

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
OCTOBER 13TH, 2009
(Tuesday)
6:30 P.M.**

MINUTES

CALL TO ORDER: At 6:30 p.m., the Genoa Charter Township Planning Commission meeting was called to order. Present constituting a quorum were Chairman Doug Brown, Barbara Figurski, Dean Tengel, John McManus, Lauren Brookins, Diana Lowe and James Mortensen. Also present was Jeff Purdy with LSL Planning, Tesha Humphriss, Township Engineer and Kelly VanMarter, Township Planner. There were 17 people in the audience.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

APPROVAL OF AGENDA: Chairman Brown moved to add introduction of members and move work session between item 1 and 2. Supported by Tengel.
Motion carried unanimously.

CALL TO THE PUBLIC: There was a call to the public at 6:35 p.m. with no response. ***(Note: The Board reserves the right to not begin new business after 10:00 p.m.)***

OPEN PUBLIC HEARING # 1...Review of special use application, impact assessment and sketch plan for outdoor storage of vehicles located at 7208 W. Grand River Ave., Brighton Sec. 13, petitioned by John Conley.

Dave LeClair with Livingston Engineering and John Conley, owner of Conley Motors were present to represent the petitioner.

Dave LeClair stated that in July, Mr. Conley got approval for a storage building. At that meeting the Planning Commission requested that Mr. Conley bring his site into compliance due to the existing gravel parking lot that is used to store vehicles and rental trucks. Mr. Conley is here this evening to get special approval for the storage of rental trucks and automobiles.

Kelly VanMarter presented her 10-6-09 planning letter. Her primary concern is the buffer zones to the residential areas to the east and the west.

Mr. LeClair stated that there is significant landscaping to screen from the residential areas. It meets or exceeds the Township Ordinance. Mortensen agreed that it is very well screened right now. Brown suggested when the leaves come off the deciduous trees that the Township Staff may require additional evergreens to screen from the residences.

Mr. LeClair supplied the Commissioners with pictures of the landscaping bordering the residential areas. It appeared to the Commission that the limestone gravel area is closer to the property line than 20 feet. Brown stated that he wants to make sure that there is screening there year round for the residential areas.

Brown asked Mr. Leclair to demonstrate what is seen from the residential properties. The cars are parked in the back and cannot be seen from the cul-de-sac.

Mortensen asked if the 20-foot greenbelt is what the Planning Commission has the ability to waive. Ms. VanMarter replied yes and explained that the ordinance required 2 types of buffer zones. Point 3 from Ms. VanMarter's letter was in regards to the screening to the residential properties and point 2 of the letter is in regards to the neighboring properties.

Brown stated that the east side is Best Storage and it is buffered by the buildings. He has no problems with waiving the east side requirement. On the west side there is 2 issues and one is residential and the other is the Habitat for Humanity building.

Tengel questioned if the 20-foot greenbelt is practical and if any complaints have been made about the outdoor storage. Ms. VanMarter stated that due to the letters being mailed out, she did receive a complaint about the storage of cars in the back.

Brown and Mortensen stated that they would like to see the Habitat for Humanity yard cleaned up.

Ms. VanMarter continued to review her letter with the following points:

4. The height of all vehicles in the outdoor storage area must not exceed the height of any landscape screening, wall and fence.
5. The Planning Commission may request lighting details to determine if current Ordinance requirements are met.
6. Any issues identified by the Township Engineer or Fire Department must be addressed.

Mr. LeClair advised that they are not planning any additional lighting.

Brown questioned what type of vehicles are going to be stored in the back and what type of condition are the vehicles in. Mr. Conley stated that the primary ones will be passenger vans, compacts, and midsize and the highest will be 11 feet. Brown questioned if there will be any repairs in the yard. Mr. Conley stated

that there will not be any repairs at all in the yard, and they will be in the garage. No motor on the ground and no salvage operation at all.

