

RAY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
TUESDAY, AUGUST 13, 2019 AT 7:00 P.M.
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Location: Ray Township Hall
64255 Wolcott. Ray, MI 48096

Present: Tom Penzien, Chairman
Justin Lease, Vice-Chair
Randy Forro, Secretary
Members: Sharilyn Kaniuk
Justin Marberg
Doug Stier
John Zoccola

Absent:

Also Present: Lisa Hall, Planning and Zoning Clerk,
Stephen Cassin, Township Planner.
Attendance record on file

1. CALL TO ORDER – PLEDGE OF ALLEGIANCE AND ROLL CALL.

Chairman Penzien called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited. Penzien, Marberg, Lease, Forro, Kaniuk, Stier and Zoccola, all members were present.

2. APPROVAL OF MINUTES – June 11, 2019 as presented.

MOTION by Zoccola supported by Forro to approve the June 11, 2019 minutes as presented.
MOTION carried.

3. APPROVAL OF AGENDA-

Penzien requested addition under 6, New Business, FERC.

MOTION by Zoccola supported by Lease to approve the agenda as amended.
MOTION carried.

4. SCHEDULED PUBLIC HEARINGS

A. Special Land Use application, to allow outdoor storage of contractor equipment in the R-1 (Agricultural - Residential) District. According to Ray Township Zoning Ordinance 36, Section 403, H, Commercial Vehicle Storage and X, Storage of Commercial Vehicles may be permitted as a Special Land Use in the R-1 (Agricultural - Residential) District. Parcel ID 21-05-07-400-013, Angelo Ciranni, Applicant.

Chairman Penzien explained the public hearing procedure to the residents, the Planner will present his findings for the application. The correspondences from the departments would be read into the record. Then the public should come to the podium, state their name, address and any concerns or comments they have on the item.

MOTION by Kaniuk supported by Forro to open the public hearing at 7:03 P.M.
MOTION carried.

Mr. Cassin stated the Tree and Shrub nursery are a permitted use in the R-1 (Agricultural-Residential) District and the Special Land Use request is for the outdoor storage of equipment only.

Mr. Cassin, Planning Consultant presented his findings and recommendation dated August 3, 2019 as follows:

GENERAL INFORMATION

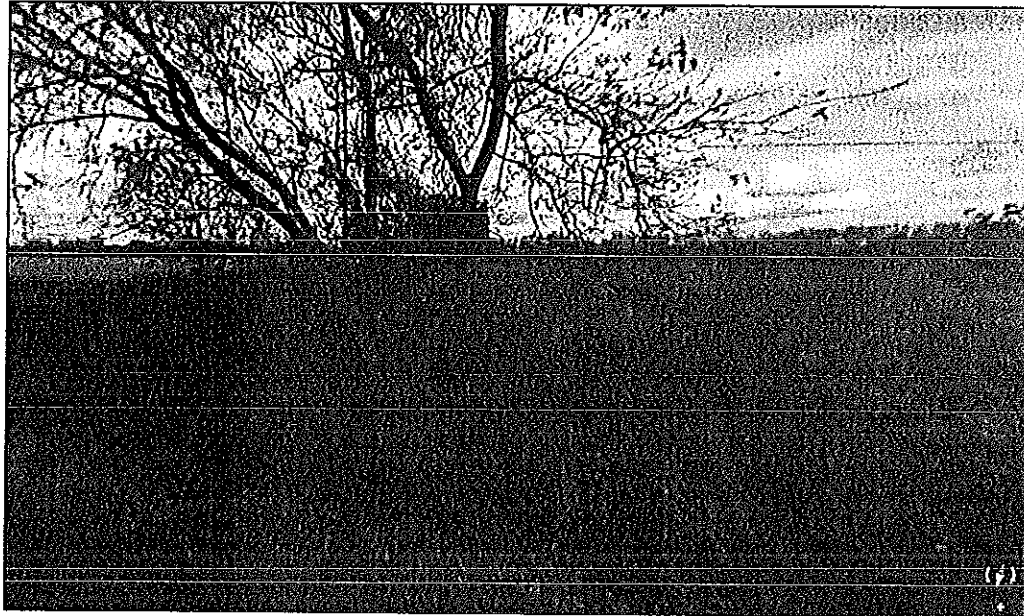
Zoning: R-1, Agricultural Residential
Location: North side 30 Mile Road, west of Romeo Plank
Property ID #: 21-05-07-400-013
Size: 8.11 acres
Project Name: Ciranni Tree and Shrub Nursery and Outdoor Storage of Contractor's Equipment
Case No: PSLU-19-002
Applicant: Angelo Ciranni
Review Date: August 3, 2019

