

**Minutes of Monthly Meeting
Crystal Lake Township Planning Commission
7:00 PM March 27, 2024
Crystal Lake Township Hall**

1. CALL TO ORDER at 7:00 pm by Chair Greg Wright

2. ROLL CALL AND RECOGNITION OF VISITORS

Planning Commission Secretary Dr. Bill Northway called the roll:

Present: Commissioner Bill Herd
Commissioner Mike Pasche
Commission Chair Greg Wright
Commissioner Bill Northway

Excused: Commissioner Lee Ewing

Also present: Zoning Administrator Tom Kucera
Recording Secretary Jeannette Feeheley

Commission Chair Wright welcomed the visitors. Signing the sign-up sheet were:

Visitors: Fred McGill
Martha Papineau
Connie Learnihan
Connie Black-Pond
Patrick Pond
Ann Kullenberg

Chairman Wright reminded those present that the proposed project at the former Herban property is not on the agenda of this meeting. Kucera said what he has recently received from that project will soon be posted on the Crystal Lake Township Web Site, and that it is possible that the topic might be on next month's agenda.

3. CALL FOR CONFLICT OF INTEREST: There was none.

4. CORRESPONDENCE:

Zoning Administrator Tom Kucera reported receiving a letter in opposition to the proposed project at the former Herban property from Jeff and Sharon Karns. He also provided a MSU Extension flyer on an agri-tourism summit May 7 & 8 in Traverse City.

5. APPROVAL OF MINUTES OF MEETING OF March 6, 2024

It was noted that the date of the next meeting was incorrectly recorded in those minutes. The meeting date should have read March 27 rather than April 24.

Herd moved that the Draft Minutes of March 6, 2024, be amended accordingly and approved. Wright seconded. All ayes. Minutes approved as amended.

6. APPROVAL OF AGENDA

Kucera asked that an addition to the Draft Agenda be a discussion of the proposed land split at Roger Mix's RV Park. Suggested placement put it under "Item 11. Other Business."

Wright moved that the Agenda as amended with the addition suggested by the Zoning Administrator be approved. Pasche seconded. All ayes. Agenda as amended approved.

7. PUBLIC COMMENTS:

Martha Papineau asked about a house on two parcels of land at 345 Bridge Street. She questioned whether the owner had the right to build the garage he built, and whether the owner had the legal right to have 7-8 campers there all summer last summer.

Herd responded that campers are usually the family of the owner on holiday, and that the property is not a public campsite. Kucera said that he seemed to remember a permit for a garage in that vicinity, but he would have to look into his records rather than remember off the top of his head. Kucera also asked that if anyone sees anything untoward or that they wish to question, such as campers, to please bring it to his attention at the time as he cannot be expected to patrol the whole township every day but would be glad to look into matters if he was apprised of them at the time of occurrence. He keeps regular township hours on site and can be reached any time any working day by email.

8. REPORTS TO THE COMMISSION

A. Chair Report:

Wright announced that Township Trustee Dr. Richard Nielsen had a stroke and is not currently able to serve on the Township Board. It is unknown if he will return to his post.

Wright said he has in mind to look ahead a few months and plan for a public hearing on Short Term Rentals (STR) to be held jointly with the Township Board. He feels a joint hearing will meet some of the concerns voiced last month that the Township Board must become informed on how the Planning Commission is developing its potential future recommendation for a proposed STR, and how and why it deals with various issues. He feels that, if the Township Board is part of that joint hearing, the Township Board could then take up the issue over the next winter and be ready to address it next summer. Commissioners voiced consensus with Wright's plan. Discussion ensued that the Joint Public Hearing be held either June or July, depending on sufficient time for the attorney to review a proposed STR document from the Planning Commission and the Planning Commission then to review and perhaps modify it after the Attorney Review.

B. Zoning Administrator Report:

Kucera reporting receiving only a couple of zoning permit requests. He had just recently received the final fees and document filing from the owners of the former Herban property. He said their proposed plan will be posted on the Crystal Lake Township Planning Commission Web Site soon, and he will also be emailing notice of such to the email list he has compiled from citizens who asked him to do so. He said he has talked with Dave Mansfield of Mansfield Development and that Mr. Mansfield has asked to make a presentation at the Planning Commission's April 24th meeting.

