

GENOA TOWNSHIP  
PLANNING COMMISSION  
WORK SESSION  
AUGUST 9, 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: James Mortensen, Curt Brown, Dean Tengel, Barbara Figurski, Don Pobuda and Mark Synder. Also present were Kelly Kolakowski, Township Planner; Tom Dabariener from Langworthy, Strader, LeBlanc & Associates, Inc. By the end of the work session, there were approximately 9 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 7:00 p.m.

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

**Moved** by Figurski, supported by Mortensen to approve the Agenda as written. **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 PUD application for proposed Oak Pointe Marina PUD Amendment, petitioned by Oak Pointe Development Co. (PC 04-18)

**Planning Commission deposition of petition**

A. Recommendation regarding PUD amendment

Mr. John Shue, President of the Oak Pointe Marina Association, John Kirsch, Secretary of the Oak Pointe Marina Association and Marina Manager, Mr. Joe Siriani, Oak Pointe Development Company, and Tom Macfarland, Treasurer of Oak Pointe Marina Association were present to represent the petitioner.

Mr. Shue discussed the history of the marina's boat configuration. From 1984-1988 there were 63 boat slips, 29 unrestricted and 34 restricted. Six of these slips are on individual lots and are not part of the marina slips. Since then, 2 slips have been permanently retired. Currently, there are 23 unrestricted power boats. Deck boats fall into the restricted category. Tonight, we are requesting 61 slips with no horsepower restriction.

Mr. Kirsch stated that they would like to see the administration ceiling lifted. Not everyone is going to switch from their pontoon boats to deck boats. Currently, it is an administration hassle to shuffle people around in the slips depending on the type of boat they have.

Commissioner Figurski questioned about jet skis.

Mr. Kirsch replied that they are considered power boats.

Mr. Siriani stated that there is confusion whether the restriction is on the type of boat or the horsepower of the boat. Also, there is a public access to these lakes which doesn't restrict the type of boat. It does not make sense.

Mr. Shue stated that in summary, they are not looking to increase the number of boats. We have 32 out of approximately 800 tri-lakes docks. This change will not affect the number of boats on the lake.

Commissioner Tengal asked how much frontage does the marina have.

Mr. Kirsch replied that they have 170 feet of frontage.

Mr. Dabariener reviewed his letter dated August 3, 2004.

Mr. Dabariener indicated that one additional item to consider is that changing the PUD agreement might set a precedence. He also noted that the original intent of the restriction in the PUD was to limit the impact of noise levels and the size of waves on Crooked Lake.

Chairman Pobuda questioned if the 6 unit slips for the riparian homeowners have restrictions. Mr. Shue stated that they do not have any restrictions.

Commissioner Tengal asked if the association owned boats are included in the total. Mr. Shue replied that they are.

A call to the public was made at 7:17 p.m. with no response. The call to the public was closed at 7:18 p.m.

Commissioner Brown questioned why the 2 slips were retired. Mr. Shue responded that there were safety concerns in the marina and the original design couldn't accommodate the allocated slips.

Commissioner Tengal stated that he sees no significant reason or change that would justify amending the PUD. Commissioner Mortensen stated that he does not like the thought of changing all slips but would consider an increase to allow deck boats with a horsepower restriction.

Commissioner Figurski stated that she is not in favor of changing the PUD. There is too much traffic on the lakes and there is a public access that could be used.

Commissioner Brown stated that he lives on the lake and the Oak Pointe Marina boat owners are very responsible. When they negotiated for the marina the PUD was a give and take. They aren't proposing to give anything in it for this change. To change the PUD would set a terrible precedent with no benefit to the Township.

Commissioner Mortensen agreed with Commissioner Brown's statement. Commissioner Mortensen also noted that he is troubled that there is no one here from the Tri-Lakes Association.

Mr. Bill Wernette, President of Tri-Lakes Homeowner's Association, stated that they did an informational newsletter. The current restriction could encourage high horsepower or "creative" pontoons which could affect safety.

Chairman Pobuda questioned if the size of the horsepower increases, does the size of the pontoon also increase. Mr. Kirsch replied not necessarily. The majority of the pontoons are 40-60 hp. There are some 150-160 hp pontoon boats in the marina.

Commissioner Mortensen questioned Mr. Wernette if all the homeowners on the lakes are members of the association. Mr. Wernette replied that they are and they all got a copy of the newsletter.

Commissioner Mortensen stated that we need to talk about some of the give backs to the community.

Mrs. Pat Shue, 4561 Oak Pointe Drive, "We are 32 out of 850 boats that is restricted as to the type of boat. I would like a deck boat also. In Oak Pointe, you cannot park a boat on your property so using the public access for your motorized boat is not an option.

Mr. Shue talked about the original agreement and technology changes. He then presented a boat catalog showing a pontoon boat and a deck boat.

Mr. Siriani stated that the original PUD was a give and take. When the marina issue came up at the time of site plan approval, the Tri Lakes Association didn't want any boats. The original agreement was in itself a compromise. This has been an administrative nightmare. These 32 are the only restrictions in the Tri-Lakes.

Chairman Pobuda stated that Northshore also has restrictions.

Commissioner Tengal stated that we have to show the benefit to residents of Genoa as a whole and I don't see any benefit.

Commissioner Mortensen stated that one benefit would be the permanent retirement of 2 slips. There would have to be some additional meaningful offsets and the Tri-Lakes association would have to support it.

Mr. Shue stated that there are 700 property owners in Oak Pointe Subdivision. We have had a wait list in the Oak Pointe Marina for people who want a deck boat. If you currently have a pontoon boat slip and you want a deck boat, you have to change slips.

Mr. Macfarland noted that they did a survey on how much people in the marina use their boats and they don't use their boats very much.

Commissioner Mortensen stated that it seems to him that if they vote tonight, there should be some offset. At a minimum, this will increase the wake on Crooked Lake. To him, the only hope for the petitioner is to have some serious offsets or I don't see any benefit for the Township to make the change. These restrictions were put there for a reason. I would look for a permanent retirement of the 2 units and some additional restrictions.

Mr. Shue commented that 32 people represent 4 percent, and you are worried about the other 96 percent.

Commissioner Mortensen agreed that they are worried about the other 96 percent. Commissioner Snyder agreed with Commissioner Mortensen and stated he would look at some type of agreement that can be reached regarding deck boats with a horsepower restriction.

Mr. Shue asked if the retirement of 2 slips and pontoon or deck boats be allowed would be acceptable. Chairman Pobuda directed Mr. Shue that it would not be acceptable.

Commissioner Figski stated that there are three of us that live on a lake. You may be back again if this change is approved. I don't like the precedent that this would make. Commissioner Tengal stated that he is not in favor of it and there would have to be substantial offsets to change his mind.

Commissioner Brown agreed with Commissioner Mortensen that there would have to be some more restrictions, perhaps no personal watercraft or he could perhaps see another 5 maybe being unrestricted.

Commissioner Mortensen would like to see size or horsepower protection for the future.

Moved by Mortensen, supported by Figski, to table the item per the petitioner's request. The motion carried unanimously.

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Moved by Figurski, supported by Brown to approve the minutes of July 26<sup>th</sup>, 2004. The motion carried unanimously.

The meeting adjourned at 8:33 p.m.

Respectfully submitted:

Amy Ruthig