

CLINTON TOWNSHIP BOARD OF APPEALS

REPORT OF MEETING

WEDNESDAY, MARCH 21ST, 2018

PRESENT: Francis Marella, Chairperson
James D'Angelo, Vice-Chairperson
Robert M. Campbell, Secretary
Kenneth Pearl
Denise C. Trombley

ABSENT: Ernest Hornung (Excused)

STAFF: Carlo Santia, Director
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

The meeting was called to order at 6:30 p.m.

APPROVAL OF AGENDA

Motion by Mr. Campbell, supported by Mr. D'Angelo, to approve the agenda as submitted. Motion carried.

Mr. Marella explained the parameters under which this Board can act and how the public hearing will be conducted. He further explained that, as stipulated in the Township Ordinances, all variances granted by the Board of Appeals are subject to several standard conditions as follows: 1) The petitioner must comply with all applicable requirements of Township ordinances; 2) The project work requiring the variance must be completed within two years of the date that the variance was granted; 3) The project work must be completed substantially in accordance with the plans submitted to the Board of Appeals; and 4) The variance is valid only for the useful life of any structure(s) on the property for which variance is granted.

1.07 ACRES OF LAND FRONTING THE SOUTH LINE OF HALL ROAD (M-59), WEST OF ELIZABETH ROAD, ADDRESSED AS 22050 HALL ROAD (SECTION 3)

- APPEAL: McDONALD'S RESTAURANT

FILE #18-6810: PETITIONED BY MR. PATRICK STIEBER, ALLIED SIGNS

Mr. Campbell summarized the variance being requested and read the Planner Review letter dated March 7th, 2018 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 10 owners and/or occupants of property located within 300 feet of the land in question, with one of those returned as undeliverable. He added that there were no written replies in response to the mailing.

Mr. Patrick Stieber, 33650 Giftos Drive, Clinton Township, Michigan 48035, explained they are seeking a variance to allow an additional wall sign on the west elevation of the building. This is another McDonald's location that is going through a remodel. The proposed sign is 14 square feet, which keeps the combined total square footage of signage well below what they are allowed. He stated they have 48 square feet and are allowed 75 square feet. He noted they eliminated some other signs from the building, so there are less signs than they previously had. They feel what they are proposing fits in with the architecture of the building, and it matches some of the other McDonald's locations that have been renovated. Mr. Stieber claimed there is a lack of identification for this site, and adding this sign, being under the square footage, is not excessive.

Mr. Pearl inquired as to whether this is adjacent to C.J. Barrymores.

Mr. Stieber replied affirmatively. He replied to further inquiry that they are doing a total interior upgrade, with a face lift to the exterior, although he noted the exterior will not have many structural changes. They will have new signs, new drive-thru elements, including an upgrade of the menu boards and digital boards.

Mr. Pearl stated he has no objection to the request because their total combined square footage of the signs is less than what would be permitted for the one sign. He did not feel the sign will be visible from Hall Road, but it may be visible from C.J. Barrymores.

Motion by Mr. Campbell, supported by Mr. Pearl, with reference to File #18-6810 and application from Mr. Patrick Stieber, Allied Signs, Inc., 33650 Giftos, Clinton Township, Michigan 48035, for variance to Clinton Township Building and Housing Code, Chapter 1488.02-(e)-(2), Signs, DEFINITIONS AND RESTRICTIONS, "Business sign", concerning 1.070 acres of land fronting the south line of Hall Road (M-59), west of Elizabeth, addressed as 22050 Hall Road (Section 3), that variance be granted to permit the installation of one (1) additional wall sign for a business located in the B-3 General Business District (McDonald's Fast Food Restaurant), being one (1) wall sign in excess of the maximum permitted one (1) wall sign; further, this grant of variance is based on claimed hardship that the petitioner is looking for representation and identification of the building on all sides, and the total combined square footage of the two (2) signs does not exceed what would be allowed for one (1) sign; further, this grant

of variance is contingent upon compliance with all other requirements of Township ordinances. Discussion ensued.

