

MINUTES
BIG RAPIDS CHARTER TOWNSHIP
PLANNING COMMISSION

Tuesday, March 13, 2018 --- 7:30 p.m.

Big Rapids Township Hall, 14212 Northland Drive, Big Rapids, MI 49307

I. CALL TO ORDER: 7:30 P.M.

Chairman Phil Keating called the regular meeting of the Big Rapids Charter Township Planning Commission to order at the township hall on Tuesday, March 13, 2018 at 7:30 p.m.

II. ROLL CALL:

Present: Zach Cook, Mary Davis, Gordon Oliver, Mark Sweppenheiser, Amanda Wethington, Philip Keating and Carman Bean are present. The record shows a quorum is present. Also Present: Zoning Administrator and Recording Secretary, Brent Mason and Supervisor Bill Stanek.

III. MINUTES:

Mr. Keating asked the Commission to review the minutes of the February 13, 2018 regular meeting. Mr. Sweppenheiser made a motion to approve the February 13, 2018 minutes as submitted. Mr. Cook seconded the motion. There was no further discussion. The motion passed unanimously with seven ayes.

IV. CONFLICTS OF INTEREST:

Mr. Keating asked if any of the Commission members had known conflicts of interest with any item on the agenda for this meeting. Mr. Bean acknowledged that the property in consideration for a special use permit tonight is directly across Madison Avenue from his residence and that a conflict of interest exists. Mr. Bean recused himself from participating in any action or discussion related to this issue and removed himself from the meeting room. Mr. Sweppenheiser mentioned his employment with the City of Big Rapids, and that was determined not to be a conflict of interest in this case.

V. PUBLIC COMMENT:

There was no public comment related to items not on the agenda.

VI. PUBLIC HEARING:

At 7:36 pm, Mr. Keating opened the Public Hearing for SUP18-001 – Chaille Tower Consultants for Verizon Wireless, Proposed communications Tower on property owned by Mr. Stephen and Mrs. Kyu-Hui Perialas at 21050 Madison Avenue. Mr. Keating explaining the rules for public comments during the hearing. He then asked Mr. Mason is there was any written correspondence. Mr. Mason replied that there was and read an email he received from Harvey Bailey dated Sat. 3/10/2018 8:35 am into the record:

Dear Zoning Board,

I am forwarding a copy of an email I sent to Jaqueline Bero at Traileaf Corp. on 6 Feb. 2018 expressing my concerns over a proposed cell tower on Madison Ave.

Not even addressing at the time the possible monetary loss of property value should such tower be constructed. This tower would have a major impact on the use of my property.

Sincerely,
Harvey Bailey

----- Forwarded Message -----

From: H B <ever1der_2000@yahoo.com>
To: j.dero@trileaf.com <j.dero@trileaf.com>
Cc: Harvey Bailey <ever1der_2000@yahoo.com>
Sent: Tuesday, February 6, 2018 05:45:07 PM EST
Subject: Jacqueline Bero/Traileaf Corp.

Hello,

My name is Harvey Bailey and I am writing to address potential effects of proposed cell tower at 21050 Madison Ave. Big Rapids, Michigan 49307. My residence is located that 21187 Madison Ave. Big Rapids and I have concerns regarding the ability to fly my ultralight aircraft to and from my property. I fly weight shift trike and powered parachutes from my location as well as have other sport pilots in the area take off and land here. My runway is North/South and a 162 foot tower would pose a serious hazard to safe operation in and of surrounding airspace on takeoff and approach.

Please contact me with proposed location specific's so we can address these issues.

Best Regards,
Harvey Bailey
21187 Madison Ave.
Big Rapids, MI 49307

Phone: 231-796-5285

Mr. Mason also read a letter from Sue Glatz into the record:

November 10, 2017

Planning Commission
Big Rapids Township
14212 Northland Drive
Big Rapids, MI 49307

Board Members,

I am writing concerning a proposed Cell Tower to the west of my property, known as The Hills of Mitchell Creek. I will be out of state when your meeting is being held, but hope you will give my letter some consideration.

I think the site of the tower would be detrimental to selling my lots. I realize that this is a selfish statement, but when I sell lots, people build on them and they pay property taxes, which the Township receives. The site of a Cell tower would not be a natural site, therefore would not be conducive to a wooded setting, natural beauty, etc.

I hope you will consider the above when making your decision. Thank you for your time.

Yours truly,
(signed Sue Glatz) Sue Glatz

Mr. Mason then read the response he wrote to Ms. Glatz at the direction of the Planning Commission:

December 13, 2017

Ms. Susan Glatz
17810 – 205th Avenue
Big Rapids, MI 49307

Ms. Glatz,

We have received your letter expressing your concern about the proposed cell tower on property located west of The Hills of Mitchell Creek. This property is currently zoned agricultural and cell towers are a legal use by special permit for this property. At this time, we have received an inquiry for information only. There has not been an application for a Special Use Permit or a site plan filed for this project yet. The Planning Commission had your letter read into the minutes of our December 12, 2017 meeting, and it will be placed on file to be included in the review of the application for this project, whenever that may be. You will be notified of the public hearing for this project. Thank you for your concern. I am also enclosing a copy of the zoning ordinance language for this particular use.

