

Planning Commission Public Hearing

July 24, 2024

Amendment to Ordinances:

#55-2024 Table 4.6A, within Section 4.6 B and remove “Marinas”

And

#54-2024 Waterfront setback and nonconformities in section 4.14

Chairperson Wendy Williams, Vice-Chair Brian Grachal, Commissioners Mark Schrader, Tim Seguin and John Righi were in attendance. Dan Mullins, Donald White, Jeff Lake, and Hope Rosso were absent. Also in attendance was Jeff McDonald, Zoning Administrator, Julie Marcotte, Recording Secretary and four members of the public.

Chairperson Wendy Williams opened the meeting at 4:30 p.m.

Pledge of Allegiance

Grachal made a **motion** that having reviewed the minutes from June 26th, to accept the minutes as presented. Williams noted one clerical correction, the adjournment was moved by Seguin and seconded by Seguin. The seconded can be taken out. Motion seconded by Schrader; motion carried with 5 yea votes.

Williams: “We have two items on our agenda tonight, for our Public Hearing. The first one we are going to address, the Public Hearing to amend the Albert Township Ordinance #55-2024 which is Table 4.6 section A, within section 4.6 B and to remove Marinas as a permitted use within that section, so we are holding Public Hearings on both of those. I have some language to go through before we open the public hearing.”

This public hearing is to receive public input on the above matter. The Planning Commission would like to make clear that it is bound by rules and laws when making a decision on this application. In order to conduct the hearing within a reasonable time and to keep to the subject at hand, you are asked to observe the following rules:

Those who favor the proposed change will be heard next and those who are opposed will be heard last.

- **Each person who makes a statement will be asked to state his or her name and address.**
- **Please refrain from repeating what has been said before you, and please do not make comments on personalities or the character of any person involved.**
- **Be as factual as possible**
- **We the Planning Commission reserve the right to question any speaker.**
- **All statements or questions must be directed to me, the chairperson.**
- **We the Planning Commission will make a recommendation on this matter at today’s meeting following the close of the hearing.**
- **Our recommendation and a summary of comments received at the public hearing will be transmitted to the Albert Township Board.**
- **The Albert Township Board may pass, reject or modify the rezoning request. If the Township Board modifies the request it will return to the Planning Commission for review and comment. It will then be returned to the Albert Township Board for final determination. If approved the Zoning Ordinance and any subsequent amendments shall take effect upon the expiration of seven (7) days after publication as required by this Ordinance.**

Williams: “So, I will open the Public Hearing on uhm...55-2024 at 4:32 p.m...”

Williams: “Any discussion from the Board members to begin with?”

Righi: "Could our Zoning Administrator give some background?"

Williams: "Yeah, Jeff.."

McDonald: "Uhm, just a little history why we are amending this is, uhm, when I went to the attorneys to get uhm, information on the Marina we are dealing with down in the Pine Beach Estates, it was brought to my attention that it was an overlook in the writing of the Ordinance. That our Ordinances actually contradict this, in the Greenbelt section and it does say under "transportation services," Marinas and Port and Dock Facilities permitted and apparently it wasn't caught, it's the only area that is actually written in as a permitted, other than CB property. So uh, I was advised by the attorney that it should be amended as soon as possible."

Williams: "Uh-huh, are any members of the Public here to comment on this issue?"

No Public response

Williams: "No, o.k..."

Righi: "It's also R-1, Single Family Residence District."

Williams: "Yes"

Williams: "I am sorry Judd."

Judd Wellard 2720 Mallard Lane: "I just had a question, what is the intent, 'cuz I didn't quite hear everything Jeff said, what is the intent of taking out the word Marina?"

Williams: "Well what's happened is we have a situation that is in a zoning of R-1 which is typically our residential district..."

Judd Wellard: "Yeah, I am aware of that situation."

Williams: "... Yeah, and so with it being in there as a permitted use it could happen in other areas on the lakes and anywhere where its zoned R-1 because the way its listed in our Zoning now, it's a Permitted Use, I mean at the least it should be probably a Special Use."

Righi: "A use subject to Special Approval."

Williams: "Yeah, a use subject to Special Approval, so I don't think we would make that change, I think we would just take it completely out of there, right?"

McDonald: "Correct, off the R-1"

Williams: "Off of R-1 and off of GB as a Permitted Use."