Mr. Marella inquired as to the age of the subject building.

Mr. Stieber replied it has been there for quite a long time, estimating it may be twenty years old.

Roll Call Vote: Ayes – Campbell, Pearl, Trombley, D’Angelo, Marella. Nays – None. Absent – Hornung. Motion carried.

LOTS 20 THROUGH 23, MEADOWS SUBDIVISION, BEING 2.59 ACRES OF VACANT LAND FRONTING THE NORTH LINE OF IROQUOIS, BETWEEN NORTHBOUND AND SOUTHBOUND GRATIOT (SECTION 23 / P.C. 138)

**- APPEAL: MAXI-MINI STORAGE (AKA TAYLEY STORAGE)
FILE #18-6811: PETITIONED BY MR. KEN ZIELKE, TAYLEY STORAGE
REPRESENTED BY MR. GARY GENDERNALIK, MUSILLI BRENNAN ASSOC.**

Mr. Campbell summarized the variance being requested and read the Planner Review letter dated March 7th, 2018 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 60 owners and/or occupants of property located within 300 feet of the land in question, with 17 of those returned as undeliverable. There were no written responses to the mailing.

Mr. John Monte, of Project Control Engineering, 2420 Pointe Tremble Drive, Algonac, Michigan, on behalf of Mr. Ken Zielke, the owner, who was unable to attend this evening. He explained they are seeking two variances, with the first being a front yard setback variance along Iroquois. They meet the front yard setbacks on both northbound and southbound Gratiot, but on Iroquois, they do not meet the setback from the parking, which is 10-1/2 feet off of the right-of-way line, which still allows them room for some nice landscaping. He claimed their practical difficulty is the shape of the parcel, which is very long and narrow. It has three road frontages, along with two existing utility easements across the property at two different locations. He estimated he has designed approximately a dozen mini-storage facilities and one of the key elements is that the buildings must measure 30 feet in width. He explained that is a standard in the industry, so they have tried to position these buildings on the site, but with the easements, the front yard setbacks having to be met on all sides, the width of the property and all of the requirements for the maneuvering lanes, it left them short of meeting the front yard setback on Iroquois. He pointed out that the owner of this property owns the property on both sides of Iroquois, and they were previously here to develop the other side of the street, noting they are the only owners on that street between northbound and southbound Gratiot. Mr. Monte stated that, for this owner to remain competitive in the market with this style of building, they are seeking the requested variances.

Mr. Campbell stated he is puzzled as to what has occurred and what the petitioner is seeking. In looking at the buildings as they were built, reading the application and reading the minutes of September 2016, when the previous variances were granted, he would like clarification. He questioned the definition of an “architectural panel”. He noted the application refers to a variance request to allow architectural panels like they had in the first phase, but there was no variance or discussion about architectural panels in 2016. He questioned whether those were added or the plans were changed to include those after the Board of Appeals meeting in September 2016. Mr. Campbell stated he could not gain access to the storage facility on the other side of Iroquois, but it appeared as though there is metal or plastic siding on the ends of the buildings facing the roads. He recalled during the discussion in 2016, it was indicated that there would be decorative block on the portions of the buildings visible from the road. He only noticed one building with the decorative block, which appeared to be the main office. He stated he has no issue with the requested setback variance, but he could not see a good argument for why the decorative block with brick cannot be used, as specified in the ordinance.

Mr. Monte apologized for addressing just one of the variance requests. He noted the previous variance mentioned a mixture of decorative block on the walls facing the road frontages, along with metal panels. He stated architectural panels were actually installed in lieu of the metal panels, and they look like they are made of a stucco material. He pointed out that there was metal used on the interior buildings, but the outside had the decorative architectural panels. He explained these panels are only about one foot in width because the buildings are primarily comprised of doors.

Mr. Campbell commented that the petitioner did not seek approval last time for architectural panels.

Mr. Marella recalled the agreement was that the entire wall exposed to Gratiot would be decorative.

Mr. Pearl recalled that side is all comprised of doors.

