

**Minutes of Special Meeting**  
**Crystal Lake Township Planning Commission**  
**7:00 p.m. June 30, 2021**  
**Grow Benzie, 5885 Frankfort Hwy (M-115)**

1. CALL TO ORDER at 7:05 p.m. by Chairman Greg Wright.

2. ROLL CALL AND RECOGNITION OF VISITORS

Present: Commission Chairman Greg Wright  
Commissioners Bill Herd, Dr. Bill Northway, and Mike Pasche. Commissioner  
Lee Ewing arrived late.

Also Present: Zoning Administrator Tom Kucera  
Crystal Lake Township Clerical Assistant Sondra Halliday

Visitors: Christy Barber, Chris Kitzman, Dave Johnson, Elizabeth Rodgers,  
Ann Kullenberg, Mary Ferens, Dave Wynne, Randy Gilbert, Tassie Bosher,  
Mom'ca Schitz, Nancy Rubenson, and Eleanor Comings.

3. CALL FOR CONFLICT OF INTEREST: None presented.

4. CORRESPONDENCE: None reported.

5. APPROVAL OF AGENDA

**Northway moved that the proposed agenda be approved. Herd suggested amending agenda to move Tom Kucera's presentation before public comment. Herd seconded. All ayes. Agenda approved.**

6. PUBLIC COMMENT: None.

7. REPORTS TO THE COMMISSION

A. Chair Report: Chairman Wright explained that this was a Public Hearing of the Watershed Ordinance. There was a second meeting scheduled, but that had to be cancelled. After hearing comments from the public, there may be another meeting scheduled. No decision will be made on the ordinance this evening. He asked the public to please state name and place of residence when commenting and to sign in. Chairman Wright further explained that our current Watershed Ordinance was last updated in 1994. The Watershed Association has worked hard on this and we want to continue being good stewards of our land and water.

B. Zoning Administrator Report: Administrator mentioned that he has 19 new permits at this point and only one for a new home. He received a Special Land Permit request from the RV park and he responded to them by letter that the application was woefully incomplete. Herd asked the administrator if the RV Park fulfilled their goals specified in the special land use permit that was granted to them. Administrator said that yes it was fulfilled but the landscaping will take 25 years to look like what they had submitted. Northway asked if it was okay to drive through the park. Administrator said yes that was permissible and he could ask the owner for a tour.

C. Zoning Board of Appeals: Nothing mentioned.

8. UNFINISHED BUSINESS

A. Watershed Overlay Ordinance Public Hearing:

Revisions to Article 24, Article 2, Article 22, Table 14.21.2.2

Chairman Wright opened the Public Hearing meeting at 7:10 p.m. and turned it over to Tom Kucera, Zoning Administrator. Chairman thanked Tom Kucera, Sondra Halliday (recording secretary) and the public visitors that were there.

Zoning Administrator presented a slide show to the Commission and the visitors at the public hearing. His presentation highlighted what the watershed is, what the ordinance is, the main changes to the ordinance, and the reasons why these were necessary changes. He shared the Watershed map which shows where the water drains into Crystal Lake. Zoning Administrator emphasized that it has been over 25 years since the ordinance was updated and the new ordinance will preserve our natural resources and prevent the loss of our rural character. He

further explained that existing structures would be “grandfathered” in (Lawful non-conforming) referring to Article 28 of the Ordinance. Kucera shared with the public handouts which included changes to the ordinance and the Watershed Overlay map.

Commissioner Herd asked the Zoning Administrator to share scenarios of this. Discussion was held and the Zoning Administrator was asked what happens if someone was just over the allotted amount allowed. Zoning administrator said that individuals could ask for a review but it would also depend on the various slopes on their property and they should hire someone to interpret the data. A topographical map would be available at the Equalization Department. Visitor David Johnson asked if this information would be available for free from the conservation district as it was from where he came from. Kucera responded that we do not have a current slope map, but one is in the process of being made. He referred everyone to Section 24.10 which discusses decision-making parameters for the Planning Commission. Commissioner Herd shared a possible conflict in the Forestry Management Section 24.7, A3. He stated that it used to say “to the greatest extent possible, not vegetation shall be preserved on steep slopes.” We need more “eyes” looking at this, not just the shoreline people. Commissioner Pasche shared that that line does not show up in the Ordinance copy he had.

