

RAY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
TUESDAY, April 12, 2022 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 Chairman
Randy Forro, Secretary
Justin Marberg
Lori Lascoe
Betty Youngblood

Excused Absence: John Zoccola

Also Present: Stephen Cassin, Township Planner
Lora Maue, Planning and Zoning Clerk
Mary Borgman, Representative for James Ahern
Lyle Fleischmann, Petitioner

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES & ROLL CALL.
Chairman Penzien called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited. Lascoe called roll. Penzien, Lease, Forro, Marberg, Lascoe and Youngblood were present. Excused Absence: Zoccola.
2. APPROVAL OF MINUTES – March 8, 2022
MOTION by Marberg supported by Lascoe to approve the March 8, 2022 meeting minutes as submitted. MOTION carried.
3. APPROVAL OF AGENDA
MOTION by Youngblood supported by Lascoe to approve agenda as presented. MOTION carried.
4. SCHEDULED PUBLIC HEARINGS –
 - a. 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. 67501 Brian Drive, Parcel ID 21-05-06-401-008, James Ahern, Applicant.

Chairman Penzien explained the public hearing procedure and asked if the applicant was present.

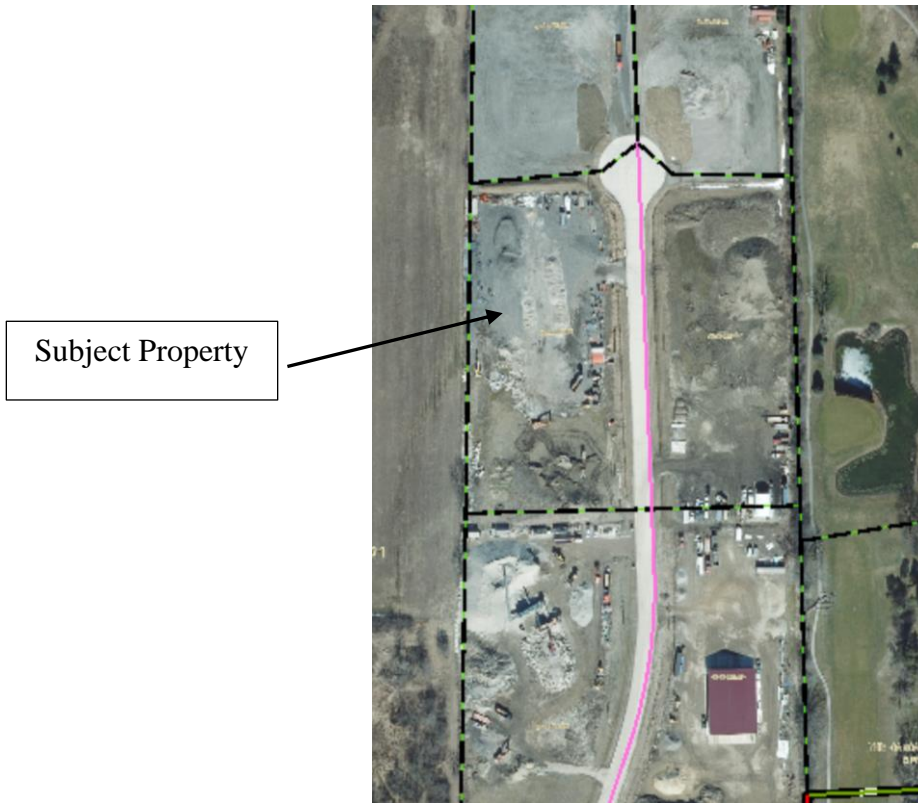
Mary Borgman stated she was in attendance representing her son, James Ahern.

MOTION by Lascoe supported by Forro to open the public hearing at 7:03 p.m. MOTION carried.