Mr. Campbell clarified they are not real doors because they do not go anywhere, and they are just a substitute for the wall.

Mr. Santia explained the buildings in the development across Iroquois are in a different layout. The proposed building along southbound Gratiot is against the landscaped setback, and he believes they want to install panels with false doors. The existing site has a unit on each side, so they have to be doors. He added the ends should be brick.

Mr. Monte clarified that the ends are all small doors, because the units on the ends are 5-feet by 10 feet. He pointed out the building where they are putting doors on the side with no driveway, and the purpose for that is to be able to help advertise the business, noting people will then recognize it as a mini-storage facility. He stated that the side

along northbound Gratiot would have doors to display that as well, although they are smaller.

Considerable discussion took place regarding where the doors are located.

Mr. Monte clarified they are asking for the architectural panels on the ends of the building.

Mr. Santia inquired as to the design of the roof.

Mr. Monte replied the roof will be metal.

Mr. Santia stated it appears to be flat, and he informed the ordinance requires a gable or hip roof.

Discussion took place regarding the type and slope of the roof.

Mr. Monte clarified it has a slight slope.

Mr. Pearl inquired as to where the composite panels will be located.

Mr. Monte replied they are between the doors, and they are 1-foot in width. He replied it will be on any of the walls that face northbound and southbound Gratiot, as well as the walls facing Iroquois. He noted that one of the walls has solid doors. He indicated they will be using metal siding as well, but those would be facing the interior of the site.

Mr. Santia clarified the Ordinance requires brick or block.

Mr. Monte understands, but noted the theory that this is different than a shopping center, where people are traveling through a parking lot and using different buildings. This is such a low-usage development, and it is fenced and gated.

Mr. Pearl inquired as to what they did on the current development on the other side of Iroquois.

Mr. Santia replied they put in architectural panels.

Mr. Campbell stressed that was not approved.

Mr. Pearl stated he does not like the look of the architectural panels.

Mr. Campbell commented it looks like a plastic that might be used on a ceiling.

Mr. Santia noted the variance granted had indicated a decorative block and painted metal siding in lieu of the required brick or decorative block required.

Mr. Campbell claimed that during the September 2016 meeting, which is reflected in the minutes, they were to use decorative block on any wall facing the exterior of the site, and it was specific as to where the metal siding would be allowed.

Ms. Trombley inquired as to why that was not checked.

Mr. Santia replied it was reviewed but not based on the minutes. He noted they did approve the architectural panels between the doors.

Mr. Pearl questioned whether the other storage facilities in the Township are of block construction.

Mr. Santia replied affirmatively.

Mr. Pearl stated he has no objection to the variance request for the setback from Iroquois, but he is opposed to the variance for the architectural panels.

Mr. Campbell cited another location on North Gratiot, north of Mount Clemens, that is constructed of brick and decorative block, with no variance. He felt the petitioner was trying to save money and use cheaper materials. He did not know how the mistake was made on the construction of the first phase, but he clarified it was in the minutes, and felt they have learned from that. He stated he is in support of the setback variance but would be in favor of denying the second portion of the variance request.

Motion by Mr. Campbell, supported by Mr. Pearl, with reference to File #18-6811 and application from Mr. Ken Zielke, Tayley Storage, 1550 Gratiot Avenue, Clinton Township, Michigan 48036, as represented by Mr. Gary Gendernalik, Musilli Brennan Associates, 24001 Greater Mack Avenue, St. Clair Shores, Michigan 48080, for variance to the Clinton Township Planning and Zoning Code, Chapter 1292.01-m and -n, Land Use Regulations, Schedule of Regulations Limiting Height, Bulk, Density and Area, Footnotes to Schedule of Regulations Chart; and Chapter 1278.02-(t)-(8), B-3 General Business District, Principal Uses Permitted, Mini-Warehouse or Self-Storage Facilities, concerning Lots 20 through 23, Meadows Subdivision, being 2.59 acres of vacant land fronting the north line of Iroquois, between northbound and southbound Gratiot, that variance be granted to permit the development of a second phase of a mini-storage facility (Maxi-Mini Storage, aka Tayley Storage) in the B-3 General Business District with a 10.5-foot front yard setback along Iroquois Street, being 14.5 feet less than the minimum required 25-foot front yard setback; further, this grant of variance is based on claimed practical difficulty of the location of the facility, the necessity for meeting three setback requirements on three roads, and the existence of two utility easements traversing through the property; and further, this grant of variance is contingent upon compliance with all other requirements of Township Ordinances; further, to **deny** the variance request to permit a building façade of a mix of composite architectural panel and painted metal siding, with the composite architectural panels to be used on the sides facing the road frontage and painted metal siding in other areas, based on the fact that insufficient practical difficulty was presented. Roll Call Vote:

