

GENOA TOWNSHIP  
PLANNING COMMISSION  
WORK SESSION  
September 13, 2004  
6:30 P.M.  
**MINUTES**

The work session of the Planning Commission was called to order by Chairman Don Pobuda at 6:30 p.m. The following commission members were present constituting a quorum for transaction of business: Don Pobuda, James Mortensen, Barbara Figurski, Curt Brown, and Dean Tengel. Also present were Kelly Kolakowski, Township Planner, and Tom Dabariener from Langworthy, Strader, LeBlanc & Associates, Inc. By the end of the work session, there were a few persons in the audience.

Items scheduled for action during the regular session of the commission were discussed.

GENOA TOWNSHIP  
PLANNING COMMISSION  
PUBLIC HEARING  
7:00 P.M.  
**MINUTES**

The regular session of the Planning Commission was called to order by Chairman Don Pobuda at 7:02p.m.

The Pledge of Allegiance was recited and a moment of silence was observed.

**Moved** by Mortensen, seconded by Figurski, to approve the Agenda. **The motion carried unanimously**

The call to the public was made to discuss items not on the agenda. There was no response and the call to the public was closed at 7:03 p.m. Chairman Pobuda noted that the Board will not begin any new business after 10:00 p.m.

**OPEN PUBLIC HEARING # 1**...Review of sketch plan application, sketch plan, and environmental impact assessment for proposed site lighting and landscaping modifications to an approved site condominium plan for the Copperleaf Subdivision located in Sec. 34, on the north side of Cunningham Lake Road, petitioned by The Terra Land Group, LLC., and Gordon Builders. (PC 04-12)

**Planning Commission deposition of petition**

- A. Recommendation regarding impact assessment.
- B. Disposition of sketch plan

Mr. Aaron Tassell of the Terra Land Group was present to represent the petitioner.

He stated that at the Planning Commission's request, he has met with DTE and they have rectified each light bulb wattage and reflective lenses and their lights now meet the Genoa Township Ordinance at both entrances.

Mr. Dabariener stated the petitioner has not changed the lighting to what was suggested in their May 23, 2004 letter. He still feels the need for internal lighting for public safety, which was originally approved.

The call to the public was made at 7:05 p.m.

Mr. Gerald Mc New of 5587 Mountain Road. He advised that they have added another spotlight on the property. He feels the primary issue is not the lights, but the fact that on the original site plan, lights were not proposed at the Eggert Place entrance. The Planning Commission needs to either support the Site Plan or the developer. He added that even though the lights have been toned down, they still light up other people's homes.

Mr. Phil McGee of 5550 Mountain Road does not see the point of having lights on Mountain Road, which does not lead to anything. He feels they detract from his subdivision.

Ms. Jan Foltz of 5571 Mountain Road agrees with her neighbors. She does not see a need for the lights.

Mr. Bob Herbst of 5390 Mountain Road stated that the original plans called for lights on Cunningham Lake Road and not Eggert Road. He feels the Eggert Road entrance should be closed during construction because trucks are using it and they were only supposed to use Cunningham Lake Road. He agrees with the neighbors and does not feel there is a need for these lights. If the lights are there, he wants the petitioner to ensure that when the bulbs blow out, they will replace them with the same wattage bulbs.

Ms. Hilda Kirsch of 4875 Crooked Stick hopes the Planning Commission keeps the same rules that they did for her subdivision at the corner of Clifford and Brighton Road. They had to have a very low voltage bulb in that light.

Ms. Ronda Szydzik of 5714 Eggert objects to the lights. Although they have been dimmed, when the leaves are going to be off the trees, the lights will still show. The lights are on all day, every day, and if it is cloudy, they are on also. She enjoys her dark neighborhood. She does not feel that internal lights are needed for safety. Some of her neighbors have lived in her area for many years and have never had any problems. She does not feel that large lights in the

middle of a cul-de-sac keeps with the rural character that is the goal of Genoa Township. She noted that this could set a precedent for other builders to deviate from original Site Plans that were approved. She is also concerned about the construction traffic coming through Eggert. This is a residential area. She feels the Planning Commission needs to stay with their original approval of no lights on Eggert.

Mr. Keith Spicher of 5606 Mountain Road has lived here for 25 years. There have never been lights, there are no safety issues, and the lights are intrusive.

Mr. McNew would like clarification that the main entrance was designated to be at Cunningham Lake Road. Ms. Kolakowski stated there was no specific reference as to what the main entrance would be; however, Cunningham Lake Road was designated as the main construction entrance.

The call to the public was closed at 7:19 p.m.

Chairman Pobuda questioned why the lights were put up. Mr. Tassell stated it was a marketing tool. They wanted to distinguish their development from Mystic Lake and attract buyers to their subdivision.

Chairman Pobuda questioned by there are no internal lights, which were approved on the original Site Plan. Mr. Tassell advised there is no explanation for that. It was an oversight and if they need to be installed, they will do that.

