

(Corrected)  
**GENOA TOWNSHIP**  
**Regular Meeting**  
**February 16, 2004**

**MINUTES**

Supervisor McCririe called the regular meeting of the Genoa Township Board to order at 7:00 p.m. The Pledge of Allegiance was then said. The following board members were present constituting a quorum for the transaction of business: Gary McCririe, Paulette Skolarus, Robin Hunt, Anthony Combs, Jim Mortensen and Jean Ledford. Also present were Township Manager Michael Archinal, Township Attorney Rick Heikkinen, and approximately 50 persons in the audience.

Moved by Ledford, supported by Mortensen, to approve the Agenda as presented. The motion carried unanimously.

A Call to the Public was made with no response.

**Consent Agenda:**

1. Payment of Bills.
2. Approval of Minutes.
3. Request for approval of an amendment to the 2003/04 General Fund Budget as submitted by Skolarus.
4. Request for approval to adopt guidelines for the 2004 Board of Review as requested by the Assessor's office.

Moved by Hunt, supported by Mortensen, to approve the consent agenda as submitted. The motion carried unanimously.

**Action Items for Discussion:**

**1. 1st Public Hearing on the Baetcke Lake aquatic weed/lake control petition.**

A call to property owners was made with the following response: Wendy Peterson (representing the Baetcke Lake Homeowners Association) – We have long been concerned about the welfare of this township. We are long-term residents of this community. We have watched the lake recede over the last five years and the lake level is lower than any time in the last 50 or 60 years. Triangle Lake, in Marion Township, Livingston County, put in an augmentation well in the 1960's. That well was run for 5 months, 24 hours a day, every day. After that time it was used intermittently. Pleasant Lake, also located in Marion Township, did that same thing in the 1960's. Research

indicates that no one suffered any degradation of their ground water. Kalkaska has three lakes on pumps, pumping 750 gallons a minute. This fix would not be forever. It would be a temporary measure to recover our natural resource. We are mindful of the environment and thus hired Insight's Mark Sweatman to study this issue. We care about the groundwater. Two Health Dept. employees were asked to support this decision. They stated that it might work. If this project could be successful and not authorized, our lake will become a meadow. Baetcke Lake is pristine, clean pure and beautiful. We need to preserve this lake. Our petition asks for the cost to be spread on a riparian/benefit basis. This is how we have always done business.

Excerpts from a letter from Bill and Frances Rocheleau are as follows: In December 2002, the Baetcke Lake had Dr. Fusilier come to our lake to evaluate its condition. His expert opinion was that the low lake level was the result of low rainfall and high evaporation. He stated that the lake level was actually good for the decomposing of organic materials. Dr. Cliff Humphrys, a retired professor from Michigan State agreed with Dr. Fusilier and also stated that natural precipitation over time will return the lake to higher levels. The more responsible solution might be to be patient and wait for this low rain cycle to end thus protecting and preserving the natural lake and precious ground water. We implore the board to weigh the total impact, not just 24 families who want recreation..., but the hundreds of surrounding families affected by this.

A letter of objection was received from Jeanette and Dale Zwak.

Glen Wagner – If this project is successful, water will be taken from the Marshall Field and put into the lake. Everyone's well will be replenished. I am still not happy with the petition in that there are several pieces of property that will not be assessed. We did not understand the petition when we signed it. Those vacant parcels with separate tax numbers should be included.

McCrie – The project includes a study to determine the impact to surrounding properties as well as the lake. The association petition asked for the division of cost on a benefit basis.

Elizabeth Swift – I served on the ground water task force and was a member of the Zoning Board of Appeals for many years. The other side of the lake has large parcels. The Baetcke Lake Association made the right decision in asking for this district to be established on a riparian/benefit basis. Have any members of the township board contacted the Triangle Lake parties to find out how their augmentation well works? No response from the Board.

Rocheleau – It will take 27,150 gallons of ground water to raise a one-acre lake just one inch. It will take more than 52 million gallons to raise it 48 inches.

A call to the public was made with the following response: Wade Bray – Preserving the lake is laudable. Will the well be drilled deeper to enter a different aquifer? There should also be some mechanism to stop the project if there appears to be trouble over time.

McCririe – Referencing Insight’s letter of 09/23/03 – They will drill to about 150 feet.