Tesha Humphriss, Township Engineer, reviewed her letter dated 10-6-09. She stated that the first items are clean up issues. Regarding #3 in her letter, she stated that the drainage plan shows existing topography's and not post gravel. Petitioner agreed to prove that the drainage is going into the pond and to regrade so that the additional will flow into the pond. Mr. LeClair stated that about the back third drains to the rear and the new building will take some of that. There is a little area that will need to be addressed when this lot is built out. Ms. Humphriss stated that the pond should be able to handle the capacity. She stated that the existing buried structure should be brought back to grade. Petitioner stated that the original contractor has been looking for it. He cannot find it yet. In addition, the cross section is 8-inches and that meets the standards and it should be depicted on the drawings.

Brown presented the Brighton Area Fire Department Letter. The gravel road should be able to support the emergency vehicles. Humphriss stated that it meets our ordinance and cannot speak for the fire dept.

There were no questions regarding the Environmental Impact Assessment.

A call to the public was made at 7:01 p.m. with the following responses: Bill Ross of 2603 Hubert stated he resides on the property to the south. He stated that there are a lot of deciduous trees. The elevation has changed and Mr. Conley has had a lot of fill brought in. He is concerned about the oil seeping into the fill dirt and it migrating into the pond. He stated that it should be asphalt and a controlled environment. He would like to see evergreens on the south side. He can see everything and would like a greenbelt with landscaping and that the vehicles should be contained in a fenced lot.

Brown stated that on the south side he could look at the water. Mr. Ross has made a great suggestion about adding more evergreen trees. Mr. Conley stated that in the development of that building the buffer was included in that plan. The parking lot is going to be the same as what it has been. He agreed to plant the little pine trees for they can grow. Mr. Conley stated that he would like to wait until after the full building was approved to add more plantings. The Habitat for Humanity building should buffer themselves. He envisions the site being very buildable with an additional building for rent and making revenue.

Mr. Conley informed the Commission that the Livingston County Drain Commission forced him to give them an easement on his property for the drainage to go into the pond. He said that the Livingston County Drain Commission is allowed to drain into the pond and all of his runoff goes into the detention pond and if anything happens on his property he can get to it before it

gets to the pond. Every car and all the runoff from Grand River Avenue goes into that pond.

Mr. Ross agreed with Mr. Conley regarding the Drain. When it rains it gets a 10 to 15-foot shoot of water into that pond. The pond fills with silt at every rain and he has contacted the Livingston County Road Commission and Livingston County Drain Commission to fix it.

Nancy Brown of 7121 Lindsey states that she is not concerned about the building. She is concerned about the parking and that the lot will be loaded with cars. The U-Haul Rentals go on till 11:30 at night. The economy is bad for them too and it lowers their value of the homes. Mr. Conley is only supposed to have a certain number of cars and he has never been in compliance and he is not supposed to be doing what he is doing and now he wants approval. She has been into the Township complaining time and time again and the noise does not stop at 6 -7 at night. It is not the idea of the cars that are there parked; it is the commotion of the cars moving. He also has boats, snowmobiles, trailers, etc.

Donna Young of 7118 Lindsey states that Mr. Conley does operate until 11:30 p.m. at night. She is right at the end of Lindsey Drive. She questioned if he will continue to keep infringing on his property with the cars.

Brown stated that he does not think that he will be doing that as Mr. Conley has stated tonight. His cars are going to be parked where they are now and it is going to stay that way into the future. He is not going to go further than what he is being approved for today. Brown questioned Mr. Conley about the hours of operation. Mr. Conley stated that they are 8-6 Monday thru Friday and 8-3 on Saturday. All outgoing trucks are pretty much done during those hours and there are people that drop off trucks and it is at all hours of the night.

Tengel questioned if there is a way to make people come to the front. Mr. Conley stated that he could comply and that he owns a semi-truck and that if he needs to load up he does it in the front. Nancy Brown stated that if more is allowed there will be more making noise and coming and going. He has never been in compliance.