Sincerely,
Brent R. Mason
Zoning Administrator

Mr. Mason ended by stating that these items were the only items of correspondence regarding the communication tower application.

Mr. Keating asked Mr. Stephen Estey of Dykema Gossett to present the proposal to the commission. Mr. Estey used a slide show to present information from Chaille Tower Consultants to those in attendance. A paper copy of the slide show is on file for this meeting. He expressed the reasons for the proposal including growing demand for wireless services, projections for growth to increase, reliable wireless broadband and emergency services communications, wireless facility siting criteria, coverage requirements including RF propagation maps, sector maps, unavailability of co-location sites, search ring area, Ken Patterson's aviation assessment and report, the proposed site plan, design criteria of the monopole antenna, fall zone information, the proposed land division and access easement.

During his presentation, Mrs. Kathy Klarecki of 21030 Madison asked about the identification of the site and the information the propagation map shows, wondering about the coverage that they are trying to achieve, which Mr. Estey explained by mentioning the criteria that are used to determine what areas need better coverage and how the area for a new tower is determined, covering the gaps and where the coverage is weak.

Mr. Judd Chaille talked on the subject of exhausted sectors, which is providing for additional coverage and capacity in areas where it is deficient. This site is a two-fold site, first to increase coverage, and secondly to handle increase in capacity. Capacity used to

be determined by the number of customers, but now, with many customers having multiple devices, the number of devices determines capacity needs.

Lance Workman of 22980 – 15 Mile Road asked about the necessity of increasing coverage if there is sufficient coverage by one of the other wireless providers.

Mr. Chaille responded by stating that this request is for Verizon Wireless, and is independent of other providers coverage areas.

Rachael Williams, M.D. commented that any provider has to provide 911 call coverage for any caller, regardless of who the caller subscribes with for their service; a Verizon caller can place a 911 call and any other provider would complete the call to 911 if Verizon did not have coverage in a particular area.

Mr. Keating interrupted the conversation to advise the audience of the rules for the evening and requested that questions be asked after the presentation when each individual will get an opportunity to speak and ask questions if they choose.

Mr. Estey appreciated the clarification of the rules for the hearing and spoke on co-locating. He stated that co-location is the easiest, it is mandatory in Michigan and it does not require public hearings. Co-location did not work for this site because all towers were over one mile from the search ring. The search ring (area of the proposed site) is described by the provider, in this case, Verizon Wireless, and the criteria they utilize. Sometimes the search ring is limited by geography, landowner's willingness to grant rights and zoning. The search ring shows that the center of the ring and the proposed site on Madison are very near each other. There was a brief discussion regarding the name of the tower site and some confusion about the choice of the name, but it was reiterated that the site is proposed for the property at 21050 Madison Avenue.

Mr. Estey continued with information about the proximity to the of the site to the Roben-Hood Airport. The site is over one mile away from both registered runways, and that the tower will not need to be lit since its height is under 173 feet. The tower is outside the airspace of the airport and is under 190 feet high, the FAA doesn't consider it a concern to aviation.

Mrs. Klarecki asked who decides if the tower is lit or not lit. Mr. Estey stated the decision for tower lighting belongs to the FAA, but the township can make that a provision of their approval process.

Mr. Estey explained some of the various tower construction types and explained that the proposed tower would be a monopole type, which is a single pole tower without guy wires and provides two additional spaces for co-location. Mr. Estey presented the fall-zone letter that explains how the tower is designed to fall back onto itself in the event of a failure, essentially creating no impact area to the ground. He went on to talk about the fact that they no longer construct an equipment building for these site, as the equipment cabinet is about the size of a refrigerator right next to the base of the tower.

Mr. Estey advised that the site has been determined to be non-conforming because it has two homes on one parcel, so a land division proposal has been developed that will bring the site into zoning conformity and provide an easement for access to the tower site.

Mr. Estey closed his presentation and invited questions from the Planning Commission and the public. He stated that they do want to bring this site to the community and explained that each time he goes into a community he is not a popular person because there are people that do not want things built near them. It is the nature of the business, but they try to mitigate what people perceive as impacts and they try to design the site to have the least impact that they can. He does think that this will be a good addition to the community. He thanked the Planning Commission.

Mr. Keating acknowledged Mr. Estey and asked if any other members of the applicant's team wished to say anything more. They just mentioned they were ready to answer questions.

Mr. Keating opened the floor to the public and asked that everyone be polite and allow each other to make their statement or their response to a question completely, before the next person speaks.