Richard Kettle – What will be the impact to the wetlands? McCririe – The Health Department and the D.E.Q. will look at the results of those initial tests to determine the next step to be taken and whether or not a permit is to be issued. The Township Board role is purely financial. We will only support this project initially by setting up a special assessment district, with final costs distributed between the 28 homeowners within the district, thus repaying the township. Studies completed when the Oak Point wells were drilled indicated no affect on the nearby lake levels.

Barry VanTiem – Should we be talking to the Health Department on this issue? McCririe – your comments should first be part of the record here and then question the Health Department.

Geoff Keeney – The natural flow of the aquifer is toward where I live and I am concerned with the water flow. What responsibility does the township have should my well fail? Water is public domain. Will this then become a public lake?

Mary Ann Gardella – I would like you to research this issue before it goes forward. William Despot – Where does the buck stop should our wells go dry? I lived in an area where an expressway came through and my well was dry within 14 days. McCririe – The township roll in the process is simply to provide financing. Gardella – Can you build into this proposal funds to allow recourse should our wells go dry?

Norbert Satara – My well is at 140 feet and it is not clear to me that this will work. Tim Walter – Our property abuts this lake. How much are they going to raise the lake level? My well is at 105 feet. Do you have the ability to require insurance? There are so many unknowns and those concerns need to be answered.

Peggy Hodgson – If you pump water out of the ground won’t it just percolate back into the ground? McCririe – The proposal is to raise the lake 40”. That is possible, however all of your concerns should be answered by the initial testing.

Barbara Keeney – The D.E.Q. letter to the Health Dept. referenced evaporation on the lake and they do not endorse this project. Chris (Summerhill) – If your job is just to finance, then will you finance whether or not you think it is a good project? George Zander – The water will come up again. Mr. Wagner – We will need 26” to replace what has been depleted, not 48” as suggested.

Elizabeth Swift – A well can go dry for any reason. Mr. Bray’s well was drilled in the early 1960’s and he lost his well and there has not as yet been any pumping to augment the lake.

The call to the public was closed at 8:15 p.m.

McCririe – In the midst of an eight-year drought, this is not a unique situation in

Michigan.

Ledford – I understand how everyone feels. I am concerned that this could be an environmental disaster. I want to make sure that no one is hurt in any way. This project is a dangerous thing to do and I am not in favor.

Hunt – I feel that the resolution should be revised and two rolls established so that we can determine the results of the initial tests. Then we can have the association come back to us.

Mortensen – The “plan” refers to Insight’s letter of 09/24/03. Where does the \$100,000.00 come from when their letter only includes costs of a little less than \$64,000.00? McCririe – The cost of the land is included in the complete project. Mortensen – Then that information should be included in the resolution.

Combs – I would compliment Ms. Peterson on her presentation. I also feel for the other people in this area, however the water needed has to come from somewhere and I cannot support this resolution.

Skolarus – This is a difficult decision for any member of the Township Board. Certainly we do not want to harm any nearby residents, but at the same time this is a legitimate request with a great deal of support from riparian owners on Baetcke. I am concerned with the issues raised by the Rocheleaus. According to Mr. Sweatman, their well is a concern for Insight and I feel that some type of insurance should be in place to protect them should their well go dry during this process. I also agree with Mr. Wagner, the raising of the lake level could be a positive impact to neighboring wells, simply because water seeks its own level and will infiltrate the ground and provide pressure that may reactivate the natural springs of this lake.

McCririe – The low lake levels are a rampant problem in Michigan. Two experts – the Health Department and the D.E.Q. are not in favor of this plan. The township should not be providing financing. It appears that the board decision will be split three to three, thus a failing of the motion to proceed.

Peterson – I would ask that the action be tabled until all members of the board are present.

Moved by Skolarus, supported by Mortensen, to table the request until the next regular meeting of the board. The motion carried unanimously. Heikkinen suggested a committee be established to negotiate a contract with the Association to set standards for review and other aspects of the project discussed this evening. The committee will be made up of Rick Heikkinen, Michael Archinal and Paulette Skolarus.

