

CHARTER TOWNSHIP OF HARRISON
HARRISON TOWNSHIP, MICHIGAN 48045
PLANNING COMMISSION MINUTES
THURSDAY, MARCH 20, 2008 – 7:00 P.M.
APPROVED PC MINUTES – APRIL 17, 2008
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A regular meeting of the Harrison Township Planning Commission was held on **Thursday, March 20, 2008 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 7:00 p.m.

B. ROLL CALL:

PRESENT: Members Mark Bacha, Bill Fowke, Mike Rice, John Swiatkowski, and Chairman Lawrence Tomenello

ABSENT: Member Douglas McDougal – Excused
Member Maria Zingas - Excused

ALSO PRESENT: Rosemary Davis - Township Attorney
Patrick Meagher -Township Planner
Cynthia Chambos – Recording Secretary

C. APPROVAL OF AGENDA:

Motion by Member Swiatkowski supported by Member Rice to approve the agenda as presented.

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

Motion Carried.

D. APPROVAL OF MINUTES: February 21, 2008

Motion by Member Rice supported by Member Swiatkowski to approve the meeting minutes of February 21, 2008, as presented.

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

Motion Carried.

E. REVIEWS

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F. UNFINISHED BUSINESS:

- 1) **Case #05-08-SGN:** **Sign Review – Hardy & Sons Sign Service – Harold Hardy**
22340 Harper, St. Clair Shores, MI 48080
Property in Question: Linda's Place, 27200 Crocker Blvd, Harrison Twp, MI 48045
Proposed Pylon Sign (Zoned B-3)
(Tabled at the Planning Commission Meeting on February 21, 2008 in order to allow applicant to address location, landscaping and curbing of pylon sign, date specific to March 20, 2008).

Harold Hardy, petitioner, was present to address this case.

A brief discussion ensued among the Commissioner's and the petitioner as to where the pylon sign would be situated.

Patrick Meagher, Planner, updated the Commission on the pylon sign and the changes that were made. At this time he recommends approval of the sign.

Motion by Member Swiatkowski supported by Member Bacha to approve Case #05-08-SGN, Sign Review – Hardy & Sons Sign Service – Harold Hardy, 22340 Harper, St. Clair Shores, MI 48080, Property in Question: Linda's Place, 27200 Crocker Blvd, Harrison Twp, MI 48045, Proposed Pylon Sign (Zoned B-3), subject to the following:

Approve the pylon sign subject to the curb island construction as provided on their drawings along with the landscaping, as is, on the plans.

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

Motion Carried.

- 2) **Case #07-08-SGN:** **Sign Review – Sign Fabricators – Patty Loose – Petitioner**
43984 Groesbeck Hwy, Clinton Twp, MI 48036
Property In Question: Jarvis Construction, 41700 Executive Dr, Harrison Twp, MI 48045 (Zoned M-1)
Proposed Wall Mount Sign
(Tabled at the February 21, 2008 Planning Commission Meeting in order for Planner to review new plans submitted on February 21, 2008).

Mr. Jarvis was present to address his case. Mr. Jarvis gave a brief update on the revised sign for the building.

Motion by Member Rice supported by Member Bacha to approve Case #07-08-SGN - Sign Review – Sign Fabricators – Patty Loose – Petitioner, 43984 Groesbeck Hwy, Clinton Twp, MI 48036, for Jarvis Construction, 41700 Executive Dr, Harrison Twp, MI, 48045 (Zoned M-1), Proposed Wall Mount Sign, as presented.

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

Motion Carried.

- 3) **Case #08-08-APPEAR:** **Appearance Review – Triangle Plus Associates, LLC – Charles Babcock – Petitioner**
32750 S. River Road, Harrison Twp, MI 48045
Property in Question: Bayview Barge Restaurant/Olsonite Sales Center
32760 S. River Road, Harrison Twp, MI 48045 (Zoned RW)
Barrier Gate on Driveway (Installation Complete)
Parcel 1, Part of Lots 34 through 39, Both inclusive, lying south of South River Road, Supervisor's Plat No. 3
Property #0980-0030-01, Sidwell #17-12-15-403-009
(Tabled per applicant's request at the February 21, 2008 Planning Commission Meeting in order to address Barrier Gate issues).

Charles Babcock, representing Triangle Plus Associates, was present to address this case. Mr. Babcock gave a brief update on the Barrier Gate issues. The gate has since been taken down. Mr. Babcock addressed the Ordinance relative to fences and other properties in the Township that have fences. He would like to maybe in the future put a decorative fence all the way across the property.

Chairman Tomenello made comments relative to the fence ordinance.

Member Rice addressed the Commission and Mr. Babcock relative to the fencing issue and the reasons behind the applicant's concern to keep people off the property.

Patrick Meagher, Planner, offered some advice relative to the Ordinance changes that will be forthcoming and also recommended that this be sent back to the Technical Team, let the Tech Team deny it, and send it to the Zoning Board of Appeals (ZBA).

Chairman Tomenello added his comments relative to Patrick's comments and Member Rice's comments.