Visitor Christy Barber would like more clarification of this. She explained that this new Ordinance would not allow her to expand her home of 900 square feet even though she has 160 feet of shoreline. Her property slopes down to the lake and she could not build 100 feet from the lake. Kucera explained that she could expand horizontally due to the Lawful Non-Conforming clause, in Article 28. Commissioner Pasche suggested that she look at the entire Article 28 for more clarification.

Visitor Ann Kullenberg shared that she has two parcels of land; one that is landlocked and one that is partially in the watershed. In order to reach the landlocked parcel, she now would have to build a road through both parcels reducing her possibility of economic profit. She says she is in favor of the watershed but feels the ordinance may be too strict. She asked the Zoning Administrator if the watershed boundaries have changed from 1994. Kucera could not answer but did say with the upgrades to technology and more precise data, the new map is most likely more accurate. Kullenberg feels that the upland residents get the least consideration compared to the shoreline residents. She never wanted to develop her property but now feels forced to do so.

Chairman Wright moved the meeting forward and asked for public comments on the Watershed Ordinance updates. He asked that the comments be “for,” “against,” and then rebuttals.

#### FOR:

Visitor Chris Kitzman explained that she was a Benzonia Township resident that is looking forward to this and hopes that Benzonia, and others, do this also.

Visitor Dave Wynne of the Crystal Lake Watershed Association shared his support and explained that they have worked for 2 years on this doing research. They used the latest science to move us forward for another 25 years. Watershed Committee Member, Tassie Bosher and 4 others, wanted to add their support.

Visitor Nancy Rubenson asked for clarification of the 35-foot setback. Zoning Administrator explained that with the County’s right of way, there is basically no change on South Shore. She also asked if tree removal was only for slopes or if it also applied to flat land. Zoning administrator said that yes, it does apply.

Visitor Ann Kullenberg shared her support but also needs more opportunity to study it more.

#### AGAINST:

Chairman Wright asked for comments opposing the Ordinance update. There were none.

#### REBUTTALS:

Chairman Wright said there was no reason for rebuttals due to no opposition, so he opened this section to more questions.

Visitor Ann Kullenberg asked about Team Ross and items that were being stored outside. Chairman Wright explained that this portion of the meeting was on the Ordinance revisions and that this could be discussed at another time. Zoning Administrator shared that those items should be stored inside.

Visitor Nancy Rubenson is concerned with the adoption of the Ordinance and the 70% tree removal allowance. She would like to know how she could make an objection to that.

Visitor Christy Barber asked if the new Ordinance would be posted on the website prior to being voted on. Zoning Administrator said that it already was on the website. She asked if the “scenarios” that were taken into consideration were also there. The Zoning Administrator said no but he would be happy to share them with her. Visitor Kathy Rubenson would like clarification on what is the maximum amount of vegetation that can be removed. Kucera responded that as of now removal is unlimited on flat areas. He shared that in Article 22.5, you can only remove 40% of the trees on a lot that are 6 inches or larger in diameter.

Chairman Wright closed the Public Comment session and asked the Commissioners when they would like to meet again on this, perhaps during the July 28, 2021, regular meeting. Zoning Administrator explained that he would like to see it in 2 weeks so that the final Ordinance could be brought to the Crystal Lake Township Board to be voted on during their July meeting. Commissioner Herd would like it in four weeks which would allow for more time for the Commission and public to review the ordinance. Commissioner Pasche mentioned that there were not any specific sections debated, only words, and two weeks should be plenty. Commissioner Ewing feels another Public Meeting should be held with the final copy of the Ordinance. Chairman Wright shared that the next meeting would be July 28, 2021, at 7 p.m. at Grow Benzie.

9. NEW BUSINESS: There was no new business.

10. PUBLIC COMMENT:

Visitor Ann Kullenberg shared that this was her first opportunity to be apprised of this situation face-to-face. She says that we (the public) need more than 5 minutes to read the ordinance and not be rushed through it.

Visitor Ann Rubenson asked how the Planning Commission could be contacted. Chairman Wright shared that all of their contact information is on the website.

11. OTHER BUSINESS: There was none.

12. ADJOURNMENT: Chairman Wright adjourned the meeting at 8:20 p.m.

Next meeting will be a Public Hearing/Monthly Meeting: 7 p.m., July 28, 2021, Grow Benzie.

Respectfully submitted,

Sondra Halliday, Crystal Lake Township Clerical Assistant,

On behalf of Jeannette Feecheley, Recording Secretary, who was unable to attend this meeting