

MINUTES

CHARTER TOWNSHIP OF BRIGHTON
PLANNING COMMISSION
4363 BUNO ROAD
BRIGHTON, MI 48114

JANUARY 8, 2018
REGULAR MEETING
7:00 P.M.
(810) 229.0562

Chairman S. Holden called the meeting to order at 7:00 P.M. The Pledge of Allegiance was said.

Present: L. Herzinger, M. Slaton, J. Stinedurf, D. Schifko, B. Prine, S. Holden

Absent: G. Mitsopoulos

CALL TO THE PUBLIC

D. Taylor, 3319 Oak Knoll - Asked if the public would be able to speak at the public hearing for Verizon.

AGENDA

B. Prine moved and D. Schifko seconded **to approve the agenda as presented.**

Motion carried.

MINUTES

B. Prine moved and L. Herzinger seconded **to approve the minutes of the November 13, 2017 regular meeting as presented.**

Motion carried.

BUSINESS

ELECTION OF 2018 OFFICERS AND RECOMMENDATION TO TOWNSHIP BOARD ON ZBA LIAISON

B. Prine moved and J. Stinedurf seconded **to elect Steve Holden as Chairperson for 2018.**

Motion carried.

M. Slaton moved and J. Stinedurf seconded **to elect Gus Mitsopoulos as Vice-Chairperson for 2018.**

Motion carried.

L. Herzinger moved and D. Schifko seconded **to elect Jeff Stinedurf as Secretary for 2018.**

Motion carried.

J. Stinedurf moved and D. Schifko seconded **to recommend Jeff Stinedurf to the Township Board as ZBA liaison for 2018.**

Motion carried.

PUBLIC HEARING FOR SPECIAL LAND USE SU #1703 /FOR VERIZON; ADDRESS: 8320 HILTON RD.; APPLICANT: VERIZON C/O JONATHAN CRANE; OWNER: MADELINE D. TAYLOR TRUST; TAX ID # 12-19-300-025; ZONING: I-1 (INDUSTRIAL)

Applicants Jonathon Crane, Rob LaBelle, Junana Judek, and an engineer were in attendance for Verizon.

Township Attorney C. Widmaier explained why Verizon is on the agenda since the PC tabled the matter at the November meeting due to the ZBA appeal. He explained that the state statute allows ninety (90) days for the Township to act on the application or its deemed approved and stated no court date has been scheduled for the ZBA appeal and it could be several months. He explained that the PC needs to take some action tonight, either approval or denial, not a tabling.

Mr. Stinedurf questioned the authority of Brad Taylor signing for the Madeline D. Taylor Trust. C. Widmaier received the proper paperwork regarding the matter on January 5, 2018.

Mr. Crane overviewed the project stating that Verizon requires a tower in this area due to capacity and coverage issues. The proposal is for a 120 ft. monopole on the northwest corner of the site behind Duncan Chiropractic. He discussed the landscaping requirements which he feels are excessive and stated that the goal is increased coverage and capacity in this area. He referenced pages in the Township's master plan which depict pictures with cell towers in the background or discuss wireless communication services.

He stated they have met all ordinance requirements including a removal bond and removal agreement. Mr. LaBelle discussed the State statute and stated the Township has limited ability to prohibit telecommunications and would need substantial evidence to deny the application. The various other sites in the area that Verizon looked at were reviewed including the City water tower site which was Verizon's first choice which was not agreed to due to the City Charter restrictions against a long term lease and access to the tower. This site is their second (2nd) choice in the area and according to Verizon is appropriate due to the zoning for the property and its location near wetlands and the highway. It was discussed that with the new 5G technology this is needed and there will be other sites required to be upgraded due to this new technology in the Township and surrounding area. It was discussed that this site meets the master plan criteria. Additionally, he stated that there were other sites, even the Shell sign across the street, which were explored but that sign wasn't structurally sound to handle the telecommunications equipment.

K. Mathews reviewed her SLUP letter dated October 2, 2017.

PUBLIC HEARING

The public hearing opened at 7:50 p.m.