Chairman Pobuda stated it appears that the construction traffic is not being directed down Cunningham Lake Road. Mr. Tassell stated that before each home is begun, there is a meeting and all subcontractors are told to use Cunningham Lake Road. Sometimes there are certain truck drivers who try to take the short cut. He added that they could not close the Eggert Road entrance during the day because that is where their sales office is located and it is open during the day.

Commissioner Tengel does not see any benefits as to why the original Site Plan should be changed and he is opposed to this proposal.

Commissioner Brown feels that if the petitioner would have come in originally and asked for "some" lights on Eggert, they may have been approved; however, five lights seems excessive. He does feel for the neighbors; however, if the lights are within the ordinance, then they should be allowed. He reiterated that five lights is quite excessive.

Commissioner Mortensen stated his concerns with this request.

1. There were 9 lights installed instead of the approved 6, and they are in different locations. He is overwhelmed with the lights. It is very bright on Eggert and the original Site Plan should be observed with six lights.

2. The landscaping and the lighting on the landscaping. The landscaping is beautiful and beyond what was noted in the Site Plan and he would like to leave it with very subdued lighting that does not exceed the .5 footcandle per Township Ordinance.

Commissioner Figurski agrees with Commissioner Mortensen. When the leaves are gone, the lighting will be even brighter.

**Moved** by Figurski, seconded by Tengel, to recommend denial of the Impact Assessment dated May 12, 2004 for proposed site lighting and landscaping modifications to an approved site condominium plan for the Copperleaf Subdivision. **The motion carried unanimously.**

**Moved** by Mortensen, seconded by Figurski, to approve the Sketch Plan for proposed site lighting and landscaping modifications to an approved site condominium plan for the Copperleaf Subdivision subject to the following:

1. The petitioner shall revert to the original Site Plan insofar as the 4 internal lights and 2 lights at the Cunningham Lake entrance will be optional. If installed, such lighting shall conform to Township Ordinance and not exceed .5 footcandle from the property line.
2. Five light fixtures at the Eggert Road entrance will be removed.
3. The landscaping and brick walls at the entrances as presently constructed will remain; however, the existing lighting on that landscaping will be more subdued than at present to approximately 50% of the present illumination, which shall be approved administratively by Township Staff.
4. The deviation of the placement of the two light fixtures at the Cunningham Lake Road entrance can be approved administratively.

**The motion carried (Tengel – yes; Brown – yes; Mortensen – yes; Figurski – no; Pobuda – yes).**

**OPEN PUBLIC HEARING #2...** Review of PUD Application for proposed Oak Pointe Marina PUD Amendment petitioned by Oak Pointe Development Co. (PC 04-18)

**Planning Commission disposition of petition**

A. Recommendation Regarding PUD Amendment

Mr. John Kirsch, Mr. John Schuch, and Mr. Tom McFarland were present to represent the petitioner. Mr. Schuch advised that when they were before the Planning Commission on October 9, 2004, they asked for the restrictions to be lifted for 32 of their marina owners. The Planning Commission asked them to return with more reasons as to why this should be granted.

He showed a sketch of the marina and explained their proposed changes. They are proposing to lift the restrictions for 32 of the slip owners and add the following seven restrictions to all slips:

1. They would reduce the number of slips from 63 to 61 to improve safety and lessen traffic on the lakes.
2. A 24-foot maximum boat length will be instituted to improve safety and lessen the wakes on the lakes.
3. Ten-foot single and 20-foot double slip widths will be imposed.
4. Each slip will be limited to one boat, including personal watercraft.
5. Boats and dock slips cannot be leased to the Oak Point Country Club, any Oak Point Homeowner Association, or any Oak Point Condominium Association, except for the four that are already in place.
6. The launching and removal of boats would be restricted to the East Crooked Lake boat launch, which would give them legal authority to stop periodical boat launching in the other areas.
7. A mandatory Livingston County, two-part safety program for all new Oak Point slip owners and boat drivers as well as an orientation of the Crooked Lakes will be required.

Commissioner Tengel questioned if the petitioner has spoke with the DEQ to determine if they feel this is acceptable. They have not.

Mr. Dabariener stated the issues addressed in the August 3, 2004 letter still remain valid. They do not feel the need to change the restrictions on the 32 slips. He has not heard a good argument for allowing this. The petitioner does not seem to be giving up anything that they do not already do. They are proposing to give up things that they should not already be doing.

Commissioner Brown did not know that more than one personal watercraft is allowed in a slip. Mr. Kirsch stated the bi-laws stated "...cannot put more than one unless authorized by the Board". Now they want to limit it to one with no exceptions.

The call to the public was made at 8:00 p.m.

Mr. Joe Perri, Jr. of 4012 Highcrest is a riparian owner and member of the Tri-Lakes Association. He has a petition to present to the Planning Commission submitted by individual riparian owners who are member of the Tri-Lakes Association. There are approximately 100 – 150 signatures on this petition. He has the following concerns:

1. Safety issues. The slips that are owned by the villas are used by an unlimited number of people and they do not follow the rules of the lake.
2. They bought property on the lake to enjoy safe boating.
3. He feels there are too many boats for the amount of lake frontage that they actually own.