Betsy Sams of 7089 Lindsey Drive questioned why the rental trucks are allowed to be brought back at all hours of the night. They should only be allowed to drop them off in the front. Their main concern is with the parking of trucks. The trucks were supposed to be parked on the side. He did it for awhile and then started parking them in the back. Nancy Brown stated that Mr. Conley probably needs more space. The rental trucks will be back there and when Gary Underwood would park those trucks and he came and saw what I had to look at he agreed to move them.

Call to the public was closed 7:31.

Brown questioned if there is anything that can be done with the trucks. Mr. Conley stated that he would do the best that he can to help the neighborhood and environment. He promises that he will do everything that he says that he is going to do.

Planning Commission disposition of petition

A. Recommendation of Special Use:

Motion by James Mortensen to recommend approval of the special use application for Conley Motors for outdoor storage in the gravel area behind the main building subject to:

1. Normal hours of operation for outgoing vehicles are 8 a.m. to 9 p.m. Recognizing that an occasionally outgoing shipment will have to be made and these will be limited to no more than 5 a month.
2. Vehicle dropoffs will occur at anytime. An orange cone may be used to encourage drop offs north of the gravel area.
3. Additional screening will be required to the south and west of the property for residential screening. The screening will be in a form of additional evergreens to be determined by Township Staff once leaves have fallen off. The screening will be completed by no later than April 30, 2010.
4. The petitioner will park the vehicles in an orderly manner and salvage will not be permitted.
5. Height will not exceed 13 feet.
6. No lighting will be installed in the outdoor parking area.
7. Gravel in the outdoor parking area will be 22A and not less than a 5-inch thick topped in 3 inches of 21AA limestone.
8. Due to the extensive foliage and plantings, the buffer zone requirement is waived. The buffer zone for the east lot line is waived due to the existing wall with Best Self Storage; the common west line with Habitat for Humanity and Conley motors will not be required due to the two driveways running parallel to each other.
9. Recommendation is made subject to approval by the Township Board of the impact assessment and sketch plan as reviewed this evening by Planning Commission. Further this recommendation for the outdoor storage is made because the property is zoned General Commercial and outdoor storage is consistent with that property and several of the neighboring properties.

Support by Figurski. Motion carried unanimously.

Motion by Barbara Figurski that the Township Board approve the impact assessment dated September 29, 2009 with attachments. **Support by Mortensen. Motion carried unanimously.**

Motion by James Mortensen to recommend to the Township Board approval of the sketch plan for Conley Motors dated September 24, 2009 subject to:

1. Approval by the Township Board of the special use application and environmental impact assessment;
2. Revision of plan to be consistent with items in Special Land Use Approval.
3. Compliance with requests in the Township Engineer's Letter dated 10-6-09 recognizing that item #5 has already been dealt with in Special Land Use permit.

Supported by Lowe. Motion carried unanimously.

WORK SESSION: The Work Session started at 7:50 p.m. Chairman Brown stated that he did not want to delay the Conley Petitions and what came to his attention at the Township today was a letter from Cooper and Reisterer regarding the Oak Pointe building.

Brown started about who owns the property and who has the rights to develop that property and if they look at our ordinance 18.04.02 it says that people that own the property need to write a letter and give permission themselves. The reason that he wanted to have the worksession was to suggest to the Commission that they open the discussion amongst themselves about if this does go forward maybe put subject to clarification of the legal issues and if the assertions in this letter are correct than the case is moot.

Kelly VanMarter stated that there is a master deed that is on file with the Township and it states that it is common area and I believe that it is under the privity of the Homeowners Association. Tengel questioned if it would need something from the Association for permission. Ms. VanMarter replied that one of the outstanding issues is if the easement gives us permission to give authority to allow the building on this site. Mortensen stated that he would put it as a condition for authority? Tengel stated that the Commission does not deal with too much residential construction, would they not need approval by the Association. Mr. Purdy stated that the Township does not enforce private agreements. That is a private matter between the petitioners and the Homeowners association.

