

MACOMB TOWNSHIP PLANNING COMMISSION
MEETING MINUTES AND PUBLIC HEARING
TUESDAY, OCTOBER 20, 2009

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MI 48042

PRESENT: EDWARD GALLAGHER, CHAIRMAN
DEAN AUSILIO, VICE CHAIRMAN
MICHAEL D. KOEHS, SECRETARY
CHARLES OLIVER, MEMBER
TONY POPOVSKI, MEMBER
NUNZIO PROVENZANO, MEMBER
JASPER SCIUTO, MEMBER

ABSENT: NONE

ALSO PRESENT: Jerome Schmeiser, Planning Consultant
(Additional attendance on file at the Clerk's Office)

Chairman GALLAGHER called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

ROLL CALL

1. Clerk KOEHS called the roll and the entire Commission was present.

APPROVAL OF THE AGENDA

2. The agenda was reviewed and there were no additions, corrections or deletions.

MOTION by OLIVER seconded by SCIUTO to approve the agenda as presented.

MOTION carried.

APPROVAL OF THE PREVIOUS MEETING MINUTES

3. The minutes of the previous meeting held on October 6, 2009 were reviewed and any additions, corrections or deletions were discussed and made.

MOTION by SCIUTO seconded by POPOVSKI to approve the minutes of the meeting of October 6, 2009 as presented.

MOTION carried.

AGENDA ITEMS

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4. **Special Land Use for SMDA Landfill Site 9/9a Remediation;** Located on the north side of 24 Mile Road, ¼ mile west of Card Road; Section 10; Permanent Parcel 08-10-400-025. Petro Environmental, Petitioner. *(Tabled from the meeting of September 15, 2009)*

This item is tabled to the Planning Commission meeting of November 2, 2009 at the petitioner's request.

5. **Site Plan for SMDA Landfill Site 9/9a Remediation;** Located on the north side of 24 Mile Road, ¼ mile west of Card Road; Section 10; Permanent Parcel 08-10-400-025. Petro Environmental, Petitioner. *(Tabled from the meeting of September 15, 2009)*

This item is tabled to the Planning Commission meeting of November 2, 2009 at the petitioner's request.

6. **Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1);** Located on the south side of 24 Mile Road, ½ mile east of Romeo Plank Road; Section 16; Macomb Township, Petitioner. Permanent Parcel 08-16-100-007.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval, finding specifically that the proposed rezoning is consistent with the goals of the Master Plan and that the proposed rezoning is consistent with the development of the surrounding properties.

MOTION by AUSILIO seconded by POPOVSKI to approve Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1); Located on the south side of 24 Mile Road, ½ mile east of Romeo Plank Road; Section 16; Permanent Parcel 08-16-100-007 finding specifically that the proposed rezoning is consistent with the goals of the Master Plan and that the proposed rezoning is consistent with the development of the surrounding properties.

MOTION carried.

7. **Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1);** Located on the south side of 24 Mile Road, ½ mile east of Romeo Plank Road; Section 16; Macomb Township, Petitioner. Permanent Parcel 08-16-100-001.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval, finding specifically that the proposed rezoning is consistent with the goals of the Master Plan and that the proposed rezoning is consistent with the development of the surrounding properties.

MOTION by AUSILIO seconded by SCIUTO to approve Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1); Located on the south side of 24 Mile Road, ½ mile east of Romeo Plank Road; Section 16; Permanent Parcel 08-16-100-001 finding specifically that the proposed rezoning

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is consistent with the goals of the Master Plan and that the proposed rezoning is consistent with the development of the surrounding properties.

MOTION carried.

8. **Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1);** Located on the south side of 24 Mile Road, ½ mile east of Romeo Plank Road; Section 16; Macomb Township, Petitioner. Permanent Parcel 08-16-100-018.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval, finding specifically that the proposed rezoning is consistent with the goals of the Master Plan and that the proposed rezoning is consistent with the development of the surrounding properties.

MOTION by AUSILIO seconded by PROVENZANO to approve Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1); Located on the south side of 24 Mile Road, ½ mile east of Romeo Plank Road; Section 16; Permanent Parcel 08-16-100-018 finding specifically that the proposed rezoning is consistent with the goals of the Master Plan and that the proposed rezoning is consistent with the development of the surrounding properties.

MOTION carried.

9. **Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1);** Located on the south side of 24 Mile Road, ½ mile east of Romeo Plank Road; Section 16; Macomb Township, Petitioner. Permanent Parcel 08-16-100-004.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval, finding specifically that the proposed rezoning is consistent with the goals of the Master Plan and that the proposed rezoning is consistent with the development of the surrounding properties.