Steve Cassin, Planner presented his findings and recommendation dated April 3, 2022 as follows: Site Plan & Special Land Use Review

Zoning: I-1, Industrial
Location: West side of Brian Drive, North of 31 Mile Road
Property ID #: 21-05-06-401-008
Property Size: 3.665 Acres
Project Name: Ahern Contracting Storage Yard
Applicant: James Ahern
Review Date: April 3, 2022

Proposal The applicant desires to utilize property on the west side of Brian Drive, and north of 31 Mile Road, as a contractor equipment storage yard. The site plan proposes two gravel driveways, fuel tank storage, truck and trailer parking, and a soil screening and stockpile area.



Compliance with the Zoning Ordinance: Section 1602 allows the outside storage of contractor’s equipment and supplies as a Special Land Use within the district.

The ordinance also requires compliance with several other standards, which are detailed below:

Dimensional Requirements

	Required	Proposed	Compliant
Front Yard Setback (Private Road)	60’	60’	✓
Rear Yard Setback	30’	30’	✓
Side Yard Setback(s)	15’	15’	✓
Height	35’	NA	NA

Parking Requirements

	Required	Proposed	Compliant
Standard Parking Spaces	1 per employee	8	✓
Barrier Free Parking Spaces	1	0	X
Parking Space Size	10’ x 20’	10’ x 20’	✓
Maneuvering Lane Width	24’	24’+	✓

Landscaping Requirements

	Required	Proposed	Compliant
Frontage Landscaping	1 tree per 25' of frontage 23 required	0	X

Special Land Use Requirements

In addition to compliance with the above referenced requirements, the Planning Commission prior to granting Special Land Use approval, must also find that each of the following special land use 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.
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 not expected to create any health, safety, and welfare issues.
- 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:

In order to grant approval of the Special Land Use, the following issues should be addressed:

- The one required handicapped parking space has not been shown on the plan.
- The required landscaping in the front yard setback (23 trees) is not indicated.
- No lighting has been indicated. If the intent is to provide on-site lighting, this must be shown on the plans.
- Any proposed fencing, plus gates, must be indicated on the plans. In addition, the Fire Department will require a Knox Box to access the site.
- Both driveways must meet the construction standards of the Township's Land Development and Engineering Design Ordinance.

If, to the Planning Commission's satisfaction, the applicant addresses the above issues, I recommend approval of the proposed site plan and special land use, subject to compliance with all building, engineering, fire department, and applicable county regulations.

Correspondences:

- 4-4-22 Lou Urban, of Anderson, Eckstein & Westrick, Inc., letter was read into the record.
- 3-8-22 Candice S. Miller Macomb County Public Works letter was read into the record.
- 3-10-22 Dennis LeMieux, Building Official letter was read into the record.
- 1-22-22 and 3-15- 22 Harold DeMan Jr., Fire Marshal of Fire & Rescue letter was read into the record.
- 3-20-22 James Ahern, Ahern Contracting, Inc. response regarding the Fire and Rescue letter dated 3-15-22 was read into the record.
- 4-7-22 email of 9:05 a.m., Scott Hankus, R.S. Macomb County Health Department email was read into the record.

4-7-22 email of 2:36 p.m., Scott Hankus, R.S. Macomb County Health Department email was read into the record.

Public comments:

Lyle Fleischman inquired how a handicap parking space is to be installed in a gravel parking lot. Mary Borgman also questioned the requirement for a handicap parking space on the site.

Mr. Cassin, Planner explained a handicap sign would meet the requirement for the parking space.

Mike Heitmann inquired about required lock box.

Marberg explained the Fire Department requires a Knox lock which is a special key for access in case of a fire.

**MOTION by Lascoe supported by Lease to close the public hearing at 7:21 p.m.
MOTION carried.**

Chairman Penzien stated the applicant submitted revised site plans addressing the correspondences from each department.

Mr. Cassin stated he reviewed the revised plan and the requirements have been addressed.

Forro stated the Fire Department has asked for the size of the fuel tank.

Mr. Fleschmann stated Ahern site has the same size tank of his, which is five hundred gallons.

Mary Borgman questioned the requirement for the number of trees on the site.

