

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
WORK SESSION
OCTOBER 10, 2006
6:30 P.M.
AGENDA**

CALL TO ORDER: The meeting was called to order at 6:33 p.m. Present constituting a quorum for conducting business were: Chairman Don Pobuda, Teri Olson, Barbara Figurski, James Mortensen, Curt Brown. Tesha Humphriss was present on behalf of Tetra Tech. Jeff Purdy is present on behalf of LSL.

APPROVAL OF AGENDA: **Motion** by Barbara Figurski to approve agenda. Seconded by Teri Olson. Motion carried.

DISCUSSION: of Agenda items of the regular meeting of the Planning Commission.

DISCUSSION: of general items.

ADJOURNMENT: The work session of the Planning Commission was adjourned at 6:57 p.m.

**GENOA TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
OCTOBER 10, 2006
7:00 P.M.
AGENDA**

CALL TO ORDER: The public hearing was called to order at 7:03 p.m.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited and a moment of silence was observed.

APPROVAL OF AGENDA: **Motion** by Barbara Figurski to approve agenda. Second by Teri Olson. Motion carried.

CALL TO THE PUBLIC: *(Note: The Board will not begin any new business after 10:00 p.m.)*

OPEN PUBLIC HEARING # 1... Review of request for an extension of a site plan and environmental impact assessment for a proposed 96-unit condominium development located at the northeast intersection of Chilson Road and the Chesapeake & Ohio Railroad line. Sec. 6, petitioned by Bayfield Homes of Howell, Inc. (Aspen Glen).

No representative of the petitioner is present. They contacted the Commission in writing asking for an extension due to economic issues.

Planning Commission disposition of petition

- A. Recommendation regarding impact assessment.
- B. Disposition of site plan.

Motion by James Mortensen that a recommendation be made to the Township Board that the request for extension for the impact assessment be granted for Aspen Glen Condominiums. Support by Barbara Figurski. **Motion carried unanimously.**

Motion by James Mortensen that site plan for Aspen Glen Condominiums be extended for one year. Support by Barbara Figurski. **Motion carried unanimously.**

OPEN PUBLIC HEARING # 2... Review of a special use application, site plan and impact assessment for an expansion of a special use to install an additional drive-thru lane located at 2235 E. Grand River, Sec. 6, petitioned by CVS Realty Corp. (06-17)

Terry Saylor is present on behalf of the petitioner. Chairman Pobuda indicates that the study was well prepared and thanks Mr. Saylor for his efforts. Mr. Saylor discusses the water basin size. The water basin was only sized to accommodate the current amount of pavement, rather than the amount of pavement contained in the proposed plan. Therefore, the plans have been updated to accommodate those changes. Additionally, the new plans address the lack of landscaping. The Z.B.A. will need to approve the wetlands setback.

Mr. Saylor has examined the traffic patterns in conjunction with the curb cut and finds that it is appropriate for existing traffic. He feels that the plans will not cause any change in traffic patterns significant enough to substantiate any changes in the curb cut.

Jeff Purdy indicates that a special land use permit would be necessary. Two special land use conditions are not complied with and will require variances from the Z.B.A. One is that drive-thru lanes are limited to one. The other is that there is a limit of two directional signs. Currently, four exist on the property and petitioner seeks one additional sign. This would be on the canopy. The reconfiguration of the driveway would violate the 25' foot setback from the wetland area. It shouldn't directly impact the wetland. One variance has already been granted in the past. The Z.B.A. would have to approve that.

Tesha Humphriss addresses the October 4th letter by Tetra Tech regarding the detention pond changes. Petitioner will need to show soil erosion control on the plans. The Drain Commissioner's office will require that. As it relates to traffic, the curb size should be revised to two feet wide. The traffic study was very detailed and indicates that petitioner's statement that the use/traffic of the site would not be changing is correct. M.D.O.T. indicates they do not regulate any requirements regarding additional drive-thru lanes.

The landscaping was addressed. Petitioner indicates the new plans increase the shrub plants by over twenty.

Teri Olson inquires of Tesha Humphriss about the conflicting left hand turn lanes between CVS and Big Boy. Tesha Humphriss indicates that since traffic will not be increased, the existing curb cut should remain.

Planning Commission disposition of petition

- A. Recommendation regarding special use.
- B. Recommendation regarding impact assessment.
- C. Recommendation regarding site plan.