Judd Wellard: "O.k., I understand it now."

Williams: "Any other questions or comments on that?"

Williams: "So this, uhm, I think we would just make a motion and send it to the Board and it still has to..."

McDonald: "The County"

Righi: "It has to go to the County first"

Williams: "County first, for approval"

Righi: "And then we have 30 days that the County can have it."

Williams: "To review it"

Righi: "Then we would make we would make our recommendation I think"

Williams: "O.k."

Righi: "After we hear what the County...the County can give input to Zoning Ordinance Amendments, that uh..."

Williams: "Anytime, any amendment that we do"

Righi: "Yeah, any amendment from any Township, goes to the County for their review, and since the County does not have a..."

Williams: "A Planning Commission or Zoning"

Righi: "...A Planning or Zoning Commission, its left to the Commissioners to review it and send back any comments"

Williams: "And typically we don't really see any comments..."

Righi: "I can't think of a single time that we've had comments from the County, but..."

Williams: "That's the process we have to go through so...I guess we will be ready to start that process, then Jeff"

McDonald: "After you guys vote on it"

Williams: "Yeah. So do we have a motion to do that?"

Righi: "I will make a **motion** that we refer the Amendment to Article 4, Section 4.6 uh, R-1 Single Family uh, as stated in the Minutes, to the County for their input."

Williams: "O.k., do we have a second on that?"

Grachal: "I'll second it"

Williams: "Seconded by Brian Grachal. All those in favor signify by saying "Aye,"

All Board: "Aye"

Williams: "And opposed"

No Response

Williams: “None. O.k., so we will do that and I then I will close that Public Hearing at 4:37”

Chairperson Williams then went on to explain that we would now open the Public Hearing, and that is the Public Hearing to amend the Albert Township Ordinance #54-2024 -WATERFRONT SETBACKS AND NON-CONFORMITIES in Section 4.14 in the Albert Township Zoning Ordinance.

This public hearing is to receive public input on the above matter. The Planning Commission would like to make clear that it is bound by rules and laws when making a decision on this application. In order to conduct the hearing within a reasonable time and to keep to the subject at hand, you are asked to observe the following rules:

Those who favor the proposed change will be heard next and those who are opposed will be heard last.

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- **All statements or questions must be directed to me, the chairperson.**
- **We the Planning Commission will make a recommendation on this matter at today’s meeting following the close of the hearing. Well, we are probably not going to make a decision on that one. We probably won’t make recommendation on that one today.**
- **Our recommendation and a summary of comments received at the public hearing will be transmitted to the Albert Township Board.**
- **The Albert Township Board may pass, reject or modify the rezoning request. If the Township Board modifies the request it will return to the Planning Commission for review and comment. It will then be returned to the Albert Township Board for final determination. If approved the Zoning Ordinance and any subsequent amendments shall take effect upon the expiration of seven (7) days after publication as required by this Ordinance.**

Williams: “So open that Public Hearing at 4:39. And, Jeff I’m going to have you maybe explain what the problems that we were facing with uhm..., that kind of brought this about. And we do have some correspondence too on this matter?”

McDonald: “What I was finding was that uh, properties that were either adding on or tearing and actually rebuilding, uhm, the homes that I was dealing with, were their neighbors’ homes, which have been rebuilt/redone, maybe 5-6 years ago, that they were redone and they sat within 60 to 50 ft. from the water. Then when the new resident wants to.... the next-door neighbor wants to rebuild, I have to come in there and tell them, well you can go 300 ft., in line with your neighbors, 300 ft. both ways.... but you have to be 75 ft. away from the water. Then I look at the house right next door and it’s been rebuilt, maybe 4 years ago and it sits right there, maybe 50 ft. from the water. And it kept happening, this issue, so I decided, let’s take a look at how many homes actually sit...what is the average, of the homes that sit on the lake, on East Twin and West Twin. So, I had NEMCOG do a study and they measured homes and said, uh... around the lake, and uh...they uh, on East Twin did 112 and the average was 58 ft. out of 112 structures...”

Righi: “212”

McDonald: "Err, I'm sorry, out of 212 structures, 58 ft. was the average. On West Twin..."

Righi: "That's how far they are from the water?"

