

**Lenox Township
Planning Commission Meeting
Monday, February 26, 2018**

1. Call to Order Meeting was called to order at 7:30 PM with the following members present:

Mike Vennard - Co-Chair
Scott Clifford - Secretary
Joe Marino

Marnie Ickes
Stephen Cassin – Township Planner

Member excused: Jerry Gennette - Chairperson

2. Pledge of Allegiance

3. Approval of Previous Minutes – January 22, 2018, February 5, 2018

Motion by Marino supported by Clifford to approve both meeting minutes as written. All Ayes. Motion carried.

4. Approval of Agenda

Cassin recommended moving E and F under New Business before the Public Hearings as no public hearing is required for them.

Motion by Marino supported by Ickes to amend the agenda, by moving E and F before the Public Hearings as #1 and #2. All Ayes. Motion carried.

Clifford requested that all Public Hearings at this meeting go by Roll Call Vote, due to the nature of the business.

Motion by Clifford supported by Marino to Roll Call Vote all New Business on this agenda.

All Ayes. Nays: None, Motion carried.

5. Unfinished Business

There was no Unfinished Business at this meeting.

6. New Business

1. TeJa Enterprises, LLC Annual Renewal for Special Land Use Permit

Planner Stephen Cassin explained that this item is a renewal request for the Special Land Use Permit for the mining operation. Sermed Saif, Lenox Township Engineer verified the trucking numbers submitted by Mr. Pieprzak in the past. He recommends approval for 2018, with the stipulation that for 2019 they submit a current engineered survey, as it has been ten (10) years since the Township received one.

Motion by Marino, supported by Ickes to approve TeJa's 2018 Special Land Use Permit Renewal with the stipulation that the 2019 review includes a current engineered survey.

Roll Call Vote: Ayes: Marino, Clifford, Vennard and Ickes. Nays: none. Motion carried.

2. Site Plan Review Request - Francis Manchik – Portion of 19-06-13-400-002

Planner Stephen Cassin reported that he reviewed the site plan request for this trucking business to be located on five (5) acres on 29 Mile Road west of County Line, zoned Industrial Restricted. The site plan complies with the Ordinance with one exception. Section 301-D requires that all parking areas be constructed with asphalt or cement. They are requesting a gravel surface which must be approved by a variance by the Zoning Board of Appeals.

John Monti from Project Control Engineering represented Mr. Manchik and Richmond Transport. The entire facility would have large gravel train trucks that would be twisting and turning and easily tear up the pavement.

Motion by Ickes, supported by Marino to approve the Site Plan subject to a variance from the Zoning Board of Appeals.

Roll Call Vote: Ayes: Marino, Clifford, Vennard and Ickes. Nays: none. Motion carried.

a. Public Hearing: Rezoning request 2825 Lenox, LLC, 19-06-23-300-007 Vacant, from Agricultural to Industrial Restricted and Commercial General.

Tom Ciaramitaro, Attorney for 2825 Lenox, LLC. explained this Request is to Rezone a twenty-five (25) acre, parcel, with nine hundred (900) feet along Gratiot Avenue, to Commercial Industrial and Industrial Restricted. This would be developed in two (2) phases, (1) would include Commercial and Industrial, (2) would be Industrial Restricted.

C. Champine resident: I thought this parcel was west of Gratiot.

Motion by Clifford supported by Ickes to close the Public Hearing for 2825 Lenox, LLC.

Roll Call Vote: Ayes: Marino, Clifford, Ickes and Vennard. Nays: none. Motion carried.

Motion by Marino supported by Clifford to approve this request to rezone the twenty-five (25) acres on the west side of Gratiot, Parcel # 19-06-23-300-007.

Roll Call Vote: Ayes: Marino, Clifford, Ickes and Vennard. Nays: none. Motion carried.

b. Public Hearing: Special Land Use Request - Anne Deleo, 19-06-32-300-014, 28135-26 Mile Road.

Carie Seib, attorney for Anne Deleo, detailed that this Private Kennel Request follows the Ordinances. Ms. Deleo has four (4) horses and her own dogs.

Jeff Randazzo, Chief Animal Control Officer for Macomb County Sheriff Office, according to the State of Michigan, Anne Deleo imported forty (40) puppies in 2018, imported three hundred ten (310) in 2017, and two hundred forty-two (242) in 2016. He and the County are concerned about what the Township's emergency plan is, should something happen. Who is going to inspect and verify the many different certifications, that they are proper and true? The County would never be able to handle something on that magnitude.

Seib responded that she cannot deny that Deleo has brought in puppies; there is nothing prohibiting her from bringing in puppies. Every animal she has, had been certified by a vet and can produce copies if requested.

S. Walend, Fraser, commented that she is here to inform the Township what has been misrepresented by Ms. Deleo to the Michigan Department of Agricultural over the years. Deleo has not been forthcoming about these animals which are coming from one of the worst puppy mills in the United States. She has changed her business name due to the USDA revoking her license. She does not want consumers to be blindsided by these puppies coming from mills with illnesses.

Mark Maurer, Place Road, requested clarification on the number of dogs allowed at this site because it is very loud and the sound from that property carries a long way.

Seib responded that she has been in this proposed kennel. It is pristine, the animals are well cared for. Because Ms. Deleo wants this private kennel approved, she is willing to stop bringing in puppies through her pet shop license.

W. Kerry, Lenox, there is a lot of noise from the Haunted Farm of Terror, but it is a short amount of time. To have the amount of noise from these dogs, non-stop and in the middle of the night, year-round. Are these dogs inside or outside all the time?

Seib explained that the dogs are always housed inside the barn.