MOTION by AUSILIO seconded by PROVENZANO to approve Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1); Located on the south side of 24 Mile Road, ½ mile east of Romeo Plank Road; Section 16; Permanent Parcel 08-16-100-004 finding specifically that the proposed rezoning is consistent with the goals of the Master Plan and that the proposed rezoning is consistent with the development of the surrounding properties.

MOTION carried.

10. **Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1);** Located on the south side 24 Mile Road, 2/3 mile east of Romeo Plank Road; Section 16; Macomb Township, Petitioner. Permanent Parcel 08-16-100-009.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval, finding specifically that the proposed rezoning is

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consistent with the goals of the Master Plan and that the proposed rezoning is consistent with the development of the surrounding properties.

MOTION by AUSILIO seconded by OLIVER to approve Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1); Located on the south side 24 Mile Road, 2/3 mile east of Romeo Plank Road; Section 16; Permanent Parcel 08-16-100-009 finding specifically that the proposed rezoning is consistent with the goals of the Master Plan and that the proposed rezoning is consistent with the development of the surrounding properties.

MOTION carried.

11. **Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1);** Located on the south side of 24 Mile Road, $\frac{3}{4}$ mile west of Romeo Plank Road; Section 16; Macomb Township, Petitioner. Permanent Parcel 08-16-200-001.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval, finding specifically that the proposed rezoning is consistent with the goals of the Master Plan and that the proposed rezoning is consistent with the development of the surrounding properties.

MOTION by AUSILIO seconded by PROVENZANO to approve Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1); Located on the south side of 24 Mile Road, $\frac{3}{4}$ mile west of Romeo Plank Road; Section 16; Permanent Parcel 08-16-200-001 finding specifically that the proposed rezoning is consistent with the goals of the Master Plan and that the proposed rezoning is consistent with the development of the surrounding properties.

MOTION carried.

12. **Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1);** Located on the south of 24 Mile Road, one mile west of Romeo Plank Road; Section 16; Macomb Township, Petitioner. Permanent Parcel 08-16-200-008.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval, finding specifically that the proposed rezoning is consistent with the goals of the Master Plan and that the proposed rezoning is consistent with the development of the surrounding properties.

MOTION by AUSILIO seconded by SCIUTO to approve Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1); Located on the south of 24 Mile Road, one mile west of Romeo Plank Road; Section 16; Permanent Parcel 08-16-200-008 finding specifically that the proposed rezoning is consistent with the goals of the Master Plan and that the proposed rezoning is consistent with the development of the surrounding properties.

MOTION carried.

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13. **Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1);** Located on the south side of 24 Mile Road, one mile west of Iroquois Trail; Section 16; Macomb Township, Petitioner. Permanent Parcel 08-16-400-006.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval, finding specifically that the proposed rezoning is consistent with the goals of the Master Plan and that the proposed rezoning is consistent with the development of the surrounding properties.

MOTION by AUSILIO seconded by PROVENZANO to approve Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1); Located on the south side of 24 Mile Road, one mile west of Iroquois Trail; Section 16; Permanent Parcel 08-16-400-006 finding specifically that the proposed rezoning is consistent with the goals of the Master Plan and that the proposed rezoning is consistent with the development of the surrounding properties.

MOTION carried.

14. **Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1);** Located on the south side of 24 Mile Road, ½ mile east of Romeo Plank; Section 17; Macomb Township, Petitioner. Permanent Parcel 08-17-201-001.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval, finding specifically that the proposed rezoning is consistent with the goals of the Master Plan and that the proposed rezoning is consistent with the development of the surrounding properties.

MOTION by AUSILIO seconded by PROVENZANO to approve Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1); Located on the south side of 24 Mile Road, ½ mile east of Romeo Plank; Section 17; Permanent Parcel 08-17-201-001 finding specifically that the proposed rezoning is consistent with the goals of the Master Plan and that the proposed rezoning is consistent with the development of the surrounding properties.

MOTION carried.

15. **Entrance Ground Sign; Buckingham Village #1;** Located on the west side of Heydenreich Road, ½ mile south of 23 Mile Road; Section 21; Buckingham Village Homeowners Association, Petitioner. Permanent Parcel 08-21-281-011.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

Mr. Ken Dolovar, representing the petitioner, was also present to answer any questions which the Commission might have.

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MOTION by OLIVER seconded by KOEHS to approve the Entrance Ground Sign at Buckingham Village #1 located on the west side of Heydenreich Road, ½ mile south of 23 Mile Road; Section 21; Permanent Parcel 08-21-281-011.

MOTION carried.

