

CHARTER TOWNSHIP OF HARRISON
HARRISON TOWNSHIP, MICHIGAN 48045
PLANNING COMMISSION MINUTES
THURSDAY, NOVEMBER 15, 2007 – 7:00 P.M.
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A regular meeting of the Harrison Township Planning Commission was held on **Thursday, November 15, 2007 at 7:00 PM** in Rosso Memorial Hall located at 38255 L'Anse Creuse, Harrison Township, Michigan 48045.

A. CALL MEETING TO ORDER:

Chairman Tomenello called the meeting to order at 7:00 p.m.

B. ROLL CALL:

PRESENT: Members Mark Bacha, Bill Fowke, Doug McDougal, Michael Rice, John Swiatkowski, Maria Zingas and Chairman Lawrence Tomenello

ALSO PRESENT: Maryanne Deneweth - Township Attorney
Patrick Meagher -Township Planner
Matt Mitchell – Township Engineer
Cynthia Chambos – Recording Secretary

C. APPROVAL OF AGENDA:

Motion by Member Swiatkowski supported by Member Rice to approve the Agenda as presented.

<u>Roll Call Vote:</u>	Member Swiatkowski	Yes
	Member Rice	Yes
	Member Bacha	Yes
	Member Fowke	Yes
	Member McDougal	Yes
	Member Zingas	Yes
	Chairman Tomenello	Yes

Motion Carried.

D. (1) APPROVAL OF MINUTES: September 20, 2007

Motion by Member Rice supported by Member Zingas to approve the meeting minutes of September 20, 200, as amended with changes to page 11.

<u>Roll Call Vote:</u>	Member Rice	Yes
	Member Zingas	Yes
	Member Bacha	Yes
	Member Fowke	Yes
	Member McDougal	Yes
	Member Swiatkowski	Yes
	Chairman Tomenello	Yes

Motion Carried.

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D. (2) **APPROVAL OF MINUTES:** October 25, 2007

Motion by Member **Swiatkowski** supported by Member **Fowke** to approve the meeting minutes of October 25, 2007 as presented.

<u>Roll Call Vote:</u>	Member Swiatkowski	Yes
	Member Fowke	Yes
	Member Bacha	Yes
	Member McDougal	Yes
	Member Rice	Yes
	Member Zingas	Yes
	Chairman Tomenello	Yes

Motion Carried.

E. **APPROVAL OF WORKSHOP MINUTES:** November 1, 2007

Motion by Member **McDougal** supported by Member **Zingas** to approve the Workshop meeting minutes of November 1, 2007 as presented.

<u>Roll Call Vote:</u>	Member McDougal	Yes
	Member Zingas	Yes
	Member Bacha	Yes
	Member Fowke	Yes
	Member Rice	Yes
	Member Swiatkowski	Yes
	Chairman Tomenello	Yes

Motion Carried.

F. **HEARINGS AND REVIEWS**

- 1) **Case #28-07-APPEAR:** Appearance Review – Byron Kalia, 41344 Belvidere Harrison Twp, MI 48045
Property in Question: 37914 and 37934 Jefferson Harrison Twp, MI 48045 (Zoned R-1-D)
Proposed name of project: Jimmy's Boats & Baits
Proposed Rehabilitation of the former Jimmy's Boat Livery and adjacent house for continued use and occupancy.
(1) 37914 Jefferson, Harrison Twp, MI 48045,
Property #9-0100-0085-00
(2) 37934 Jefferson, Harrison Twp, MI 48045,
Property #0830-0023-00, Sidwell #12-20-454-001
Lot 24, Siesta Park Subdivision, Harrison Twp, MI 48045

Byron Kalia, applicant, was present to address his project. Mr. Kalia is seeking approval for continued use and occupancy of the former Jimmy's Boat Livery. The use will still be the same. It is approximately ninety-eight (98%) percent finished. Mr. Kalia expects the final inspections to be done within the new few weeks. He is not anticipating changing the parking.

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There was a brief discussion between the applicant and Commission members relative to the work that has been done as to date, any ground water contamination, and the nice job he has done cleaning the place up and the Planner's comments.

Chairman Tomenello asked if there were any other questions from the Commissioners and hearing none asked for a motion on this case.

