

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
TUESDAY, JULY 16, 2019  
PAGE 1 OF 5

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

PRESENT: CHARLES OLIVER, CHAIRMAN  
MICHAEL HARDY, VICE CHAIRMAN  
AARON TUCKFIELD, SECRETARY  
RICHARD BENTLEY, MEMBER  
ROGER KRZEMINSKI, MEMBER  
JASPER SCIUTO, MEMBER  
NUNZIO PROVENZANO, MEMBER

ABSENT: NONE.

ALSO PRESENT: Thomas Esordi, Township Attorney  
Patrick S. Meagher, Acting Planning Supervisor  
James L. VanTiflin, Township, Engineer  
*(Additional attendance on file at the Clerk's Office)*

1. Chairman OLIVER called the meeting to order at 7:03 p.m. and the Pledge of Allegiance was recited.
2. Pledge of Allegiance was recited.

**ROLL CALL**

3. Secretary TUCKFIELD called the roll and all members were present.
4. APPROVAL OF THE AGENDA

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

**MOTION by SCIUTO seconded by PROVENZANO to approve the agenda as presented.**

**MOTION carried**

5. APPROVAL OF THE PREVIOUS MEETING MINUTES

The minutes of the previous meeting held on June 18, 2019 were reviewed and any additions, corrections or deletions were discussed and made.

**MOTION by SCIUTO seconded by HARDY to approve the minutes of the meeting of June 4, 2019 as presented.**

**MOTION carried.**

## **PUBLIC HEARING**

### **6. AGENDA ITEMS:**

#### **A. FINAL PLAN; THE ENCLAVE AT LEGACY ESTATES**

Permanent Parcel 08-17-344-012; Located on the southwest corner of Leone Drive and Regency Drive; Section 17. Frank Salamone, Petitioner.

Patrick Meagher, Acting Planning Director, stated this was part of the Legacy Estates Consent Judgment which would regulate the overall units that would take place within the entire development. With the modification to the development they are still maintaining the 90 units and the layout remains generally consistent with the Preliminary Site Condominium Plan and based on that we are recommending approval of the Final Plan.

Jim Greene, representative, was in attendance.

Member BENTLY asked what phase the detention pond would be in or would it be one of the first activities to take place during construction.

James Van Tiflin, Township Engineer, stated that detention pond is existing and been constructed many years ago before the whole development was constructed. What they are doing now is building around it and incorporating it into this particular condominium.

Member TUCKFIELD stated that this Final Plan is coming to us via a Consent Judgment and wondered what leeway there was to have with the approval process and what actually where they approving. Also, is there an ability to have a concern with anything or if this plan was part of the Consent Judgment and therefore no comments can be made.

Patrick S. Meagher, Acting Planning Director, stated it would depend on the concerns. With regard to the general lot size and general road layouts, if there were a health and safety issue comments could be made. The lot size and width are generally approved. He then reviewed the Consent Judgment that had been entered into.

Public Portion:

Perry Lyons, 49038 Wayburn, stated that the zoning of the property bothers him since the most of the surrounding property that was Legacy Estates is now single family and the multi unit apartments. Lastly, he stated that he was opposed to the property being used as proposed.

Public portion closed.

**MOTION by TUCKFIELD seconded by KRZEMINSKI to recommend approval to the Township Board of Trustees the Final Plan; The Enclave at Legacy Estates; Permanent Parcel 08-25-100-026; Located on the south side of 22 Mile Road, east of North Avenue; Section 25. Diverse Real Estate, Petitioner. This recommendation is based on the fact that the reviews from the department heads say that it matches the Consent Judgement.**

**MOTION carried.**

7. OLD BUSINESS

None.

8. PUBLIC COMMENTS ON NON-AGENDA ITEMS\*

Kathy Western, stated she would like to comment about the Consent Judgment process as well and to have the Board explain the Consent Judgment process for the residents. Also, she thanked them for the job that is done by each member and the work that is put in at each meeting. Lastly, she encouraged to have the meetings broadcasted instead of allowing social media to cast it out.

Perry Lyons, 49038 Wayburn, suggested that more notice be provided to the residents for meeting dates for agenda items that will be heard that will affect their neighborhood.

9. COMMISSIONER COMMENTS

Member TUCKFIELD stated his concern with the Master Plan and the need to get it updated and would like to focus on the positive to help expand on them. Furthermore, he indicated that he would like to set up discussions at upcoming meetings to review the Master Plan and get the update procedure started.

Member SCIUTO stated that he would also like to proceed forward with the Master Plan update since it has been four years and need to mover forward as soon as possible.

#### 10. ZBA LIAISON UPDATE

Member TUCKFIELD stated that there was a meeting July 3, 2019 and indicated that a variance had been granted for a larger sign for Pet People along with a variance being granted for Precision Surgery for a height variance. He noted that with both of the variances being granted that the sign and height requirements need to be revisited to meet the building design standards.

Member SCIUTO agreed that the sign ordinance and the master plan needs to be worked on diligently by the Planning Commission.

Patrick S. Meagher, Acting Planning Director, indicated that he was in the process of amending Washington Township's sign ordinance and that he was doing that by implementing the best pieces from current sign ordinance and noted that once it is completed he will forward it over to Macomb Township.

#### 11. PLANNING DEPARTMENT ITEMS

Patrick S. Meagher, Acting Planning Director, stated he understands concern for the notification for meetings being wanted to be sent out earlier. He then reviewed the Consent Judgment procedure and what jurisdiction that the Planning Commission is able to have. Lastly, he noted that most communities do not send out or notify for site plans and subdivisions because if they meet the ordinance there is no discretion as opposed to a Special Land Use or Rezoning.

Chairman OLIVER asked if this was a curiosity that the township was doing.

Patrick S. Meagher, Acting Planning Director, stated this has been a format that this community has always had. However, many of the surrounding communities do not get notices for these types of hearings, it is not a state requirement that notices be sent out. Many of the communities have taken the philosophy just so they don't get in trouble and they don't advertise at all because the State law does not tell them to do so. Lastly, if the development meets the requirements it must be approved no matter the public input.

He referenced Aaron Tuckfield's comments on the height of buildings practically in the office district and may want to look at commercial district as well since the architectural creativity is bring about steeper roofs.

Member BENTLEY stated that was an item that needs discussion.

MACOMB TOWNSHIP PLANNING COMMISSION  
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PAGE 5 OF 5

Nancy Kras, 20418 Pleasant, stated that she had been directed to them to seek relief on a non-homestead fee that she had to pay when she closed on her home in Macomb Township and moved to St. Clair Shores.

Discussion followed regarding which Board she need to be in front of which was the Board of review and that she should speak to the Township Assessor, Daniel Hickey for clarification.

Member KRZEMINSKI updated the members on the Township Board of Trustees meeting of June 26, 2019.

12. ADJOURNMENT

**MOTION by TUCKFIELD seconded by KRZEMINSKI to adjourn the Planning Commission meeting at 7:44 p.m.**

**MOTION carried.**

Respectfully submitted,

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Charles Oliver, Chairman

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Aaron Tuckfield, Planning Commission Secretary