16. **Tentative Preliminary Plat; Gloede Park Estates;** Located on the northwest corner of 21 Mile Road and Garfield Road; Section 30; Lombardo Homes, Petitioner. Permanent Parcel 08-30-400-020.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

Mr. Mark Roebuck, representing the petitioner, was also present to answer any questions which the Commission might have.

MOTION by KOEHS seconded by PROVENZANO to approve Tentative Preliminary Plat for Gloede Park Estates located on the northwest corner of 21 Mile Road and Garfield Road; Section 30; Permanent Parcel 08-30-400-020 with the following conditions:

1. The petitioner submits evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulations;
 - a. Macomb County Road Commission
 - b. Office of Public Works Commission of Macomb County
 - c. Macomb County Health Department
 - d. Macomb County Planning Commission
 - e. Michigan Department of Environmental Quality
 - f. All public utility companies affected.
 - g. That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer. Also, that any connecting sidewalk tying the plat to any public street be installed by the petitioner.
2. The Township Engineer approves all engineering plans for the computed plat.
3. That any detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.
4. Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval have been incorporated into the Final Preliminary Plat.

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5. That all lots within the Final Preliminary Plat meet the requirements of the Township Zoning Ordinances.
6. Flood Plain Map Amendments and or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.
7. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.
8. That the 'landscape easement'; that area labeled on the plat as, "The entire common area is subject to a private easement dedicated to the ownership association for landscaping" has been completed in accordance with the approved landscaping plan, inspections completed to the satisfaction of the Township and the bond posted for the development of this easement released. If the bond has not been released the owner of the subdivision is placed on notice that no building permits may be issued until the landscape easement has been developed in accordance with the approved landscaping plan and the bond released by the Township Board.
9. That the final preliminary approval expires two years from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Application for extension must be received by this office prior to the expiration date.
10. All street names are cleared by the Township Supervisor for purposes of continuity prior to preparation of the final plat. That the petitioner submits two (2) copies of the plat to the Supervisors office for addressing. Addresses will be assigned after Final Preliminary Plat approval by the Township Board.
11. That the temporary street name posts be installed upon completion of the paving. The posts as indicated by the Fire Department are to be 4" x 4" black posts with two inch white letter so that the street can be easily identified during the construction of the plat.
12. That the restrictive covenants that will be recorded as part of this plat, have been approved by the Township Attorney. The 'Restrictive

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Covenants' must be approved by the Township Attorney before an application will be received for Final Plat.

- 13. That the articles of Incorporation for the Homeowners' Association for the subdivision have been approved by the Township Attorney. The 'Articles of Incorporation' must be approved by the Township Attorney before an application will be received for Final Plat.**
- 14. That the petitioner understands that if the property(ies) involved in this application are not yet split or combined into a single parcel, that an application for split/combination must be submitted and approved by the Assessor's Office. The petitioner must also understand that all codes and ordinances relating to said split/combination must be adhered to including any variances requested or any other actions involving Macomb Township. It is also noted that delays may be necessary in the split/combination procedure because of subsequent public hearings involving variance requests.**

In the case of a Site Plan application, an application for said split/combination must be reviewed and approved by the Assessor's Office prior to the issuance of Building Permits. In the case of a Site Condominium or Subdivision Plat application, an application for said split/combination must be approved by the Assessor's Office before the petitioner may submit an application for their next approval step as prescribed by the Macomb Township Land Division Ordinance #17.

This conditional approval does not provide any assurance or guarantee that any required split or split/combination that was not in place prior to this approval will be approved by any other Township body or other governmental unit.

In connection with splitting, combining or otherwise amending the site plan, that any master deeds prepared in connection with said site plan be amended. The amended master deed, including Exhibit B documents, must be submitted to the Township Clerk's Office for review in accordance with Township procedures. The recorded document must be received prior to issuance of building permits.

The same procedure would follow for a revision to the site plan.

- 15. An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the**

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two year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department.

16. **That a short piece of sidewalk at the end of Peace Valley Court must be installed.**

MOTION carried.

17. **Final Preliminary Plat; Gloede Park Estates;** Located on the northwest corner of 21 Mile Road and Garfield Road; Section 30; Lombardo Homes, Petitioner. Permanent Parcel 08-30-400-020.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

Mr. Mark Roebuck, representing the petitioner, was also present to answer any questions which the Commission might have.

