

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
TUESDAY, FEBRUARY 16, 2021  
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LOCATION: VIRTUAL MEETING

PRESENT: MICHAEL HARDY, CHAIRMAN  
AARON TUCKFIELD, VICE-CHAIRMAN  
RICHARD BENTLEY, SECRETARY  
CHARLES OLIVER, MEMBER  
NUNZIO PROVENZANO, MEMBER  
JASPER SCIUTO, MEMBER  
DANIEL SPATAFORA, MEMBER

ABSENT: NONE.

ALSO PRESENT: Josh Bocks, Planning Director  
David Scurto, Planning Consultant  
Ben Aloia, Legal Counsel  
*(Additional attendance on file at the Clerk's Office)*

1. Chairman HARDY called the meeting to order at 7:00 p.m.
2. Pledge of Allegiance was recited.
3. ROLL CALL

Secretary BENTLEY called the roll. All members were present.

Chairman HARDY asked for an explanation of why each member needed to indicate they were remote and where they were attending the meeting from.

Ben Aloia, Township Legal Counsel, stated the governor's order has allowed these meetings to be take place remotely, however, we need to identify where we are from.

Member PROVENZANO asked why.

Ben Aloia, Township Legal Counsel, stated that public meetings take place at the township and since this is an alternative proceeding you are identifying where you are and we are following regulations.

4. APPROVAL OF THE PREVIOUS MEETING MINUTES

**MOTION by BENTLEY seconded by PROVENZANO to approve the meeting minutes of February 2, 2021 as presented.**

Discussion followed since not all members received the meeting minutes in there packet.

Chairman HARDY asked that the meeting minutes of February 2, 2021 be added to the next Planning Commission agenda.

**MOTION by BENTLEY seconded by PROVENZANO to rescind the motion of approving the meeting minutes of February 2, 2021.**

**MOTION carried.**

**MOTION by SCIUTO seconded by SPATAFORA to table the approval of the minutes of the meeting of February 2, 2021 to March 2, 2021.**

**AYES: SCIUTO, SPATAFORA, HARDY, TUCKFIELD, PROVENZANO, OLIVER, BENTLEY.**

**NAYS: NONE.**

**ABSENT: NONE.**

**MOTION carried.**

5. APPROVAL OF THE AGENDA

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

**FOR THIS MOTION;**

**AYES: SCIUTO, OLIVER, TUCKFIELD, PROVENZANO, SPATAFORA, BENTLEY, HARDY.**

**NAYS: NONE.**

**ABSENT: NONE.**

**MOTION carried.**

Chairman HARDY wanted anyone who may be attending the meeting to let them all know that this was a working meeting.

6. NEW BUSINESS/PUBLIC HEARINGS

A. Planning Commission By-Laws Review

Josh Bocks, Planning Director, reviewed the proposed amendment which was to have the roll call votes required.

Member SPATAFORA Article III e, reviewed the proposed language and stated there are site condominiums and there are platted subdivisions.

Ben Aloia, Township Legal Counsel, asked for explanations on the suggested changes that have been made. He indicated that looking at the statute there is some language that needs to be updated. He did not believe that some of the language was in

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conformity within the statute. Also, there should be no adoption at this meeting of the changes. The suggested changes should be reviewed and give the Commission an opportunity to make further comments, discuss, so this can be an ongoing process as long as there is a finality in the near future.

Member TUCKFIELD commented on Article III, item c, the Annual Report and felt this would be a very good tool and needs to be added.

Dave Scurto, Planning Consultant, stated the Annual Report is required per PA 33 of 2008 which is the Michigan Enabling Act.

Member SCIUTO asked who would be responsible for preparing the report.

Dave Scurto, Planning Consultant, stated that it would come from the secretary.

Member Spatafora stated he would like to see Township Legal Counsel, Ben Aloia's comments, revisions and updates and believed that they would guide us along with the comments from the other commissioner's. Lastly, if a motion was required he would be willing to make that motion to postpone till the next meeting.

**MOTION by SPATAFORA seconded by TUCKFIELD to table the discussion of the By-Laws till March 16, 2021 to allow Planning Commission members to submit their comments to the Township as well as the township attorney to review thoroughly and come back with any comments and recommendations.**

**FOR THIS MOTION**

**AYES: SPATAFORA, TUCKFIELD, PROVENZANO, SCIUTO, HARDY,  
OLIVER, BENTLEY.**

**NAYS: NONE.**

**ABSENT: NONE.**

**MOTION carried.**

**B. Meeting Time**

Josh Bocks, Planning Director, stated the new Township Supervisor, Mr. Viviano had decided to change the Township Board meeting time to 6:30 p.m. from 7:00 p.m. He then stated that each board can set their own start time. Lastly, he noted that the Zoning Board of Appeals had previously met at 5:00 p.m. so there is obviously plenty of lead way with a starting time.

