

MINUTES

CHARTER TOWNSHIP OF BRIGHTON
ZONING BOARD OF APPEALS
4363 BUNO ROAD
BRIGHTON, MI 48114

SEPTEMBER 27, 2017
REGULAR MEETING
7:00 P.M.
(810) 229.0562

Vice-Chairperson J. Dorset called the meeting to order at 7:00 P.M. The Pledge of Allegiance was said.
Present: J. Gibbons, J. Cogley, J. Dorset, J. McKeon, S. Theis, C. Moran (alt.)
Absent: J. Stinedurf, F. Grapentien

CALL TO THE PUBLIC

Doug Taylor, 3319 Oak Knoll - Had several points that he felt should be included in the August 23, 2017 meeting minutes including the fact that Verizon's 1st choice of location was the City of Brighton water tower which was 90% less expensive than the proposed tower; the fact that it was stated that there were no collapses anywhere; have coverage, it's an enhancement, not a gap; Planner opposed; terms of the City's lease weren't good i.e. 3 year renewable; no one at the last meeting said they had poor reception; the e-mail responses should be more detailed; Verizon didn't establish a need, it was a want; could remove storage buildings on the site to make it conforming; stated that with 2 ZBA members missing tonight, that the approval of the meeting minutes should be tabled and changed and brought back at a later time.

Sam Raguso, 8425 Hilton - Passed out 3 hand-outs including reasons to not approve or rescind; telecommunications law is 20 years old; collapses; health and welfare; need larger setbacks; no proof that property values won't decrease; Verizon's maps showed yellow, not red, it is not a need, it's an enhancement; 6th circuit court case was not similar, was a gap verses an enhancement; read Chuck Widmaier's 9/18/17 letter.

S. Theis went through the discussion points and stated that he felt that the following could be changed in the August meeting minutes: the safety collapses; Planner's recommendation was not approval; and to paraphrase the e-mails submitted but that the other items weren't relevant. He also discussed the 6th circuit court case stating the "need" which was defined in that case and that we can't look at our zoning ordinances in a vacuum, we have to look at the law also.

J. Cogley asked about the differences in the 6th circuit case verses this case. He also inquired as to why the meeting was being held which was answered to approve the minutes.

C. Widmaier overviewed his September 18th letter regarding Robert's Rules and the ZBA bylaws and that the matter could be reheard if new evidence was presented which he did not feel had been presented at this time.

AGENDA

J. Gibbons moved and J. McKeon seconded **to approve the agenda as presented.**
Motion carried.

MINUTES

J. Cogley moved and J. Gibbons seconded **to approve the August 23, 2017 regular meeting minutes as presented.**

Ayes: J. Cogley, J. Dorset, J. McKeon
Nays: S. Theis, J. Gibbons
Abstain: C. Moran

Township Manager Brian Vick came up to the table and stated there should be a motion as to why a member was abstaining.

C. Moran stated that he had no knowledge of the topic so he wished to abstain from the vote on the meeting minutes.

S. Theis moved and J. Cogley seconded **to allow C. Moran to abstain from the meeting minutes vote.**
Motion carried.

Another motion was taken on the August 23, 2017 meeting minutes.

J. Cogley moved and S. Theis seconded **to approve the August 23, 2017 regular meeting minutes as presented.**

Ayes: J. Cogley, J. Dorset, J. McKeon

Nays: S. Theis, J. Gibbons

Abstain: C. Moran

REPORTS AND CORRESPONDENCE

S. Theis - TB update: Busy meeting

K. Mathews - PC update: Encore Village and Tee Bone'z

CALL TO THE PUBLIC

Doug Taylor, 3319 Oak Knoll - Disappointed that the August minutes were approved as written and that the City of Brighton being the 1st choice and that it was 90% less expensive to use that site weren't part of the meeting minutes.

Sam Raguso, 8425 Hilton Rd. - Stated that he wanted to counter what Mr. Widmaier said regarding the reasons why the ZBA couldn't rehear the matter; the residents will be filing a lawsuit.

D. Taylor, 3319 Oak Knoll - Roberts Rules state that no action can be taken at a meeting where there is a public hearing which is what the ZBA did. He also stated that the residents should be given a chance to rebut and that the ZBA should review Circuit Court #11 case which discusses cell towers and property values.

B. Vick, Township Manager - Informed the ZBA and the public about the semi-truck accident at the I-96/Pleasant Valley Road bridge.

S. Theis moved and J. McKeon seconded **to adjourn.**

Motion carried.

The meeting adjourned at 7:58 p.m.

Respectfully submitted,

Frank Grapentien, Chairperson

John Gibbons, Secretary

Kelly Mathews, Recording Secretary

Ann M. Bollin, CMC, CMMC, Clerk