Motion by James Mortensen to recommend to the Township Board the granting of a special use permit for an extra drive-thru lane at C.V.S. Pharmacy for the purpose of dropping off prescriptions subject to:

- A. Approval by the Z.B.A. for the addition of a prescription drop off lane and for the extra sign on the building, which the Planning Commission recommends be approved by that body; and
- B. Approval of the Z.B.A. of the reduction to the setback of the wetlands; and
- C. Irrigation be provided to the landscaping.

This recommendation is made because the evidence suggests that there will be no traffic increase on Grand River or Golf Club Road. Also, it is made because it appears it will provide a better traffic flow on the site and reduction of the queuing in the prescription window. Support by Barbara Figurski. **Motion carried unanimously.**

Motion by Barbara Figurski that a recommendation be made to the Township Board that approval be granted to the petitioner's impact assessment, subject to the petitioner adding dust control measures. Support by Teri Olson. **Motion carried unanimously.**

Motion by James Mortensen that recommendation be made to the Township Board that approval be granted of the site plan, subject to:

- A. Z.B.A.'s approval of the drop off lane and additional sign; and

- B. Also subject to the Z.B.A.'s approval of the encroachment to the wetland; and
- C. The modification of the site plan to add irrigation to the landscaping, as well as an additional twenty shrubs; and
- D. The petitioner's adherence to requirements two and five of the Township Engineer's letter of October 4, 2006.

Support by Barbara Figurski. **Motion carried unanimously.**

OPEN PUBLIC HEARING #3...Review of special use application, site plan and environmental impact assessment for a cellular tower, located at 4440 Brighton Road, Sec. 33, petitioned by T-Mobile.

Petitioner present by Ellen Tencer, 3033 Moon Lake Drive, West Bloomfield, Michigan 48423. She is the attorney representing T-Mobile. Attorney Tencer explains to the Planning Commission that towers are not required to be lit unless otherwise instructed by the F.A.A. Additionally, she explains that T-Mobile is licensed to a limited amount of airwaves. The height of the tower correlates to the radius of service. If the tower height is reduced, they would require an additional tower. As the community grows, additional towers would be required.

Ms. Tencer recites the portion of the Federal Communications Act to the Planning Commission regarding unreasonable denials of tower placements. She further indicates T-Mobile does comply with all local, State and Federal emissions requirements. Most schools allow towers because it brings in excellent revenues. They are also in city parks. She shows photos indicating that their towers withstood Hurricane Katrina in New Orleans. She addresses concerns regarding diminished property values. They remain unaffected. All governmental units are permitted to put antennas on T-Mobile's towers.

She indicates that total failure occurs when the tower is crimped. The towers never fall since it's caught as soon as the crimp in the side occurs. She provides a letter from the manufacturer indicating what the failure is.

Commissioner Brown asks if any change to property value would be in relation to the distance the home is from the tower. Ms. Tencer indicates this isn't correct. Some homes have towers 20' from the home (not property line) and the prices aren't affected. If the transmission lines go through the residential property, the sale of the home is unaffected.

Ms. Tencer indicates that the studies regarding health effects of cell towers can be found pro and con. She reminds the Commission that anything can be found on the internet.

Tree towers are available, but she recommends against them. They tend to become obvious.

Commissioner Olson asks if they looked at the water tower location. It was considered, but it's too close to the Brighton & Bauer Road locations. The tower's radius is not a perfect circle. It depends on elevation, etc.

Commissioner Mortensen requests architectural renderings and landscaping (meaning horizons, trees, residences) drawings for both 100' and 200' towers. Petitioner indicates that can be accomplished. The tower is proposed so close to the road due to the topography of the church's property.

Jeff Purdy has reviewed the plans and the latest letter of October 5th has been sent to petitioner. There were a number of items missing from the application and they were outlined in that letter. Jeff Purdy outlines those items. Among those items, he comments that the zoning ordinance does allow towers on church property up to 110'. This tower is 210'. These are only allowed in industrial districts. The tower does not meet the setback requirements from residential district. It would require a 235' setback. Only 185' is proposed. It also doesn't meet the setback from the roadway. He suggests looking at alternative plans such as the water tower or co-locating the panhandle pipeline property tower. Alternatives should be reviewed per Jeff Purdy. He suggests these need to be considered prior to approving the current plan.

