

Milton Township

32097 Bertrand St., Niles, MI 49120 Phone (269)684-7262 Fax (269)684-1742

Email: milton@miltontwp.org Website: miltontwp.org

Planning Commission Members: Jeremy Clanton, Richard Hebard, Ron Jureziz, Sandra Redman, Kara Boyles, Kelly Sweeney, Sharon Ward

September 10, 2012 **APPROVED 10-1-2012**

Call to Order: 6:30 P.M.

Roll Call: All members present

Public Hearing Procedure Announcement and Conflict of Interest Announcement

Kelly read the Planning Commission's Procedures to Handle Conflict of Interest and how we will hold the Public Hearing.

Supervisor, Robert Benjamin, was allowed to speak to address a letter he had just received from Jackie Phlug stating there were negotiations outside regular meetings taking place, and if this is so the member must excuse himself from the public hearing.

No one was excused from the meeting because there were no outside discussions. Ron did state he had a conversation with someone who came on his property to take pictures but it was a short discussion that didn't discuss any details of the cell tower.

Ron stated that he does have a conflict of interest because his property is adjoining to the property that is the subject of the Public Hearing. In his opinion, he felt that he could be objective in the deliberation process so Ron did not excuse himself. As a result of his decision and according to Planning Commission procedures the Planning Commission discussed the issue.

A motion to allow Ron to participate in the discussion was made by Kelly and seconded by Sandra.

VOTE: All members voting yes with Ron abstaining. The motion passed.

Public Hearing for Amendment to Article 13 of the Zoning Ordinance, which would be addition of section 13.26, Garage, Barn and Yard Sales.

Public Hearing started at 6:36 PM

FOR: Richard Gerberth spoke in favor regarding countless signs displayed in the township.

AGAINST: Robert Benjamin opposed the ordinance expressing concerns about the permit process and fees. Sue Kronewitter opposed stating she does not see a need and felt it would be unfair to the residents. Susan Flowers also spoke in opposition and felt there was no need to have an ordinance. Paul Sniadecki did receive one letter in opposition from Karen Shirk.

Kara did state there could be a zero dollar fee and that would be decided by the Board. No further comments were heard.

Public Hearing was closed at 6:49 P.M.

Public Hearing on the Conditional Use Application for Verizon Wireless to co-locate antennas, via a mounting platform, on an existing Wireless Communication Structure owned by SBA Communications Corporation, Boca Raton FL. The location of the existing structure is 31584 Redfield St, Milton Township, Cass County Michigan, Niles MI, 49120. The property ID is: 14-070-022-01. The existing Wireless Communication Structure is 193 ft. tall with flush-mount style antennas, and received a Conditional Use/Special Use Permit on May 21, 2007. The applicant seeks to amend the existing Conditional Use/Special Use Permit by co-locating antennas at 170 feet and use a 14 foot/4 sided Valmount platform, or the equivalent. Chaille Tower Consultants, LLC, Nappanee, IN are representing the applicants. The Conditional Use Application also proposes to increase the size of the existing equipment compound by 560 square feet. The Planning Commission will review this application pursuant to Article 14 of the Milton Township Zoning Ordinance, and Michigan Public Act 143 of 2012.

Public Hearing started at 6:50 PM

Paul Sniadecki presented all members with additional clarification packet (Client Attorney Letter, 2 clarifying letters from the applicant) to assist them in their deliberations. In addition, he stated a bond of \$37,500 currently in effect must be produced. Tower is allowed—reviewed application and it is complete—provided for safety factors. Section 14.05 of the Zoning Ordinance must be met for all sections A-E if not then the request fails. This Public Hearing only applies to the Verizon 170 foot mount. There is a 3rd co-location. Bond required should be produced that shows it is up to date \$37,500 currently. Should be

An extensive presentation was made by Verizon Wireless regarding the Condition Use Application with the use of visual media for all to see.