**2. Request for approval to initiate a project known as the Grand River Sewer Improvement Project:**

A. Resolution No. 1 (to proceed with the project and direct the preparation of the plans and cost estimates).

Moved by Mortensen, supported by Combs, to approve Resolution No. 1. The motion carried by roll call vote as follows: Ayes - Ledford, Hunt, Combs, Mortensen, Skolarus and McCririe. Nay – None. Absent – Smith.

B. Resolution No. 2 (to approve the project, scheduling the first hearing and directing the issuance of statutory notices).

Moved by Skolarus, supported by Mortensen, to approve the resolution setting the first public hearing for March 15, 2004 at 7:00 p.m. at the Genoa Township Hall. The motion carried by roll call vote as follows: Ayes - Ledford, Hunt, Combs, Mortensen, Skolarus and McCririe. Nay – None. Absent – Smith.

**3. Request for approval of an impact assessment (11/05/03) and special use permit, corresponding to a site plan for a proposed 2,949 sq. ft. Bank One with 4 drive-thru lanes on the north side of Grand River Ave., west of Grand Oaks Drive, Sec. 5, petitioned by Alan Okon, Nudell Architects, as discussed by the Planning Commission 11/24/03 and the Township Board on 12/15/03. (Please pull related documents from your 12/15/03 board packet).**

Moved by Skolarus, supported by Hunt, to recommend a favorable review by both the Planning Commission and Zoning Board of Appeals for the alternate site plan (01/11/04) that has been presented to the Township Board for Bank One. The following variances are recommended for approval:

- 26' access drive be reduced to 22'
- 6' screened wall be alternated with arborvitae or other type tree
- Variance to the rear setback,
- Variance to the parking setback
- Variance to the rear landscape plan
- Variance to the side parking setback
- Variance to the side yard setback.

It was determined by the township board that this alternate plan created a better traffic flow within the site. One additional drive-thru bay was eliminated. The consensus of the township board is that this is a good use for a very difficult site and would allow minimal impact to the neighboring properties.

The motion carried unanimously.

**4. Request for approval of the impact assessment (12/10/03), corresponding to site plan, for a proposed 20,388 sq. ft. office supply retail building (Staples) located in Sec. 5 between Wal-Mart and Lowe's at the southeast corner of Grand River and Latson Road, petitioned by RLG Howell LLC and GCG Howell LLC and discussed by the Planning Commission on 01/26/04.**

A. Disposition of the impact assessment.

Moved by Hunt, supported by Ledford, to approve the revised impact assessment conditioned upon the following:

1. Dust control measures shall be added.
2. The size of the building, number of employees, and hours of operation need to be included.

The motion carried unanimously.

B. Disposition of PUD site plan.

Moved by Ledford, supported by Skolarus, to approve the site plan related to the PUD for Staples with the following conditions:

1. The rear and side walls shall be constructed of split faced block painted to match the building.
2. Building materials presented this evening are approved and become the property of the Township.
3. The bike paths on Latson Road and Grand River shall be extended to the intersections.
4. One six-foot split faced block screen wall will be installed to conceal the truck well and dumpster.
5. Wall mounted light fixtures will be reviewed and approved by Township Staff.
6. All items in Tetra Tech's letter dated January 21, 2004 shall be complied with.
7. Dust control measures will be employed during construction.
8. All requirements of the Howell Area Fire Department will be complied with.

The motion carried unanimously.

**5. Request for approval of the final PUD agreement, PUD site plan and impact assessment (11/20/03) for a proposed 16 single-family homes on approximately 70 acres (Timber Green) located west of Chilson Road, north of Coon Lake Road in Sec. 20 & Sec. 29, petitioned by Chestnut Development, discussed by the Planning Commission 01/26/04.**

A. Disposition of PUD agreement.

Moved by Hunt, supported by Ledford, to approve the revised PUD agreement contingent upon the following: Deed restrictions shall be recorded for Parcels C, D, and E that provide some conservation easements and restrictions protecting preservation and wetland areas as contained in the condominium Master Deed and by-laws. These restrictions and agreements will be subject to review and approval by the township attorney. The motion carried unanimously.

B. Disposition of final PUD site plan.

Moved by Ledford, supported by Skolarus, to approve the PUD site plan contingent upon the following:

1. The 25-foot wetland buffer should be delineated and noted on the plans.
2. The standard detail for the proposed Valley Gutter should be updated according to the detail.
3. The ROW should be dimensioned and labeled for the proposed private road, including ROW width changes.
4. The proposed lawn grades immediately outside the roadway should be at a minimum 1:4 slope per Township Standards. The locations near the proposed entrance and near

Station 8+00 should be updated.