PROPOSAL

The applicant intends to construct a single-family home and pole building on the property, which is currently vacant. In addition, the applicant is a self-employed landscaping contractor, and desires to have a private tree and shrub nursery on the property, along with outside storage for his contracting equipment.



Aerial View of Subject Property



Street View of Subject Property Looking from the South

COMPLIANCE WITH THE ZONING ORDINANCE

Section 401-K of the Ray Township Zoning Ordinance allows tree and shrub nurseries in the R-1 Agricultural Residential District. However, commercial vehicle storage is only permitted as a Special Land Use, subject to review and approval by the Planning Commission.

In granting Special Land Use approval, the Planning Commission must find that each of the following standards are met.

- The proposed special land use will be of such location, size, and character that it will be harmony with the appropriate and orderly development of the area.
Nurseries are an allowable use in the zoning district.
- The use will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved.
The applicant should confirm the time and frequency of trucks/equipment entering and exiting the property.
- The proposed use will be designed so that the location, size, intensity, site layout and periods of operation, eliminate excessive nuisances to surrounding areas.
Appropriate landscaping should be provided to ensure that the storage/parking of commercial vehicles will not be visible from surrounding properties.

- The proposed use will be such that the location and height of buildings or structures will not interfere or discourage appropriate development in the area.
The proposed use is consistent with the development trends of the area, and will comply with all zoning ordinance requirements relative to setbacks, height, etc.
- The proposed use is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected.
The proposed use is in compliance with township ordinances.
- The proposed use will not cause substantial injury to the value of other property in the area.
Appropriate measures should be undertaken to ensure no nuisances extend beyond the property lines.

RECOMMENDATION

Based on the above findings, I recommend approval of the special land use request subject to the following:

1. Compliance with all Township engineering, building, assessing, and fire department requirements, and all Macomb County requirements relative to roads, drainage, water, and septic.
2. Additional landscaping be provided to ensure that the vehicle outdoor storage areas is not visible to surrounding properties.
3. If the development intends on utilizing a dumpster, then the location needs to be indicated on the plans.
4. The site plan does not indicate any signage. If it is the intent of the applicant to display a sign on the property, the location and size needs to be indicated on the plans.
5. Successful demonstration to the Planning Commission that vehicles entering and exiting the property will not negatively impact surrounding properties.
6. Assurances that the property, and associated nursery and storage areas, will be used exclusively by the resident/business owner and that no employees will park their vehicles on the property.
7. The property cannot be used for any storage of landscaping materials and supplies, vehicles, equipment etc. until such time that the principal residence has received a certificate of occupancy.

Penzien stated that the correspondence received will be read into the record, all correspondence is on file and available for review.

Penzien read the applicants summary of intent into the record.

Stier read correspondence from Dennis LeMieux, Ray Township Building Official into the record.

Kaniuk read correspondence from the Macomb County Public Works Department into the record.

Marberg read correspondence from the Ray Township Fire & Rescue into the record.

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Forro read correspondence from Mrs. Esther Hessel, adjacent property owner into the record.

Lease read correspondence from Lyle Winn, AEW, Township Engineer into the record.

Penzien advised audience if they have any comments for concerns, they may come to the podium, state their name and address.

John Ternes, 16350 30 Mile Road,

Ternes stated he is against this use, if you allow one, you will have to allow another. Setting up the township for possible lawsuits. If the applicant's business grows and gets bigger, who monitors this, and who will follow up on the size and number of vehicles that may be permitted? What is a large amount? It won't be just pickup trucks, he will eventually have semi-trucks dumping such items as mulch, dirt, asphalt millings, this makes no sense.

Let him build his house on the parcel but locate his business on 31 Mile near Teller Excavating, Antonelli Landscaping and Able Trec, there are 4 or 5 vacant parcels in the area that are designated for that type of business and no homes within a half mile.

