

LAKE TOWNSHIP PLANNING COMMISSION
Unapproved Minutes
Wednesday, February 24, 2010

The **regular meeting** of the Lake Township Planning Commission was called to order at 7:00 PM by Chairman Dave Szumlinski.

Roll call by Lisa Konke, Recording Secretary. Present were Dave Szumlinski, Dale Hartsell, Gerry Geppert, along with approximately 9 guests. Absent - Deb McBride.

Pledge of Allegiance was recited.

Minutes of the January 27, 2010, regular meeting: Motion by Hartsell to accept minutes, seconded by Szumlinski. All ayes. Motion carried.

Agenda: Szumlinski suggested not adding the Septic Committee documents to the agenda, as there were only 3 members present. He would like to meet with Yvonne Bushey and would like the members to have time to review packet contents and have this put on the agenda for the March 24 regular meeting.

Agenda approved with that recommendation. Motion by Hartsell, seconded by Geppert. All ayes. Motion carried.

Correspondence: None

Old Business

Build able Lots: Szumlinski stated that on page 7.3 of the Lake Township ordinances, minimum lot size, 12,000 sq ft, he feels that the ordinance is not clear. According to the Land Division Act, Act 288 of 1967, you can legally build on 50 foot lot, and yet our ordinance is worded that for the R1 and R2 district you have to have a lot 100 foot wide and 12,000 sq. ft. to build. He thinks that we should add an addition to our ordinance that any lots that fall under this Act are grandfathered.

Szumlinski also expressed concern about the side set backs wording of Lake Township ordinance, in that he feels it's confusing the way the 16' requirement is worded.

Geppert disagreed and did not feel that it is confusing.

Szumliniski stated that he felt it doesn't clearly state that the 16 feet is the total for both sides combined. He feels this is a gray area.

Szumliniski referred to Section 12, 1202.5, page 12.11, Section B. Accessory, buildings can be erected unless there is a dwelling on the property. He suggested that property owners should be able to build an accessory structure on a vacant piece of property if they own the adjoining property which must have a residence on it, without having to join the two lots. With emphasis on the fact that in order to build an accessory structure such as this, must meet and pass all building codes, no permit will be issued for sewer or water for the structure, no water or septic lines from another lot are permitted. The property owner does not have to join the lots together, and that the lots may be separated and sold separately. Our existing ordinance states you cannot use an accessory structure as a dwelling.

Hartsell suggested checking with other townships to see what they have in place. Also, he asked, what would prevent someone from building a garage and bringing a camper and staying in the camper.

Szumliniski stated that you only be able to build if you have an adjoining property.

Hartsell stated that then if you sell the property, then someone may purchase it just to use as storage for campers and such.

Geppert added that if you bring a camper to the structure to stay in the camper, there is the septic and water supply.

Szumliniski stated that you have to trust that the people are following the ordinances, and doesn't feel that this is going to make people more dishonest. He feels that the rules will be followed. And also, he feels that it will allow the people with adjoining properties to utilize the land and in return will generate additional tax dollars for the Township.

Szumliniski then referred to page 13.2 of Lake Township Ordinances. It allows for a lot to be split to a 65 foot lot, but yet our ordinance says that the only build able lot is 100 foot wide. He asked, "Why are we allowing lots to be split into non conforming lots?"

Hartsell stated that this should be checked into.

Szumliniski added that if we allow a split to a 65' lot, then a variance application has to be filed in order to build.

Geppert added it should be looked into.

Rules of Participation: Szumlinski stated that the only thing that has changed is the clarification of the wording with emphasis on that any items should have a printed name and signature of the person submitting them. Motion by Hartsell to accept the changes to the Rules of Participation, seconded by Geppert. All ayes. Motion carried.

New Business

Planning Commission Meeting Schedule: Motion by Hartsell to accept the 2010-2011 Meeting Schedule, seconded by Geppert. All ayes. Motion carried.

Letter from Attorney Lohrstorfer, RE: Conflicts of Interest: Szumlinski stated that he felt this should be added to the Planning Board agenda due to the fact that it was presented at the Lake Township Board Meeting. He said that it was mentioned at one of our previous meetings that due to appointment of Deb McBride, some residents feel there is a conflict of interest. According to this letter from the MTA, it states that she does not have a conflict because the wind draft is not specific to any certain developer.

Geppert says it seems that there is a conflict.

Szumlinski added that what the attorney is saying in this letter is that our wind draft in general does not specify any particular developer. And we still do not know which developer will be constructing the turbines if any. Deb specifically has a lease signed with a certain company. So there is no conflict. He also pointed out that in this letter that if she didn't vote on it she could be breach of her duties.

Public Comments:

Lou Colletta commented on the letter from the attorney. He referred to the counter letter that was read at the last Township Board Meeting.

Szumlinski stated that he has not read that letter.

Hartsell didn't recall the letter.

Colletta thinks there should be a definition of general ordinance and zoning ordinance. He said the wind draft is a zoning ordinance and should not be considered a general ordinance. He also stated that in our ordinance it is stated that if you own 2 – 50 foot lots adjoining, they must be joined.

Szumlinski stated that is what we are trying to clear up.

Colletta replied that the Act 288 of 1967 would be grandfathered. He also asked if emails would need to be signed.

Szumliniski stated that "no", emails need no signature. It would be introduced and read as an email.

Walt Kloc said he was at the Trustees meeting and that there was a second letter that the Township Clerk was reading from. It was regarding this letter on the agenda from Attorney Lohrstorfer, and it was like a rebuttal of the MTA letter. The Clerk did not read the entire letter and rather, read excerpts and chose what parts of the letter she wanted to read. From what he could see it was not part of the packets that the Trustees had in front of them and that Val had the only copy of the letter. Also, asked for a copy of the Act 288 of 1967 due to the fact that it pertains to his property and the fact that he was told that if his house burnt down that he would not be able to rebuild because he has a non conforming lot.

Szumliniski said if his lot was platted before 1967 and he has a 12,000 sq ft lot he can rebuild.

Kloc stated that his lot is not 12,000 sq ft.

Konke added that if you can meet the setbacks, you may need to apply for a variance you can build on your lot.

No more public comments.

Meeting adjourned at 7:45pm.

Next regular Planning Commission meeting, March 24, 2010, 7:00pm

Respectfully submitted by:
Lisa Konke, Recording Secretary

Drafted 2.26.10
Irk