Motion by Member Zingas and supported by member McDougal to approve Case #28-07-APPEAR Appearance Review – Byron Kalia, 41344 Belvidere, Harrison Twp, MI 48045, Property in Question: 37914 and 37934 Jefferson, Harrison Twp, MI 48045 (Zoned R-1-D), Proposed name of project: Jimmy's Boats & Baits, Proposed Rehabilitation of the former Jimmy's Boat Livery and adjacent house for continued use and occupancy, subject to the following:

- 1) **Approval for the business to practice what the previous owner used to practice and previous uses on the site.**
- 2) **No site improvements without returning to the Planning Commission for site plan approval.**

<u>Roll Call Vote:</u>	Member Zingas	Yes
	Member McDougal	Yes
	Member Bacha	Yes
	Member Fowke	Yes
	Member Rice	Yes
	Member Swiatkowski	Yes
	Chairman Tomenello	Yes

Motion Carried.

- 2) **Case #30-07-APPEAR: Appearance Review – Lan Lozon – Land & Lake Realty
36647 Jefferson, Harrison Twp, MI 48045 (Zoned B-3)
Proposed storage shed (10' x 12') and building (40' x 60')
Property #0500-0001-00, Sidwell #17-12-30-203-036**

Chairman Tomenello stated to the Commission that a letter was received from the applicant requesting to be tabled. Chairman Tomenello asked the Commission to table this date specific to the January Planning Commission meeting and requested a full site plan review on the larger building.

Motion by Member Swiatkowski supported by Member Rice to table Case #30-07-APPEAR, Appearance Review – Lan Lozon – Land & Lake Realty, 36647 Jefferson, Harrison Twp, MI 48045 (Zoned B-3), Proposed storage shed (10' x 12') and building (40' x 60'), Property #0500-0001-00, Sidwell #17-12-30-203-036, date specific to the January 17, 2007 Planning Commission meeting.

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<u>Roll Call Vote:</u>	Member Swiatkowski	Yes
	Member Rice	Yes
	Member Bacha	Yes
	Member Fowke	Yes
	Member McDougal	Yes
	Member Zingas	Yes
	Chairman Tomenello	Yes

Motion Carried.

- 3) **Case #29-07-S:** **Site Plan Review – Huron-Clinton Metropolitan Authority
13000 High Ridge Drive, Brighton, MI 48114
Property in Question: Metro Beach Metropark (Zoned R-1-D)
Proposed Golf Starter/Group Rental Development
Proposed Type of Use: Construct new picnic shelter and replace
golf starter/restroom within Metro Beach Metropark
Property #0735-0001-00, Sidwell #12-21-400-001.**

Mr. Jim Kropp was present to address the project. The Metropark is proposing to replace two older buildings – the comfort station and golf building and make into one building with a covered picnic area, and relocate the group rental closer to the parking lot and restrooms. They will still be similar in color and façade. The older buildings will be demolished. The intent is to put in a new comfort station out on the point in the future.

A brief discussion ensued between Commissioners and the applicant relative to location of buildings, the landscape plan, the floodplain elevation, the Chief's review, the Planner's review and also the Engineer's reviews. Each review has been addressed and new prints were submitted.

Mr. Kropp stated the Metropark will be replacing the marine, updating the parking lot and adding storm water retention facilities. These will all be addressed within the next few years as they have been granted quite a bit of money to update this older Metropark.

Chairman Tomenello asked if there were any other questions from the Commission and hearing none asked for a motion.

Motion by Member Zingas supported by Member Rice to approve Case #29-07-S, Site Plan Review – Huron-Clinton Metropolitan Authority, 13000 High Ridge Drive, Brighton, MI 48114, Property in Question: Metro Beach Metropark (Zoned R-1-D), Proposed Golf Starter/Group Rental Development, Proposed Type of Use: Construct new picnic shelter and replace golf starter/restroom within Metro Beach Metropark, Property #0735-0001-00, Sidwell #12-21-400-001, subject to the following:

- 1) **Approve to demolish existing restroom building and existing starter building.**
- 2) **Replace the joint use and pavilion with five (5) tables.**
- 3) **Demolish the existing group rental, restrooms and concession building.**
- 4) **Replace near tennis courts and north golf starter area.**

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5) Revisions submitted as of October 4, 2007 and November 7, 2007.

<u>Roll Call Vote:</u>	Member Zingas	Yes
	Member Rice	Yes
	Member Bacha	Yes
	Member Fowke	Yes
	Member McDougal	Yes
	Member Swiatkowski	Yes
	Chairman Tomenello	Yes

Motion Carried.

G. PUBLIC HEARINGS:

4) Propose text Amendment to the Charter Township of Harrison Zoning Ordinance No. 306

- A) To amend Article 9 of the Charter Township Zoning Ordinance by providing for the adoption of new provisions applicable to Residential District – Accessory Buildings.
- 1) Amendment to Ordinance, Article 9, Section 9.00 (A). Accessory Buildings – Deletions and Additions of Text.

