

RAY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
TUESDAY, DECEMBER 8, 2020 AT 7:00 P.M.
Page 1 of 10

Location: ZOOM conference Meeting ID: 597 725 0966– Password 642075

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

Absent: None

Also Present: Lisa Hall, Planning and Zoning Clerk,
Stephen Cassin, Township Planner.
Attendance record on file
Holly & James Borgiel, Applicants

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.
Marberg, Kaniuk, Zoccola, Forro, Lascoe. Lease and Penzien, all members were present.

2. APPROVAL OF MINUTES -- September 8, 2020 as presented.

MOTION by Zoccola supported by Forro to approve the September 8, 2020 minutes as presented.

FOR THIS MOTION: YES: Zoccola, Forro, Lascoe, Lease, Marberg, Kaniuk, Penzien
NO: None
ABSENT: None

MOTION carried.

3. APPROVAL OF AGENDA-

Penzien requested addition of item under New Business, 5a, Residential Electrical Service.

MOTION by Zoccola supported by Forro to approve the agenda as amended.

FOR THIS MOTION: YES: Zoccola, Forro, Lease, Marberg, Lascoe, Kaniuk Penzien
NO: None
ABSENT: None

MOTION carried.

Penzien welcomed Lori Lascoe to the Planning Commission and recognized Doug Stier for his time on the planning commission.

4. SCHEDULED PUBLIC HEARINGS –

4A. Special Land Use to allow outdoor storage of contractor equipment and materials in the I-1 (Industrial) District. According to Ray Township Zoning Ordinance 36, Section 1602, O, storage of contractor's equipment and materials may be permitted as a Special Land Use in the I-1(Industrial) District. 15900 32 Mile Road, Parcel ID 21-05-06-251-002, J&H Properties, LLC., Applicant.

Chairman Penzien explained the public hearing procedure to everyone logged into the meeting; all correspondences from the departments would be read into the record and the Planner will present his findings for the application.

Anyone logged in who would like to make a comment, may raise their hand or address the Chairman to be recognized, state their name, address and any concerns or comments they have on the item.

Penzien stated if any residents or members of the public are present and would like to comment, please unmute your microphone and state your name, address and comment.

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

GENERAL INFORMATION

Zoning: I-1, Industrial
Location: North of 32 Mile Road, east of Powell Road
Property ID #: 21-05-06-251-002
Project Name: Liberty Sheet Metal – Outside Storage of Equipment and Supplies
Case No: PSLU-20-001
Applicant: Jim & Holly Borgiel
Review Date: November 29, 2020