McDonald: "Correct. On West Twin they did 224 homes, in OUR area, in our Township, and the average was 66 feet. And then we have 27 homes that sit in a different County, in a different Township and their Ordinance is 50 ft., that is on the west side of West Twin.

Righi: "Otsego County"

Williams: "So that's Otsego County and Charlton Township."

McDonald: "Correct. So, then I went a little bit further and I went and uh, pulled up Ordinances throughout the area, Otsego Lake...uhm...just different lakes within a 50-mile radius of us and their...and we are, by far, the furthest that we're trying to build homes and is this...it's kinda, unrealistic, let's put it that way. The lots are not deep enough to put homes 75 ft. and then add a septic tank and uh, a well, 50 ft. apart because then you need another 100 ft., to put a well and septic toward the road side."

Williams: "And the problem we've had too..."

McDonald: "Then you're looking at a lot that has to be at LEAST 200 ft. deep to fit all of that in.

Williams: "And the other problem is, so if you've got someone constructing a new home and they aren't putting it where the other houses are at that way back behind the other houses, so that's they issue we've been faced with."

McDonald: "I do advise people that the Greenbelt is 35 feet and so..."

Williams: "And that's not changing, that will remain the same, that stays the same, the 35 ft."

McDonald: "...And that not changing, so if you stop more area for a bigger deck or anything, you have to take that into consideration when you're building this home and back it up to as furthest, ya know, to accommodate whatever you want to build in front of that home."

Williams: "Cuz we are still not going to allow any structure part to be...to encroach on the Greenbelt."

McDonald: "Right. And I have through, going through a lot of information in the office, I've been here now for three years, so going back to uh, prior variances, there have been quite a few variances granted for homes to be built closer to the water than the 75 feet."

Grachal: "If we're granting variances, that means that there is something wrong..."

McDonald: "With the Ordinance"

Grachal: "...With the Ordinance."

McDonald: "Right. I do say that I do work very hard to keep track of the 35 feet..."

Williams: "The Vegetation strip."

McDonald: "I have some properties right now that I'm in.... that.... are tearing some stuff up. The Lodge tore up their deck and moved it back. I have another uhm, home right now, that we meet tomorrow to

advise them that they're gonna have 30 days to tear a patio up, a \$15,000 dollar patio that was put in within the 35 feet and it will come out. So.... I'm dedicated to the 35 feet, I just uh, I feel that uhm, the 75 feet is an unrealistic number, that we can enforce, I can enforce it but it's.... we have people that have built homes behind their neighbors."

Williams: "Right."

McDonald: "If I enforce that...."

Williams: "O.k."

McDonald: I know, I mean I have been doing that..."

Williams: "Right"

McDonald: "But it's.... I am very uncomfortable with building new homes, I mean, we just need to keep them in line."

Williams: "Right"

McDonald: "And uhm push 'em back as, I mean, I'm gonna push 'em back as far as I can. But let's just get, I'd just like a better number to work with.

Williams: "O.k., do we have any...John, go ahead"

Righi: "But, changing the setback to 55 ft., from 75 to 55, that's still gonna give us the 35-foot Greenbelt PLUS another 20 feet..."

McDonald: "Right"

Righi: "Before, structure."

McDonald: "Correct."

Williams: "Yeah, we looked at 50 feet..."

Righi: "Yeah, we one time looked at 50 feet"

Williams: "We didn't think that was enough."

McDonald: "Because there is a lot, if you look at every, I mean... the Great Lakes is 50 feet but they have houses falling in the water too..."

Williams: "Right"

Righi: "Yeah, yeah."

McDonald: "Ya know, I mean are they gonna ever.... West or East Twin is never gonna grow that big...but

Grachal: "We consulted on that with NEMCOG on that also didn't we, as far as what they were seeing as an average?"

McDonald: "Yes"

Grachal: "And more realistic figure of ALL of the inland lakes in the State."

McDonald: "Correct."

Williams: "O.K., do we have any comments from the Public?" "First would be for the change and then we'll do for the... or against, the change after that...."

No Response

Williams: "No.., O.K., nobody for it, anybody against it?"

Wellard: "Yeah, uh...."

Williams: "Give us your name and address again because it's a new Public Hearing."

Wellard: "Well, I think she's got it from the previous comments."

Williams: "I still have to have you say it though."

Wellard: "Judd Wellard 2720 Mallard Lane."