Chairman Tomenello then opened up the public hearing to the audience. He asked if there was anyone who would like to discuss or comment on this amendment. Hearing none or seeing none, he brought the discussion back to the Commission. Hearing no discussion from the Commission, he asked for a motion to close the public hearing.

Chairman Tomenello asked for a motion to open the Public Hearings to the public for comments.

Motion by Member McDougal supported by Member Swiatkowski to open the public hearing.

Ayes: 7 Nays: 0 Motion Carried.

Chairman Tomenello then opened up the public hearing to the audience. He asked if there was anyone who would like to discuss or comment on this amendment. Hearing none or seeing none, he brought the discussion back to the Commission. Hearing no discussion from the Commission, he asked for a motion to close the public hearing.

Motion by Member McDougal supported by Member Swiatkowski to close the public hearing.

Ayes: 7 Nays: 0 Motion Carried.

Chairman Tomenello requested a motion to invoke the three-quarter (3/4) rule. This will give the Commission the authority to vote on this motion tonight to send a recommendation to the Board of Trustees.

Motion by member McDougal supported by Member Bacha to invoke the three-quarter (3/4) rule.

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<u>Roll Call Vote:</u>	Member McDougal	Yes
	Member Bacha	Yes
	Member Fowke	Yes
	Member Rice	Yes
	Member Swiatkowski	Yes
	Member Zingas	Yes
	Chairman Tomenello	Yes

Motion Carried.

Chairman Tomenello requested a motion from the Commission for a recommendation or denial, on this issue, at this time.

A lengthy discussion ensued between the Commissioner's and Patrick Meagher relative to the changes made in the Article and garage door height.

Chairman Tomenello asked if there was any further discussion on this issue and also requested a motion on the issue

Motion by Member McDougal supported by Member Bacha to recommend to the Township Board of Trustees to approve this draft of Ordinance Article 9, Section 9.00 (A), Accessory Buildings – especially the stated change to paragraph 18 which provides the following:

“The applicant shall submit recordable deed restrictions which prohibit use of the accessory buildings for business purposes or as residential dwellings”.

<u>Roll Call Vote:</u>	Member McDougal	Yes
	Member Bacha	Yes
	Member Fowke	Yes
	Member Rice	Yes
	Member Swiatkowski	Yes
	Member Zingas	Yes
	Chairman Tomenello	Yes

Motion Carried.

H. UNFINISHED BUSINESS:

- 5) **Case #12-07-S:** **Site Plan Review – West marine, Ron Jona & Associates
30060 South River Road, Harrison Twp, MI 48045 (Zoned B-3)
Proposed Marine Business, Lots 164, 165 and 166 of Warren
Park Subdivision, Property #1290-0145-00, Sidwell #12-16-
157-003, Lot #163 of Warren Park Subdivision, Property
#1290-0144-00, Sidwell #12-16-157-019 (Tabled from the
August 16, 2007 Planning Commission Meeting to apply to
the Zoning Board of Appeals and return to the Planning
Commission date specific November 15, 2007).**

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Chairman Tomenello gave a brief background on this case. He stated that Mr. Jona has gone to the Zoning Board of Appeals and has supplied the Commission tonight with communication tonight to table his case date specific to December 13, 2007. We have received all the necessary correspondence to place him on that agenda and I would make a recommendation and ask for a motion to table this date specific to the December 13, 2007 Planning Commission meeting.

Motion by Member Swiatkowski supported by Member McDougal to table Case #12-07-S, Site Plan Review – West marine, Ron Jona & Associates, 30060 South River Road, Harrison Twp, MI 48045 (Zoned B-3), Proposed Marine Business, Lots 164, 165 and 166 of Warren Park Subdivision, Property #1290-0145-00, Sidwell #12-16-157-003, Lot #163 of Warren Park Subdivision, Property #1290-0144-00, Sidwell #12-16-157-019, date specific to December 13, 2007.

<u>Roll Call Vote:</u>	Member Swiatkowski	Yes
	Member McDougal	Yes
	Member Bacha	Yes
	Member Fowke	Yes
	Member Rice	Yes
	Member Zingas	Yes
	Chairman Tomenello	Yes

Motion Carried.