1/8/18 e-mail - Mr. Rushak - against
1/3/18 e-mail - Mr. Pontoni - support
1/3/18 e-mail - Ms. Foran - opposed
1/2/18 e-mail - Mr. Kasten - opposed
1/2/18 e-mail - Mr. McCormack - opposed
1/4/18 e-mail - Mr. Nicholas Koivula - support

D. Taylor, 3319 Oak Knoll - Overlooked articles he presented at the meeting regarding tornadoes in the area and safety concerns with wind speed and old PC meeting minutes regarding approval of the site for Taylor Moving and Storage; he was concerned about the 1/8/18 PC packet not referring back to the November PC packet and the lack of audio for residents at home tonight; he also discussed that Verizon's first choice was in the city. He discussed the fact that Verizon is a renter, not a landowner, and may be adding hazardous materials to the area and causing decreasing property values in the area; that if approved, this could set a precedent for future towers/upgrades in the area; and he questioned the Verizon appraiser's market study.

S. Raguso, 8425 Hilton - What happens if the ZBA appeal is overturned? The area has had several tornadoes that were over ninety (90) miles an hour i.e. the structural strength of the tower can't withstand higher speeds; appraiser is not familiar with the local area; he reiterated local realtors which state negative market values with towers located near residential.

J. Sarna, 8266 Woodland Shore Drive - Presented Traverse City home as an example of a home that's decreased in value with electrical lines in the area; he said the commercial buildings in the area are in harm's way; health issues; appraiser's market study.

Chester Miles, 8335 Hilton - Why can't you get a lease with the City of Brighton?

Barb Potocki, 8420 Woodland Shore Drive - This area isn't industrial - just the one site is; why can't Verizon work with us on a better location away from residential; areas? Concerned over noise issues; decrease in property values; this isn't a gap in coverage issue, it's an enhancement.

The public hearing closed at 8:25 p.m.

It was questioned that if the ZBA decision is overturned the variances would not be approved and there would be no project.

The Planning Commission had a lengthy discussion on a variety of topics including the history of the approvals for the site for Taylor Moving and Storage and their zoning when the storage buildings in 1994 were constructed and at that time it was stated that those were the last buildings for the site; building and signage regulations were incorporated to decrease visual pollution; was there an exhaustive list of sites explored for collocation; do all cell

tower companies use the same exhaust data or is it just Verizon's data; no issues with dropped calls in the area; can go on City of Brighton water tower, they just don't like the terms. The criteria in *Article 19-03* of the Zoning Ordinance regarding SLUP's was discussed as far as compatibility with adjacent land, property values, health issues, enhancement of surrounding environment, compatibility with master plan, quality of natural environment, and it was discussed that three (3) additional companies would be allowed on the tower per the ordinance.

L. Herzinger moved and D. Schifko seconded to approve the special land use permit, SLUP #17/03 for Verizon; Address: 8320 Hilton Rd.; Applicant: Verizon c/o Jonathan Crane; Owner: Madeline D. Taylor Trust; Tax ID #12-19-300-025; Zoning: I-1 (industrial) for Verizon in regards to meeting the objectives in *Sec. 19-03* of the Zoning Ordinance, and the conditions outlined in the Township Planner, Township Engineer, and Fire Department's letters.

Ayes: D. Schifko, L. Herzinger, S. Holden

Nays: B. Prine, M. Slaton, J. Stinedurf

Motion failed.

J. Stinedurf moved and B. Prine seconded to deny the special land use permit SLUP #17/03 for Verizon; Address: 8320 Hilton Rd.; Applicant: Verizon c/o Jonathan Crane; Owner: Madeline D. Taylor Trust; Tax ID # 12-19-300-025; Zoning: I-1 (industrial) for Verizon in regards to meeting the objectives in *Sec. 19-03* of the Zoning Ordinance, specifically the compatibility of adjacent uses, adjacent property values, the safety of the adjacent area, BAFA's ability to fight fires, the potential of stronger than ninety (90) miles per hour wind with no engineering standards for speeds above that, not enough aesthetic enhancements to the area for Woodland Lake which is a "resort" area, the impact on the overall environment, no increase in aesthetics for the site, have not exhausted all of their options for other sites, the history of the development of the property i.e. rezoning in 1994 to I-1 for Taylor Moving and Storage including the fact that the minutes stated no additional buildings to be placed on the site, and the conditions outlined in the Township Planner, Township Engineer, and Fire Department's letters.