Ayes – Campbell, Pearl, Trombley, D’Angelo, Marella. Nays – None. Absent – Hornung. Motion carried.

Discussion took place regarding the procedure for processing the letters of approval, and Mr. Campbell suggested that the Board of Appeals members be able to review them before they are sent out. He stated he would like that opportunity, and he recalled it used to be handled that way years ago, when a former Planner in the Department of Planning and Community Development would prepare the letters and forward them to the Board of Appeals members for their review and approval before sending them out to the petitioners.

Ms. Sobosky (recording stenographer) recalled the problem with distributing the drafts of the letters was that they ended up waiting for responses from the Board of Appeals members, sometimes up to a month, and she indicated it would be no problem to forward them providing they would respond within a day or two, noting the petitioners are anxious to go forward with their projects.

0.79 ACRE OF LAND FRONTING THE WEST LINE OF GRATIOT AVENUE, NORTH OF KEMP, ADDRESSED AS 34335 S. GRATIOT (SECTION 34)
- APPEAL: VINSON MOTORS LLC
FILE #18-6812: PETITIONED BY MR. EARL VINSON, VINSON MOTORS

Mr. Campbell summarized the variance being requested and read the Planner Review letter dated March 7th, 2018 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 28 owners and/or occupants of property located within 300 feet of the land in question, with 8 of those returned as undeliverable. There were no written replies received in response to the mailing.

Mr. Earl Vinson, of Vinson Motors, Cotterville, Michigan 48039 (no specific street address given), stated they would like permission to not have the curbs in front. He is aware it is only ten feet, but he was talking with the owner of John’s Lumber, who went through this and has a building similar to theirs. He explained they have sixty feet from the corner of the building to the sidewalk, and when they push it back, it is fifty feet. He claimed providing parking for customers becomes an unsafe situation. He noted that it is only 90 feet in width, and he indicated it on the plans, and added the price to do this site is estimated at \$195,000. He stressed his son owns this facility, and he is representing him, but his son is only 24 years of age and does not have that kind of money. He pointed out that John’s Lumber has posts in the ground, and those will remain, so he felt the look will be consistent. There is one building in between their site and the John’s Lumber site, on Kemp Street, but it is boarded up. Mr. Vinson addressed the problems with drainage and the difference in elevations between properties. He claimed that all of the used car lots within three or four miles have either the parking blocks or the cement bollards. He understands there are new codes, but he hoped this Board would consider granting a variance considering the limited space they have.

Ms. Debbie Walter, 20981 Kemp Street, Clinton Township, Michigan 48035, questioned the variances being requested and how that will make the site different than what is currently existing. She noted he has cars up to the sidewalk, and as long as he does not go over the sidewalk, she does not have a problem because she still has sufficient visibility to pull out onto Gratiot from her street; however, if the cars extend beyond the sidewalk, that will be a problem. She noted there is also a telephone pole with a box attached, adding to their difficulty for clear visibility, so she questioned the required 30-inch berm or wall.

Mr. Santia explained the Notice of Public Hearing that Ms. Walter received quotes the ordinance, which requires a 30-inch-high berm or wall to be provided to serve as a screening buffer between an off-street parking area and a thoroughfare, which in this case is Gratiot. He clarified that Mr. Vinson is requesting a variance to allow the property to remain as it is. He explained if they are not using the parking spaces facing Gratiot for customer parking but only for display vehicles, they will not need a berm or wall because its purpose is to block headlights from shining into the road.