Michael Lechner, 16450 30 Mile,

Wife and I moved here last fall from Washington Township. We did not buy because of the house or the price, we bought because of the view. If he runs a landscape business from the property there will be employees there all day. I did not drop \$500,000.00 because I wanted to look at a business. How big is it, is it a United Lawnscape?

Russ Dobson, 16400 30 Mile,

Stated he is a 36-year resident of Ray. Too many times someone has said they were only going to run a small business and then it gets bigger. Starts small and then starts growing, will eventually be bringing in brush and landscape materials, grass clippings.

He is going to grow his business and if grows it, I have to watch it, there will be constant traffic. It is the wrong precedence to set.

Sam Imbrunone, 16300 30 Mile,

Moved to the area for peace and tranquility, and now there may be a business right across the street. Is the applicant petitioning for a rezoning or is the property being rezoned to light industrial?

Penzien advised the applicant did not apply for a rezoning. The applicant is trying to use his land in the R-1 district, he is proposing this use. Outdoor storage requires a Special Land Use approval.

Penzien asked Cassin if this fits the zoning?

Cassin advised the tree and shrub nursery are a permitted use in the R-1 zoning district. No rezoning is required. The outdoor storage requires special Land Use approval.

Lechner asked who will police this?

Penzien asked applicant if he would like to address some of the audiences concerns at this time.

Ciranni stated he understands the neighbor's resistance and concerns and he would feel the same.

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We do not cut grass, so no grass clippings will be brought to the property. The only items that will be brought to the parcel are the unused items left over from landscaping jobs, there will never be any semi's delivering materials to the property.

Ciranni stated he owns 2 small dump trucks, one is a Ford F-550 and a Chevrolet 5,500, smaller than the average dump truck but large enough to haul a trailer as needed. Has 2 enclosed trailers and 2 open trailers, 3 small bobcats and 1 mini-excavator.

Penzien asked if all equipment would be kept inside during the off season?

Ciranni stated he believes he can fit all the equipment in the barn that he intends to build, if not he does have enough property to build a larger barn.

Penzien asked Ciranni if he owns any other equipment?

Ciranni stated he is hoping to purchase one more truck as a reserve, he is not looking to make his business larger, just needs another truck to use if one is out of service. If the company does grow, I cannot afford to keep the business here. I would like to keep my equipment on the site so I can watch it. I currently lease space at 29 Mile and Schoenherr and will continue to lease the space even if this is approved.

Penzien asked how many employees?

Ciranni advised he currently has 5 employees. Occasionally an employee may return to the parcel to pick up items needed on a job.

Penzien asked Cassin if the barn the applicant intends to build meets the ordinance?

Cassin stated he did not ask for a larger barn than allowed.

Lechner asked if his father-in-law purchases the property next door is it to make Ciranni's business bigger?

Ciranni stated that Mr. Zvanciuk's property next door will not be any part of his business operation. This will be our home. The North West back portion of the property is for the barn.

Ternes asked why Ciranni does not just move the business to 31 Mile Road?

Ciranni stated he may do that one day, but does not have the money currently to purchase property on 31 Mile.

Penzien stated that is future speculation, we are addressing the current situation.

Lechner asked what he will be looking at?

Ciranni stated you will be looking at our home and landscaping. The barn will be screened with Green Giant Arborvitaes nothing will be visible from the road. Intending on filling in any open areas along road and the property lines with additional plant material.

Amy Zvanciuk, stated she and the applicant looked for a parcel where they would be able to hunt. I do not want to sit in my back yard and look at the equipment, I only want to see the trees and yard.

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My parents just decided to purchase the parcel next door, I am an only child and this will allow them to be next door to me and maintain their independence while being close.

Lechner asked how many pieces of equipment?

Ciranni stated, I have 2 single axle trucks, 1 Ford F-550 and 1 Chevrolet 5500, 3 small bobcats, 1 mini excavator, 2 enclosed trailers and 2 deck over trailers. Employees do not come to my home; we meet at the job site.

Lechner asked what they will hear as neighbors?

Ciranni advised you may hear the trucks start in the morning and they are not noisy.

Penzien asked how far away is Blancke Sod Farm?

Ternes asked how many of the neighbors see Blancke sod Farm trucks on 30 Mile road? He stated Blancke does not drive down 30 Mile road often due to bridge.