Tesha Humphriss refers to her letter of September 13, 2006. The same plans were resubmitted as had been submitted initially. She reviewed the points outlined in her letter.

Petitioner explains what the cabinets are that are located under the tower. They are smaller than a refrigerator and are electrical cabinets. They resemble transformers and are 3' to 4' tall, 2.5' wide and approximately 2' deep. There are generally only two or three at any location.

Petitioner suggests that the existing landscaping is so thick, most people would not walk through it.

Petitioner addresses lightening strikes. There is protection built in to the tower and the tower is grounded all around the site.

The proposed fence around the tower is 8' tall.

The silt fence would be present during construction and removed after the vegetation has re-grown.

Petitioner indicates that the panhandle tower to the north was considered, but it was too close to another existing tower.

The call to the public was made at 8:13 p.m. with the following response:

Reverend Dave Swink, pastor of Chilson Hills Church addresses the Commission. Rev. Swink gives a history – in spring, a petition for cell service was circulated. T-Mobile came to the church and the church thought it would service the community by permitting the cell tower. The engineer originally wanted to place the tower on the south end on the hill. The church said no, they felt the current proposed site would be hidden by the cottonwood trees. The church has found no scientific data that cell phones caused health issues.

Sandra Skolnick, a neighbor to the south of the church addresses the Commission. She discusses the studies from World Health Organization, Cancer Society, E.L.F., that she provided to the Commission earlier. She indicates that no towers are safe. She believes that the low frequency radio waves break up D.N.A. strands.

Rich Miller, 4400 Brighton Road, a neighbor to the left side of the tower indicates he is challenging the question of devaluation of the property. He tells of a friend who was forced to drop his house price by \$10,000 due to tower lines crossing his property.

Doug Constance, 5204 Pine Circle, Howell addresses the Commission. He lives to the west of the church. He indicates there is data on both sides of the question regarding health. He also states his belief that house values are affected. He believes the church is risking the goodwill of its neighbors by supporting the tower. He indicates that the attorney may not be qualified to answer technical questions and that she should be required to bring experts. He suggests that a location between Coon Lake and Chilson should be more properly sought, perhaps at the north end of the golf course. He urges that the Commission not take action tonight and that the request be denied ultimately.

Frederick Novack of 5105 Pine Hills Circle addresses the Commission. He indicates that regardless of whether the tower is 110' or 210', he will still be able to see the tower. He does not want the tower.

John Spaulding 4370 Timberview Drive addresses the Commission. He indicates that with the discussions regarding co-location, there have been no discussions about the megahertz increases.

Robin Skolnick, daughter of Sandra Skolnick address the Commission as mother of the grandchildren residing with Sandra. She asks the Board to deny the petition.

Tammy Dunaski of 5219 Pinehill Circle addresses the Commission. She inquires as to the light at the top of the tower. She indicates that she is a Verizon customer and sees no need for the service. She says that although the tower may crimp, it may eventually fall over. She also questions statements made

regarding the lack of devaluation of homes. She suggests that all other lines are buried.

Donald Barron, 9200 Blueberry Hill, Howell addresses the Commission. He is moderator of Chilson Hills Church. He attests that there is a dead zone for cell phones there. He indicates Verizon calls can be received, but there are troubles with other providers. He does not live in that area, but does believe that cell phone use is increasing, as landline use is decreasing. No one wants a tower in their own yard, but it's inevitable.

Larry Wilkinson, 4175 Timberview Drive addresses the Commission. He indicates that the signatures on a petition requesting a tower is a misnomer because those people want another tower, but not necessarily in their own back yard. The subdivision he lives in has their lines buried and he doesn't want to see towers. He thinks that the suggestion that property values are unaffected are ridiculous. He thinks to compare Orchard Lake Road to our community is a mistake. He indicates many health care helicopters fly over that subdivision and the tower could interfere with that flight path.

Cynthia Stafford, 5315 Chilson Road addresses the Commission. She has two firefighters in her family. They use pagers and not cell phones for calls. She requests that the med-flights be investigated, as far as flight paths. She indicates that the Township Board consider how many towers be approved in the area. She inquires if any attachments to the tower must be approved by the Commission.