Patrick Meagher, Planner, made a recommendation to the Commission to send the applicant back to the Tech Team for review, have the Tech Team deny him and then send him to the ZBA for a variance.

Chairman Tomenello acknowledged Patrick's recommendation, but he'd rather have the Commission send him to the ZBA. He had concerns about sending it straight to the Technical Team first.

Sam Buschell, 39460 Venetian: Spoke of concerns relative to the gate and fence ordinance issues.

There was a brief discussion between the Commissioners, Patrick Meagher and petitioner relative to the issue of whether to send the petitioner right to the ZBA or what other recourse we have relative to the Barrier Gate issue.

Rosemary Davis, Township Attorney, gave a bit of advice as to how to come to some sort of decision relative to this case.

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Motion by Member Rice supported by Member Swiatkowski to table Case #08-08-APPEAR, Appearance Review – Triangle Plus Associates, LLC – Charles Babcock – Petitioner, 32750 S. River Road, Harrison Twp, MI 48045, Bayview Barge Restaurant/Olsonite Sales Center, 32760 S. River Road, Harrison Twp, MI 48045 (Zoned RW), Barrier Gate on Driveway (Installation Complete), Parcel 1, Part of Lots 34 through 39, Both inclusive, lying south of South River Road, Supervisor’s Plat No. 3, Property #0980-0030-01, Sidwell #17-12-15-403-009, subject to the following:

- 1) Table the applicant’s request to allow him to appear before the ZBA and return to the Planning Commission after such time.
- 1) Send the applicant to the Zoning Board of Appeals (ZBA).
- 2) Send with a favorable recommendation from the Planning Commission to approve his variance.

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

Motion Carried.

- 4) Case #09-08-SLU: **Special Land Use and Site Plan Review – Garwood’s, Jeff Graham – Petitioner**
41680 Conger Bay Drive, Harrison Twp, MI 48045 (Zoned WF)
Described Property commonly known as: 41680 Conger Bay Dr.,
Harrison Twp, MI 48045
Property #0001-0474-00, Sidwell #17-12-10-300-002
Tabled at February 21, 2008 Planning Commission Meeting, date specific to March 20, 2008 Planning Commission Meeting).

Chairman Tomenello addressed the Commissioner’s relative to a new print that was just received today from the petitioner. Neither the Planner nor the Commission has had a chance to review the new print. At this time, with the information we just received, it would be his recommendation for a motion to table this case in order to allow us some time to review this detailed new information, before we make any comments on this.

Chairman Tomenello went on to address the audience relative to the Public Hearing and reminded the audience that because the Public Hearing is now closed that he will not be taking any public comments on this case at this time. At this point, if you do have comments, and if you have not already done so, we do encourage you to send a letter addressing your comments. We do take the time to read each one and will take them into consideration when making our decision.

Jeff Graham (Designtec), 20936 Harper, Harper Woods, MI, architect representing the Garwood’s project, made comments relative to the issues that were not addressed in time for the new drawings that were presenting today.

Tom LeFevre, Addressed the three issues which he feels are very minor and he does not want this to be tabled tonight. Time is of the essence. We need to get this up and running.

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Member Rice: Mr. Chairman, I have a few things I want to discuss. This is not a site plan, there are no measurements, no assigned parking to the wells, garbage dumpster issues, open patio size that is too small and not enough commodes to handle all the women patrons and many other issues that need to be resolved.

I sat on the Commission when you undeveloped the old Garwood's. You stated at that time the reason you wanted to do this was to bring peace and tranquility back to the neighborhood. You also stated that you realized the traffic, the cars, motorcycles and litter and intoxication, etc., was unacceptable in the neighborhood. And, everybody applauded and worked diligently to accept the new development.

I took it upon myself, today, to go and do some research on the new development, which is entirely sold – from what I understand – and I see the gazebo is in, I don't see the sidewalk, I don't see the plantings, I do realize there is still some construction going on, but that could go on forever, and I don't see any lighting in the lighting schedule that was approved. So, this scares me to think that we're going to give the nod to another project when the first one, project, isn't completed as presented. I think that bears a lot of weight. We need to give some consideration there.

We have also received some letters from the residents, and was also told by the Recording Secretary, that only about ten (10) people received notice letters from within the three-hundred (300') feet – and there's a lot more people than ten (10) involved in this; myself being one of them living on North River Road. I am not anti-development in any way, but the characteristics that were at the old Garwood's; I don't want to see back at the new one. And, I know it brought people from Ohio and from all over, but I don't want to punish the people in the neighborhood for immense amount of traffic throughout an all residential area – and at all hours of the night – and it is a liquor wagon and people are many times intoxicated when they depart from there. I know that when it closed, I picked up all whole lot less debris on North River Road than I used to pick up, when I'd go out for my paper in the morning. I'm not saying that that establishment was one-hundred (100%) percent responsible, but I am saying that it added to it.