Zoccola stated he does believe the audience has seen the site plan. Site is about 400'-500' feet from 30 Mile Road. Other than the recent property splits creating smaller lots from the large farm which created buildable parcels, everything will essentially be the same.

Kaniuk provided her copy of the plan for the audience to review.

Zoccola asked if the audience had any questions, after looking at the site plan?

Stier asked the size of the proposed barn?

Ciranni advised 3,024 square feet.

Dobson asked who is going to monitor this, is it the neighbors' responsibility?

Penzien stated the township does not drive by and check for violations, neighbors can call with concerns.

Lease stated the neighbors will need to police and call township.

Penzien explained to the audience that the Planning Commission has a set of rules (Ray Township Zoning Ordinance) and the rules have to be followed. The applicants parcel is zoned R-1 and there are provisions in the Ordinance for permitted uses, Home Occupation 1, Home Occupation 2 and Special Land Use.

Cassin advised that the Tree & Shrub nursery is a permitted use in the R-1 zoning district and does not require a resident to come to the Planning Commission for approval. The outside storage is what requires a Special Land Use and why he has to come before the Planning Commission. The Zoning Ordinance has established criteria that has to be met.

Dobson stated there is still a gray area, still running a business out of his home. It is commercial business in a residential district.

Lechner asked if he can open his land and start storing campers on it?

Cassin advised no that is industrial.

Lechner he is hiding a commercial business.

Ciranni stated his business is not retail, no customers at the site, only using to store excess materials left over from jobs completed and to store personal items.

Lechner what happens if he buys a huge excavator and decides to store it on the property? He already has 3 skid steers and a mini-excavator. His business name is on his vehicles, it is a commercial business.

Dobson asked the boards response to Lechners question?

Cassin read Section 401 Principal Uses Permitted of the Ray Township Ordinance.

Zoccola stated you really will not be looking at or seeing any of this.

Lechner you say it is not visible, we don't want to look at it.

Zvanciuk advised she does not want to look at it either and it will not be visible.

**MOTION by Forro supported by Zoccola to close the public hearing at 7:54 P.M.
MOTION carried.**

Penzi asked the board if they have any questions for the applicant?

Kaniuk asked Ciranni to define his work year.

Ciranni stated it is mid-April until about Thanksgiving.

Kaniuk asked if there will be any salt, snow removal equipment or fuel tanks on the site.

Ciranni advised no.

Kaniuk asked about the size of the storage bins?

Ciranni stated they are approximately 15 ft high and 2X2X6 not large, will hold small amounts of material.

Lease asked where the and shrubs will be located?

Ciranni stated at the back of the property and it will only be any excess material he has from jobs. He stated he often purchases 50-100 boxwoods at a time. If he uses 70 on a job, he will bring the remaining 30 home to water and care for until they can be used at another job.

Forro asked what time will you be coming back to the site at the end of the day?

Ciranni usually between 5PM and 6PM.

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Penzien stated the Building Department, Macomb County Public Works and the Fire Department have provided comments and find no objection to the Special Land Use.

Penzien asked Ciranni if he has seen all the comments from Lyle Winn, Ray Township Engineer? Can you address all the engineer's concerns? Asked Ciranni if he understands he must meet all the engineer's concerns?

Penzien covered engineer's comments numbers 1-4 asking Ciranni if he could meet all of them?

Ciranni stated he can meet all of the engineer's conditions and address all his concerns. He will have the plans revised addressing all the concerns.

Lease stated his concern is the same as the neighbors. We cannot control the applicant expanding his business. We cannot fault him for wanting to grow his business, cannot blame the residents for their concerns. Many areas in the township have businesses that have blossomed out of control.

Lechner asked why there isn't something in the ordinance about running a commercial business from a residential property?

Lease commented about the policing of it and that an outside landscaping business is not allowed.

Marberg stated that the applicant came before the planning commission for the outdoor storage, if he was not requesting outdoor storage, he would not need to be in front of the planning commission.

Zoccola asked if a lean to would be considered outdoor or indoor storage?

Cassin advised a lean to is not considered indoor storage.

Stier stated the one thing that is not allowed is employees, employees cannot show up.

Cassin stated you cannot stop anyone from coming to the property.