- 6) **Case #22-07-S:** **Site Plan Review – Gloucester on the Clinton
31865 South River Road, Harrison Twp, MI 48045 (Zoned WF)
Proposed Marina Update
Lot #1 - Gloucester on the Clinton Subdivision and
Lot #1 – St. Clair Haven Subdivision
Property #0730-0001-00, Sidwell #12-15-301-010**

Chairman Tomenello gave a brief explanation of what was requested from this petitioner relative to an easement on South River Road. He then read the motion from a previous meeting. Petitioner did what was asked and provided the proper paperwork from the Macomb County Road Commission.

A brief discussion ensued among the Commissioners, Counsel, and Planner relative to this paperwork and road issues.

Motion by Member McDougal supported by Member Rice to accept the contents of the letter dated November 5, 2007 from the Board of Macomb County Road Commission, addressed to the Planning Commission and signed by Mr. Robert Hoephner. This will satisfy the requirement in Member McDougal's motion, in the Planning Commission meeting minutes of August 16, 2007, which required obtaining an easement for access to South River Road.

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<u>Roll Call Vote:</u>	Member McDougal	Yes
	Member Rice	Yes
	Member Bacha	Yes
	Member Fowke	Yes
	Member Swiatkowski	Yes
	Member Zingas	Yes
	Chairman Tomenello	Yes

Motion Carried.

- 7) **Case #23-06-SLU:** **Site Plan and Special Land Use – River Bay Gardens Condominiums, Village Building South, Mike Mattera**
Proposed 32 Unit C luster Residential Housing Development
South of Emerick, East of Jefferson, Between Metro Parkway
and South River Road (Zoned R-1-D)
A vacant parcel of land in the Township, part of Private Claims
238 and 319, Described as Lots 150-156, 225-230, 273-289,
258-374, and 410-426 of Riverside Bay Gardens Subdivision
(Tabled Date Specific from the October 25, 2007 Planning
Commission Meeting to November 15, 2007 to allow applicant to
apply to the Tech Team).

Chairman Tomenello stated to the Commission that a letter was received from the applicant requesting to be tabled to the December 13, 2007 meeting. This applicant has not submitted the appropriate paperwork at this time. Chairman Tomenello requested a motion to table this to the January 17, 2008 Planning Commission meeting.

A brief discussion ensued between Commissioners and Planner relative to this case and issues involved in the case.

Motion by Member McDougal supported by Member Zingas to table Case #23-06-SLU, Site Plan and Special Land Use – River Bay Gardens Condominiums, Village Building South, Mike Mattera, Proposed 32 Unit C luster Residential Housing Development, South of Emerick, East of Jefferson, Between Metro Parkway and South River Road (Zoned R-1-D), A vacant parcel of land in the Township, part of Private Claims 238 and 319, Described as Lots 150-156, 225-230, 273-289, 258-374, and 410-426 of Riverside Bay Gardens Subdivision, date specific to January 17, 2008, subject to the following:

With a recommendation that the Chair request the Recording Secretary, Cynthia Chambos, to write the applicant a letter indicating that the Planning Commission expects them to clear their Tech Team matters by January 17 2008, and give them specific dates as to when these meetings will occur.

It was noted by the Commission, as a courtesy to the public, to put this item first on the agenda.

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<u>Roll Call Vote:</u>	Member McDougal	Yes
	Member Zingas	Yes
	Member Bacha	Yes
	Member Fowke	Yes
	Member Rice	Yes
	Member Swiatkowski	Yes
	Chairman Tomenello	Yes

Motion Carried.

8) Proposed Text Amendment to the Charter Township of Harrison Zoning Ordinance No. 306.

- A) To amend Article 7 of the Charter Township Zoning Ordinance by providing for the adoption of new Performance Bond Requirements and Procedures to ensure the faithful completion of improvements, return of security and/or security posted.
- 1) Amendment to Article 7, Deletion of Section 7.03 (4)
 - 2) Amendment to Article 7, Creation of Section 7.04 – Performance Guarantee
 - 3) Amendment to Article 7, Creation of Section 7.05 – Procedure

Chairman Tomenello gave a brief overview of what was discussed relative to this Ordinance at the Commission's previous meeting in October. At this time, it is up to the Commission to provide comment, have discussion, and send recommendation or denial of this Ordinance, to the Township Board of Trustees.

Member McDougal had a few of his thoughts on this Ordinance and the twenty (20%) administrative fee.

A brief discussion ensued amongst Commissioners relative to the administrative fees.