We need to have a lot of questions answered. And, with this type of a print, which there isn't a measurement anywhere, I mean we are going off of, I imagine the sketch. We don't have any sewer and water direction, we don't know where you're going to get your sewer and water from, and if it's adequate for what we need from the Engineers, we do not have any authority for you to cross over that bridge or who owns that bridge, (I have no idea on that), but, all of these things need to be answered before we could ever begin to get an approval. And, these things will be answered as long as I sit on this Commission. I'm glad to see new ownership out there, but this isn't...we don't just flick a switch here and say you're in business. We need to look...and being in a Planning Commission position (directed to Jeff Graham), you should understand that. We need accurate measurements, and you can't get close to the site except to look over the jailhouse fence. But, I see dry canals – and I don't know what you're going to do with them either dredge them out or make them adequate for service, I can see people turning the wrong way when they leave there and come down into Venice Shores canals, I can see the junk boaters throw out – which I never could understand how people who love the water, litter the water so bad – the paper cups, the beer cans, and whatever else they throw out. There's a lot that needs to be answered here. I'm not saying that it's not a winnable thing, but, I look at a five-thousand (5,000) square foot building and a two-thousand (2,000) square foot patio and I see a floor plan on the old document and there's a lot of open space in there. And, when I see a lot of open space, I see tables getting moved in and more people getting seated and I see an inadequate parking lot and I see cars getting lined up in the neighborhood waiting to get in there – which you live in; which I understand your house was for sale for a long time, like many other houses.

I look at the first project that's not completed. That really scares me. And then, I look at this one, without any measurements, without any true continuity on it, and that continuity needs to be brought to this Commission;

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and, it needs to be brought to those people who live on those streets or in there. I can tell you that ninety-two (92%) percent of the people who pull up to the corner of North River Road do not stop at that “Y” intersection. They don’t stop – they cruise through it. That needs to be corrected! We’re going to have a lot more traffic – especially if you take a Fourth of July weekend – you’d need someone there to direct traffic. There’s a lot....who’s going to police it? Who’s going to pay for the police? Who’s going to pick up the junk in the mornings? There are a lot of things here that the neighbors are entitled to know and we have a right to ask and we want you to answer. There is no possible way that this Commission will ever approve this type of document that you have submitted and we have in front of us. That’s my opinion – not the Commission’s.

Member Swiatkowski: Made comments and had questions relative to the parking spaces for the restaurant and patio.

Patrick Meagher, Planner, addressed Member Swiatkowski’s comments. He also had just received the updated print today.

Member Fowke: Made comments and had questions relative to the restroom issues, proposed work building, new mooring piers, and parking spaces near the patio, no information on the patio, and boat well issues. He also spoke on the beautiful piece of property that is out there. Maybe there could be parking put out there. The material of the restaurant is not what the Commission has been looking for and would need further discussion. I do not see any lighting provisions. This doesn’t show us where the parking spots are designated to boat wells and the restaurant. Safety issues and lighting is a major issue. Is there a plan for outside patio entertainment? Will the large overhead doors be open? This would be very disruptive to the neighborhood. Will the music from the band stand area be able to be heard on the patio? This would be a noise issue – not only for the residents but the marina patrons as well. It seems the sound from the band would be loud enough to be disturbing to these people. Where is it intended for the boats coming into the restaurant – where will it intended that they will be coming in and where will they be docking? To me, it seems like they would be coming in through the Belle Maer way, will there be any kinds of signs directing where the boats should be going? Will it show which way to the restaurant? Some of the ways they would be coming in, currently, would cause people to get stuck. I know the road is bad and there isn’t a whole lot you can do about that. Is there anything that can be done at that corner of Conger Bay and North River Road, I’m not sure. (Directing the question to Patrick Meagher, Planner). Although, there is a sign there for Belle Maer Marina, maybe one could be put there for Garwood’s. Actually, I don’t think that sign should be there because of the right-of-way. Some kind of signage would have to be worked out. Who is the owner? I’ve been trying to contact the owner and never could get a call through. Who is the owner?

Patrick Meagher, Planner, gave comment on Member Fowke’s last question.

Member Rice to Patrick Meagher, Planner: This cannot be addressed as a functional site plan. This is a site plan that never could be approved the way it is presented. There are too many unanswered questions. We need numbers on these prints – not drawings. These are schematics; we need something set in stone, we need to have parking in stone, we need to have lot drainage, it has to be a bituminous area and cannot be gravel like the old shack had. The petitioner has to have rights to the bridge, he has to have sewer and water, and we have to know exactly how it’s going to be.

I went through this with Bumpers. I will not go through it a second time. I’m a friendly guy, but I’m not going to go through this again. You’re either going to be good or you’re going to be gone. I don’t care how many people you bring in there, I want to see quality; I don’t want to see trouble with the neighbors. The neighbors were relieved that the property sold quickly and the original site plan from Belvidere Bay was supposed to have this sign on it and its no where around – it says “Public Welcome” and that was part of the original

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paperwork, the sidewalks, and lighting. I haven't really had the time to go over there and talk to the people who reside in those new homes. They are very attractive and if that's anything like this marina would look like, then fine. But there are a lot of unanswered questions we need to have answered. We need to know if you're going to have retail sales or petroleum sales there. You have a proposed marina – is the water deep enough to do that which you want, there's no access to Lake St. Clair from that piece of property showing on this print, that you have an existing boat launch ramp – how deep is the water? What can you launch from there? What can we anticipate would come in on trailers? Beer trucks start delivering at 6:30 a.m. in the morning. Can I anticipate beer trucks going down the road past my house at 6:30 a.m. in the morning to deliver beer there? Can the people on Conger Bay accept that? These questions need to be answered. Where are the loading provisions on this facility? All of this - all of this; especially you (referring to Mr. Graham) being on a Planning Commission. I am surprised that you would come here with such paperwork which is immensely inadequate. This may be an existing site but it is not an existing use.