5. The proposed contour should be shown with some curvature as they meet existing contours and should be consistent throughout the plan.
6. Engineering requirements outlined in Tetra Tech's letter dated January 21, 2004 shall be complied with.
7. The petitioner has provided a roadway right-of-way width of 50 feet. The Genoa Township Zoning Ordinance generally requires a right-of-way of 66 feet for private roads. However, this may be reduced by the Planning Commission to not less than 50 feet when all of the following criteria are met:
  - a. The width is determined to be adequate for the necessary pavement and utilities,
  - b. Adequate clear sight distance can be maintained,
  - c. There is not a desire that the road could become a public street or extended in the future, and
  - d. It is not expected to accommodate over 300 trips per average weekday.

The site plan does meet all of the aforementioned criteria; therefore, the Planning Commission may reduce the width of the right-of-way to 50 feet, if so desired.

8. The petitioner has provided two options for the roadway. The first option provides an open ditch with gravel shoulders while the second provides a bituminous valley gutter. The Genoa Township Zoning Ordinance requires that all private roads serving more than five lots shall be constructed with concrete curb and gutter. However the Planning Commission may waive the requirement for concrete curb and gutter where the dwelling unit density is low, anticipated traffic levels will be low or surrounding environmental conditions make open ditch drainage preferable. Either option is acceptable for the submitted site plan.

9. The Genoa Township Zoning Ordinance states that the minimum pavement width shall be 30 feet as measured back to back to curb. The pavement width may be reduced to not less than 26 feet where the Planning Commission determine that the reduced width will preserve significant natural features, will not serve as a through street, will serve only a low number of dwelling units and shall be posted to prevent parking. It is appropriate for the Planning Commission to reduce the width to 26 feet as measured from back of curb to back of curb for this site plan, if so desired. However, the petitioner is proposing the curbed roadway cross section of 22 feet as measured from back of curb to back of curb. This cross section should be increased to incorporate 11 foot traveled lanes, however the shoulder width may be reduced to keep the roadway width to 26 feet.

10. The Genoa Township Zoning Ordinance and Livingston County Road Commission required a minimum horizontal curve of 230 feet in radius. The Zoning Ordinance states that the Planning Commission may be reduced to not less than 150 feet if the design would accommodate the expected vehicle speeds, traffic flows, a significant number of mature trees would be preserved, or where the width of the parcel would not accommodate a wider radii. The proposed site plan has one radius delineated at 212.5 feet. Based on the traffic flow and speed limit on the roadway, a radius of 212.5 feet would be acceptable if so desired by the Planning Commission.

11. The Genoa Township Zoning Ordinance also states that 55-foot radius for the outside edge of pavement should be utilized for a cul-de-sac with a landscaped island. This may be reduced to the Livingston County Road Commission Standards of a 50-foot radius if

so desired by the Planning Commission.

12. Open ditch with gravel siding is acceptable.

13. Road right-of-way of 50-feet is acceptable.

The motion carried unanimously.

C. Disposition of impact assessment.

Moved by Hunt, supported by Mortensen, to approve the impact assessment contingent upon the following: Deed restrictions shall be recorded for Parcels C, D, and E that provide some conservation easements and restrictions protecting preservation and wetland areas as contained in the condominium Master Deed and by-laws. These restrictions and agreements will be subject to review and approval by the township attorney. The motion carried unanimously.

#### **6. Review of newsletter articles for March publication.**

It was the consensus of the board that the newsletter articles as discussed were acceptable for publication.

Moved by Mortensen, supported by Combs, to approve the expenditure of \$3,500.00 to LSL for professional services in developing a grant application with the Michigan Natural Resources Trust Fund for parks and recreation on the township hall site. The motion carried unanimously.

Moved by Ledford, supported by Skolarus, to remove a refuse fee from parcel 11-22-303-013 as owned by Tony Przybyiski of Lakeshore Builders. The motion carried unanimously.

The regular meeting of the Genoa Township Board was adjourned at 9:35 p.m.



Paulette A. Skolarus  
Genoa Township Clerk