Work session was closed at 8:00 p.m.

OPEN PUBLIC HEARING # 2... Review of site plan application, impact assessment and site plan for a proposed wireless communication equipment shelter facility located within Oak Pointe at the east terminus of Moret Court adjacent to the water tower.

Presentations were made by Robert LaBelle with Verizon Wireless and Wally Haley representing ATT. It is very clear from the Township ordinance that the water tower is the place to go. We were looking to attach the antennae to an existing structure.

The water tower is in a common area and designated on an easement to the Township. We do acknowledge that we have to go to the Homeowners Associations. Brown acknowledged that Ms. Cooper who is in the audience represents a number of owners on the cul-de-sac. They are worried about the views and it is very fair to say that Ms. Coopers' group does not deny that it is a good place to put it. Mr. Haley stated that he has been working with Township staff and the Homeowners Association for quite some time. The issue is where to put the building. Verizon had originally gone to the Township and discussed this issue.

Verizon put forward a plan with a common structure to house multiple carriers and the ATT plan is a bunker style building set into the ground. We are looking for a purely planning point of view from the board and to avoid the legal issues.

Mr. LaBelle stated that his plan and the proposed ATT plan are supported by the two companies. The shelter is a shelter that can house multiple carriers. There will be a shared generator in the building. He stated that they recognize there is more than one level of approval.

Mr. LaBelle stated that the shelter was designed to mimic the surrounding buildings on the golf course like the halfway house. The design is intended to make something aesthetically compatible to the neighborhood with shingles and a slanted roof. The ATT plan showed a building that was partly underground.

Brown questioned that since they could build either building, is there any technical aspect as to it being built above ground and not underground. Mr. LaBelle stated that it is better to go above ground due to the fact that if the structure is underground it could incur water seepage and that can damage the electrical equipment.

Jeff Purdy, LSL Planners, reviewed his letter dated 10-6-09. The site is zoned MUPUD (Mixed Use Planned Unit Development). It requires Township approval. We allow antennae to be attached or co-located and it is allowed in all districts. The collocation of the tower on the existing water tower is preferred.

Mr. Purdy reviewed the following items to consider for the Commission:

- 1.The materials need to be constructed of brick instead of stone and siding to match the existing residential structures.
- 2.The color of the antennae should match the water tower.
- 3.FAA lighting is not required due to the height of the proposed antennae. A requirement should be added that the antennae does not exceed the minimum height so there is no need for lighting.

Mr. Haley and Mr. LaBelle stated that they could comply with the requirements from Mr. Purdy's letter reviewed tonight.

Brown asked how many antennae will be added to the water tower. Mr. Haley answered 18 total. There would be a ring on top that they are attached to.

Ms. Tesha Humphriss reviewed her letter dated 10-6-09. She is asking for the applicant to provide an additional electrical drop and meter for the use of the utilities. There needs to be a maintenance agreement with the Township for repairs and there needs to be a description to the grantee that they will be removed when they are not needed any more. Ms. Humphriss asked what the use of the lease area on the plans is for. Mr. LaBelle responded that it is the lease area that T-Mobile has an option to lease and they have not exercised that option as to date.

Mortensen asked if T-Mobile would be able to build a new building. Mr. LaBelle responded that they could and that is why they have provided space for them. He stated that they are not here to speak for T-mobile and they are going to have to come to this board and association for approval also.

Ms. VanMarter stated that the Planning Commission does not have the authority to approve the antennae. The approval is handled at a staff level with a permit. It is her understanding that T-Mobile came before working with them to use the existing water tower at Oak Pointe and they were the first to see if there was something that they could do. T-mobile had entered into discussions with the Township for an antenna.

Tengel asked who is going to own the structure. Is the Township going to own it and lease it back to the carriers? Mr. LaBelle stated that would not be the case. The carriers would own it.