Member Fowke: Mr. Meagher, if you could look at just one more thing for us. Regarding a loading area out front like that – that's a concern we would or should frown upon. I don't know if there is anything else that they could do there, but

Patrick Meagher, Planner: You are right, Mr. Fowke. We certainly have to take a good look at that and the options that would be available relative to the loading and unloading of the trucks.

Member Fowke: On any additional plan, if we could see, what kind of gating/fencing that would be around the patio, seating arrangements or configuration of the patio and the boat wells shown in there and then maybe the parking – boat wells versus the parking – how all of that would work out.

Chairman Tomenello asked if there were any other comments on this case.

Chairman Tomenello had a comment, although it is something that needs to be taken up with the Road Commission, and that is the North River Road and Conger Bay intersection. That is a problem area and corner. Going out I believe you have to use the radius, which has many blind spots, because the road is so close to the residential area. Then, coming in, you have, that's a two-way radius and you also have a two-way, forty-five (45) degree angle, probably no more than two-hundred (200) feet maybe not even half that maybe one-hundred (100) feet. I think any type of project of this magnitude that needs to be looked at. That's your main artery of traffic for coming in and out. I think you need to address that with the Road Commission. Maybe it could be turned into some type of boulevard entrance – one way in and one way out or something. I'm really not a road architect. I'm sure something can be done there to improve that because this will bring in increased traffic.

Chairman Tomenello: Are there any other questions by the Commissioner's?

Member Rice: My major concerns are sewer, water, bridge, parking, plans that are enforceable. Those are my concerns because ultimately that's what is going to affect the people that have or are building those half-million dollar homes out there and in Venice Shores and adjacent neighborhoods, I'm not sure the people who live in Venice Shores is aware that this is taking place. Consequently, having the public hearing closed, makes it very difficult for the residents living there or any in the audience of being heard. My other major concern is who is going to pay for the law enforcement? We cannot, as a Township, afford to pay for it. As a Board member, we are lucky to be able to afford the police we do have. And, normal operation of business – are deliveries going to be allowed? It's a residential street and they're not going to be going down there at 6:30 a.m. in the morning. All of these things need to be addressed and enforced; and, who's responsibility is it going to be – the petitioner's or ours – as a community? We have all these boat slips and no parking. We

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don't know what the total ...what is going to be involved here. I know you couldn't get a boat through Lake St. Clair in there and you can't use the boat launch without going into the mud; at least it was like that last year. More than once I've seen people marooned out there, in boats of a smaller size, stuck in the mud. We haven't been privy to any dredging permits, and that takes time. All of these things are in consideration here.

Chairman Tomenello: Mr. Rice, in regards to the public hearing, it could be reopened, although it would have to be posted and re-noticed through the due process to schedule a public hearing. Counsel, is that correct?

Rosemary Davis, Township Attorney: I think you have the option to reopen the public hearing if you are given new information; which, it appears, there will be a lot more information given to this Planning Commission based on all of these requirements that haven't been met.

Chairman Tomenello: Merely by the submittal of new plans, is that considered new information?

Rosemary Davis, Township Attorney: Because you don't vote or make any type of action when you have a public hearing, you do it slightly different than other municipalities. You start off with just accepting public comment and you close it, then all the reviews come after the fact. Which puts you at a little bit of a disadvantage. I think it's easier to have a plan reviewed, then professional comments prior to the public hearing, so that's incorporated in it. And then, you can go forward making conditions and what not. This is kind of done opposite. I would think that you could reopen it, but in this particular instance, it would be wise for them to publish it so that the other residents would be aware.

Chairman Tomenello: I'm sorry, okay to publish, to give all the residents a fair chance –if in fact you want to reopen a public hearing.

Rosemary Davis, Township Attorney: It's like that caveat at the beginning where you said if you've already spoken and don't have anything new to say, but it's something addressing these new items, say them and then move the meeting along.

Cynthia Chambos, Recording Secretary: Mr. Chairman, may I say something? These three-hundred (300) foot notices that were sent out, most of them went to Belle Maer Harbor, which were empty boat slips, also down Belvidere and Conger Bay, I think it was the first ten to fifteen (10-15) people that were notified. Other than that, it was noticed in the Advisor, although I don't know how many people really read the Advisor. But, the next time around, if it would be your wishes, I could beyond the three-hundred (300) feet to maybe five-hundred (500) feet.

Patrick Meagher, Planner: Addressed the issues of prior comments and remarks made at the public hearing and here tonight relative to traffic, parking, noise issues, and light issues. By opening another public hearing, are we just going to be listening to the same issues? Or, can we just ask the petitioner to address all these issues.