Pat Heller of 3685 Honors Way addresses the Commission. She reviews the "spirit of Brighton", the mill pond, the ski slopes, Oak Pointe, all of them have honored their wildlife. She thinks that should be considered.

Gerald Richardson, 5089 King Road addresses the Commission. His cell phone service is excellent. He questions how many people that live within a one mile radius of the church signed that petition. He didn't move to this area for cell phone availability, but rather for the atmosphere which a cell tower would not compliment. He asks who benefits from the "revenue" discussed by the petitioner. He questions the health effects of towers and cell phones.

Wesley Skolnick, 212 Ross Court, Highland, Michigan addresses the Commission. He is Ms. Skolnick's grandson. He believes there is no need for a cell tower. He uses T-Mobile and was able to make telephone calls from the church parking lot. He thinks a less populated area would be more appropriate. He believes locating the tower within the State land contiguous to his grandmother's would be preferable.

Doug Constance corrects petitioner's statement that cable is not available. Chairman Pobuda indicates that's not what petitioner said.

Chairman Pobuda indicates that all neighbors will be re-notified 15 days prior to the next meeting on November 13th. Additionally, letters are read to the Commission:

- A. Ralph and Carol LeRoy, 5175 Pine Hill Circle They are opposed to the tower.
- B. Letter from RJ Wentz of 5123 Pine Hill Circle, thanking Kelly for allowing her to e-mail. He is opposed to the tower. Verizon has increased their output from a nearby tower, allowing her to receive calls now adjacent to the church. T-Mobile should consider this. He will reconsider his stance if T-Mobile will cover all costs for negative effects to community and accept responsibility for any medical conditions that may arise from the placement of the tower.

Kathleen Wisser, 5115 Pinehill Circle addresses the Commission. She has Cingular. She indicates that she works in the field of scientific research and that she doesn't believe that the conclusions are in. Also, she inquires whether the church receives the revenues from the tower. She asks when she can obtain a copy of tonight's minutes and is advised they'll be available tomorrow.

Barb Misslitz, 5267 Chilson Road, Howell addresses the Commission. She does not own a cell phone. She asks what revenue the church receives from the placement of the tower. Chairman Pobuda indicates that's between the church and T-Mobile.

Tammy Dunaski inquires what agency is mentioned in the F.C.C. that the petitioner read verbatim into the record.

Sandra Skolnick addresses the Board again. She indicates that the church is going to make money on this venture. If the tower is placed on State land, then all would share in that benefit. Further, she has contacted the L.C.P. regarding this story. She addresses the notification of those without mailboxes.

Call to the public is closed at 9:06 p.m.

Planning Commission disposition of petition

- A. Recommendation regarding special use.
- B. Recommendation regarding impact assessment.
- C. Recommendation regarding site plan.

Motion by James Mortensen that the issue be tabled. Support by Barbara Figurski. **Motion carried unanimously.**

OPEN PUBLIC HEARING #4...Review of amendments to the Zoning Ordinance text affecting the entire Township of Genoa.

Planning Commission disposition of petition

A. Recommendation regarding zoning ordinance amendments.

Jeff Purdy outlines proposed changes in the ordinance for the Commission. Commissioner Mortensen would like to see an executive summary of the substantive changes made to the ordinance. The Commissioner's agree that a summary would be helpful. Jeff Purdy will provide a summary of the proposed changes with the ordinance and outline why it's necessary (i.e., change in the law, etc.). The commission discussed holding a special meeting for the purpose of discussing the ordinance changes exclusively. Kelly VanMarter suggested there are five Monday's in October so the Commission could hold a special meeting on Monday, October 30, 2006.

Motion by James Mortensen to table this item to a special meeting on October 30, 2006. Support by Barbara Figurski. **Motion carried unanimously.**

Administrative Business:

- *Planners report presented by LSL Planners.*
- *Approval of September 11, 2006 Planning Commission meeting minutes.* **Motion** by Barbara Figurski to approve minutes as amended. Support by Teri Olson. **Motion carried unanimously.**
- *Member Discussion.* The next meeting will be Monday, October 30, 2006. This will be a special meeting to discuss proposed changes to the ordinance. There is also a meeting on Monday, November 13, 2006.

Adjournment at 9:28 a.m.

Respectfully submitted,

Kristi Cox
Recording Secretary