Mr. Haley stated that T-mobile has an option to lease with the Township for placing an antennae on the tower and building a structure. They have one option and it will expire in December of 2009. T-Mobile slowed down their build plan in Michigan. They killed a high majority of their sites. It would be very unlikely for them to pursue this site and we have crafted the plan to make room for an additional carrier.

Mortensen questioned if the land lease goes to the Homeowners Association? Mr. Haley stated that the easement area is under control of the Township. Mr. LaBelle stated that the area which the water tower sits on is in an easement that is owned by the Township. The question is if the Township can use the easement for the utility. According to the ordinance it is encouraged to use water towers for the placing of telecommunications. There are persons who disagree who has the right to lease the property. Brown asked if they have an agreement with the

Township to apply. Mr. LaBelle stated that they have a lease with the Township right now. Mortensen stated that he has issues with legal ownership. What if T-Mobile wants to come in, in a month, and build a building and co-locate a tower. Brown stated that the Commission has control over that. Mortensen said that if this moves forward that he would like to see documentation that the lease option for T-Mobile has expired.

Tengel questioned if it is feasible to make it bigger for additional carriers. Mr. LaBelle replied that they don't want to construct buildings for their competitors. They have additional space in there for T-Mobile in the event that they do something.

Tengel stated that his biggest concern is someone coming in wanting to add on or build another building. Mr. Haley stated that it is costly for us to build for everybody. If there is anybody else that wants to come, we have developed a plan for additions to the south side of building.

McManus stated that they would not automatically need to approve one just because this came in. He believes that it is completely different because there is not a building on this site now but if someone was to come forward there would be a building on it.

Ms. Humphriss continued reviewing her letter. She is concerned that the area shown for expansion is over an existing water main. She also stated that Drain Commission approval is needed.

She questioned if the existing asphalt drive is to be removed. If so, the Township will not have access to the water tower and there was no new driveway proposed. Mr. LaBelle stated that there is an existing concrete pad and that they are only removing approximately 10 feet at the end of the drive and the remaining will be there for access. It shows on the plan that it is hashed out and that was an error on the plans.

Ms. Humphriss recommended that construction plans are required for this site and that the Utilities Department will need to coordinate with the carriers.

Mr. Haley stated that the Township uses Dixon Engineers and that they have worked with Dixon on the water tower. So they are very familiar with Dixon and accept those requirements.

Brown stated that all the points in the Township Engineer's letter were good. He questioned if there is going to be fire suppression in this building? Mr. Haley stated that yes there will be.

Brown reviewed the Brighton Area Fire Department letter dated 10-5-09.

Brown questioned about moving the building to a different location in the easement area. Mr. LaBelle stated that there is a very large watermain that they are trying to avoid and that limits the area that can be built on.

Mr. Haley stated that they did look at moving it closer to the cul-de-sac and submitted an in-ground structure that was built into the retaining wall. It was their attempt to appease the Homeowners Association. There is really not a lot of room to go outside of that. The actual building envelope for this lot is very small.

Brown stated that it is his understanding that the building cannot be too far away from the tower. Mr. Haley stated that he has read Ms. Cooper's letter about moving the building on the golf course. There are coaxial cables on the antennae and you lose signal strength for how long the cable is. That would include the water tower and it is 250 feet. To move the building another 400 feet would not work.

McManus asked if there is a way to boost the signal. Mr. Haley stated that there is none that he knows of and Mr. LaBelle confirmed.

Brown questioned if there is going to be any exterior lighting, if the generator makes noise and how it was going to be run. Mr. LaBelle stated that there is only going to be a low voltage motion activated light above the door and the generator is only used if the power goes out and it is tested once a month or once every other month. You should not be able to hear anything from the curb because it is also in a sound proof room. It is going to be fueled by diesel. Brown stated that there is nothing in the environmental impact assessment about hazardous materials being stored there. Mr. LaBelle stated that if diesel is contained in accordance to the law it is not hazardous. He can have the environmental impact assessment amended to show that change.