Tommy LeFevre: I can feel your pain. I'll address this and all I was asking for was a restaurant business nothing more. This is not the old Garwood's site this is the new Lukas site. Neighbors are very important to me and I'll do what I can to make them happy. As for the prints, I thought I had covered all the issues that needed to be covered. Lights will come with the rest of the plans. Trash – well I will do the best I can to clean that up. Sewer and water issues will be addressed in the Engineers plans. I own the bridge with Belle Maer. As for ownership, I lease from Lukas Marina. If I don't get approved here, I probably would not buy the marina and continue on with the path of fixing this marina up. As for the dry canals, I will be going in for dredging permits, but I will not be able to continue on with this without approvals here because it takes about

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\$575,000.00 to dredge those canals out. The fence around the patio, of course, I would have a very decorative fence around the patio. I would want it, need it and I am very concerned about that. The tables in the restaurant, I have more than sufficient. I have thirty-two (32) acres of land there to handle any of our parking needs. It's probably one of the best sites in all of Michigan for extra parking if we need extra parking. The bathrooms, if I was not up to code, I would be more than happy to put more bathrooms in. I hope to come to this Township, if I get approval on this, with a nice bathhouse and pool area within a few months of this and come to you with that as well so we can make a nice marina pool for our marina guests. We can put in any and all stipulations that you want. The mooring piers were strictly decorative for the restaurant – being strung around the restaurant. If you want any different materials used on the restaurant I would be more than happy to go with the materials you request – instead of the tin we have on this building now – I would do anything to make you happy and make the place look nice and be a busy restaurant. As far as the music, I can guarantee you, if you would like us to, keep that door shut, and put it in any stipulations to keep that door shut at any time. I have never had a noise violation in any of my restaurants I have ever operated. As far as the beer trucks, I don't get 6:30 a.m. beer truck deliveries but, I don't know if the marina next door does or if the marina next door to that does. No, my beer truck deliveries come between 2:00 and 3:00 p.m. in the afternoons, but we could put stipulations on that also. I have never had any problems with getting my deliveries in the past. Being that I'm in the bar business, I don't get up early in the morning – I'm allergic to mornings. Boat parking will be on the Belle Maer side. There is plenty of water and plenty of canal on the Belle Maer side for the boat parking. The sign on North River Road – I'm the first one to raise my hand and I will do anything that may help and that I can to make that happen.

I'm very concerned with my neighbors and I want to make them happy, I want to do everything I can, trees, landscaping, lightings and everything. But, this is a zoned commercial site for a commercial operation – and its thirty-two (32) acres of commercial site and operation. I'm hoping you guys will really look at that and I want to be there. The rest of the community is out there, ninety (90%) percent of them that don't live on the water would love to come to the water and see a public operation and come to the Boat Town that it is to see boats and opportunities. As far as that sign that's missing at the Garwood's site, which was changed in our last meeting – they didn't want it up. And, I did everything right to code on those things and I'm sure I would have been notified. I'm real proud of that site and real proud of living there.

Notice to the people, if another open hearing would be again, I ...just give Patrick sentiments again. We know our problems here, I just want to know if this community wants me here or not and it's not an easy thing to chew, and I know that. I've sat on many Boards myself – and it's not easy. As far as the Road Commission goes, I'd do anything I could to do that. As far as traffic increasing, with the economy the way it is, I don't think the marina business is going to come back for a long time. And, for me to put a lot of money into the marina, without the restaurant's help, I think that whole area and including Belle Maer, and I think they talked on behalf of it, but I think this restaurant is good for the commercial end of it. You bought next to a marina, you bought next to an airport – you're going to get airport sound and you're going to get marina sound, it is what it is. I think you've got somebody who is really going to care and try to do everything that you guys tell me to do, and get it done. Launching, we will have no problem launching; we've got depth for our launching. I don't think we're going to be launching any more than forty-five (45) boats this summer and right now that the rent rule.

Anything I can do to make it happen, I will do, but I'm sort of at a dysfunction with the Township here because I didn't know that I didn't give you everything you needed and at the last meeting I walked out of here thinking that I gave you everything and talked about it and had the public hearings on it and so I do apologize for it. It basically comes down to the noise of the restaurant and the traffic of the restaurant. As a community, I appreciate you listening to me and hope you can make a vote and look at the opportunity as a whole and that it's good for the community. I think you hear the same thing from the same people and I don't blame them. I've already cleaned up the marina. If you have stopped by you should have seen the changes. I take pride

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in what I do, but I do have to have an answer because it's just crazy times. To get a bank loan now just versus three (3) to four (4) weeks ago when I was here, with Bear Stearns happening, it's a tough world out here – it's very, very difficult. If you guys don't want me, that's fine; if you do want me, that's great, too! I'm not mad at nobody and everything happens for a reason. I hope you can see your way clear of a good operator that's going to clean up a good marina and make the marina look really, really nice. I feel that bad that the proper plans are not here tonight.

Jeff Graham: You want site engineering before we reapply?

