

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
TUESDAY, MARCH 1, 2016  
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LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS  
54111 BROUGHTON ROAD  
MACOMB, MI 48042

PRESENT: CHARLES OLIVER, CHAIRMAN  
JASPER SCIUTO, VICE CHAIRMAN  
JULIANA PLASTIRAS, SECRETARY  
MICHAEL P. HARDY, MEMBER  
AARON TUCKFIELD, MEMBER  
ROGER KRZEMINSKI, MEMBER

ABSENT: NUNZIO PROVENZANO, MEMBER – ABSENT & EXCUSED

ALSO PRESENT: Thomas Esordi, Township Attorney  
Patrick Meagher, Planning Consultant – Absent  
Jim Van Tiflin – Township Engineer  
(*Additional attendance on file at the Clerk's Office*)

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

Chairman Oliver welcomed a new member who was also a past member, Roger Krzeminski, to the Planning Commission.

### **ROLL CALL**

1. Secretary PLASTIRAS called the roll and Member PROVENZANO was absent and excused.

### **APPROVAL OF THE AGENDA**

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

**MOTION by SCUITO seconded by HARDY to approve the agenda as presented.**

**MOTION carried.**

### **APPROVAL OF THE PREVIOUS MEETING MINUTES**

3. The minutes of the previous meeting held on February 16, 2016 were reviewed and any additions, corrections or deletions were discussed and made.

**MOTION by SCUITO seconded by TUCKFIELD to approve the minutes of the meeting of February 16, 2016 as presented.**

**MOTION carried.**

**AGENDA ITEMS:**

4. **Preliminary Plan; Riviera Ridge Estates Site Condominiums;** Located on the east side of Card Road, north of 22 Mile Road; Section 23; Riviera Ridge II, LLC, Petitioner; Permanent Parcel 08-23-300-009.

Jim Van Tiflin (Township Engineer) stated the development would be a forty (40) unit site condominium project. Mr. Van Tiflin informed the Commission that Riviera Ridge had been brought to the Commission almost two (2) years ago – April of 2014, and was tabled because of concerns with regards to the adjacent development Riviera Ridge Estates to the north. There were concerns regarding the ITC corridor with the Road Commission not agreeing on the maintenance of the roads and overhead wires. Also, the Road Commission threatened not to accept the roads as public, which would cause the township a problem. Mr. Van Tiflin mentioned this particular development was tabled until the issue was resolved and that issue has been resolved in late summer, early fall of last year. They then resubmitted for consideration and had gone through a couple of reviews from the departments. Mr. Van Tiflin stated at this time we are now in the position that we can recommend approval.

Jeff Rizzo (Fen & Associates, 14933 Commercial Drive, Shelby Twp.) representative for Riviera Ridge No. 2.

Secretary Plastiras asked Mr. Van Tiflin and Mr. Rizzo what was the outcome, you said the issue was resolved, what was decided. Mr. Van Tiflin stated that all parties, The Township, County and ITC agreed to sign a Hold Harmless Agreement that would allow ITC to do the work they need to do. The Township and County would essentially have the residents of the development pay for any damages that may be caused by ITC and their maintenance. Mr. Van Tiflin stated that was done with Riviera Ridge to the north as well as the Christenbury Creek development which is north of that on Card Road. Mr. Van Tiflin informed the Commission that the same thing will happen when we get to that stage with this development.

Secretary Plastiras questioned who would be in charge of the roads. Mr. Van Tiflin stated the County; they are public roads, so they will accept the roads.

Fionna Kasuba (Resident of 22009 Bedford Valley) asked if the dead end currently in the Sycamore Estates Subdivision feed into the condominiums. Mr. Van Tiflin stated, yes, the two (2) subdivisions will be connected through the stub street. Mrs. Kasuba inquired as to whether the street would be a straight line shot. Mr. Van Tiflin

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stated the stub street goes one lot into the new subdivision and it's off at the intersection to a road that runs east and west. Mrs. Kasuba asked what the estimated cost would be for the Condo's and wanted to know if they were going to be low income housing.

Chairman Oliver stated typically on something like this the township cannot govern what they are going to build, if it's going to be a big house or a small house but, it always fits with the community next to it. The developer is going to compare with the community next to them. Mr. Van Tiflin explained to Mrs. Kasuba that these are called condominiums but are handled the same as her plated subdivision was. Mr. Van Tiflin stated these are individual lots; these lots meet all the same requirements as her lot did when that development was built and the houses are all individually built. Mr. Van Tiflin mentioned it's the same type of product you would see in a platted subdivision and most of the single family developments happening in the township are site condominiums. This is an easier way to accomplish the same thing as it is for a plat; Plats are much harder to get through the State. Mrs. Kasuba asked as they go through construction, will they continue to go in and out of the dead end, stating there is mud flat beds trucks and huge equipment going through and it's not even spring yet. Mr. Van Tiflin informed Mrs. Kasuba that there will be a construction road off of Card Road. Mrs. Kasuba then asked why they are doing it now; she also stated she lives at the dead end and that she has called several times because of all the large equipment and mud at the dead end.