Williams: "Thank you."

Wellard: Just some history from my perspective; uhm, when I built on West Twin, east shore West Twin, not 35 years ago, it was 75 feet. Subsequently the Township increased to a hundred feet for a number of years. And, and then it was put back to 75, the current situation. Uhm, and I, I was able to witness a good example of my neighbors, uh, the Mahers, and uh, 'cause they built the big home uh...two doors down from me and uh, and they brought, they came down themselves with the builder AND a laser and, and lasered 300 feet out in either direction and uh, to make sure their new home would not obstruct the view of any of their neighbors. So, uh...it does, it does make me nervous that uh, I don't believe all builders do that. And so, my next issue is uh, environmental impact. Uhm, every home I've seen on the lake, in addition to where you put the building, are, are enabled with our, our current codes, to put a 15-foot deck on the front of the house so, so now that gets you within 5 feet of the vegetation strip. Now...why is that a concern for me? Uh, as we know for the past 70 years, we've had an acid rain problem in this State and consequently the DNR has said we can only eat fish, three helpings a week, because of mercury contamination, in our lakes. So, consequently, uhm, this situation hasn't improved. Uh, in spite, in spite of all of the efforts to come up with new sources of energy, we still have a big problem with coal, predominately from Wisconsin, dumping acid rain in our lakes and increasing mercury contamination. So, so I believe that these decks that come within 5 feet of uh, of the vegetation strip will, will potentially create a runoff situation which would, could potentially make it worse. Uh, so uhm...those, those are my main, those are my main issues, the environmental impact. And uh, so obviously I think, I think this would be a mistake. My, my last concern on this, this line-of-sight issue is if, if you put a house at 55 feet, you're clearing blocking the view of the houses that are at 75 or 100 feet."

Williams: "Well, it's gonna be; it's, it's, there's the table, there's a table in there that averages it out..."

Wellard: "Yeah."

Williams: "...So the ones that are farther back, if all the neighbors; what does it go 300 feet, Jeff, each way?"

McDonald: "You can't, you wouldn't be able to go uh; in, in...the way the Ordinance reads now, it will read, we're only amending the 55 feet, it says...."

Williams: "As a minimum"

McDonald: "...It says, in line with the homes 300 feet both sides, but no closer than..."

Williams: "Than 55 feet"

McDonald: "...so you have to stay in lines with the homes, 300 feet...."

Williams: "Right"

McDonald: "You can't just because you can go 55 feet, doesn't mean you can you can impede further than the houses 300 feet."

Williams: "Yeah, is it each direction, or just 300 total?"

McDonald: "Yeah, its each direction, the 300 feet."

Williams: "So actually, 600 feet?"

McDonald: "yes"

Williams: "So if those houses are built around it are 100 feet back, you still have to have to build at a 100 foot back?"

Wellard: "understand"

Williams: "This is just changing the minimum, because right now our minimum is 75 feet and we have, the majority of the houses are at 58 feet on East twin and and 60...?"

McDonald: "66"

Williams: "66 on West..."

"Wellard: "yeah"

Williams "...So no matter what, all the new houses are going behind the other ones, no matter where they're at because of the way that it's worded. So, it's not keeping them in line at all. And then of course the Greenbelt doesn't change at all, that still stays the same. So, if you have an area that has existing houses there, then you're just able to build within that line of houses.

McDonald: "We do have a number of houses on both lakes that if something happens to 'em, those lots, you can't build on them."

Williams: "Yeah, and so basically right now the majority of the houses around the lakes are nonconforming, because they're all closer than the 75 feet so it makes every single house that's closer than 75 feet a nonconforming property."

Grachal: "This indicates that we've got 81 structures at 50 feet or less on West Twin."

McDonald: "Right"

Grachal: "That's almost 1/2 of the structures that were measured are within 50 feet."

McDonald: "Yeah, those were boathouses and sheds..."

Grachal: "Well, there are 17 boathouses that are right at the shoreline too, but those.."

McDonald: "Those don't matter."

Williams: "But those don't matter, If those are destroyed you can't rebuild 'em because we don't permit 'em, they are not Permitted Uses now. O.k., thank you Judd. Anything else folks?"