Stier stated, cannot have an employee come to the site, get out of their vehicle and get into a company vehicle.

Forro will an employee be driving the second truck.

Ciranni stated his son is the one who drives the second truck and he will be residing at the home.

Forro asked about the third truck mentioned earlier?

Ciranni stated it will be a back up truck that will only be used if one of the other two are not running or are being repaired.

Lease read the entire Home Occupation section of the Ray Township Zoning Ordinance into the record.

Lechner asked if the son moves out of the home, then he can no longer drive the truck, he must reside in the home?

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Kaniuk asked Ciranni how long he has been in business?

Ciranni advised he started in 1999

Stier commented a 72X40 barn can should hold all 7 pieces of equipment.

Ciranni stated based on his parcel size he can increase the size of the building if needed.

Cassin stated Ciranni is permitted 4,400 square feet of accessory building based on the size of the parcel.

Penzien stated he had previously covered engineers' comments 1-4 and would like to address the remaining items 5-7.

Ciranni advised he will address all. For 7, he will be installing a coach light on the barn. No other lighting outside of the normal residential site will be used.

Penzien stated that all of engineers' concerns don't seem to be a problem. Employees and vehicles are the concerns.

Penzien asked Marberg why the Fire Department would recommend a Knox box?

Lease stated it allows the fire department access to the accessory building in case anything was to happen.

Penzien asked Ciranni if he can satisfy the fire departments concerns?

Ciranni advised yes.

Penzien asked the planning commission members if they felt this is a home occupation or a commercial business?

Forro stated he feels it is commercial.

Penzien stated part of the zoning ordinance states no employees at a site.

Stier stated yes.

Ciranni advised he is currently leasing has a location at 29 Mile Road and Schoenherr in Washington Township and is planning on keeping that location.

Lease asked Ciranni if he could store all his equipment inside?

Lechner stated his concern is seeing all the vehicles coming and going from the site all the time.

Penzien asked Ciranni if employees would be coming to his home?

Ciranni stated no.

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Kaniuk asked Ciranni if he owns the location at 29 Mile and Schoenherr?

Ciranni stated he does not own the location.

Penzien asked if a job lasts a one or two weeks and a new job is not ready who will bring the equipment back to the site on 30 Mile road?

Ciranni stated he and his son.

Stier stated the plot plan is lacking, he would like it to show more screening, depth of the gravel, size of the storage bins.

Ciranni stated that to put things in scale if you can imagine a 15'X15' pile of dirt is not a large pile.

Penzien stated the applicant has said he can meet all the conditions.

Stier stated, I, want him to meet all the conditions.

Penzien asked the planning commission who feels this proposed use meets the Zoning Ordinance? Have to follow the Zoning Ordinance.

Stier stated the plan as presented could be approved this today if there was no outside storage. Applicant could sue the township if the Planning Commission denied.

Penzien stated the Planning Commission can approve with strict conditions.

Lease stated the SLU does not have to be granted.

Cassin the Planning Commission has discretion and can make conditions.

Stier stated he would like to see a better site plan.

Penzien asked why the Planning Commission would need to see a better site plan if the commissioners don't agree?

Lechner stated if he needs a load of mulch from his house, it's a commercial business.

Stier stated the applicant can do that.

Stier stated he wants to get this issue moving along, planning commission cannot deny the tree and shrub nursery, but can deny the outdoor storage.

Marberg stated he can have the business if all stored inside.

Lease stated can store all equipment inside without an approval.

MOTION by Lease supported by Stier to bring Special Land Use Application for outdoor storage of equipment and materials at 30 Mile Road, Vacant Parcel, 21-05-07-400-013, Angelo Ciranni Applicant, to a vote.

**FOR THIS MOTION: Yes: Stier, Marberg, Zoccola, Kaniuk, Penzien
No: Lease, Forro**

MOTION carried.

Penzien stated the planning commission has some concerns about the applicant meeting all the conditions.

Penzien asked if anyone would like to try and make a motion, to include planner's recommendation striking dumpster and sign conditions?

MOTION by Stier supported by Zoccola to approve the Special Land Use and site plan for vacant Parcel ID 21-05-07-400-013, Angelo Ciranni, Applicant, with the following conditions:

Compliance with all Township engineering, building, assessing, and fire department requirements; and all Macomb County requirements relative to roads, drainage, water, and septic.