Chairman Oliver asked if the petitioner was using the Sycamore dead end to get to their property. Mr. Rizzo stated he was not aware but stated as most of you know have been working on Phase # 1 of Riviera Ridge, so he wasn't sure if the contractors are coming down towards Sycamore or not. Mrs. Kasuba stated they're not, but they're still clearing out trees from the forest so it's still Riviera Ridge II and it's a hot mess.

Secretary Plastiras asked if this construction road is going to be a designated construction road, so the contractors know where to go to help elevate some of what's going on. Mrs. Kasuba stated there are currently two (2) entrances off of Card, so there is no need for them to come into the subdivision.

Chairman Oliver asked Mr. Rizzo if there was a construction road in place and is it identified. Mr. Rizzo stated yes for Phase 1. Mr. Van Tiflin stated basically where the entrance road is where the construction road is. Mr. Van Tiflin informed the Commission that they're not really to the point where any approval or permits have been issued by the township. The work they're doing out there can be done without any approvals or permits and there is no tree ordinance so they can cut down the trees and clear the property, they just can't move dirt until they get there approvals. Mrs. Kasuba stated with the type of equipment they're driving, they can surly come in through another entrance to get to its site location.

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Chairman Oliver stated it appears that for her phase they are going to build a different entrance, Mr. Rizzo said yes. Mrs. Kasuba was told by Mr. Van Tiflin to call the Macomb County Office of Public Works, the Soil Erosion Department. Mrs. Kasuba asked if there would be an easement, and inquired about the wet land area. Mr. Van Tiflin said there would be no easements backing up to her subdivision only lots. Regarding the wetland, the lots are located outside of the flood plain and wetlands. She also asked if there were plans she could look at. Mr. Van Tiflin stated she could come to the Planning Department at any day to review them.

Member Krzeminski gave Mrs. Kasuba the phone number (586-463-8671) for the Macomb County Road Commission and will make a phone call to see who was out there, and so will Mr. Van Tiflin. Chairman Oliver gave plans to Mrs. Kasuba and to a resident in the audience.

Ryan Redd (22105 Bedford Valley Drive) asked when the construction will begin. Mr. Van Tiflin state this was the beginning of the development process and once the Planning Commission's recommendation is accepted by the Township Board, then it will move into the engineering review which could take six (6) to eight (8) months, depending on permits and approvals. The process does take time but once that's done, it comes back to the Planning Commission for final site recommendation and Township Board approval. If approved, they can post their bond and pull permits. Mr. Van Tiflin stated the start of construction may be in the fall or not till next year, it depends on the schedule of the petitioner.

Chairman Oliver reiterated to Mr. Rizzo the he is aware of the issues with the construction entrance and stated there are still issues and we don't want to be bad neighbors. Mr. Rizzo stated he would talk to the developer regarding the issues.

Secretary Plastiras made mention that Member Provenzano during attendance was noted as absent and excused. Secretary Plasrias wanted it to be noted that he was now in attendance.

**MOTION by TUCKFIELD seconded by HARDY to recommend approval of the preliminary plan for Phase 2 of the Riviera Ridge Estates Site Condominiums; Located on the east side of Card Road, north of 22 Mile Road; Section 23; Riviera Ridge II, LLC, Petitioner; Permanent Parcel 08-23-300-009; pursuant to the recommendations of the Planning Consultant.**

**MOTION carried.**

**PUBLIC HEARING**

5. Public Hearing; amend various sections of the Zoning Ordinance to transfer planning duties from the Clerk's Office to the Planning Department. (Discussion/Decision)

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Chairman Oliver stated he had spoken with Patrick Meagher and if it's acceptable to the Board, the Commission will adopt it and it will take its steps.

Member Tuckfield had a concern regarding the wording on the fourth (4th) page under initiation of the text amendments and map revisions. Member Tuckfield read the 1st paragraph then read the amended portion which he stated by filling with the "Planning Department a petitioner certified by the Township Clerk" and wanted to make sure that it is ok to submit a petition to the Planning Department for an amendment and that it's not something that needs to go more direct to the Township Clerk. Chairman Oliver stated it's ok and Mr. Esordi stated it's just a petition for a request so it's fine.

Edward Gallagher (24110 Darwin) asked if the Township had a full time Planner or still a Planning Consultant.