Motion by Marino, supported by Clifford to close the Public Hearing for Special Land Use Request from Anne Deleo, 19-06-32-300-014, 28135-26 Mile Road.

Roll Call Vote: Ayes: Marino, Clifford, Ickes and Vennard. Nays: None. Motion carried.

Planner Stephen Cassin summarized that this Special Land Use Request is to allow a Private Kennel, which would be integrated in the existing accessory structure, located two hundred seventeen (217) feet from the rear of the home. The proposed plan is fifteen (15) kennels and four (4) stalls. The building would be approximately fifty-six (56) feet from the eastern property line. Township Ordinance requires that the property be a minimum of one hundred (100) feet. If the Planning Commission grants this request, they have the option to reduce the front requirement from one hundred (100) feet to fifty (50) feet. The other conditions are spelled out in the packet. Lenox allows six (6) animals plus breeding from the animals that are already there, which total two (2) litter per year. The Planning Commission has two options: they could grant the Special Land Use if it is in harmony with the neighborhood and consider the adjustment on the side yard. The Commission could also determine that they do not believe it is in harmony with the surrounding area, and deny the request based on the additional information presented.

Motion by Clifford, supported by Marino to deny the Special Land Use Request to allow a Private Kennel at 28135 - 26 Mile Rd. for the following reasons:

- 1) the operation on the premises has been and continues to be inconsistent with a Private Kennel or kennel in that the operation involves the regular shipping of significant numbers of puppies to and from the premises,
- 2) the character of the use on the property would not be in harmony with the character and appropriate development of the surrounding neighborhood.

Roll Call: Ayes: Marino, Clifford, Vennard and Ickes. Nays: none. Motion carried.

c. **Public Hearing: Special Land Use Request - Chaille Tower Consultants for Parallel Tower Development, LLC, 19-06-13-126-005, 36750-30 Mile Road.**

Fred Low with Chaille Tower Consultants for Parallel Tower Development who is proposing a Special Land Use for a telecommunications tower, explained that the height of the tower would be one hundred, ninety-nine (199) feet, one hundred ninety-five (195) foot pole with a four (4) foot lighting rod. This is in a better spot than originally proposed, away from all property lines, and is in better harmony supporting future development in the area.

Motion by Marino supported by Clifford to close the Public Hearing on Chaille Tower.

Roll Call: Ayes: Marino, Clifford, Ickes and Vennard. Nays: None. Motion Carried.

Motion by Marino supported by Clifford to recommend approval for the Special Land Use to the Board.

Roll Call: Ayes: Marino, Clifford, Ickes and Vennard. Nays: None. Motion carried.

d. **Public Hearing: Rezoning Request - Kevin Wieczorek, 19-06-26-100-001, 19-06-26-100-002, 19-06-27-200-009, Vacant from Agricultural to Commercial General and Industrial Restricted.**

Greg Iacobelli, Macomb Township, representing Kevin Wieczorek, explained that this request is to rezone the three hundred fifty (350) feet frontage along Gratiot from Community Commercial to Commercial General. The remaining parcels are requesting to be rezoned to Industrial Restricted.

C. Champine, Lenox resident, inquired what is going to be placed on that property?

Iacobelli replied that there is currently no use specified, it will be specified through site plan review.

C. Champine, commented that as owner of property bordering those parcels on 28 Mile Road, there is a hunt club which during daylight hours sounds like a warzone, a landfill which generates noise during daylight hours and stench that is unbearable, then a concession business that operates in the fall which also generates an abundance of noise. She doesn't think this will be an attraction to our neighborhood and objects whole heartedly to this rezoning.

David Cheyne, Lenox resident, commented that he has lived at the farm almost forty (40) years. There is now noise and stench on three sides. He has read that there is going to be a marihuana farm there. He totally objects to this and feels this is not going to show well for the Township.

Marie Champine, Lenox resident, commented that she also has owned the property for over one hundred (100) years and has valued the land and worked hard farming it.

Jane Cheyne, Lenox resident, commented that they have had to deal with all the negative effects of the different things that have been brought to the community and is asking for the preservation of the people of Lenox Township to deny this rezoning.

Iacobelli clarified that this is a simple rezoning request. There will be multiple public hearings where sights, smells, noise and any concerns will be addressed through the Planning Commission process.

J. Cheyne, pointed out that prior to the landfill coming here, prior to Scarefest, they had all these same concerns. Then it was rezoned and accepted, there was no provision for the detriment that happened here because of the placement of those entities.

Motion by Clifford supported by Ickes to close the Public Hearing for Rezoning Request from Kevin Wieczorek.

Roll Call Vote: Ayes: Marino, Clifford, Ickes and Vennard. Nays: none. Motion carried.

Planner Stephen Cassin stated that he concurred with Mr. Iacobelli's comments about the area and the Rezoning Request. The Master Plan goals for that area are to identify land that is suitable for development as Planned Industrial, Office and Research Parks and to align Zoning that permits more intensive development within areas where water and sewer are available. Granting a Rezoning does not give permission to develop.

Motion by Marino supported by Ickes to recommendation to the Board to approve the petitioner's Rezoning request.

Roll Call Vote: Ayes: Marino, Clifford, Ickes and Vennard. Nays: none. Motion carried.

7. Public Comments

There were no Public Comments at this meeting.

8. Township Planner

Cassin informed everyone that because of the number of request that have been submitted, another Planning Commission Meeting has been scheduled for March 12, 2018.

9. Adjournment

Motion by Marino supported by Ickes to adjourn at 8:25 PM.

All Ayes: Motion carried.

Respectfully submitted,

Jeanette M. Ventimiglia
Recording Secretary

Respectfully submitted,

Thomas Scott Clifford
Secretary