Member Rice: We need that in order for you to have a functional building. Presently, the only thing on that side of the island for a sewer is Belle Maer's; which he maintains that privately by himself. If that's acceptable, then we need to have an agreement stating that you're both going to share in that unit.

Jeff Graham: At this time, I would like to turn that aspect of the project over to engineer who will be working on that part of it.

Matt Alisch, Abonmarche Group (Engineer): I have been hired by Mr. LeFevre to look at the marina side eventually when it comes together. Also, we are going to do the site utilities. I spoke with Mr. Nummer, the Township Engineer about what would be required and then also spoke with the Township Sewer and Water Supervisor, Mr. Bill Kinney. Belle Maer's utilities, their sanitary sewer is privately held and they basically have a grinder pump and a wet well that push it out over the bridge and out into the gravity sewer there. After talking with Mr. Kinney, he said they have a problem with freezing and what not on the bridge. What we have opted to do is come up with basically a two inch (2") force main to replace the existing septic tank at the existing office and that's going to have a grinder pump in it (and it's pretty standard stuff) and it will pump out to the western most gravity manhole. I know that's not on your prints, but that's the plan right now. Mr. Nummer indicated that wouldn't be necessary. If you guys need it we'd be glad to provide it for you. With regards to water, we're just going to upgrade the existing line to a two inch (2") water service which is typical for a restaurant establishment.

Member Rice: New restaurants need to be sprinkled, don't they?

Member Swiatkowski: The square footage wouldn't require it.

Tommy LeFevre: The question here today is this: "Does the Township want the traffic down here? Do you want the deal or not? I will do whatever it takes to get this thing a done deal. I don't want sewage backing up into my restaurant. When Garwood's went out, I was very proud to get it out at the time and move it. The times were great for the housing market. I would never go back to that Garwood's site and say "hey, give me the right to do that". This is a marina site. Six (6) months ago if someone would have mentioned this to me, I would have said I wouldn't come to Detroit to spend five (\$.05) cents. But here, I'm going to be putting in about three and a half to four million (3.5 to 4.0) dollars into a site that works. But, I've got to know if I'm with you. As far as doing it properly, we will do it properly. I've done a force main grinder pump from a mile away before. To insinuate that I'm not going to get this done is not the case here. I'm proud of what I do and I will do it right. I think the underlying thing here goes again to the fact that this is a big decision for this Township, and coming into a summer season, I've got bankers and issues and if it doesn't work it just doesn't work. George Lukas can take it back over and run a great marina.

Matt Alisch, Abonmarche Group: Mr. Rice I noticed that you mentioned permits. We are in the process of, eventually we would like to have a workable marina, and part of that will be dredging. Right now we're working on the Belle Maer side and some dock replacements as some of them are in disrepair and funky sizes. We want to bring them up to industry standards basically. I do have a copy of the permit. This is a

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response to a notice they sent us dated March 18, 2008, which is pretty recent. It was originally applied for last month. If you would like to review this I can give you a copy.

Member Rice: That won't be necessary. I would like to have it all at once so that I can go through it.

Chairman Tomenello brought the discussion back to the Commission asked if anyone had any further discussion or comments.

Member Bacha: The property is zoned waterfront marina, WF Zoning District, is that correct? (Directing his question to Patrick Meagher, Planner)

Patrick Meagher, Planner: That is correct.

Member Bacha: I read here under Section 11.00 that a restaurant is not a permitted use in the waterfront Zoning Ordinance. It requires a Special Land Use – is that correct?

Patrick Meagher, Planner: That is correct.

Member Bacha: And when I read that, that sends me over to Article 13.00 that says we first have to satisfy the eight (8) requirements as defined under Section 13.02 before we can worry about what size the pipes are for sprinklers inside this building.

Patrick Meagher, Planner: That is correct. We have to get through the Planning issues.

Patrick Meagher, Planner: I think you, as a Commission, have brought up numerous issues that you want addressed. I can't assure you here tonight that these issues have been addressed on these revised plans, and as much as Mr. LeFevre is a gentleman and has attempted to work with us to provide some plans, we don't have that satisfaction right now that all of these things have been addressed, that I can sit here and tell you, "yes they have". The bottom line is listening to the comments you have made, certainly I'll take those notes and put them into a formal review and get that over to Mr. LeFevre this week, and at that point they can then start addressing these and try to get it in as soon as possible for a follow-up meeting.

It seems to me right now, based on everything I've heard from all of you, is that you've got some unanswered questions, so we'd be best to make a motion to send the applicant's back to take care of these unanswered questions and issues.

Chairman Tomenello: Any thoughts or questions?

Member Rice: My thoughts are that we cannot go ahead on this tonight. There are too many unanswered questions. I think the intentions of the petitioner are honorable; there are questions we don't have answers to and they peril on whether or not this is successful or not. There are numerous things that are involved in this – access to the water, access to the bridge, and proof of ownership – things of that nature. If we approve this on the basis that he has a right to use that bridge, and maybe it needs maintenance – does that fall back on the Township or does that fall back on the petitioner? We need clarification to that. He says he owns the bridge – that is a maintenance factor – who is responsible for making sure it is kept in good repair? There are a lot of unknown things here. My major one is control of the entire project. Without discussing, I realize with what the petitioner is trying to do, I've done it myself in many instances, but the properties are not tied together, they are separate and considered in a separate fashion. The get-go is important in this industry. But the get-go probably should have started ninety (90) days ago – it would have put us in a better position.