Mr. Esordi stated the Township had a Planning Consultant on a regular basis. Mr. Gallagher stated in the revisions it's stated that all documents should be signed by the Township Planner, and we don't have a Planner, Mr. Esordi said Patrick is the Planner.

Mr. Gallagher stated he is a private contractor for the Township and asked if he is allowed to sign legal papers. Mr. Esordi responded by saying yes, just like the Township Attorney is permitted to sign papers and act as the Township Attorney. He is still subject to the discretion ultimately of the Planning Commission and the Township Board. Mr. Gallagher stated it doesn't seem right; you know that not everything he signs is going to go in front of the Township Board. Mr. Esordi then stated the Township Board has the right to terminate the planner's relationship immediately.

Member Tuckfield read a portion of Paragraph 1 stated a site plan approved by the Planning Commission and signed by the Planner, sounds to him like he is signing the acceptance that he feels if correct, not necessarily that it's a legal certifying document, just a signature indicating that it meets the ordinance. Mr. Gallagher stated that it's up for interpretation. Mr. Esordi stated someone has to sign and act as the agent of the township; someone has to sign the documents because the Planning Commission as an entity can't sign the documents, it just designates the Planner to sign the documents.

Mr. Gallagher stated it hits him funny that the Clerk is an elected official and he has no problem with that. The Planning Consultant is a private contractor and it seems that there should be more control than to just let him sign the documents. Mr. Esordi stated he can't sign anything without the approval of the Planning Commission.

Member Krzeminski explained to Mr. Gallagher that Patrick was hired to be the Planning Consultant and was given authorization by the Township to sign these things when they come across his desk, as is the engineer. Mr. Esordi then stated

Mr. Meagher's license and everything is at stake when he does this so he's not going to sign his John Hancock to just anything. Mr. Gallagher stated the township engineer is a township employee, not a contractor. He further stated he didn't know what all paperwork goes to the Planner to sign, having never been a Planner.

**MOTION by SCIUTO seconded by TUCKFIELD to close the Public Hearing at 7:30 p.m.**

**MOTION by TUCKFIELD seconded by PLASTIRAS to accept the revisions to the administrative portion of the Ordinance for the Planning Commission, and to send it to the Board of Trustees for approval.**

**Vice Chairman Sciuto requested that a roll call be taken.**

**Ayes: Scuito, Provenzano, Plastiras, Oliver, Hardy, Tuckfield, Krzeminski**  
**Nays: None**  
**Absent: None**

**MOTION accepted and passed.**

(Open for Public Comments)

**None.**

### **PLANNING CONSULTANTS COMMENTS**

Jim Van Tiflin (Township Engineer) stated Mr. Meagher asked him to run one thing by the Planning Commission regarding the dentist office at 25 MI Romeo Plank. Mr. Van Tiflin stated at the Board meeting last night, the Township Board approved a Temporary Certificate of Occupancy to be granted for that business with one condition; the condition was for the screen wall on the south side of the property be completed by June 30, 2016. Mr. Van Tiflin stated the issue with the wall is the wall was constructed before any of the fill was done on the property. The wall was formed up and measured six (6) feet above the existing grade and poured the wall, then three (3) feet of fill was put next to the wall and now it's three (3) feet on one side and six (6) feet on the other. Mr. Van Tiflin mentioned that the developer had been told that the wall needed to be extended up so that it would be six (6) feet on either side. Mr. Van Tiflin stated the problem is they cannot find the forms they originally used when the wall was constructed, so the brick pattern won't be the same. Mr. Van Tiflin stated what Mr. Meagher wanted was the possibility of cutting the top six inches to a foot and putting a ribbon of brick the same as the building and then on top of that pour a decorative stone or brick embossed to break it up so it doesn't look like a bad joint in the concrete. That would go up another three (3) feet to get it to the

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top and then the cap would go on top of that. Mr. Van Tiflin stated Patrick is ok with that but he wants to make sure the Planning Commission has no problem with this before they go back to the developer.

Secretary Plastiras asked if the developer had a problem with it, Mr. Van Tiflin stated no, they proposed it. Member Tuckfield stated he would like to see the drawing because they've had this variance before the Zoning Board of Appeals before and there were many people upset. Member Tuckfield asked If the engineer could get the developer to give the Commission a drawing before the next meeting if possible. Member Tuckfield stated he just wants to make sure that it is something that looks good.

Chairman Oliver questioned whether it would be feasible for them to start over; Mr. Van Tiflin stated they could do it, yes. Member Krzeminski asked Mr. Van Tiflin if the quarter of a million dollar bond being held would be enough to cover the knocking down the wall. Mr. Van Tiflin said yes, he was sure it would be enough.

Member Krzeminski mentioned he didn't think there was any other place in the township that put a wall on top of a wall. Mr. Van Tiflin stated yes, at Fountains of Macomb but they had the forms so the joints were not noticeable from twenty (20) feet away. With this wall, you would definitely notice it twenty (20) feet away.