Ms. Christine Cook-Lindsey of 4276 Highcrest stated that her family has owned the property at 3924 and 3930 Highcrest for over 10 years. She is very concerned about a restriction being lifted on these slips. She agrees with Mr.

Perri that it is a safety issue as well as they do not own that much lake front property. She also agrees with Mr. Dabariener that they are not giving up anything that they do not already do. She understands that the PUD does not allow sharing of the slips and however, there are four that are owned by the Villas.

Ms. Hilda Kirsch of 4875 Crooked Stick stated she is a marina member and agrees with the residents; however, she does not feel the lack of safety should be blamed on all of the marina owners for a few people that do not follow the rules of the lake.

Mr. Pepper Burgen of 4292 Highcrest questioned if the petitioner is proposing to lift the limit of one boat per slip. Chairman Pobuda stated no. They are proposing to allow only one boat per slip.

Mr. Bill Wernett, the President of the Tri-Lakes Association, is present to represent himself and not the Association. He agrees with the fact that things they are willing to give back are things that are not practical for them to do anyway. The original PUD called it "dock space" and the intent was that there would be one boat per slip. He spoke to the DEQ and their marina-operating permit allows them to have one boat per slip. He also agrees with Joe Perri that many different groups use the powerboat in a given day. The community slips are his major concern.

Dr. Pat Schuch of 4561 Oak Point Drive is a marina slip owner. She showed a deed for the slip, which is considered residential property, and she pays \$270 a year in taxes for this. She noted that she is assessed for the West Crooked Lakes lake level for the Livingston County Drain Commissioner also. She also noted that most of the marina dock owners use their boat less than eight times a year. They have to drive to their boats and cannot just walk outside to them. They are trying to ensure that associations do not purchase more slips to use them as community slips. This proposal is in the best interest of all lake residents.

Mr. Joe Perri, Sr. of 3985 Homestead does not agree that it is in his best interest to release all of the restrictions on these slips.

Mr. Joe Perri, Jr. stated that when the marina owners purchased their slips, they were aware that they were restricted.

Ms. Cook-Lindsey feels she pays approximately \$3,000 in taxes for living on the lake and the Oak Point Marina owners pay for the lake levels because they take so much from the lake. She agrees with Mr. Perri in that they knew what they were purchasing. She feels these owners are trying to make their marina slips more marketable in the future.

Mr. Wernett stated he is familiar with the special assessment district by the Drain Commissioner. The people on the lake are charge 1 share whereas the people who do not live on the lake are charged ¼ of a share. The people who live on the lake pay more.

Dr. Schuch stated that the types of boats that are now being purchased for people is changing. People are now buying deck boats instead of pontoon boats.

The call to the public was closed at 8:32 p.m.

Mr. Schuch stated he was not aware the speedboat drivers are not obeying boat laws and rules and they will address these issues if they are occurring.

They feel their proposal will increase the safety of this lake. Chairman Pobuda questioned if any of the representatives were on the Board when the Villas purchased the community slips. Mr. Schuch stated the change in operation needs to come from the PUD amendment with the developer and not the Association. Ms. Kolakowski and Mr. Dabariener concurred. This issue is not being discussed this evening.

Chairman Pobuda noted that the horsepower of the boats as well as the personal watercraft were not addressed with this new proposal, which was requested at the administrative meeting with the petitioner and the Township.

Mr. Schuch stated the restrictions they are proposing would limit the number of personal watercraft on the lake. No one is going to pay for a slip just to dock one Jetski on it.

Commissioner Tengel feels that by today's standards, there are at least double the amount of slips allowed for the lake front property owned. He does not feel anything positive, and only negatives, can come from lifting the restrictions.

Commissioner Mortensen stated he has not seen any "meaningful offsets" presented. Commissioner Figurski agrees.

**Moved** by Mortensen, seconded by Tengel, to recommend to the Township Board denial of the PUD Amendment for the following reasons:

1. No meaningful offsets were made in the opinion of the Planning Commission and Township Planning Consultant.
2. There has been no compelling reason shown to allow the amendment.
3. The Planning Commission has concerns of safety and increased boat speeds and wakes on the Crooked Lakes.

**The motion carried unanimously.**

**Moved** by Figurski, seconded by Mortensen to approve the minutes of August 9, 2004. **The motion carried unanimously.**

**Member Discussion**

Ms. Kolakowski invited the Planning Commission as well as members of the public to attend the Huron River Chain of Lakes Watershed Discussion meeting at the Genoa Township Hall on Wednesday, October 13, 2004 at 7:00 p.m.

Commissioner Figurski noted that the Carpet Center store's dumpster on the corner of Grand Oaks and Grand River is always full and overflowing.

Chairman Pobuda noted the extra signs that have been erected by Classic Carpet. Ms. Kolakowski has addressed this issue with the Code Enforcement Officer.

The meeting adjourned at 8:52 p.m.

Submitted by: Patty Thomas, Recording Secretary

Approved by: Barbara Figurski, Secretary