No response

Williams: "No... We did have correspondence from Greg Bater and he was opposed to the change. Everybody should have that in their package, I'm not gonna read it cuz its pretty lengthy, but he's opposed to the changes. Any other correspondence Jeff, that you had?"

McDonald: "None"

Williams: "None. Any other comments, questions?"

No response

Williams: "No. So I'll close the public hearing."

Righi: "No, wait a minute, we're not done"

Williams: "Sorry, John"

Righi: "We also are making some amendments to nonconforming..."

Williams: "Oh"

Righi: "...Buildings, to take care of, the uh, the homes that are go...,or may, or in the future, may become nonconforming. We are, we've changed some of the wording on that. Nonconforming uses and what they can do."

Williams: "Sorry."

Righi: "It starts with the article 3.19."

Williams: "I have it here, I just gotta find it."

Righi: "Would you say that this wording tightened up the nonconforming structures?"

McDonald: "Yes."

Righi: "The requirement for restrictions?"

Wellard: "I just have a point of clarification on this nonconforming issue, uh, historically the homes that were at 50 feet and wanted to do a major addition, uhm, were allowed if they kept one wall of the foundation or were approved to make a gigan.. significant increase in the footprint by maintaining one wall. So, my question is, does this change in the wording, wording of nonconforming, does it change that situation?"

McDonald: "We have alterations to the nonconforming structure."

Williams: "So the alterations would be: Expansion or enlargement of a nonconforming structure may be permitted provided such expansion or enlargement does not increase the nonconformity. Should such structure be moved with the same lot or to a new lot for any reason for any distance whatsoever, it shall thereafter conform to the regulation for the district in which it is located after it is moved and shall be treated as a new structure. A nonconforming building may be lifted up and the foundation may be replaced without altering the nonconforming structure. Nothing in this section shall prevent the owner of a nonconforming structure from submitting a variance petition. Unless a setback variance explicitly limited or conditioned by the Board of Appeals, a setback variance permanently alters the applicable setback line of the subject property for the full length of that setback line. No further variance is required to construct at a later time according to the modified setback line."

Righi: "Ah Jeff, you can answer if your responding to what Judd is saying, uh, there's really nothing in here that would prohibit a home builder, a homeowner or a builder from uh..taking an existing building and could they add on to it, keeping the same footprint?"

McDonald: "Yes, as long as they stay within the same footprint."

Righi: "So they could go up, they could go up?"

McDonald: "They could go up."

Righi: "Okay"

McDonald: "Yup. Just like Judd said, that's a kind of a loophole in the law that they maintain wall that they can reconstruct."

Righi: "And people have figured that out."

McDonald: "Sure they have."

Wellard: "Well yah, I have seen it done many times on both of these lakes so, so I, that's my question. Can you expand the footprint if you keep one wall of your property?"

Righi: "Oh, no."

McDonald: "You can reconstruct what is there but you can not expand, because if you go expanding and then it's considered a new structure."

Williams: "Its expanding the Conforming Use."

McDonald: "Expanding the Conforming Use but if they were to just rebuild on the foundation that exists."

Williams: "Yup"

Grachal: "But going up is not expanding on the footprint?"

Williams: "Right."

McDonald: "Right."

Williams: "So they can go up, they just can't go out."

McDonald: "They can't go out."

Wellard: "So, I'm still confused, so, all these homes that have done this over the last 30 years, are we changing the wording now that will prohibit the, those type of situations?"

McDonald: "They'll be able to still rebuild on the footprint that they're in."

Williams: "If they're trying to..."

Wellard: "I'm talking about the cases where they've kept one wall of the foundation and significantly expanded the footprint."

McDonald: "They can't do that."

Williams: "They shouldn't have been able to do that already."

McDonald: "They shouldn't have been able to do that."

Wellard: "O.k. so, they probably did that with variances then?"

Williams: "It's possible."

McDonald: "Or, hey, they do things here that if I don't catch it, it just happens, to tell ya the truth you know. Ya gotta be...things like that happen."

Williams: "Well look at the examples we have, people just do it, they don't file for permits, ya know."

McDonald: "I have one I keep watching over on West Twin, there's a foundation that was put in years ago next to the home but nothings ever been built on it. And now I see there's a tarp over it, so I, ya know I next to going and knocking on the door and saying, hey, what's your intent? I just gotta keep an eye on it when I go around the lake to see what going on. It been there for..."