Brown wanted to know what the petitioner plans about a fence. Mr. LaBelle stated that they typically install fences, however they are comfortable without having one at this location due to aesthetics. Brown asked the petitioner why they want to put an antenna here instead of somewhere else? Mr. LaBelle replied that they are trying to meet the ordinance, it encourages them to collocate and this is where they were looking at because it is less expensive and we don't have to build a tower and they did a study regarding signal strength and this area is the best.

Call to the public was made at 8:57 p.m.

Gerry Poissant of 4462 Quebec Lane stated that he is speaking on behalf of the Homeowners Association. The master deed shows an easement for the water tower and he has been working with the Township and the homeowners for a year now. It is very clear that they own this property and they need to enter into an agreement with the Township. They have also had their council draft

assignment agreements. They are close to resolving this issue. The Township has been reviewing the document. What has not been resolved is the physical characteristics of what is going on the easement. They are very much in support of the antennae being added and they want to see this happen and their first choice would be to have the equipment facility be completely below grade. If it must be completely above grade, the drawing that was submitted is acceptable.

Abby Cooper of Cooper and Reisterer represents two of the homeowners: She stated that she has a signed statement of all the 10 residences of Moret Court. The legal rights to that land are relevant to these people who bought premium lots with open space and golf course views. They bought their houses and lot with pristine views of the golf course and nowhere in the deeds does it state the Township? To the extent that the Township entered into the T-Mobile agreement may have been a mistake. The legal rights to lease and control are subject to this review and is relevant to these folks and they are not happy. The Association does not have the authority to be giving these leases out. There is also the Oak Pointe Country Club property; the owner states his willingness to open up the Country Club property. They could possibly have explored that property. There is a lot of other options that have not been explored to take the building out of their views. They will see this building out their front doors. She thinks that the T-Mobile issue is important. As far as other options and this site is so restricted then maybe this is not a good decision. This might be better for the Township to have them find a different location. As far as the authority goes, the Township has to weed out the authority issues. She believes that the Planning Commission needs to see this easement and lease to weed out authority. I have acquired and spoken with a board member that stated that a vote never happened. She believes that the Township should take this into consideration. She wants to get the folks in here and get this done right and the owners can get all of the information and that there is a better site and that the Commission has done its due diligence. They are requesting that it be tabled and not made into just a stipulation or to deny for them to find a different location.

Brown asked what if they move the trees and open up the view for the homeowners. Ms. Cooper replied that it still does not work because they do not want to take down trees. The homeowner's contention is the fact that the building is there and they want the open space. Brown stated that there are 5 trees and the petitioner could actually either move the trees or bring in additional trees if they take away the trees, it will open up a new view of the golf course. Ms. Cooper stated that it is not the intent to tear down trees and the neighbors would support the underground building. Brown stated that he was trying to open up another view and not add more trees. Tengel questioned if the neighbors would not oppose the T-mobile site behind the trees.

Dwayne Copeland of 5233 Moret Court stated that if they move it now, it would bother the neighbors down the street.

Debra Confer of 5191 Moret Court stated she looks onto the area where the building would go and that she sees the open area and golfers and the sun coming up every morning. She didn't pay the extra money for that lot to have a building come onto that lot. Her windows would look onto the building. They would see it during all of their meals. She would have not bought that house if the building was there.

Brown asked Ms. Humphriss if there is a water main there. Ms. Humphriss responded that is correct and that any building would be required to be 20 feet from the easement.

Mr. Haley stated by moving the building back, they would take away the screening for the residences to the north.

McManus asked how much lower than the road is the land and if they move the building back south and lower the building into the ground 3 feet. My concern is with having it completely underground you would have an environmental issue. Does that then allow the homes to look over the top. Mr. Haley responded that if the building itself had a flatter roof, that would still be 6 to 7 feet tall.

Ms. Cooper stated that this has to go through the multiple levels of review and the Villas of Oak Pointe and the entire Oak Pointe community is going to get a say.