C. Zoning Board of Appeals:

Kucera reported there is nothing currently before the Zoning Board of Appeals.

9. UNFINISHED BUSINESS:

A. Short Term Rental (STR) Ordinance: Review and Consider Scheduling A Public Hearing

Kucera said the markings in red on the current working document reflect his attempts to respond to discussion items that had been sent him by Herd as well as other discussion items by Pasche. In addition, Kucera had questions of his own for which he asked Commissioners' guidance. Commissioners and Kucera then went through those items one by one and others. The greater part of the meeting was spent clarifying the 15-page working document to prepare it for review by the attorney and then re-review by the Commissioners.

10. PUBLIC COMMENTS

Connie Learnihan said she lives on Eberhard Road and expressed concern about lack of response to negative behaviors by other property owners. She said at a previous meeting when such was expressed, and that all the agencies to whom residents rely for enforcement, just pass the buck to other agencies, and throw up their hands. The Commissioners and Kucera expressed their own frustration with the same issue. It was explained that the Township does not employ a police force who could enforce what are police ordinances, and so the Township must rely on the County which has its own issues regarding impediments to their own ability to enforce noise and health and safety issues in a timely manner. There followed a long discussion of police ordinances versus zoning ordinances and how they are developed, approved, and enforced. Discussion also included some of the serious pushback the Township Board has received in the past when they try themselves, without a police force, to enforce against noise or fireworks themselves. Ms. Learnihan kept repeating that, regardless, it does not make sense to her to pass out special land use permits that increase the number of people within the Township, as the increase itself is a problem. Given that enforcement is already an issue, she does not want the Township Board or its Planning Commission to bring more opportunities into the Township for people to cause trouble.

Connie Black-Pond said that in density, one can expect intrusive behavior.

Herd pointed out that zoning ordinances are actually easier to enforce than police ordinances.

Connie Black-Pond said even long-term rentals are sometimes a problem. She lives on Jones Road and heard someone shooting guns. She does not know if they have a permit to do so.

Pasche responded that living with that issue has to do with where we live – “in the country.”

Connie Learnihan repeated her questions about procedures and was answered again.

Fred McGill also asked about procedures and was answered.

Ann Kullenberg said during the time it takes for those administrative procedures to take effect, harm has already been suffered by the neighbor. Referring to the proposed plan to develop 68 campsites on the former Herban property, she asked the Commissioners to consider how such an influx of people and infrastructure will negatively impact the people who live in the area.

Fred McGill said something like the proposed Herban campsite development would really destroy what we love about our neighborhood.

Martha Papineau asked how many campsites already exist in the RV Park off Lobb Road and was answered.

Patrick J. Pond said campsites bring in negative destruction of the environment.

11. OTHER BUSINESS

A. Discussion of the Proposed Land Split at Roger Mix's RV Park.

Kucera reported that he had asked the Township Attorney to review whether Mr. Mix's proposed plan to create two lots on the east end of his property would affect Mr. Mix's current Special Land Use Permit (SLUP). The Attorney has given his opinion that the Land Division would likely create a major modification to the SLUP, and so would require Mr. Mix to reapply for a SLUP, if the Planning Commission agrees with the Attorney. Discussion ensued.

Herd moved that the Planning Commission consider the proposed 5.22 acres land division as a major modification to the site plan previously approved and that Mr. Mix needs to reapply for a new SLUP. Pasche seconded. All ayes. Motion approved.

12. ADJOURNMENT: All business concluded; Wright adjourned the meeting at 8:35 pm.

Respectfully submitted,
Jeannette Feeheley, Recording Secretary

Attachment:

- Letter from Jeff and Sharon Karns opposing the proposed campsite development on the former Herban property.

Next Regularly Scheduled Monthly Meeting:

7 pm, Wednesday, April 24, 2024, at Crystal Lake Township Hall