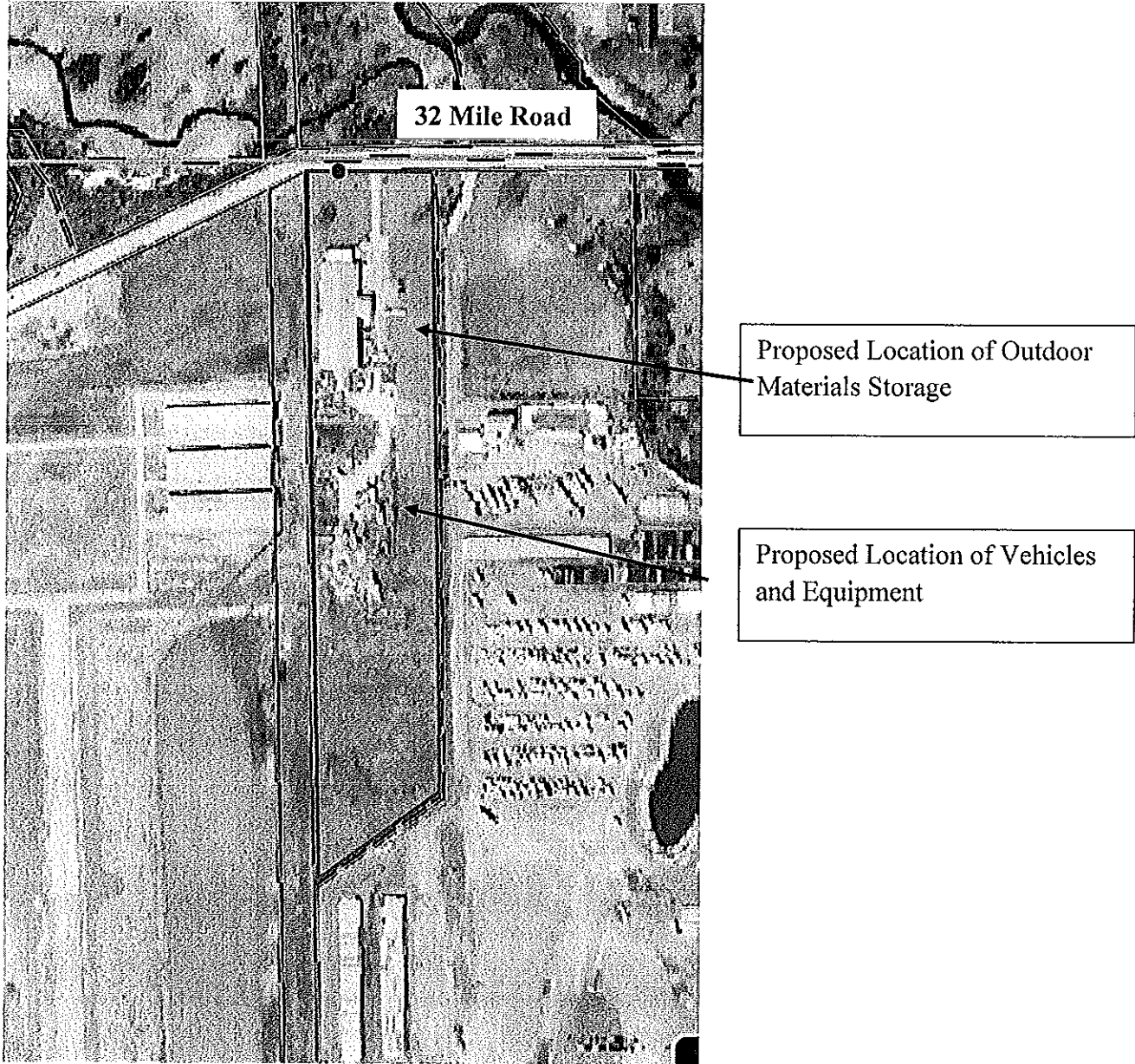
PROPERTY CHARACTERISTICS

The applicant desires to occupy an existing industrial building (formerly Oakland Plumbing) with a metal fabrication facility, and is requesting outside storage of contractor's equipment and supplies.



Street View of Subject Property Looking from the South from 32 Mile Road

The location of the vehicle and equipment storage will be contained within the rear yard, and materials and supplies will be stored in an enclosed gated area, directly adjacent to the east side of the building.



2018 Aerial View of Subject Property

COMPLIANCE WITH THE SPECIAL LAND USE REQUIREMENTS

Section 1601 of the Ray Township Zoning Ordinance allows indoor industrial facilities in the I-1 Light Industrial District as a principal use. Section 1602 allows the outside storage of contractor's equipment and supplies as a Special Land Use within the district.

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

RAY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
TUESDAY, DECEMBER 8, 2020 AT 7:00 P.M.
Page 4 of 10

- 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.

The adjacent area is master planned and zoned for industrial uses.

- 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 proposed use is not expected to generate excessive traffic.

- The proposed use will be designed so that the location, size, intensity, site layout and periods of operation, eliminate excessive nuisances to surrounding areas.

The proposed use is not expected to create nuisances to 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.

- 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.

The proposed use is consistent with the development trends of the area.

RECOMMENDATION

Based on the above findings, I recommend approval of the requested Special Land Use, subject to compliance with all applicable township engineering, building, assessing, and fire department requirements.

