later than the meeting of May 17, 2007.

Chairman Tomenello asked if there were any comments on the motion. Seeing none, he asked for a roll call.

<u>Roll Call Vote:</u>	Member Zingas	Yes
	Member Rice	Yes
	Member Fowke	Yes
	Chairman Tomenello	Yes

Motion Carried

H. NEW BUSINESS:

I. CORRESPONDENCE:

Chairman Tomenello stated that he had correspondence from the Macomb County Board of Commissioners relative to public meetings on the Macomb County Brownfield Redevelopment Initiative being held on February 20th at the Warren City Hall, February 21st at the Romeo District Library and February 22nd at the Clinton Macomb Public Library.

J. COMMENTS FROM THE PLANNER:

Case #04-07AR

**Greg Sebastian – 36549 Jefferson
Renovations to building**

Mr. Meagher stated that Mr. Sebastian has requested to improve the façade at 36549 Jefferson. He's here because all façade changes are required to come before the Planning Commission. The request is to brick the building and that they (Community Planning) had no objections to that request.

Chairman Tomenello asked if there were any questions from the Board.

Member Zingas asked if the footprint would stay the same. Mr. Meagher stated that it would.

Discussion was held regarding whether this property was in the flood plain, and if so, does it exceed the fifty percent substantial improvement criteria. Discussion was also held regarding the building being brought up to code, the issue that there is no screening between the residential and commercial properties, the condition of the parking lot, and why a site plan was not being required.

Mr. Meagher stated that the only issue coming before the Planning Commission at this time was the request to improve the façade. If the Commission is going to require the parking lot improvements and for the other issues to be addressed, then the applicant will have to submit a site plan.

Greg Sebastian was present and stated that he was aware of the many problems and issues regarding the building, and he is more than willing to do whatever is necessary in order to get the problems and issues resolved.

Motion by Member Zingas supported by Member Rice to approve the renovation to the building at 36549 Jefferson, renovation meaning remaining with the same footprint, and changing the face of the building to brick, or whatever material is allowed, provided if there is a change in use, a full site plan shall be submitted to the Planning Commission for review, and to be in full compliance with current codes and standards.

Chairman Tomenello asked if there were any comments on the motion.

Brief discussion was held regarding what the motion was going to allow the petitioner to do.

Member Zingas amended her motion to include that the flood plain requirements are adhered to, to today's standards, before the granting of the current renovations. Member Rice amended his support.

<u>Roll Call Vote:</u>	Member Zingas	Yes
	Member Rice	Yes
	Member Fowke	Yes
	Chairman Tomenello	Yes

Motion Carried

CHARTER TOWNSHIP OF HARRISON
PLANNING COMMISSION MINUTES
HARRISON TOWNSHIP, MICHIGAN 48045
THURSDAY, FEBRUARY 15, 2007 – 7:00 PM

Case #05-07AR

**Steve Remias – V.P. – MacRay Harbor
Renovations to Boathouse 1**

Mr. Meagher stated that the petitioners, following the approved site plan, would like to complete the shells of the residential areas without doing the finish work on the residential portion of the units in order to have the dock usage & indoor docking available now. The petitioners would be able to come back at a later time to finish the living units. Mr. Meagher did state that if the Planning Commission did give their approval, the (the Township Planners) would like the approval subject to the applicants working with the Fire and Building Departments to ensure adequate emergency access. Access to the living quarters would be blocked off to those using the docks.

Steve Remias, vice-president of MacRay Harbor, was present to discuss their proposal. He stated that they are trying to get access to the wells for rental purposes, while at the same time meeting all of the building and fire department concerns regarding egress & ingress. He also stated that it is their intention that, should the demand arise, they would proceed with completing the units as they originally designed.

Chairman Tomenello opened it up for questions from the Board.

Discussion was held regarding whether or not the pump station would need to be upgraded, as was agreed to by MacRay Harbor when the development was originally approved, and if approval of the current renovations should be subject to the petitioner upgrading the pump station, if need be.

Motion by Member Zingas, supported by Member Rice to approve the renovation to Boathouse 1, MacRay Harbor, subject to working with the Fire and Building departments to secure adequate access and subject to, within three month's time, to investigate the previous study done on the pump station and secure upgrades to the pump station if the findings and agreements were put together. If the study was done, but no agreement or findings were put together, there shall be an agreement to upgrade the station, as necessary, between the Sewer & Water Department and MacRay Harbor.

Chairman Tomenello suggested amending the verbiage from study to study or determination.

Member Zingas amended her motion to state *study or determination*. Member Rice amended his support.

Chairman Tomenello asked for any comments on the motion.

The question was raised of whether there was a time factor involved in a study that may have been done over twenty years ago, and, if the population in that area has increased, would it have an impact on the study. It was agreed that it would probably guarantee an upgrade.

Mr. Meagher stated that the requirement of the upgrade, if necessary, should be left up to the determination of the Water & Sewer Department.

CHARTER TOWNSHIP OF HARRISON
PLANNING COMMISSION MINUTES
HARRISON TOWNSHIP, MICHIGAN 48045
THURSDAY, FEBRUARY 15, 2007 – 7:00 PM

<u>Roll Call Vote:</u>	Member Zingas	Yes
	Member Rice	Yes
	Member Fowke	Yes
	Chairman Tomenello	Yes

Motion Carried

2007 Planning Commission Board Officer Elections

Chairman Tomenello stated that, if everyone was in agreement, he would like to postpone the elections until there is a full Board.

Motion by Member Rice supported by Member Zingas to postpone the elections until next month.

Ayes: 6 Nays: 0

K. COMMENTS FROM THE FLOOR

There were no comments from the floor.

Member Zingas brought up the confusion the Zoning Board of Appeals had with the required 2/3 factor rule for an accessory structure and the definition of an accessory structure. Member Zingas stated that the Zoning Board of Appeals wanted to bring this issue in front of the Planning Commission to try and clarify the zoning ordinance in regards to the 2/3 factor rule and to get the proper definition of an accessory structure and proper interpretation of the zoning ordinance.

It was stated that interpretation of the Zoning Ordinance falls under the jurisdiction of the Zoning Board of Appeals. Mr. Meagher stated that they (the Township Planners) would give their written interpretation of the Ordinance, and any suggested changes that they may have.

L. NEXT PLANNING COMMISSION MEETING: March 15, 2007

M. ADJOURNMENT:

Motion by Member Zingas supported by Member Rice to adjourn the meeting at 9:04 pm.

Ayes: 4 Nays: 0

THE MOTION CARRIED UNANIMOUSLY

Maria Zingas, Secretary
Harrison Township Planning Commission

Sabrina Mancini, Recording Secretary