Brown referred to Mr. Purdy who stated that typically the Township does not get involved in Association approvals and the Township does recognize that they exist. The Township cannot deny the petition because the Homeowners Association denied them.

Brown stated that the Commission could approve this without Homeowner's Association approval. Ms. Cooper replied that approval from the owner to pursue this petition is required. She acknowledges that there is a need for better service but there has to be a better location for this service.

Dwayne Copeland of 5233 Moret Court stated that he thinks that they are going past the part of putting it underground. They all have deep basements and he lives in his basement more than the rest of his house and they don't have a bit of moisture if that is what the applicant is worried about. Brown stated that if the applicants uses concrete block, they might have moisture. Gerry Poissant stated that if you look at the topography of the land you will see that there is a natural flow that could make sure that this building drains if it is built underground.

Tony Fiorilla of 5149 Moret Court would like to know what the antennae are going to look like and what he is going to see from his house. Mr. LaBelle supplied a picture for observation. Mr. Ferrio stated that the Commission is trading the homeowners' hardship for the applicant's hardship.

Mr. Copeland stated that they were told that all they were going to see was the golf course and open space. Brown reiterated what Ms. Cooper said and that there is a need to have better service. This will improve the health and welfare. He understands that there is a need for the Township to have an antenna and to have the petitioner do collocation.

Paul Stanko of 4450 Quebec Lane stated that this is just change and people don't like change. From where Mr. Fiorilla looks he would not see the building. Ms. Confer would be affected by it. He also bought in the Villas and he had an opportunity to buy pond view lots and golf course view lots. The homes are designed so the view isn't the back of the home. He can see that the other 8 of them would not see it unless they walk the dog. He thinks the best thing to do would be to use the existing site. He does not want to see another tower somewhere else. He acknowledges that the applicants are trying to do the best they can. Mr. Fiorilla stated that nothing has been done for an alternative, and there are many places out here for better reception. He does not agree.

Gary McCririe, Township Supervisor, addressed the Planning Commission members. He stated many alternatives have been explored. Over a period of time there have been numerous meetings with planners, engineers, and attorneys. They have had discussions with the residents of Moret Court on this very building. He had some trouble with the design as it was first presented. He thought that it looked like a bunker. The Township is desirous to have the collocation on the water tower. The Township has voted on this agreement and this is revenue to the Township to provide that utility to its residents. It is recognized as a public service and in fact the Township petitioned and requested that this location be pursued. They have explored the site with everyone. Second, the area of the depression in the west and the south on this lot is for draining the tower and it has been used as such in the past. The petitioner is not going to put a building where it could jeopardize the water supply.

Mr. McCririe drew the Commission's attention to Ms. Cooper's letter. It arrives the morning of the meeting. The letter suggests that the Township has no authority to do this and that is her opinion. The Township does have the authority to do this. The Commission should discuss the architecture and location.

Barb Fritz of 5121 Moret Court stated that she does not know who has authority over that and that the Township should work with the Oak Pointe Villas Board to make it favorable for everyone.

Steve Zervos of 5219 Moret Court stated that he has a direct view of that lot. He was the third home in that neighborhood. It was not just a pond lot, it was a premium lot. This affects everyone that drives up and down that road. It is a subdivision and they are all there to support each other. Regarding the income

coming in, it would be less than \$20.00 a month for each homeowner so he can not believe that it would be a money issue. He supports his neighbors.

Mary Sechrist of 5205 Moret Court stated that she is one of the four homes that would look onto the building. She bought the view for both the pond and golf course view lot.

Mr. Poissant stated that this is an extraordinary neighborhood and he would like the Township to deviate from their ordinance and allow a below grade structure.

Chairman Brown closed the public hearing at 9:50 p.m.