Member OLIVER reiterated what had been stated by Josh Bocks and that he could accommodate the 6:30 p.m. meeting time. That time should be decided upon unanimously.

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Member PROVENZANO stated he would accommodate the meeting time being changed to 6:30 p.m.

Member SPATAFORA stated he was also willing to accommodate the start time at 6:30 p.m.

Member SCIUTO stated he believed that 6:30 p.m. would be a perfect time to start the meeting.

Member TUCKFIELD highlighted the negative effects he experienced with the Zoning Board of Appeals starting at 5:00 p.m. He stated his concern with starting at 6:30 p.m. with those who work an average work day ending at approximately 5:00 p.m. - 5:30 p.m. He suggested leaving the meeting at 7:00 p.m. whereas the Township Board of Trustees is more of an executive business meeting. Lastly, he stated that we should be careful since we could affect the residents if we aren't careful.

Member OLIVER asked Member TUCKFIELD if he had any concerns with the residents from when the meetings started at 5:00 p.m.

Member TUCKFIELD stated definitively so. The start time at 5:00 p.m. is before most people get off work and that they would have to take time off from work to attend the meeting.

Ben Aloia, Township Legal Counsel, stated that he believed the intent of starting the meeting earlier was that should there be a longer meeting that would allow more township employees to attend making it a shorter day for them and obviously less pay.

Member TUCKFIELD stated that the Township Board of Trustees is more of an executive board where as the Planning Commission and the Zoning Board of Appeals is more of a participatory body to take that away from the Township Board of Trustees.

Josh Bocks, Planning Director, stated that the time selected can always be changed should it be found that the time is not effective.

**MOTION by SPATAFORA seconded by PROVENZANO to change the scheduled meeting time for the Planning Commission meeting from 7:00 p.m. to 6:30 p.m. until further notice.**

**FOR THIS MOTION**

**AYES: SPATAFORA, PROVENZANO, SCIUTO, OLIVER, BENTLEY, HARDY.**

**NAYS: TUCKFIELD.**

**ABSENT: NONE.**

**MOTION carried.**

C. Sign Ordinance

Josh Bocks, Planning Director, stated this has been an ongoing review process since the day he started. He went on to state that he has been working with Dave Scurto, Planning Consultant and the Building Department to receive various input as they are the ones that would have to enforce the ordinance.

Dave Scurto, Planning Consultant, stated there had been a case in Arizona that the US Supreme Court ruled on regarding signage. He noted that the first directive of reviewing the sign ordinance was to bring it into compliance with the US Supreme Court decision. He highlighted the markup that had been prepared and presented to the Planning Commission members. Lastly, he noted that there is a final draft that is in the process of being prepared.

Ben Aloia, Township Legal Counsel, stated he would like an opportunity to meet with those involved to review the amendments and since a total revision of the sign ordinance is being made that the best product available which is in compliance with all laws.

Chairman HARDY asked how much would be needed.

Ben Aloia, Township Legal Counsel, stated he could give an update on the 16<sup>th</sup> of March but that it would not be completed at that time. Perhaps within the next couple of months there should be a final product.

Member TUCKFIELD stated he appreciated the work that has been done.

Member BENTLEY stated he had reviewed the proposed amendments and had questions and comments that he would write down and submit to the department.

Discussion was held on bringing conformity within the community along with having the sign ordinance being located within one section of the ordinance to eliminate the cross reference.

**MOTION by TUCKFIELD seconded by SPATAFORA to table discussion of the sign ordinance to March 16, 2021 to allow Ben Aloia, Township Legal Counsel, an opportunity to communicate his findings with the staff and to prepare another draft of the sign ordinance.**

**FOR THIS MOTION**

**AYES: TUCKFIELD, SPATAFORA, OLIVER, BENTLEY, HARDY,  
PROVENANZO, SCIUTO.**

**NAYS: NONE.**

**ABSNET: NONE.**

**MOTION carried.**

D. TND Ordinance Review

Josh Bocks, Planning Director, stated this was the language for the Town Center as well as for Section 9. He noted that it is unique in that the development for this section does not come before the Planning Commission but that it goes to the Town Center Committee. However, the Planning Commission guides the language that controls what the Town Center Committee can and can't approve/require. He stated that one of the items that may be stifling the development may be how restrictive some of the requirements are architecturally and making it very difficult for the builders to compliant. He stated the intention of the proposed amendments were to make it user friendly and developer friendly without comprising the look and feel that is trying to be created in the Town Center area.