I submit this recommendation for your consideration.

Penzien stated all correspondence is on file,

Lease read correspondence from Louis Urban, PE, Ray Township Engineer, Anderson, Eckstein and Westrick, dated 11/30/2020 into the record.

Penzien read correspondence from Macomb County Department of Roads date 11/30/2020 into the record.

Forro read correspondence from Ray Township Fire and Rescue dated 11/30/2020 info the record.

Marberg read correspondence from Macomb County Department of Public Works dated 12/1/2020 into the record.

RAY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
TUESDAY, DECEMBER 8, 2020 AT 7:00 P.M.
Page 5 of 10

Penzien read correspondence from Macomb County Department of Public Works dated 11/20/2020 into the record.

Penzien asked Jim and Holly Borgiel, Applicants if they had anything you would like to add at this time.

MOTION by Lascoe supported by Marberg to open the public hearing at 7:15 P.M.

**FOR THIS MOTION: YES: Lascoe, Marberg, Forro, Lease, Kaniuk, Zoccola, Penzien.
NO: None
ABSENT: None**

MOTION carried.

Penzien asked if any members from the public were present? Seeing no one, would request a motion to close the public hearing.

MOTION by Forro supported by Lease to close the public hearing at 7:16 P.M.

**FOR THIS MOTION: YES: Forro, Lease, Lascoe, Zoccola, Kaniuk, Marberg, Penzien.
NO: None
ABSENT: None**

MOTION carried.

Penzien asked if any planning commission members have any comments?

Penzien stated, that Cassin stated in his presentation the planning commission only needs to approve the Special Land use not the site plan.

Cassin stated the applicants are allowed to occupy the building without site plan approval, the Special Land use approval is what requires Planning Commission approval. There is a previous approved site plan, and no site plan improvements are being made at this time.

Penzien asked the Borgiel's if they had any questions or comments?

Jim Borgiel had some questions? Does the Township have any record of the septic layout?

Penzien stated if the Township does not have it the Macomb County Health Department may have records.

Zoccola asked if the site plan shows the well?

Penzien stated the engineer brought up lighting, is it existing or will it be new?

Borgiel stated there is an existing light at the back of the building.

Penzien asked if the Borgiel's have met with the Township engineer?

Borgiel stated they have not met with him?

Borgiel stated in regards to the engineers # 3 comment, they will have some equipment and scaffolding, for #4 the gates are existing.

Cassin stated he is perplexed with the engineer's comments, #'s 2, 4 and 5, these are questions related to planning, building and fire, # 6 is engineering.

Penzien asked if a lot of asphalt will be added?

RAY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
TUESDAY, DECEMBER 8, 2020 AT 7:00 P.M.
Page 6 of 10

Borgiel stated they are not adding any asphalt.

Penzien asked if they had met with the Fire Marshall?

Borgiel stated they have met with the Fire Marshall.

Penzien asked Cassin if the Borgiel's will be coming back with a site plan?

Cassin advised no; they do not need to.

Zoccola asked if there will be any signage?

Borgiel advised a new sign will be placed where the existing sign is currently located.

Penzien stated he wants to be clear that the planning commission is only acting on the Special Land use?

Cassin stated yes, this is only for the outdoor storage. The site is Industrial, the use is permitted, the outdoor storage requires a special land use approval.

Lascoe stated the Planning Commission is only approving the outdoor storage.

Lease asked Cassin if the number of vehicles requires approval?

Cassin advised a Planning Commission can specify a number and type but the Ray Township Ordinance does require.

Borgiel stated what is shown is what we have, most trucks and equipment are on the job sites.

Cassin stated it is not the Township's intention to limit the number.

Penzien stated the planner recommends approval as submitted.

MOTION by Marberg supported by Lascoe to approve the Special Land Use request for outdoor storage of equipment and materials at 15900 32 Mile Road, Parcel ID 21-05-06-251-002, Liberty Sheet Metal, J&H Properties, LLC., Applicant contingent upon meeting compliance with all Township engineering, building, assessing, and fire department requirements and all Macomb County requirements relative to roads, drainage and septic.