Mr. Haley stated that to lower the building would cause problems. The homeowners do not have sensitive equipment along a six-foot wall in their basements and it would be costly to put something completely underground and make it non-humid. Brown questioned if putting the building halfway underground would work. Mr. Haley responded that is basically the ATT plan and it would handle drainage. Mr. LaBelle stated that the plan that they have now is 4 feet underground and 6 feet above ground. They could go with a much flatter roof and brick. They tried to move it north to take advantage of the trees. The bunker approach to put ½ million dollars underground would not work financially. He stated that Homeland Security is looking at using cellular phones as first notice. Homeland Security has noticed that they work more reliably. Mr. LaBelle stated that all the things that they have heard tonight is about the view of the golf course and the petitioner can put trees around the building and camouflage the building and they can restore the view that they are wanting.

Mortensen stated that the idea of sinking the building is not going to work. To him architecture is what needs to be an issue to what the homes look like. Some neighbors had to be there before cell phones. Brown stated that Mr. LaBelle convinced him about cell phones being used by Homeland Security and putting a building in a hole there makes no sense. We are supposed to be minimizing new cell towers being built in the area.

Tengel stated that regarding the design of the building; the applicant is willing to work with Homeowners' Association. The members are commissioned to be up here and are here to provide the greater good for the community.

Planning Commission disposition of petition

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

Motion by Figurski to approve the environmental impact assessment dated 9-2-09 with changes to items d,g,h and with the dust control measures being added. Supported by McManus. **Motion carried unanimously.**

Motion by Mortensen to recommend to the Township Board approval of the site plan dated 9-25-09 and architectural renderings dated 9-25-09 reviewed by the Township this evening for a building as depicted in the Verizon Wireless Plan dated 9-28-09 subject to the following:

1. Prior to Board approval the Township attorney will provide the board with clarification of the legal rights of the easement and property of Township. Homeowners Association shall enter into these agreements.
2. The Township attorney will provide documentation to the Township Board indicating when the T-Mobile option to lease expires. The land use permit will not be provided for construction of the outbuilding until the T-Mobile option to lease has expired.
3. The exterior of the building in terms of materials and colors will be as depicted this evening in the rendering that was provided to the Township. The Township staff will be authorized to revise the colors and materials to match the local residence if that is the desire of the Homeowners Association.
4. The antennae will be the same color as the water tower.
5. No lighting will be on the water tower.
6. A maintenance agreement satisfactory to the Township attorney is to be provided.
7. Performance guarantee is to be provided and reviewed by Township attorney.
8. The internal generator in the building is for power outages only and will comply with the sound ordinance.
9. Dust control measures will be added to site plan.
10. Requirements in the Township engineers letter dated 10-7-09 will be complied with in regard to item #1, two electrical service meters will be provided for both the Township and cell tower. Item #4 shall require that no more than 10 feet of the driveway will be removed.
11. The requirements filled out in the letter from the Township Utility Director and the Brighton Area Fire Department letter dated 10-5-09 will be complied with.

Supported by Figurski, Motion carried unanimously.

OPEN PUBLIC HEARING # 3... Review of amendments to Zoning Ordinance Articles 3,6,7,8,9,11,12,13,14,16,18,19,23,25.

Planning Commission disposition of petition

Mortensen stated that he has one concern about the Wind ordinance. He is wondering what it would look like on the Grand River corridor and do they want to allow them there and if they do can they be the same color and sizes. Mr. Purdy

stated that the colors all blend and they won't allow them in the front yard and lattice poles would not be allowed.

Moved by Tengel, supported by Lowe to table the approval of the Zoning Text Amendments to the next meeting. **Motion carried unanimously.**

Administrative Business:

- *Planners report presented by LSL Planners*
- *Approval of September 14th, 2009 Planning Commission meeting minutes. Motion by Figurski to accept the minutes with corrections. Support by McManus. **Motion carried unanimously.***
- *Member Discussion*

Adjournment. **Motion** by Figurski to adjourn at 10:15 p.m. Support by McManus. **Motion carried unanimously.**