Dave Scurto, Planning Consultant, stated the Building Department is the enforcer of this ordinance and they often have questions interpreting the code. In addition, there is a regulating plan that isn't being adhered to and have decided to open it up.

Member TUCKFIELD asked if there had been any conversation on a broader sense about the organization of how this is looked at as far as the approving body. It seems strange that this would go to a different committee as asked if there is specific reason that it occurs this way.

Dave Scurto, Planning Consultant, stated that questions have been asked but have never found answers as to why its structured this way, although there are other specialty zones that are handled this way.

Member TUCKFIELD stated we should be either be approving the code and recommending approval for the development as we do elsewhere or we should not be looking at the codes or developments as all.

Josh Bocks, Planning Director, stated he has had conversation with the Township Supervisor and that he is interested in changing the ordinance.

Member SPATAFORA asked Member OLIVER if he remembered how the Town Center Committee came about or how they were given any authority to come up with the rules versus the Planning Commission or the Township Board.

Member OLIVER replied there were a lot of different moving parts with the Town Center being so new. It felt that perhaps the Township Supervisor felt it was better to keep some thing in house to keep better track. He went on to indicate that there was no intention to deny boards, but that because it was such a specific zoning with so many different rules and the complexity of it that may be the reasoning behind it.

Ben Aloia, Township Legal Counsel, suggested that no action be taken at this time that it is a point of information from Mr. Scurto that its being discussed. After further analysis of the ordinance that it come back for a suggested review by the Planning Commission.

E. Other Proposed Ordinance Amendments

Josh Bocks, Planning Director, reviewed the list that had been prepared and stated that some of the them may not be looked at until after the Master Plan is adopted. (Swimming pools, 3:1 ratio and 2 ½ story height)

F. Master Plan Update/Discussion

Josh Bocks, Planning Director, stated the northeast portion of the township had been discussed quite a bit during the Master Plan update meeting and how it would be developed along with the sewer capacity provided. In addition, Macomb County as a whole is almost at capacity with the industrial land and we are currently being tasked as to where to add any industrial zones into our Township. He noted that its difficult to move into an existing residential area and start zoning property industrial. The current thought is to locate it along 26 Mile Road and it would allow for some additional density in the northeast portion of the township.

Member TUCKFIELD asked what section of 26 Mile Road.

Josh Bocks, Planning Director, stated from Luthman Road to North Avenue which is largely undeveloped at this point.

He also indicated they were looking at a mixed-use zone instead of the PUD (Planning Unit Development) process. In addition to having the flexibility within the shopping center code to allow different uses going in there to possibly allow for more traditional office use which will eliminate some of the vacancy and to make them productive uses again.

Discussion was held on e-commerce users.

**7. OLD BUSINESS**

None.

**8. PUBLIC COMMENTS ON NON-AGNEDA ITEMS**

None.

**9. COMMISSIONER COMMENTS**

Member SCIUTO recommended to Josh Bocks, Planning Director, that the website be checked and verified for the new start time of 6:30 p.m. for the Planning Commission meetings.

He also questioned Ben Aloia, Township Legal Counsel, on the process of Consent Judgments.

Member PROVENZANO asked when the Planning Commission would start meeting at 6:30 p.m.

Josh Bocks, Planning Director, stated the meeting of March 16, 2021.

#### **10. MACOMB TOWNSHIP BOARD OF TRUSTEES LIAISON UPDATE**

Member OLIVER stated the Board of Trustees has changed their start time to 6:30 p.m. however, the bigger point of interest is the sewer line that will be coming through the community being headed by Macomb County at that it will be a big benefit to the township.

#### **11. ZBA LIAISON UPDATE**

Member TUCKFIELD stated Board had their election and the current slat had been re-elected.

#### **12. PLANNING DEPARTMENT ITEMS**

Josh Bocks, Planning Director, stated he is pushing forward with the amendments and that the department vacancy will hopefully be filled after the next Township Board meeting.

Chairman HARDY thanked Ben Aloia, Township Legal Counsel, for being in attendance and being an active participant.

#### **14. ADJOURNMENT**

**MOTION by SCIUTO seconded by SPATAFORA to adjourn the Planning Commission meeting at 9:05 p.m.**

#### **FOR THIS MOTION**

**AYES: SCIUTO, SPATAFORA, PROVENZANO, OLIVER, BENTLEY, HARDY, TUCKFIELD.**

**NAYS: NONE.**

**ABSENT: NONE.**

**MOTION carried.**



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Respectfully submitted,

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Michael Hardy, Chairman

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Richard Bentley, Secretary

Beckie Kavanagh, Recording Secretary