FOR THIS MOTION: YES: Marberg, Lascoe, Kaniuk, Zoccola, Lease, Forro Penzien.

NO: None

ABSENT: None

MOTION carried.

5. NEW BUSINESS –

5A. Residential Electric Service

Penzien stated Mr. Cassin will explain the matter further. Some residences in the township are asking for larger than normal electrical services. This does not apply to legitimate farming operations. Some residential parcel owners are requesting excessive amounts of power, this was brought to the Townships attention by the DTE planners.

Cassin stated this is happening in several different areas. Houses are being bought with the sole intent of creating a grow facility, with no intention of living in the home. It is to grow medical marijuana. DTE has begun contacting

RAY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
TUESDAY, DECEMBER 8, 2020 AT 7:00 P.M.
Page 7 of 10

the townships when someone request large services not normally seen in residential neighborhoods. Other communities have begun limiting the power to 200 amps for residential properties and only allowing one meter on a parcel. DTE has to follow the limits put in place by the township.

Penzien stated he has spoken with one of the DTE planners. DTE advised that a normal size service for a residence is 200 amp, a house and an accessory building can be powered with 200 amps. Very rarely does a residence need more than 200 amp. Have to determine what is legitimate.

Zoccola asked if electric vehicles will require larger services in residential homes?

Lease advised no electrical vehicles do not require additional amps; how would the township restrict?

Marberg asked how DTE gets notified?

Cassin stated DTE contacts the Township before they will provide the requested power upgrade.

Zoccola stated the township is not the provider.

Penzien asked can this be addressed with ordinances?

Cassin stated it will be addressed in the ordinance.

Penzien stated we need a checks and balances.

Lease stated it is needed to deter people, have other communities done something to deter this.

Cassin stated Lenox and Casco Township have both adopted ordinances.

Lease stated this is being done in the township, they are here and it is just a matter of time before there are even more.

Penzien stated the DTE electrical planners will work with the township on limits if the limits are set by the township.

Lease said either the Board of Trustee or the Planning Commission needs to put limitations in place.

Penzien asked the board members thoughts, should the power be limited?

Lease -Yes

Zoccola – Yes, something needs to be in place.

Marberg -Agrees

Forro – 200 amps is enough for a residence.

Kaniuk - agrees but has questions, if you are renovating an old home and it has three boxes in the basement, how is that addressed. Cannot upgrade to above 200 amps without permit, if existing can it still be used?

Penzien asked Cassin how often do we get the requests?

Cassin stated people are not being honest and the requests are almost daily, wants to do something in the basement or garage. When they start talking about larger power, we know what they want to do.

Lascoe agrees something needs to be in place, who do the applications go to?

RAY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
TUESDAY, DECEMBER 8, 2020 AT 7:00 P.M.
Page 8 of 10

Cassin stated Casco has put it in the ordinance. Lenox has a moratorium, not doing any at all. It should be part of the zoning ordinance, wants to speak with the township attorney.

Penzien asked what size service is adequate for the larger homes that are being built in the township?

Cassin stated DTE has advised 200 amps is adequate for any home.

Zoccola stated they many may not want to build if they are limited to 200 amps.

Hall advised anything over 3,500 square feet requires electrical plans. Recently updated some forms and now require anything over 201 amps show plans for what is being done. No second services are permitted on a parcel per DTE.

Lease stated, Cassin commented that most people doing this are buying the existing older homes.

Penzien asked what if they are buying a farm and running a farm?

Cassin stated if they are true agricultural than the power is not a problem. We are not here to change the ordinance right now. Allow Lori, I and Lisa to make this a recommendation to the board.

Penzien stated would like someone to include something in a motion to send this to the board. Planning Commission come up with a way to do this. Come up with a way if a house legitimately needs the power.

Marberg asked if there should be some legal input?

Penzien stated we are only putting together a recommendation for the board.