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We can't break the law for anybody, even though we want to – just like the past petitioner with the gate. That's the same consequences. We need to look at this like we look at any other site plan and this is not considered a site plan that we have here tonight – this is a drawing, a sketch, there are no measurements on it. We need to have those answered.

Chairman Tomenello: Would anyone like to make a motion?

Member Bacha: Can the motion be as simple as to table this? No other clarifications, just say motion to table?

Chairman Tomenello: I think we would want to have the applicant address the issues that we talked about tonight, in addition to, we would want to provide the planner ample time to review the latest submission as well; and any other submissions as well because we would want that as part of the formal review, which we do not have in front of us tonight.

Member Rice: I would also like to open the public hearing and notify the residents, probably on television or whatever the least expensive application is, so that they don't come back to us as Commissioner's and say that we haven't served them well. I think they are entitled to their say and that should happen.

Chairman Tomenello: Is there any other discussion?

Member Bacha: What are the pros and cons of opening up the public hearing again?

Rosemary Davis, Township Attorney: I don't know if you want to list the pros and cons....I think that's ultimately your decision, but if it's not ... the Planning Chairman has the right to re-open the public hearing or allow somebody to speak after it's been closed. It appears that all of the issues that were spoken by the public the first time, still need to be addressed, so I don't see how opening the public hearing is going to benefit you any because nothing has changed; the same issues just need to be addressed and the Planning Commission can ask for these to be addressed by the petitioner. I spoke with a resident today and there are other opportunities as to how to speak to it by submitting either a letter or petition, to the Commission, that you can receive. But, I fear on this situation that you would be opening up yourself to hearing the same comments, although they were noted the first time. It would maybe be just more of the same. There is nothing that has changed from the public, it just hasn't been addressed. But, it is ultimately your decision.

Chairman Tomenello: If we don't open the public hearing, as well, if we keep it status quo, the correspondence from residents through letters, if there is any new information, we do get those and we are going to review those and we can certainly bring that up as part of our review, and we have our chance to review this at our next formal review. Now, if we want to notice residents at the next review, to come and speak under public comment, we can do that. I think that may be beneficial. Mr. Rice that may satisfy your concern about letting the residents know what's taking place because I think that's maybe what your concerned about more is public comment.

Member Rice: That is correct. I just don't want people to say that they were blind-sighted by it. I want them – if they have some discomfort or comfort, we need to know that. Most of the people who were here at the first meeting, that was considered to be the public hearing, were in favor of it and it appeared to me it was friends of the family – maybe not maybe so – but there was some negativity – but very little – and I'm not trying to generate negativity, but what I want is, when and if this facility is approved by this Commission, that the responsibility, for the problems, don't fall on our shoulders; we've done everything we're supposed to do to secure the property authority for the residents. And that's my concern. That's why I reverted back to the old Garwood's property being subdivided and the site plan not being completed.

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Member Bacha: Is it necessary that the Township would have to notify, in writing, the residents that Mr. Rice is referencing, or is it just via the conversation that is occurring here sufficient to accommodate that request.

Rosemary Davis, Township Attorney: If you're referring to a Public Hearing, I would have to double check that, but if it's a public hearing you have to follow the statute and notify. But, Mr. Rice's comment was that he was concerned about addressing the negativity comments, and I think as an overall, we know what the negativity comments are because the residents did address them which we have a litany of things the petitioner needs to address. And, if the public comment is available for any petitioner, or any resident to come at any time or any meeting and address it, I don't think you would have to notify them personally. That's available on every agenda at every meeting. But, if you chose to reopen the public hearing, I believe you would have to re-notify and mail.

Motion by Member Bacha supported by Member Rice to table Case #09-08-SLU, Special Land Use and Site Plan Review – Garwood's, Jeff Graham – Petitioner, 41680 Conger Bay Drive, Harrison Twp, MI 48045 (Zoned WF), Described Property commonly known as: 41680 Conger Bay Dr., Harrison Twp, MI 48045, Property #0001-0474-00, Sidwell #17-12-10-300-002, as presented, subject to the following:

- 1) To allow the Planner the opportunity to review the current submission.
- 2) To allow the Planner to address all the issues submitted or plans that will be submitted.
- 3) To allow the petitioner time to address these issues and return to the Planning Commission when petitioner has addressed all these issues and site plan.

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

Motion Carried.

G. NEW BUSINESS:

- 5) **Recommendation to Board of Trustees requesting Transfer of Stock (Ownership) relating to Metry's Crew's Inn, Inc. (FORTHCOMING)**
 - A) Request from Metry's Crew's Inn, Inc., to transfer stock in 2006 Class C Licensed Business with Entertainment Permit, located at 31988 N. River Rd., Harrison Twp, Macomb County, by dropping Gilbert E. Metry, deceased, as joint stockholder with Eva Metry, holding 1,675 shares.

