

**Minutes
Regular Meeting
Crystal Lake Township Planning Commission
7:00 PM, February 27, 2019
Crystal Lake Township Hall**

*motion Bill
Second Lee
Passed.
4-24-19*

1. CALL TO ORDER by Chairman Wright at 7:03 pm.

2. ROLL CALL AND RECOGNITION OF VISITORS

Present: Chairman Greg Wright, Commission Members Mike Paschke, Tammy May.

Excused: Commission Members Lee Ewing, Bill Herd.

Also Present: Zoning Administrator Tom Kucera, Recording Secretary Jeannette Feeheley.

Visitors were asked to sign in and identify themselves:

- Ed Kriskywick with Construction Design, Inc. (CDI) on behalf of property owners Mark & Tara Dimeo;
- Don Bialak with CDI;
- Dr. Elizabeth Rodgers Hill for the Crystal Lake Watershed Association;
- Melissa Hamp for the Crystal Lake Watershed Association;
- Ann Kullenberg, resident, Crystal Lake Township;
- Jerry Kewallen, resident, Crystal Lake Township;
- Mary Haan.

3. CALL FOR CONFLICT OF INTEREST: None.

4. CORRESPONDENCE: Chairman Wright said he had received an email from Commissioner Bill Herd and copies were made available to all present. He had also received from the Zoning Administrator a not publicly available Feb. 22, 2019 memo from the Township Attorney regarding the Casey Road property.

5. APPROVAL OF MINUTES OF REGULAR MEETING OF JANUARY 23, 2019: Chairman Wright asked if there were any corrections; none requested.

May moved, Wright seconded, all ayes. Minutes of January 23, 2019 approved.

6. APPROVAL OF AGENDA: Wright received a request from Mary Haan to make a statement to the Board on matters not before the Commission at this meeting. Wright asked the agenda be amended to take up her request under New Business.

Wright moved that the agenda as amended be approved, Pashke seconded. All ayes. Amended agenda approved.

7. PUBLIC COMMENTS:

Ann Kullenberg spoke about Peter Steenstra's Casey Road property which lies close to hers. She reported that recently demolition had begun on the blue building that had long been in disrepair. She said she knew that a permit had been denied at a previous CLT hearing, and was concerned about other activity on the property and the process by which it is occurring. She requested to be provided with any and all relevant documents.

8. REPORTS TO THE COMMISSION:

A. Chair: None.

B. Zoning Administrator Report:

Administrator provided his Zoning & Planning Report and made it available for all present. He also reported granting, within his authority, an application for a waiver of a property owner on Boyd Road off Molineau Road.

He also reported on the Crystal Lake Township's Attorney letter regarding the Steenstra property on Casey Road. He said he was not allowed to provide a copy but could discuss it.

Administrator said the owner through his agent had requested a zoning permit to tear down the blue building. The Administrator researched back to 1964 and gave his research to the Attorney for his review, and that it has been impossible to find a thorough and complete history of the property. He went through zoning history on the property that changed over time from 1964 on, from "Resort Residential" to "Agricultural Residential" to "RP" districts. He reported that in October of 1995, zoning permits were issued in violation of existing ordinances for the former owner to build a building on that property. Currently there are a number of buildings on the property and several residents. He said the current owner wants to tear down the blue building which is in disrepair and rebuild it for multi-family use.

Administrator said that a recent Michigan Appellate Court Case reduced the Statute of Limitations for enforcement in such cases to only six years, which he viewed as an alarming departure from previous law. He said the CLT Attorney looked at all the information provided, and that establishment of abandonment of a building is difficult now. The conclusion of the Attorney is that it does not appear any Special Use Permit or variance is needed by the current property owner as long as the usage, although nonconforming, is not changed. Administrator reported he is thereby required to issue a zoning permit for the blue building demolition and remodeling as long as the same foot print and same number of four apartments is kept.

Pashcke noted that while Commissioner Herd asked in an email for the Commission to consider a motion, there is no application regarding that property before tonight's Commission meeting.

The Administrator pointed out that the permit denied in the previous application had to do with other buildings on the property, not the blue building currently in the process of demolition and remodeling. Administrator said he did include in the permit for the blue building certain conditions to protect the neighbors, such as screening trash receptacles, dark sky lighting, parking requirements, and so on. He was asked about noise abatement and said noise is not a zoning matter and falls to Township or County authorities. He was asked whether the owner is open to intensive landscaping. Administrator replied that landscaping is addressed in the permit in terms of buffering, but beyond that, he is encouraging the current owner to be a good neighbor, has been working with him since the summer of 2017, and time will tell.

Administrator was asked how many bedrooms the remodeled building will contain, and answered that he is under the impression that it will be three one-bedroom apartments and one two-bedroom apartment, and that Cottage Pros, the management company involved, believe it was only hearsay that it might be ten bedrooms. Administrator was asked if he had seen a floor plan of the remodeling, and answered no, only that the Plan shows a foundation matching its previous foundation.

Jerry Lewallen asked for copies of everything the Administrator has. Administrator said he preferred to sit down with anyone interested and show all that he has, so that material that doesn't pertain would not have to be copied. He said he would make himself available for such purpose. He was asked when the permit for the remodeling of the blue building was issued and he answered Feb. 26, 2019.