MOTION by KOEHS seconded by PROVENZANO to approve the Final Preliminary Plat for Gloede Park Estates located on the northwest corner of 21 Mile Road and Garfield Road; Section 30; Permanent Parcel 08-30-400-020 with the following conditions:

1. **The petitioner submits evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulations;**
 - a. **Macomb County Road Commission**
 - b. **Office of Public Works Commission of Macomb County**
 - c. **Macomb County Health Department**
 - d. **Macomb County Planning Commission**
 - e. **Michigan Department of Environmental Quality**
 - f. **All public utility companies affected.**
 - g. **That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer. Also, that any connecting sidewalk tying the plat to any public street be installed by the petitioner.**
2. **The Township Engineer approves all engineering plans for the computed plat.**
3. **That any detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.**

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4. Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval have been incorporated into the Final Preliminary Plat.
5. That all lots within the Final Preliminary Plat meet the requirements of the Township Zoning Ordinances.
6. Flood Plain Map Amendments and or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.
7. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.
8. That the 'landscape easement'; that area labeled on the plat as, "The entire common area is subject to a private easement dedicated to the ownership association for landscaping" has been completed in accordance with the approved landscaping plan, inspections completed to the satisfaction of the Township and the bond posted for the development of this easement released. If the bond has not been released the owner of the subdivision is placed on notice that no building permits may be issued until the landscape easement has been developed in accordance with the approved landscaping plan and the bond released by the Township Board.
9. That the final preliminary approval expires two years from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Application for extension must be received by this office prior to the expiration date.
10. All street names are cleared by the Township Supervisor for purposes of continuity prior to preparation of the final plat. That the petitioner submits two (2) copies of the plat to the Supervisors office for addressing. Addresses will be assigned after Final Preliminary Plat approval by the Township Board.
11. That the temporary street name posts be installed upon completion of the paving. The posts as indicated by the Fire Department are to be 4" x 4" black posts with two inch white letter so that the street can be easily identified during the construction of the plat.

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12. That the restrictive covenants that will be recorded as part of this plat, have been approved by the Township Attorney. The 'Restrictive Covenants' must be approved by the Township Attorney before an application will be received for Final Plat.
13. That the articles of Incorporation for the Homeowners' Association for the subdivision have been approved by the Township Attorney. The 'Articles of Incorporation' must be approved by the Township Attorney before an application will be received for Final Plat.
14. That the petitioner understands that if the property(ies) involved in this application are not yet split or combined into a single parcel, that an application for split/combination must be submitted and approved by the Assessor's Office. The petitioner must also understand that all codes and ordinances relating to said split/combination must be adhered to including any variances requested or any other actions involving Macomb Township. It is also noted that delays may be necessary in the split/combination procedure because of subsequent public hearings involving variance requests.

In the case of a Site Plan application, an application for said split/combination must be reviewed and approved by the Assessor's Office prior to the issuance of Building Permits. In the case of a Site Condominium or Subdivision Plat application, an application for said split/combination must be approved by the Assessor's Office before the petitioner may submit an application for their next approval step as prescribed by the Macomb Township Land Division Ordinance #17.

This conditional approval does not provide any assurance or guarantee that any required split or split/combination that was not in place prior to this approval will be approved by any other Township body or other governmental unit.

In connection with splitting, combining or otherwise amending the site plan, that any master deeds prepared in connection with said site plan be amended. The amended master deed, including Exhibit B documents, must be submitted to the Township Clerk's Office for review in accordance with Township procedures. The recorded document must be received prior to issuance of building permits.

The same procedure would follow for a revision to the site plan.

15. An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the

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two year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department.

16. **That a short piece of sidewalk at the end of Peace Valley Court must be installed.**

MOTION carried.

18. Master Plan Amendment for Gratiot Avenue Corridor Improvement Plan.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

MOTION by AUSILIO seconded by KOEHS to recommend approval to the Board of Trustees the proposed amendment to the Master Plan regarding the Gratiot Avenue Access Management Plan for the following reasons:

The features of the plan are based upon a long range program to improve traffic flow and access to and from Gratiot Avenue to the abutting businesses and residential areas.

The Plan is based upon the coordinated efforts of the Michigan Department of Transportation, various departments of Macomb County including the Road Commission and the Planning Commission and the various departments of Macomb Township.

The Plan will provide the basis for other improvements to traffic management throughout the Township.

MOTION carried.

PLANNING CONSULTANTS COMMENTS

None

PLANNING COMMISSIONERS COMMENTS

None

ADJOURNMENT

MOTION by AUSILIO seconded by PROVENZANO to adjourn the Planning Commission meeting at 7:52 p.m.

MOTION carried.

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Respectfully submitted,

Edward Gallagher, Chairman

Michael D. Koehs, CMC
Macomb Township Clerk
Planning Commission Secretary