Motion by Member McDougal supported by Member Rice to table Proposed Text Amendment to the Charter Township of Harrison Zoning Ordinance No. 306, to amend Article 7 of the Charter Township Zoning Ordinance as amended, for further clarification, date specific to December 13, 2007, subject to the following:

Based on conversation at this meeting tonight, per Mr. Meagher and Counsel, to go back and either make some changes along with our comments made tonight or give us some written direction as to the reasons why this Ordinance has to be written the way it is and what their goal is with it.

<u>Roll Call Vote:</u>	Member McDougal	Yes
	Member Rice	Yes
	Member Bacha	Yes
	Member Fowke	Yes
	Member Swiatkowski	Yes
	Member Zingas	Yes
	Chairman Tomenello	Yes

Motion Carried.

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9) Proposed Text Amendment to the Charter Township of Harrison Zoning Ordinance No. 306.

- A) To Amend Article 15 of the Charter Township Zoning Ordinance by providing for the adoption of new Emergency Powers vested to the Supervisor to issue temporary approval of Temporary Structures and Procedures to ensure the final approval by the Zoning Board of Appeals.

Chairman Tomenello gave a brief overview of what was discussed relative to this Ordinance at the Commission's previous meeting in October. At this time, it is up to the Commission to provide comment, have discussion, and send recommendation or denial of this Ordinance, to the Township Board of Trustees.

Member McDougal had concerns with the way some of the items were written and voiced his opinion on these issues.

A lengthy discussion ensued between Commissioners relative to the Temporary Structures Ordinance.

Motion by Member Rice supported by Member Bacha to table Proposed Text Amendment to the Charter Township of Harrison Zoning Ordinance No. 306, to amend Article 15 of the Charter Township of Harrison Zoning Ordinance as amended, for further clarification, date specific to February 21, 2008, subject to the following:

- 1) **Based on the need for further discussion and knowledge. Member Rice will discuss this with the Township Board of Trustees, Fire Chief and Water/Sewer Department.**
- 2) **Member Rice will give recommendations to our Township Counsel.**
- 3) **Counsel will provide some amendments to Section 15.05.**

<u>Roll Call Vote:</u>	Member Rice	Yes
	Member Bacha	Yes
	Member Fowke	Yes
	Member McDougal	Yes
	Member Swiatkowski	Yes
	Member Zingas	Yes
	Chairman Tomenello	Yes

Motion Carried.

I. NEW BUSINESS:

- 10) **Meeting date change – from December 20, 2007 to December 13, 2007.**

Motion by Member McDougal supported by Member Fowke to cancel our December 20, 2007 meeting and reschedule to December 13, 2007.

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<u>Roll Call Vote:</u>	Member McDougal	Yes
	Member Fowke	Yes
	Member Bacha	Yes
	Member Rice	Yes
	Member Swiatkowski	Yes
	Member Zingas	Yes

Motion Carried.

Motion by Member McDougal supported by Member Rice to provide and authorize the Chairman, along with our Recording Secretary, to schedule additional meetings, if necessary, during the first few months of 2008, based on member availability.

<u>Roll Call Vote:</u>	Member McDougal	Yes
	Member Rice	Yes
	Member Bacha	Yes
	Member Fowke	Yes
	Member Swiatkowski	Yes
	Member Zingas	Yes
	Chairman Tomenello	Yes

Motion Carried.

J. CORRESPONDENCE:

- 11) **Receive and file information from the City of Mount Clemens.**
- 12) **Receive and file information from Vijay Parakh relative to updating the Ordinance Book for Harrison Township.**

K. COMMENTS FROM THE PLANNER:

Patrick Meagher, Planner, had a few comments on the Seasonal Ordinances amendment and updated the Commissioner's relative to those changes.

L. COMMENTS FROM THE FLOOR:

Member Zingas gave a brief update from the Zoning Board of Appeals meeting that was held the previous evening, November 14, 2007, relative to the Winowski case on South River Road. The following issues were addressed:

- 1) The case was tabled because there was not a full Board.
- 2) The Board has concerns relative to the safety of the construction of the house. We requested the applicant to work more closely with the Building Official and get some plans in order along with all permits being pulled and having required inspections done.
- 3) The case will be re-heard on December 11, 2007.

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M. **NEXT MEETING:** December 13, 2007 at 7:00 pm in Rosso Hall.

N. **ADJOURNMENT:**

Motion by Member **McDougal** supported by Member **Swiatkowski** to adjourn the meeting at 9:15 p.m.

Ayes: 7,

Nayes: 0

Motion Carried.

Mark Bacha, Secretary
Harrison Township Planning Commission

Cynthia Chambos, Recording Secretary