Chairman Tomenello stated that correspondence was received from the Clerk's office requesting this item be tabled date specific to May 15, 2008

Motion by Member Swiatkowski supported by Member Rice to table Recommendation to Board of Trustees requesting Transfer of Stock (Ownership) relating to Metry's Crew's Inn, Inc., date specific to May 15, 2008, per applicant's request.

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

Motion Carried.

H. CORRESPONDENCE:

- 6) Letter from Macomb Township relative to the 2002 current Macomb Township Master Plan.

Motion by Member Swiatkowski supported by Member Rice to receive and file Letter from Macomb Township relative to the 2002 current Macomb Township Master Plan.

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

Motion Carried.

- 7) Letter from Gregory Buss, Attorney, Representing Ron Jona & Associates/West Marine (Case #12-07-S) – Alley Abandonment and South River Road Right-of-Way Abandonment.

Motion by Member Rice supported by Member Bacha to receive and file Letter from Gregory Buss, Attorney, Representing Ron Jona & Associates/West Marine (Case #12-07-S) – Alley Abandonment and South River Road Right-of-Way Abandonment.

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

Motion Carried.

- 8) Letter from Sam Buschell received this evening relative to Appearance Review process.

Motion by Member Swiatkowski supported by Member Rice to receive and file Letter from Sam Buschell received this evening relative to Appearance Review process.

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

Motion Carried.

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I. COMMENTS FROM THE PLANNER:

- 9) **Case #03-08-APPEAR:** **Appearance Review – North River Road Marina – Larry Rekowski – Marine One – Petitioner**
32020 North River Road, Harrison Twp, MI 48045 (Zoned WF)
Proposed Dock Construction
Lots 1 – 4, Supervisor's Plat #9, Harrison Twp, MI 48045
Property #0140-0075-00, Sidwell #17-12-15-177-002
(Tabled at the February 21, 2008 PC Meeting in order to allow Applicant to meet with Tech Team)

Patrick Meagher, Planner, addressed the North River Road Marina Appearance Review. You had granted the Tech Team review rights at the February 21, 2008 PC meeting, and we are following through with those reviews right now. There is no action necessary on this item.

J. COMMENTS FROM THE FLOOR:

Tom LeFevre: Mr. LeFevre addressed several issues relative to the Garwood's case and the easement on the bridge and just needed some direction as to getting this process on track.

Patrick Meagher, Planner: Mr. Chairman, I don't think Mr. Rice is asking for full Engineering plans. I think what Mr. Rice wanted to know was where are you going to pull a sewer main from and I think that was answered tonight. But, I do think he wanted something formal on the plans that said this is our plan of getting sewer to the site and this is our plan to get water to the site. As for the bridge, I'm not sure how you're going to address it. Date certain or uncertain – uncertain is better for you this way you can come back as soon as you're ready. If it was date certain and you're not ready you could get denied.

Tom LeFevre: Just so that I don't make the same mistake again, I just want to know what you want me to bring here because I'm going to turn this around in a two to three (2-3) day period and you're going to have it in your hands, everyone's working over Easter here; because, I want it! I would have given this to you in the beginning. I did not know, when I looked at the rules and read this is a Special Land Use for this thing, I thought I was just coming in for that. I don't mind spending the money for that. This was just pure misunderstanding on my part. Tell me what you want here, Patrick, so I can bring it to you in the next few days.

Patrick Meagher, Planner: First, let me make it clear to you that it's not Patrick who wants anything. Second part of that is, I've got a complete list here of concerns that were shared at the public hearing, which I assumed you guys had made the same notes during the public hearing, and would address on a plan at some point. That's up to you. If I were on your side, and I was in front of a Commission, and I was given all these public comments to address, I would have come back the next day with plans addressing them. Now, lets throw that aside. You did give us plans today; unfortunately, I wasn't in my office very long and I didn't have a chance to look at them. I will have someone look at them tomorrow, they'll get you a full review, through Cindy, she'll get those, and you can respond at that point and time. But, that review won't take into account everything that happened at the public hearing and from the Commission's comments and will then go from there. I'd be happy to sit down with you folks - except for this next week.

Member Rice: Mr. LeFevre, you have the opportunity to request from the Planning Commission a special meeting and it cannot be denied.

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Member Swiatkowski: Requires an updated Planning Commission meeting calendar.

Member Swiatkowski: Made comment relative to the Appearance Reviews.

Member Rice: Made comments relative to the Bayview Barge Restaurant.

Member Fowke: Made comment on the school signs and the AHEPA Apartments.

K. **NEXT MEETING:** April 17, 2008 at 7:00 pm in Rosso Hall.

L. **ADJOURNMENT:**

Motion by Member Rice supported by Member Swiatkowski to adjourn the meeting at 9:15 p.m.

Ayes: 5

Nayes: 0

Motion Carried.

Mark Bacha, Secretary
Harrison Township Planning Commission

Cynthia Chambos, Recording Secretary