Ayes: B. Prine, M. Slaton, J. Stinedurf

Nays: D. Schifko, L. Herzinger, S. Holden

Motion failed.

Mr. Crane wanted it noted that their appraiser had additional information that they wanted reviewed which was not reviewed.

PRELIMINARY SITE PLAN SP #17/15 FOR VERIZON; ADDRESS: 8320 HILTON RD.; APPLICANT: VERIZON C/O JONATHAN CRANE; OWNER: MADELINE D. TAYLOR TRUST; TAX ID#: 12-19-300-025; ZONING: I-1 (INDUSTRIAL)

K. Mathews reviewed her October 2, 2017 letter regarding the site plan which mainly were landscaping concerns. Dan Cabage, Engineer, F&V, presented his November 2, 2017 letter regarding fall zone concerns which would be reviewed further in the construction review phase.

L. Herzinger moved and J. Stinedurf seconded to extend the meeting beyond 10:30 p.m.

Motion carried.

PUBLIC COMMENTS

S. Raguso, 8425 Hilton - What site will this go on?

J. Sarna, 8266 Woodland Shore Drive - Sad that this was approved; it will decrease property values.

D. Taylor, 3319 Oak Knoll Drive - Noted that the audio isn't working and the packet on-line didn't refer back to the November meeting; 6th and 11th circuit cases; environmental concerns regarding the tower.

Barb Potocki, 8420 Woodland Shore Drive - Mentioned other Verizon sites that are not well maintained.

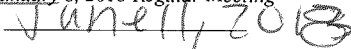
Mr. Widmaier stated that the September ZBA meeting discussed whether there could be a rehearing of the ZBA meeting and there could be if new evidence was presented which has not happened so there was no rehearing.

D. Schifko moved and L. Herzinger seconded to approve the preliminary site plan SP #17/15 for Verizon; Address: 8320 Hilton Rd.; Applicant: Verizon c/o Jonathan Crane; Owner: Madeline D. Taylor Trust; Tax ID # 12-19-300-025; Zoning: I-1 (industrial) for Verizon based on the conditions outlined in the Township Planner, Township Engineer, and Fire Department's letters and the site plan presented which includes site plan sheets 1 and

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Charter Township of Brighton - Planning Commission

Minutes - January 8, 2018 Regular Meeting

Approved -  2018

3 dated 9/22/17 and sheet 2 dated 9/27/17 and all other authority approvals.

Ayes: D. Schifko, L. Herzinger, S. Holden, B. Prine

Nays: M. Slaton, J. Stinedurf

Motion carried.

J. Stinedurf moved, with no second, to require the property owner, not the applicant, to post a cash only bond.

REVIEW OF 2017 ANNUAL PLANNING COMMISSION REPORT AND REVIEW OF POTENTIAL 2018 PROJECTS

B. Prine moved and S. Holden seconded **to approve the 2017 PC annual report.**

Motion carried.

REPORTS AND CORRESPONDENCE

J. Stinedurf - No January ZBA meeting.

M. Slaton - Township Board meeting tomorrow regarding budget; also mentioned 2018 meeting dates.

CALL TO THE PUBLIC

D. Taylor, 3319 Oak Knoll Drive - Concerns regarding storm water and circuit court cases for Verizon.

Barb Potocki, 8420 Woodland Shore Drive - The Verizon location is unsightly - need more landscaping to screen the towers.

Jon Crane, Attorney for Verizon - Thanked the PC for their support and is willing to meet with the City of Brighton anytime if someone sets it up.


ADJOURNMENT

B. Prine moved and L. Herzinger seconded **to adjourn.**

Motion carried.

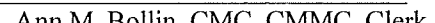
The meeting adjourned at 11:03 P.M.

Respectfully submitted,


Steve Holden, Chairperson


Jeff Stinedurf, Secretary


Kelly Mathews, Recording Secretary


Ann M. Bollin, CMC, CMMC, Clerk