Mr. Campbell recalled the same discussion the last time the petitioner came before this Board, and he pointed out that the abutting properties have agreed to provide a 10-foot setback. He added that Baker College is providing the full 25-foot setback.

Mr. Santia confirmed that Joe Ricci Automotive meets the setback requirement.

Mr. Campbell explained that the 10-foot setback variance was a compromise, recognizing that some of these lots were smaller in depth. He could not see what is different in the two years since that variance was granted that would justify a 0-foot front yard setback. He reminded that monetary reasons cannot be used as a hardship or practical difficulty. He commented that he may be willing to grant an extension of time to bring the site into compliance.

Mr. Vinson stated they have engineering drawings and have been working with Mr. Scott Chabot, of Giffels Webster, and they have had to change some things on the plan. He stressed they are trying to get it resolved, and it was suggested they do the first phase and then move to the second phase. He pointed out that, if everything is put in now during the first phase, it will all have to be torn out during the second phase because of the difference in the grade. He explained he will be required to install \$28,000 of curbing for the front, and that would all be torn out at a later date. Mr. Vinson stressed they have already invested \$30,000. He suggested that, if they can do what they need to complete the first phase, possibly the Township would allow them to not install the curbing until the second phase. Mr. Vinson noted that his son is currently saving up money for the second phase.

Mr. Campbell stated if they have a plan and are looking to develop it, that plan should be submitted, and if it includes a way to meet the setback, he would like to see it and consider whatever variances would be necessary to help the petitioner meet his

development plan. He indicated all he sees in this application is a request for a 0-foot front yard setback off Gratiot.

Mr. Vinson stated he turned in his paperwork to Mr. Chabot, and he has been in and out of the Planning Department to see how this can work, noting it has cost them more each time they use the Engineer's service. They are trying to do what they can while making this cost-effective. He stated Mr. Chabot directed them to go to the Board of Appeals, and he indicated if this variance is approved, they would have both plans revised to reflect Phase I, giving them time to go to Phase II. He had suggested setting the development up into three phases.

Mr. Campbell stated he could see the diagram depicting the three phases, but he inquired as to why this Board should approve the variance for the 0-foot front yard setback.

Mr. Pearl stated the Planning Commission recommended approval based on the plans for Phase I and Phase II, to be submitted in January of last year. He questioned what happened to that.

Mr. Santia replied the petitioner is struggling with coming up with the capital to do the work. According to Mr. Vinson, if he wants to do Phase I and put in the curbing and storm drainage, it will not work for the remainder of the property unless he does Phase II at the same time because of the grade change. He added that currently, the water is shedding out onto Gratiot Avenue.

Mr. Vinson disagreed, noting that Mr. Chabot indicated that there is a downslope from Gratiot to the storm drain on Phase I, and he had stated that Phase I would work because it does not add any more water to their storm drain sewer and it does not discharge onto Gratiot. He replied to inquiry that he came here to get a variance for the curbs, which he claimed was recommended by Mr. Chabot until Phase II.

Mr. Santia pointed out that he talks to Mr. Chabot about twelve different projects every day, but he inquired as to whether Mr. Vinson could seek a waiver on the curbing for a year or two, pointing out that the 10-foot setback could still be met. He added that Mr. Vinson could remove the pavement.

Mr. Vinson claimed he mentioned that to Mr. Chabot about three or four times but was under the impression he cement could not be removed. He recalled Mr. Chabot had informed him that if he has to put the curbing in at this time, he will have wasted about \$30,000 to \$40,000 because it will all have to be torn out in Phase II.

Mr. Santia clarified Mr. Vinson has to get permission to do that, and it is not a variance that is under the authority of the Zoning Board of Appeals. He replied to inquiry that Budget/Ways and Means would be the body who would meet and make the recommendation to the Township Board for a curbing waiver.