Lascoe stated ask planner to put together the language for the next meeting and provide copies to the planning commission.

Cassin stated he would talk to the attorney and put together the language.

Penzien asked if the board needs to table until the next meeting?

Cassin no, just specify what the request is for the next meeting.

Penzien asking Mr. Cassin to do homework on this item and bring back to the January 2021 meeting.

6. OLD BUSINESS -- Capital Improvements

6A. Cassin stated the next step to beginning the process is the questionnaire that is provided in tonight's documents. This will be distributed to all departments to complete a list of projects they would like. After the wish lists are received, the township board will provide input and each department and the board will need to prioritize.

Lease asked if the departments have to come up with the approximate cost?

Cassin advised yes.

MOTION by Marberg supported by Forro to receive and file Capital Improvements Report and Budget worksheet 2021-2026 and forward to all departments for input.

**FOR THIS MOTION: Yes: Marberg, Forro, Zoccola, Lascoe, Kaniuk, Lease, Penzien
No: None**

Absent: None

MOTION carried.

6B. Ordinance Amendments

Cassin requested the board consider adding the amended wording to Section 211 Medical Marijuana. Until the Michigan Supreme Court ruled that townships have the right to regulate caregivers, it was like the wild West. Regulate as a home occupation, and homeowner has to live there. Some of this has been reviewed by the Township attorney.

Cassin stated he would request the planning commission add the proposed language and allow the planning and zoning department to proceed and include this as part of the Zoning Ordinance Amendments public hearing.

Lascoe asked if a public hearing needs to be scheduled for the ordinance amendments?

Cassin stated yes.

MOTION by Lease supported by Marberg to approve amendment 211C and ask that it be included when the public hearing for Ordinance Amendments is scheduled.

**FOR THIS MOTION: Yes: Lease, Marberg, Lascoe, Forro, Zoccola, Kaniuk, Penzien
 No: None
 Absent: None**

MOTION carried.

7. PRESENTATION – None

8. REPORT OF THE BOARD REPRESENTATIVE:

Lascoe stated there is a survey on the Township Website for residents to complete regarding curbside recycling, please complete the survey if have not already done so, would like the residents' input. The board of trustees will be voting on the contract at the December board meeting.

9. REPORT OF THE ZONING BOARD OF APPEALS REPRESENTATIVE:

Penzien stated another outbuilding was approved in the front yard on John Henry Drive, the South East lot at the end of the cul-de-sac.

10. CORRESPONDENCE –

Penzien stated we have received notice that Macomb Township will be reviewing their master plan.

Lease commented isn't it out of date, it is dated 2008.

Cassin stated Master Plans are to reviewed every five years.

Lease commented it is late.

Cassin stated Clinton Township just recently updated their master plan from 1989.

Penzien stated we all received a lot of correspondence-many issues of planning and zoning news.

11. PLANNING CONSULTANTS REPORT.

RAY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
TUESDAY, DECEMBER 8, 2020 AT 7:00 P.M.
Page 10 of 10

Cassin stated a review of the Ray Township Master Plan needs to be completed in 2021. The board can review and choose to make no changes, make amendments or do a complete update. The current master plan does need some Amendments, look at areas of North Avenue and near the Romeo airport.

Cassin stated since the census is not out yet it would be better to wait for a full update until that data is released. Should look at opening it up right after the first of the year.

12. PUBLIC COMMENTS – None

13. ADJOURNMENT.

MOTION by Lascoe supported by Zoccola to adjourn the meeting at 8:13 PM.

FOR THIS MOTION: YES: Lascoe, Zoccola, Lease, Kaniuk, Marberg, Forro Penzien.

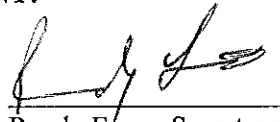
NO: None

ABSENT:

MOTION carried.



Tom Penzien, Chairman



Randy Forro, Secretary

Date

Respectfully submitted,
Lisa Hall, Recording Secretary