Lease stated twenty-three trees are required for the site. Further explained the ordinance requirement for landscaping.

Attendee stated there are sites on Brian Drive that have not planted the trees, or the trees have died since there is no water on the site.

Mr. Cassin stated the Enforcement Officer will need to visit the site to make sure they have been installed.

Mary Borgman asked if the tree requirement could be less requirement due to covid-19.

Mr. Cassin explained the ordinance requires the trees to be installed, which can be 8' evergreen or 2 ½ caliper tree every 25 feet.

Discussion that the trees could be planted in the fall due to the weather.

MOTION by Marberg supported by Lease to Approve the Special Land Use for an outdoor storage of contractor equipment and materials in the I-1 (Industrial) district for 67501 Brian Drive, Parcel ID 21-05-06-401-008, James Ahern, Applicant. The approval is subject to all conditions being met including engineering, building, assessing, fire requirements and all Macomb County requirements including roads, drainage and septic.

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

MOTION carried.

Chairman Penzien stated the Building Official, Dennis LeMieux provided copies of the signage on Brian Drive that has not received any approval from the Township. Further advised the businesses have been sent a letter and need to apply for a sign permit for the properties.

Chairman Penzien advised the applicants to come to the Township for the sign ordinance and to get a permit.

- b. 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. 67401 Brian Drive, Parcel ID 21-05-06-401-010, Lyle Fleischmann, Applicant.

Chairman Penzien explained the public hearing procedure and asked if Mr. Fleischmann is in the audience. Mr. Fleischmann, Applicant was present.

**MOTION by Forro supported by Lease to open the public hearing at 7:37 p.m.
MOTION carried.**

Steve Cassin, Planner presented his findings and recommendation dated April 3, 2022 as follows: Site Plan & Special Land Use Review

Zoning:	I-1, Industrial
Location:	67401 Brian Drive
Property ID:	21-05-06-401-010
Property Size:	4.5 acres
Project Name:	Fleischman Contractor Storage Yard
Applicant:	Lyle Fleischman
Review Date:	April 3, 2022

Proposal: The applicant desires to continue to utilize the property as a contractor storage yard. The site plan proposes storage for crushed concrete and asphalt millings and an existing detention basin. The surface area of the storage yard is indicated as gravel/asphalt millings.

Subject Property



Compliance with the Zoning Ordinance

Section 1602 allows the outside storage of contractor’s equipment and supplies as a Special Land Use within the district.

The ordinance also requires compliance with several other standards, which are detailed below:

Dimensional Requirements

	Required	Proposed	Compliant
Front Yard Setback (Private Road)	60’	60’	✓
Rear Yard Setback	30’	0’	X
Side Yard Setback(s)	15’	0’	X
Height	35’	NA	NA

Parking Requirements

	Required	Proposed	Compliant
Standard Parking Spaces	1 per employee	0	?
Barrier Free Parking Spaces	1	0	?
Maneuvering Lane Minimum Width	24’	0	?
Parking Space Size	10’ x 20’	0	?

Landscaping Requirements

	Required	Proposed	Compliant
Frontage Landscaping	1 tree per 25’ of frontage 21 trees are required	0	X

Special Land Use Requirements

In addition to compliance with the above referenced requirements, the Planning Commission prior to granting Special Land Use approval, must also find that each of the following special land use 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.
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 not expected to create any health, safety, and welfare issues.
- 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:

In order to grant approval of the Special Land Use, the following issues must be addressed:

- Parking has not been indicated on the site plan. If the parking of vehicles, including employees, will occur on the property, these spaces must be indicated.
- The site plan does not meet the setback requirements of the zoning ordinance. The site plan should be amended to include the required setbacks, and the existing development must adhere to these standards.
- The required landscaping in the front yard setback (21 trees) is not indicated.
- No lighting has been indicated. If the intent is to provide on-site lighting, this must be shown on the plans.
- Any proposed fencing, plus gates, must be indicated on the plans. In addition, the Fire Department will require a Knox Box to access the site.
- Both driveways must meet the construction standards of the Township's Land Development and Engineering Design Ordinance.