Mr. Vinson stated that would be great if they could get a waiver of the curbing until Phase II, noting his son can then save up the money to proceed to the next phase.

Mr. Campbell commented that the variance request in front of them is not something this Board can address.

Mr. Pearl inquired as to who would grant Mr. Vinson a delay on the curbing.

Mr. Santia replied that would be addressed through the Budget/Ways and Means Committee.

Mr. Pearl stated this Board can deny the variance request, and the petitioner can then go to Budget/Ways and Means.

Mr. Campbell felt if this is going to be denied, he suggested that, since the petitioner already spent money on a couple of applications to this Board, he can come forward with a reconsideration if any of the phases identify the need for some variance.

Mr. Marella felt there needs to be an interpretation on the denial, because the Budget/Ways and Means Committee could misinterpret why it was denied by this Board.

Mr. Santia clarified it is not being denied, but the variance needed is not something this Board has the jurisdiction to grant or deny.

Ms. Trombley stated it is not a denial, but he needs to go to Budget/Ways and Means. She agreed with Mr. Campbell that if the petitioner has to come back to the Board of Appeals during these phases, the application fee should be waived.

Mr. Santia commented that he may have misunderstood Mr. Chabot on this, but if this plan will work with still providing the 10-foot landscaped setback as previously approved, along with a curbing waiver for Phase I from the Budget/Ways and Means Committee and Township Board, then he recommended the landscaped setback can be put in.

Mr. Campbell felt the appropriate action at this time is to deny it, based on the fact it is not the appropriate action by this Board

Mr. Santia stated he would not deny it, but it could be dismissed because the petitioner needs a curbing waiver which is outside of this Board's authority to grant.

Mr. Campbell stated they do not have categories to do anything other than to approve, deny or withdraw.

Mr. Santia stated the petitioner can withdraw his application.

Mr. Campbell questioned whether the petitioner gets his filing fee returned to him if he withdraws his application.

Mr. Santia replied no, indicating that the application fee has already been spent on the required advertising and notification for this hearing; however, the Board can still give him a reconsideration in the future.

Mr. Campbell stated he felt that would be a good idea.

Motion by Mr. Campbell, supported by Mr. Marella, with reference to File #18-6812 and application from Mr. Earl Vinson, of Vinson Motors, 44450 N. Gratiot Avenue, Clinton Township, Michigan 48036, for variance to the Planning and Zoning Code, Chapter 1292.01-m and -n, Land Use Regulations, Schedule of Regulations Limiting Height, Bulk, Density and Area, Footnotes to Schedule of Regulations Chart, concerning 0.79 acre of land fronting the west line of Gratiot, north of Kemp Street, addressed as 34335 S. Gratiot Avenue, that this Board accept the petitioner's request to withdraw the request for variance to permit an existing used car lot in the B-3 General Business District (Vinson Motors, fka DeFalco Car Lot) with a 0-foot front yard landscaped setback, being 25 feet less than the minimum required 25 feet, based on the fact that the petitioner is actually seeking a variance of the curbing in the front, which needs to be addressed by the Budget/Ways and Means. Discussion ensued.

Mr. Santia clarified that the asphalt has to be removed to provide the 10-foot setback.

Mr. Vinson questioned whether he has to remove the asphalt to create the landscaped setback.

Mr. Santia replied affirmatively.

Mr. Vinson apologized for this being a long process. He explained he is not a "car lot guy" and never has been, although he is trying to help his son through this because his son is the owner. He appreciated the Board's patience with him.

Mr. Pearl questioned whether Ms. Walter understands what is being done.

Ms. Walter replied she basically understands.

Mr. Pearl stated he is not going to change anything other than to tear up some asphalt to put in a landscaped area.

Mr. Santia commented that will help the residents when in the area as they pull out onto Gratiot because the cars will be set back a little further.

Roll Call Vote: Ayes – Campbell, Marella, D'Angelo, Trombley, Pearl. Nays – None. Absent – Hornung. Motion carried.

Ms. Trombley inquired as to how someone can go to Budget/Ways and Means.