Williams: "God only knows"

McDonald: "10 or 12 years that I know of, and its just a foundation. And now he's got a blue tarp over it. It's on Veeter Rd."

Grachal: "And how close is he to the lake?"

McDonald: "Close."

Williams: "Close enough to see from the boat."

Grachal: "An older structure?"

McDonald: "What's that?"

Grachal: "An older structure?"

McDonald: "Yeah."

Righi: "So many of these were built prior to 19, what 1977, before Zoning came in.."

McDonald: "Right"

Righi: "And they, it was wide open. Prior to it people could even build lot sizes and...we didn't start getting a handle on it until.."

Williams: "Well that's why we have such a problem with those Pine Beach. Subs, I sold a house down there that was on a 40X75 lot."

Righi: "Yah."

Williams: "So if that septic ever fails there is absolutely no, nowhere that you could, to put a septic back on there. You'd never be able to do it, ya know?" O.k., any other discussion?"

McDonald: "Did we look into the expansion? I mean we have some more stuff in here that's, uhm, I don't if you got... we're working on the same copy?"

Williams: "I don't Jeff, I've got so much stuff here, I apologize."

McDonald: "I know."

Williams: "What else, I have an amendment of Section 4. 14.."

Righi: "F- Nonconforming use of Expansion of Nonconforming Use?"

McDonald: "Expansion throughout the parcel? Damaged, Nonconforming Use?"

Williams: "I didn't read through that."

Righi: "Yah, I've got that."

McDonald: "You've got that?"

Righi: "yah."

McDonald: "You got red print on yours, John?"

Righi: "No I've got, I've circled stuff, marked stuff that was different."

McDonald: "O.k."

Williams: "I do not have red print on mine. So, the change is to:

F 1 a) The extension of a nonconforming use throughout a parcel of land not fully occupied by such nonconforming use on the effective date of this Ordinance may be granted by the Planning Commission as-a using the Special Use notification process provided the following standards are met (the Special Use standards in Section 6.3 shall not apply)

- 1) Any permitted expansion shall not be for the accommodation of any type of nonconforming use or activity which is not currently engaged.
- 2) No expansion shall reduce or eliminate any ordinance requirements regarding setback, open space, off-street parking, screening, density, area, traffic safety, noise, lighting, height, pollution, or other safeguards or protection requirements.
- 3) Any expansion permitted hereunder shall not affect or alter any other restrictions, limitations or conditions pertaining to the existing nonconforming use which shall remain in full force and effect.

And then under Damaged Nonconforming Use: A nonconforming use damaged removed, or destroyed by fire, explosion, Act of God, willful removal, or the public enemy, exceeding one half (1/2) of the usable cubic area or square foot floor space at the time of damage, shall not be rebuilt except in conformity with the provisions of the ordinance or variance from the Zoning Board of Appeals. All permits for repair or reconstruction of damaged nonconforming structures or uses shall be obtained within one (1) year of the date of damage.

So that's all the changes to that."

McDonald: "yeah, all we did was change willful..."

Williams: "Willful removal"

McDonald: "...Removal so ya know, somebody, removed it..."

Righi: "That does not erase the nonconformity."

McDonald: "Right"

Righi: "Yeah"

McDonald: "That wasn't in there before."

Williams: "That's if they remove it, that's if they remove it all the way, completely remove it."

McDonald: "Right"

Williams: "Yeah"

McDonald: "And we're not...yeah"

Williams: "O.k., is that everything?"

McDonald: "That's everything."

Williams: "I apologize folks."

McDonald: "Nope, nope, it's a lot of information."

Williams: "Anything else Board Members, discussion or questions or comments or..."

No response

Williams: "So I'll close the Public Hearing at 5:07 p.m... And then it sounds like we're going to have more discussion on this with the full Board? John, is that..."

Righi: "No...well, it's up to you, or we can just make a motion to refer this to the County for the next...to go, to start the next process"

Williams: "To start the next process. So, what do you think Board Members, do we have a motion?"

Righi: "I'll make a **motion**..."

Williams: "O.k."

Righi: "... That we uh, following, that we refer uh, the amendment to Article...Ordinance #54. We refer Ordinance #54 to the County for their input."

Williams: "O.k., do we have a second?"

Seguin: "I'll second it."