If to the Planning Commission's satisfaction, the applicant addresses the above issues, I recommend approval of the proposed site plan and special land use, subject to compliance with all building, engineering, fire department, and applicable county regulations.

Correspondences:

- 3-31-22 Lou Urban, Anderson, Eckstein & Westrick letter was read into the record.
- 3-8-22 Candice S. Miller, Macomb County Public Works letter was read into the record.
- 3-15-22 Harold DeMan Jr., Fire Marshal letter was read into the record.
- 4-8-22 Dennis LeMieux, Building Official letter was read into the record.
- 4-7-22 Scott Hankus, Macomb County Health Department letter was read into the record.

Public comments:

Lyle Fleischman, Applicant stated he has removed some signage from the site.

Mary Borgman inquired about the letter regarding the signage.

Chairman Penzien explained the Township has a sign ordinance and to come into the Township for a sign permit.

Lease explained the sign ordinance depicts the size requirements for signs in the Industrial zone.

**MOTION by Lascoe supported by Marberg to close the public hearing at 7:50 p.m.
MOTION carried.**

Lease asked the applicant if he has seen all of the correspondences from each department regarding the site. Further stated the Fire Department issues need to be met.

Mr. Fleischmann stated he has received copies of the correspondences.

Chairman Penzien asked if the concrete crusher will be on the site.

Lascoe stated the Township has received complaints of the sound of crushing concrete at 10:00 p.m. on the site.

Mr. Fleischmann stated he will have his own crusher on the site with dust suppression. He stated the hours of operation would be 8:00 a.m. to 5:00 p.m.

Chairman Penzien asked if he would put that in writing.

Lascoe asked for the hours of operation for the concrete crusher to be included on the site plan as a note, as stated from 8:00 a.m. to 5:00 p.m., as indicated by the petitioner.

Mr. Fleischmann stated the setbacks are not correct that he received a letter from the Township.

Mr. Cassin stated he would review the setback requirements.

MOTION by Lease supported by Lascoe to Table the Special Land Use for outdoor storage of contractor equipment and materials in the I-1 (Industrial) district for 67401 Brian Drive, Parcel ID 21-05-06-401-010, Lyle Fleischmann, Applicant to the Tuesday, June 14, 2022 meeting for the petitioner to revise the site plan to address each Township departments and County requirements.

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

MOTION carried.

5. New Business - None

6. Unfinished Business – Master Plan discussion

Mr. Cassin, Planner provided the Planning Commission with a Master Plan Survey report that 237 people have completed the survey at this time.

The Commission was glad to hear so many people have completed the survey and decide to keep the survey open for another month for more response.

No action was taken.

7. Presentation - None

8. Report of the Township Board Representative

Lascoe reported Chief DiMaria has retired from the Fire Department after 47 years of service. Further stated interviews for the Chief position were held last week and the Board would be having a special meeting tomorrow, April 13, 2022 at 10:00 for the recommendation of filling the Chief position.

9. Report of the Zoning Board of Appeals Representative

Penzien stated the Zoning Board of Appeals have not had a meeting.

10. Correspondences –

4-4-22 Kathryn Trapp, Clerk of The Historic Village of Romeo sent a notice the Village of Romeo Master Plan is being made available for review and comment. The Planning Enabling Act provides surrounding communities and other respondents 63 day to review period will expire on June 6, 2022. Any response before that date would be greatly appreciated. The Master Plan Draft 2022 can be found on the Village website at www.villageofromeo.org or copies are at the Village Hall.

11. Planning Commission Comments

Mr. Cassin informed the Commission the Township Clerk sent out the required notices that Ray Township has begun the process of reviewing the Master Plan.

12. Public Comment - None

13. Adjournment

**MOTION by Lascoe supported by Marberg to adjourn the meeting at 8:08 p.m.
MOTION carried.**

Tom Penzien, Chairman

Randy Forro, Secretary

Date