Mr. Santia explained Mr. Vinson will work with Ms. Mary Bednar, Director of Public Services, and/or Mr. Scott Chabot, of Giffels Webster, and they place him on the Budget/Ways and Means agenda.

ADDITIONAL DISCUSSION

Mr. Aaron Dolkowski, the franchise owner of the Domino's Pizza, located at 39880 Garfield, explained he was at the Zoning Board of Appeals meeting in February to obtain a variance to advertise his business on the plaza's pylon sign, and he was denied. He understood that the Board of Appeals would be discussing this tonight, so he wanted to be present for that discussion.

Mr. Santia clarified that he has not been denied at this point.

Mr. Dolkowski acknowledged that he was not approved for the large sign on top, but is trying to get the small panel approved, which he recalled was approved by this Board. He was told this Board would be discussing it tonight, so he wanted to be present.

Mr. Santia explained that this Board granted a variance to Garfield Plaza at the last meeting, and that variance was that the owner was to replace the panel on the top to identify the plaza, and Domino's would be able to take one of the smaller spots, with the condition that the owner of the plaza has one year to bring the sign into compliance. He replied to inquiry that the question arises as to what happens if the owner does not change the sign as directed at the last meeting, and what happens to Domino's at that point. Mr. Santia stated there needs to be some clarification.

Mr. Dolkowski claimed the new smaller sign for which he has applied has not yet been approved, and he stressed he "does not want to be between Al and the Board".

Ms. Trombley inquired as to whether he wants to put up the large Domino's sign.

Mr. Dolkowski stated he wants to put up the sign that was agreed upon.

Mr. Santia replied the problem is that the owner of the sign is not fulfilling the variance requirements, noting that the plaza identification panel has not yet been reinstalled at the top of the sign.

Ms. Trombley understood that once the owner replaces the large panel on top with the plaza identification panel, then the Domino's sign can be addressed.

Mr. Santia explained he wants clarification from this Board, noting he has no problem approving the smaller Domino's sign.

Mr. Pearl noted that there is a smaller area where Domino's could put up their sign now, and the Township can later take up the issue of the larger sign with the property owner.

Mr. Santia reminded that the non-conforming sign has had the faces on the sign changed by more than one-third, which is another reason to bring the sign into conformance.

Mr. Pearl felt that Mr. Dolkowski has a business to run and could understand why he needs his sign up as soon as possible.

Mr. Dolkowski stated he does not disagree with the feelings of the Board and emphasized that he has a business there and hates the look of the current black panel at the top of the sign. He just wants his business name on that sign.

Mr. Santia reiterated he is seeking clarification from this Board as to whether to approve the Domino's sign first or wait until the plaza owner replaces the top black panel with the former plaza identification panel.

Mr. Dolkowski emphasized he is trying to do this the right way but has been without identification on the pylon sign for six weeks, and he has a business to run.

Mr. Pearl inquired as to whether this Board can direct Mr. Santia to approve the Domino's sign first, and deal with the other aspects of the variance afterward.

Considerable discussion took place regarding the sign situation at the subject location, the variance that was granted, whether the Domino's panel should be approved prior to the plaza identification being put back up on the pylon sign, and whether the intent of the motion was that the plaza identification sign should be put up first.

Mr. Campbell recalled that one of the tenants in that plaza, Papa Romano's, had indicated they used that identification panel as the identifying feature in their advertising, so he felt they need to stick to the motion, which indicated that "the owner of the plaza is required to reinstall the former "Garfield Plaza" panel in its former position at the top of the pylon sign as soon as possible", and that is followed by "Domino's Pizza **can then** advertise their business on the sign by taking the place of the smaller Sprint panel on the pylon as soon as possible".

Ms. Trombley understood Domino's position, but felt the only way the identification panel will be put back up is to make sure it is done first.

Mr. Dolkowski complained that he has signed a lease, he cannot go anywhere, and he is simply asking for a sign for his business. He stressed he does not want to move now as he has already invested \$400,000 at this location.