C. Zoning Board of Appeals

Kucera reported that the Zoning Board's organizational meeting is scheduled for March 18, 2019.

9. A. DIMEO SPECIAL LAND USE APPLICATION:

At 7:40 pm, Chairman Wright resumed the Public Hearing of 11-28-18 and 1.23.19 on this topic. Administrator asked CDI's Ed Kriskywick to show the newly revised specs and drawings. Kriskywick presented the drawings for all to review and reported the owner agreed to do the project with less impact than originally envisaged and to move the home closer to the street. As for the access road to the beach, the owner said he could live with a narrower road, so the plan was revised so that the road would now be only the width of a golf-cart path. Kriskywick said the impact between the original proposal and the current one is 85% less, and feels it integrates well into the site now.

Dr. Elizabeth Rodgers Hill of the Crystal Lake Watershed Association (CLWA) asked about leaving existing vegetation where the drawings call for a small new beach. She was answered that that small area is only gravelly substances and some grass and not attractive and that the client does not want excavation there, only a sand-pour over the gravelly area so that his children could play comfortably on a sandy surface. Dr. Hill and Melissa Hamp, both of the CLWA, asked numerous questions of the developer that he answered, including questions about the existing road to the beach. Developer said they plan to saw cut and remove a section of the existing road to reduce it to a golf path. He guaranteed the overall impervious surface of the area in question will be less than 10%. The pathway will be reduced; it will be asphalt and will hit the goal of only 10% impervious surface. He was asked about the patio and reported that it will be blue stone slate.

Administrator said there are two different terrains at issue here, and that in calculating the 10%, that percentage refers only to the steeply sloped area, not the beach area, but there are other requirements on which he will work with the developer.

The CLWA representatives were asked if they want the building to be on the beach. They answered no, the farthest away from the beach, the less potential impact on the lake. Administrator also reminded that the sanitarian won't allow the construction of the necessary septic field on the beach. Discussion of septic matters followed.

Chairman Wright issued into the record a letter received from the CLWA with conditions the CLWA requests if a permit is issued. Administrator reported that one of their conditions regarding native vegetation is already covered under Condition # 5 on the Zoning Administrator Report. CDI said that the owner would be receptive to the CLWA conditions. Pashke said the CLWA's conditions # 4 and 5 are already part of the process but wants their conditions 1, 2, and 3 incorporated into any permit.

Pashke also said he would like the two septic fields flipped, that is, Reserve Septic Field to become the Field to be used, as the Reserve Field location involves less disturbance, being on flatter ground than the slope. May said she prefers a gravity feed septic field per the Plan, but does not feel they should require which field as what works and percolates best will not actually be known until the sanitarian

has done his testing. They agreed it was okay to state a preference rather than a requirement, and asked the Developer to switch the fields on the Developer Plan, and that, if such does not work after the sanitarian has done his testing, such matters would be resolved with the sanitarian. Discussion.

Pashke moved to approve a Special Land Use Permit for the Dimeo property, as submitted and amended, and which would include the Planning Commission's preference that, of the two new Septic Fields, the Reserve Septic Field become the Field to be used, and that such be re-shown on the Developer Plan, and that such preference be subject to concurrence and/or re-working by the Sanitarian after testing, and that the Permit would also include the Zoning Administrator's conditions, and conditions one, two, and three of the Crystal Lake Watershed Association's request. May seconded. Roll call, all ayes. Motion passes and permit granted.

10. UNFINISHED BUSINESS: None.

11. NEW BUSINESS

A. Approval of 2019 Planning Commission Meeting Schedule.
All voted aye to adopt the proposed schedule.

B. Mary Haan's request

Mrs. Haan presented information on what other townships were doing regarding medical and recreational marijuana, and some written material on the effects of marijuana. She believes the township has only two options on recreational marijuana, opt out or do nothing. She felt the do nothing option would leave the door open for retail and agricultural bodies to grow marijuana in the township. Her comments were taken under advisement, as the issue was not on the agenda at this time, and the options open to the township had been discussed in a previous meeting.

12. PUBLIC COMMENTS:

Ann Kullenberg said she does not understand the difference between an administrative issuance of a zoning permit as opposed to Planning Commission procedures. Chairman Wright explained the procedures and authorities involved. Jerry Lewallen said he does not understand how a statute of limitations of only six years could work. Discussion. Administrator will provide a copy of the Michigan Appellate Court ruling to Mr. Lewallen and Ms. Kullenberg. Ms. Kullenberg read another hand-written statement and said she wants copies of all documents related to the Seenstra property and a date they will be provided. She also asked about procedures and for an application so she could come before the Zoning Board of Appeals to appeal a permit issuance.

13. OTHER BUSINESS: None.

14. ADJOURNMENT: Chairman Wright adjourned the meeting at 8:40 pm.

NEXT REGULAR MEETING: TENTATIVELY 7 PM, WEDNESDAY, MARCH 27, 2019

Respectfully submitted,

Jeannette Feeheley, Recording Secretary

Attachments are Documents provided by Zoning Administrator.