Williams: "Seconded by Tim Seguin, all those in favor signify by Aye"

Full Board: All in favor

Williams: "and opposed?"

No response

Williams: "O.k., so both of these are gonna be referred to the County for input."

Righi: "Then that..."

Williams: "30-day process there..."

Righi: "... Then they'll come back here, with any recommendations and we will discuss it and I think probably..."

Williams: "Move to..."

Righi: "...at that time..."

Williams: "... move it to the Township Board"

Righi: "... make a recommendation either to..."

Williams: "Approve, or..."

Righi: "...to recommend moving it, uh, push...moving it on to the Township Board for their input, or making changes and then moving it on to the Township Board. We don't have to go back to the County if we make changes. And then they have, the Town Board, has an option of accepting the amendments as presented, out and out rejecting them and they could also call for another Public Hearing on the matter or they can make can make changes and send it back to the Planning Commission for input and then after that we send it back to them and they decide."

Grachal: "John, as a ranking number, has the County ever uh, objected to any changes in our, in our Ordinance?"

Williams: "They've never responded to any."

Righi: "As far as I can remember, they've never.... they've never responded. But there's something in the law that we have to...we have to....."

Grachal: "So it's just strictly a formality that we...we"

Righi: "Yeah"

Grachal: ".....that we move it onto the County for their input? Receiving no input then we come back and we can move it onto the..."

Williams: "After 30 days"

Grachal: "... To the Board with our recommendations."

Righi: "And I'm uhm...there was something else in here about Public Utilities, having to refer to them too?"

Williams: "Yup"

McDonald: "Yeah. Uhm, somethings changed over there at the County, it used to be I had to wait 30 days out. Now I'm getting a response from them. There is somebody over there that's....."

Williams: "Responding..."

McDonald: ".....ACTUALLY responding, and I don't have to wait the 30 days."

Williams: "Oh, good:"

McDonald: "So maybe we'll get an answer quicker..."

Williams: "'Cuz, even when we did the Master Plan and all that stuff..."

McDonald: "Nothin', and we waited the 30 days out."

Williams: "Yup, and nothin'."

McDonald: "Before we could advance and do anything at all."

Grachal: "So it's conceivable that by the next time we meet, we may have heard or not heard something from them?"

McDonald: "Right."

Williams: "We are at their mercy for 30 days starting tomorrow."

Williams: "O.K., we have nothing under old business. Anything else, anything else for us Jeff?"

McDonald: "Nope, I have nothing."

Williams: "Anything else Board Members?"

No Response

Williams: "O.k. we will move forward with that stuff. Motion to adjourn?"

Seguin: "I make a **motion** to adjourn, seconded by Schrader.

Meeting adjourned at 5:12 p.m...

Respectfully,

Julie Marcotte
Albert Township
Recording Secretary

Albert Township Planning Commission

Excerpt from Minutes 7/24/2024

Public Hearing on Amendment to Table 4.6A, within Section 4.6B and remove “Marinas”

Section 1. Amendment of Table 4.6A.

Table 4.6 within Section 4.6 B of the Albert Township Zoning Ordinance is hereby amended to remove “Marinas” as a use permitted by right from the Transportation Services category of table.

Section 2. Amendment of Section 4.15.

Section 4.15 of the Albert Township Zoning Ordinance, the Table of Permitted & Special Land Uses, is hereby amended to remove “Marinas” as a use permitted by right in the Single-Family Residential District (R-1) from the Transportation services/Warehousing/Wholesale Trade/Storage/Shipping category of the table.

Was held on July 24, 2024. Chairperson Wendy Williams opened hearing at 4:32 pm. Instructions were given to Planning Commission and Public comments were heard on the matter.

Zoning Administrator, Jeff McDonald, stated that no correspondence, good or bad been received by him.

Judd Wellard request clarification on the history, causing the necessity behind the change, questions answered.

Planning Commission then went over table 4.6A, within Section 4.6. All items were all discussed in a positive matter, and questions answered. Nothing negative was brought up by any of the items.

Hearing was closed at 4:37 p.m..

John Righi made motion to refer the Amendment to Article 4, Section 4.6, R-1 Single Family to the County for their input, 2nd by Brian Grachal, all Members in agreement.

Respectfully,

Julie Marcotte
Recording Secretary