Mr. D'Angelo recalled that the compromise agreed upon at the last meeting made Papa Romano's happy because they got their plaza identification back, and Domino's, their competitor, was getting a sign no larger than their own. He felt if they allow the Domino's sign to go up without ensuring the plaza identification sign is up, then Papa Romano's will be upset. He stressed they are going by the motion, and Mr. Dolkowski's issue is with his landlord.

Mr. Santia stated he will contact the landlord's attorney.

Mr. Pearl inquired as to whether they can agree on a time frame, so if the situation is not resolved in a couple of weeks, they can go ahead and approve the Domino's panel.

Ms. Trombley felt they should not be voting on anything tonight because it is not part of the agenda.

Mr. Campbell agreed they have no business changing the motion unless it is scheduled as an agenda item.

Mr. Santia noted he was only asking for clarification. He felt the motion was pretty clear.

Ms. Trombley agreed that the motion is very clear.

Mr. Campbell felt if they allow Domino's to go ahead, they have violated the motion from the last meeting.

Ms. Trombley felt they should stick with the motion, Mr. Dolkowski needs to take this up with his landlord, and possibly Mr. Santia can do what he can to help the situation. She did not feel the motion should be changed, because they all agreed with it at the time. She felt sorry for Mr. Dolkowski and could not understand why one landlord would allow two pizza places in the same plaza.

Mr. Dolkowski felt he is the only one being punished at this point. He explained his business name is not on the sign, and the sign is unattractive.

Mr. Pearl pointed out that the advertising for the pizza places refers to all of their locations by address, and they do not include the name of each shopping center. He also recalled he made the motion at the last meeting, and it was not his intent that the plaza identification panel had to be put up prior to Domino's getting their approval for the smaller panel.

Discussion took place regarding the recording of the meeting, which the stenographer indicated she records on her personal recorder and deletes once the minutes are approved.

Mr. Campbell requested that the stenographer listen to the recording once again, and if she determines that the minutes did not reflect what was said, he suggested she send an email to the Board members to indicate the change, and they will take it from there.

Mr. Pearl felt that is fair. He stated he wants to be fair to everyone, and if the owner does not do what he said he will do, that is between the Township attorney and the owner. He does not want the businesses to suffer.

Mr. Dolkowski questioned whether he has to wait until his landlord puts up the identification panel.

The Board members responded affirmatively.

Mr. Dolkowski inquired as to whether he may have to wait six months.

Mr. Santia replied no and stated the Township will be pursuing this in court with the owner of the property. He apologized that Mr. Dolkowski is “stuck” in this, acknowledging it is unfortunate and not fair.

REPORT OF MEETING

-- APPROVAL OF FEBRUARY 21ST, 2018 REPORT

Motion by Mr. D’Angelo, supported by Mr. Campbell, to approve the minutes of the February 21st, 2018 Meeting as presented. Motion carried.

BOARD OF APPEALS MEETING SCHEDULE

-- CONFIRMATION OF NEXT MEETING’S AGENDA AND ATTENDANCE: WEDNESDAY, APRIL 18TH, 2018 AT 6:30 P.M.

Mr. Santia confirmed the next Board of Appeals meeting to be held on Wednesday, April 18th, 2018 at 6:30 p.m.

He noted the following items are anticipated to be on that agenda:

- Chem Dry Carpet Cleaning, on the corner of Crocker and Harper, is seeking a variance to permit continuation of window clings taking up more than 50% of the window space.
- Cooper’s Hawk Winery and Restaurant @ The Mall at Partridge Creek is seeking additional signage.

He noted that there are a couple of days left until the deadline for applications to be submitted for the May meeting.

ADJOURNMENT

Motion by Mr. D'Angelo, supported by Ms. Trombley, to adjourn the meeting. Motion carried. The meeting adjourned at 7:52 p.m.

Respectfully submitted,

Robert M. Campbell

Robert M. Campbell, Secretary
CLINTON TOWNSHIP BOARD OF APPEALS

ces:03/31/18

ces:04/03/18

Approved 04/18/18