Additional landscaping to be provided to ensure that the vehicle outdoor storage area is not visible to surrounding properties.

The property, and associated nursery and storage areas, will be used exclusively by the resident/business owner, and no employees will park their vehicles on the property.

No employees, other than family members may reside in the home.

The property cannot be used for any storage of landscaping materials and supplies, vehicles, equipment etc. until such time that the principal residence has received a certificate of occupancy.

All principal and accessory buildings shall be compliant with the requirements of the Ray Township Zoning Ordinance as it pertains to the R-1 Agricultural Residential District.

Applicant will not proceed with any work until all conditions are met as required above.

**FOR THIS MOTION: Yes: Stier, Zoccola, Kaniuk, Marberg Penzien
No: Lease, Forro**

MOTION carried.

5. Old Business

a. Parks and Recreation Master Plan

Cassin stated that he has been receiving responses to the survey. As of last week, there were 63, in the past week have received 30, 8 were received today. He will provide combined results to Lisa.

Kaniuk asked if the survey is still open?

Lease asked how long it will be on the Township website and asked if the survey link could be added to the newsletter?

Stier stated the link can be included in the newsletter.

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b. Capital Improvements

Penzien asked the board members to visit the Richmond Township building and look at the layout as Stier had previously asked.

6. New Business:

a. FERC

Penzien asked what is going on with FERC.

Cassin stated that Bluewater Gas has a gas line that runs from Canada to Wisconsin and have a need for a compressor station to boost the gas in the pipeline for delivery. The proposed site is located on the West side Omo road in Ray Township just South of 32 Mile road. Bluewater gas has a line that runs directly behind the homes located on the West side of Omo road.

Cassin advised that FERC has total jurisdiction over this matter. Supervisor Jarzyna has written a letter to FERC opposing the site and the Lenox Township supervisor has also submitted a letter. There have been enough concerns submitted to FERC, resulting in FERC holding an informal meeting and site visit in Ray Township. An unknown group provided packets with pictures and expressed their concerns.

Penzien stated he attended the meeting and noted that all want safety and that the Township has no control.

Lease asked where Bluewater got the property?

Stier stated that a father and son had purchased two adjacent parcels on Omo road last year. Bluewater Gas negotiated a purchase of the two parcels.

Cassin stated that while working for Clinton Township the Michigan State Police provided plans for a new facility in Clinton Township. They asked Clinton Township Planning and Zoning to review however, they did not need an approval from the Township for the facility, providing the plans was a courtesy. Example of how approvals are not always needed at the local level because State and Federal regulations do not require them.

7. PRESENTATION – None

8. REPORT OF THE BOARD REPRESENTATIVE:

Stier advised the Ray Township Board of Trustees has taken quotes on painting the Mill School/Ray Township Library and will also be cutting some trees.

9. REPORT OF THE ZONING BOARD OF APPEALS REPRESENTATIVE:

Penzien advised the board that the ZBA approved a variance to Section 400 at 65615 North Avenue, the variance was to create a new lot with the existing home located in the front yard setback. The original parcel was ten acres and was split into three parcels.

10. CORRESPONDENCE – None

11. PLANNING CONSULTANTS REPORT.

Cassin stated that the State of Michigan allows communities to plan and zone, but over the years they have taken away what the communities can regulate. The State has recently taken away the right to regulate Hemp farms. If asked the State will not provide information on any Hemp farm locations.

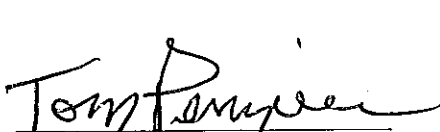
12. PUBLIC COMMENTS

Ciranni thanked the board.

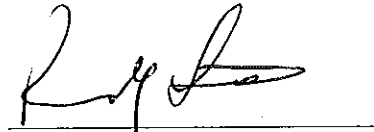
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13. ADJOURNMENT.

MOTION by Stier supported by Marberg to adjourn the meeting at 8:54 p.m.
MOTION carried.



Tom Penzien, Chairman



Randy Forjo, Secretary

2-11-2020
Date

Respectfully submitted,
Lisa Hall, Recording Secretary