Mr. Esordi stated the other issue was the lots that abut on the back side are staggered so you have some fences that are built and they talked about extending the fence but it would be half way across someone's property.

Member Tuckfield mentioned the fence still has to go further west so there will be another fence built up to this. Mr. Van Tiflin stated there will where the property is where the house was knocked down, that's a separate piece. The developer's idea is to combine the tow and build another building on that property and then yes, the wall would have to be extended at that time.

Vice Chairman Sciuto mentioned the developer may put a different wall up on the other property. Mr. Van Tiflin stated the developer wants to combine the property and has already submitted an application to combine it but it was rejected. Mr. Van Tiflin stated the property had been rezoned but not combined, because that would require another wall extension to the west and one also going out to 25 Mile Road because of the residential to the west. Vice Chairman Sciuto asked if the developer combines both parcels and makes an office, is he going to have to match the wall; Mr. Van Tiflin stated he would have to build a wall, yes. Member Tuckfield stated he can't match the wall; he doesn't have the forms for the bottom half of it.

Chairman Oliver stated what the developer needs is to submit something to look at or just start all over. Mr. Van Tiflin stated assuming the grade goes up along the river to the west, you may end up with a shorter wall on the west property line but the wall

has to be the same level because the parking lot acts as a detention basin and it all has to be the same elevation.

Mr. Edward Gallagher stated if you read Section 10.0344 tells exactly how to build the wall. It states six (6) inches of solid concrete and has to be six (6) feet from the highest point of the established grade, and the established grade is on the part they built, because they already put the dumpster in and the dumpster has to be six (6) foot from the established grade. It's not hard to figure out that you have to have the wall the same height as the dumpster pad. Mr. Gallagher stated at a previous meeting the developer was told to read Section 10.0344. Mr. Gallagher asked who established that grade the developer or the engineers, somebody did, and it doesn't make sense.

Chairman Oliver stated when the petitioner is requesting to do something like this we should really get a good look at it Mr. Van Tiflin stated he just got direction from the Planning Commission.

Secretary Plastiras mentioned is there a bond or money being held for this wall. If we ask them to put up a new wall, there is money for that and there is no reason why they can't. Mr. Van Tiflin stated there is no reason other than the cost; they're trying to save some money.

Chairman Olive inquired as to whether any of these issues fell on the township. Mr. Van Tiflin stated no. The Building Department inspected the footings, the wall went up and then it was noticed. The developer was told on several occasions the wall was not tall enough, they argued with us and now they want our help. Vice Chairman Sciuto mentioned the Board gave the developer a bench mark of when it has to be done by and he knows they will with stick by it. Vice Chairman Sciuto was in agreement with Member Tuckfield that new plans should be submitted and reviewed by the engineer and planner. The Commission will review the plans and give the Board their recommendation. Secretary Plastiras asked if they had submitted plans for the property next door. Mr. Van Tiflin stated no not yet, the only thing that has happened was the rezoning request and at one point they tried to combine the two properties and they decided they didn't want to make the improvements that the township wanted them to do. Mr. Van Tiflin stated the developer is going to have to wait till he has site plan approval, engineering plans have been submitted and it's ready to be built. Vice Chairman Sciuto asked if the developer combines the property with the two houses next to it, would the developer have to put a wall between the residential and his property. Mr. Van Tiflin stated yes, just like the residential to the south, they would have to put in a pathway and a screen wall all along the entire perimeter against the residential.

#### **PLANNING COMMISSION COMMENTS**

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Vice Chairman Sciuto along with the other members of the Commission welcomed the new Member, Roger Krzeminski to the Planning Commission.

Member Tuckfield stated he had a comment that has come in front of the Commission a couple of times regarding parcels with lots that don't meet the 3 to 1 width to depth ratio and that there was one again tonight. He stating he would like to talk to Mr. Meagher and Mr. Van Tiflin and would like something added to the ordinance that allows more flexibility and allows different ratios particularly on corner lots and cull-da-sac's. Member Tuckfield stated that very rarely are these lots within the 3 to1 ratio. Member Tuckfield stated he would like to see something in the ordinance that gives the Commission the leeway to work with these lots like in this case. Mr. Tuckfield suspects that these nonconforming lots are being put through unknowingly or because there are few other options and would like to have it encompassed in the ordinance and hopefully it can be looked at in the future and be corrected.

**ADJOURNMENT**

**MOTION by SCIUTO seconded by TUCKFIELD to adjourn the Planning Commission meeting at 7:45 p.m.**

**MOTION carried.**

Respectfully submitted,

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Charles Oliver, Chairman

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Juliana Plastiras  
Planning Commission Secretary