Public Comments:

For: Sue Kronewitter expressed strong support in favor, stating areas not currently able to receive Internet service would now be included. She stated it would not cost the township any money and felt we owe it to our residents, and particularly those who attend local schools and are receiving some of their education on line. Many people didn't even know the tower was there. Susan Flowers spoke in favor of the amendment; there was also an email in favor from Paul Romanetz.

Against: Robert Benjamin admitted there is a need for cell service but not just from Verizon. Robert questioned signal strength and felt the propagation map was misleading. He maintains he is in the existing green zone on the map and still can't receive a good signal without a network extender. He further feels we need to see the signal strengths in the areas shown and says it appears to cover more of Indiana and the Gumwood corridor. Richard Gerbeth agreed with Robert Benjamin, and felt those living near the tower were impacted in a negative way and is not visually attractive. He also expressed concern allowing passage could set precedent for future applicants. Jackie Pflug sent letter in opposition. No further comments from residents and public comments were closed, at 7:52 P.M.

Rebuttal: Verizon Wireless and their support groups answered questions following the public comment. This included John Crane, 1126 N. Main St. Rochester, Indiana, as well as Judd Chaille representative for Verizon Wireless.

The following points were used in deliberations on this matter:

A. The changes will be harmonious with and in accordance with the general objectives, intent, and purposed of the ordinance.

B. It will have the same current use, will be properly maintained.

C. Will not require any additional services.

D. Current tower and modifications do not add any additional hazard or disruptions to current or future modifications

E. Will not require any additional costs to the public.

Kelly made a motion which was seconded by Ron to amend the special use permit from May 21, 2007 by adding a number 5 to allow Verizon Wireless to co-locate via a mounting platform, on an existing Wireless Communication Structure owned by SBA Communications Corporation, Boca Raton FL. co-locating antennas at 170 feet and use a 14 foot, 4 sided Valmount platform, or the equivalent. Based on Planning Deliberations all 5 standards from section 14.05 having been met. Due to changing technology Verizon Wireless cannot use flush mounted technology to achieve the desired services and outcomes. Recommendation for approval to the township board with the following conditions.

- 1. Tower owner to provide township the original documents for the tower and the complete engineering documents for the modification to the tower sealed by a licensed Michigan engineer.**
- 2. Verification that the bond listed in the May 21, 2007 special use permit is in effect and up to date before building begins.**
- 3. The township reserves the right to later rescind and/or revise such conditional us approval of section 6409A if the Middle class Tax Relief and Job Creation Act of 2012 is later held unconstitutional, to the extent that such conditional use approval was premised primarily on the requirement of section 6409A.**

The Planning Commission has determined that the modifications to the existing tower are not making any substantial changes with regards to section 14.14 of the Zoning Ordinance.

Roll call Vote: Yes: Ron, Kelly, Richard, Kara, Sandra, Jeremy

No: Sharon

Motion Passed

Jeremy made a motion to send the recommendation of the Planning Commission for the special use listed above on to the Board of Trustees. Sandra seconded this motion.

Discussion: None

VOTE: Yes: Ron, Kelly, Richard, Kara, Sandra, Jeremy, Sharon

No:

Motion Passed

Zoning Board of Appeals Report:

Cass county needs additional information in regard to information concerning section 14.14 of zoning ordinance. conditional use permit.

We did not receive any advisory opinion motion to move forward they did ask for additional information. Jeremy felt we have to move forward on this and made motion we do so, second by Sandra. Discussion there was no discussion all in favor, motion passed.

Jeremy made a motion to send the Zoning Ordinance change for section 14.14 on to the Board of Trustee. Seconded by Sandra.

Discussion: None

VOTE: Yes: Ron, Kelly, Richard, Kara, Sandra, Jeremy, Sharon

No:

Motion Passed

Garage/Barn/Yard sale tabled to next meeting October 1st at regular meeting. Motion made by Sharon and Ron seconded. Motion carried by unanimous vote.

Motion to adjourn: Jeremy, second by Ron.

Meeting Adjourned 9:30 P.M.

Respectfully Submitted:

Sandra Redman (secretary,) Milton Township Planning Commission