Mrs. Klarecki asked about the applicant's personal experience with co-location and whether the additional providers co-locating on the tower would bring additional compensation to the property owner when the new antennae are placed on the tower.

Mr. Chaille responded that generally, no additional compensation goes to the property owner, however, each individual agreement with a property owner is unique. Generally, the co-location agreements provide revenue to the tower owner to help offset the expenses of developing the site.

Mr. Keating mentioned that he would like all the commenters to identify themselves and give their address before they make their comment.

Rebecca Williams Jackson, of 425 Rose Ave, BR. She stated that they have a garden and some animals on property out Madison, adjacent to Mr. Perialas's property. She presented a letter and a power-point presentation with an aerial view of the tower location and distances to show the impact of the tower on neighboring properties to the Planning Commission. She stated the purpose of the letter and her address to the Commission is to argue that while Verizon may have a need, this site is not suitable for a tower. It violates multiple sections of 153.130, which is the Special Use guidelines, and also, she thinks, violates the intent that the Planning Commission set up to provide services to people out in sparsely populated areas. She feels that Verizon is seeking to take advantage of the Planning Commission's generosity in providing services in an area that they want to get market share in a location that does not meet the criteria for the Special Use Permit. She listed the violations in her letter and mentioned the broadcast towers and cancer clusters going back to 1996 for children's leukemia, for decreased survival rates of the leukemia for the children who are around those, this violates the section 5 that increases the hazards to the public, but it can't be screened against. We can't screen against radiation here. There are hills, yes, but our other neighbors are directly down and near that tower or across from it. She mentioned a listing of numerous resources that she was happy to go over and

discuss with anyone who might have questions about the health implications. She then listed off the information and mentioned that the Colorado Department of Public Health has initiated its own epidemiological study two different times because of the increased rate of brain and central nervous system tumors near tower facilities. She feels that the health issues cannot be protected by the Planning Commission, so it is not something that they can screen off, its not something that they can mitigate the effects for and that way it violates sections 5, 6 and 7. There are violations of section 7 for the environmental. If you look at the next page, there are damages to bees and foraging insects. There is damage and death to trees nearby. There are problems with bird's reproduction and eggs, rodent and animals. We have property and animals out there, we have trees out there, some that are our own. We have thousands of dollars invested into those; they are our food supply. This would make it so that we can't use our property the way that we currently use it. We eat the eggs, if we don't have the eggs, this directly impacts us. She said her daughter sells the eggs. This is pretty much her business, which she uses to save up for college. She believes that this would deeply impact the neighbors and that violates the Special uses provision. It discourages the use of adjacent land. She cited the reduction of property values. That violates the Planning Commission's plan to support any Special Use Permit. The Planning commission has supported residential development in this area for over twenty years with the property development which is residential, with the number of homes that are out there, so this parcel doesn't really fit the agricultural definition or zoning qualifications that he is apparently allowed to use. Also, sectioning it off doesn't meet those criteria that make it compliant with the Special Use Permit. Sectioning it off doesn't mean the we won't lose property value or our ability to operate little business or the ability to be out there and have our trees, our lumber, all material that we harvest and the other resident's property value nearby. The question is does the request meet the qualifications for the special use permit. She stated that this tower is not necessary to provide for emergency 911 access. She also stated that she feels there are other locations where this tower could be located that would be more appropriate outside of residential areas. She reiterated that she feels that this application doesn't meet the requirements for the Special Use Permit and asked if anyone had questions.

Pat Klarecki, 21030 Madison Avenue, presented a letter and a petition signed by all the neighbors in the area in opposition to the tower. He stated that he feels Verizon wants to increase their market share, and the person who owns the property stands to make about \$60,000.00. He suggested that numerous pieces of commercial or industrial zoned property would be better locations for cell towers. Mr. Klarecki mentioned the standards that need to be taken into account. The first item, does it change the essential character of the area. He stated that since 1995 the only development in the area has been single family homes. No industrial or commercial building has occurred in the neighborhood, so he feels that this tower will change the essential character. He mentioned the development of The Hills of Mitchell Creek about 10 years ago. He feels that if someone has to look at a monopole tower, it would probably deter them from buying property in the subdivision. He stated that the Township is losing a lot of tax revenue by the lots in the sub-division not selling, and an approval of the SUP would delay or jeopardize additional revenue. He mentioned the property is zoned Agriculture, but there is no agriculture in the area except for the hobby farm. He feels that the land owner is being opportunistic by trying to get an SUP for the parcel just because he can do it, but it isn't agricultural, it is a residential community. Mr. Klarecki spent 5 years looking for a piece of property to build on, and now they will have a view of this pole from their backyard, which is upsetting to him. Standard

2: the SU shall not diminish the value land or structures in the area. He mentioned a study which indicated the sales and rental of properties within a few blocks of a cell tower is undesirable. Local realtors were not able to quantify a change, but all felt that the value of his property would go down. The study suggested that property values can decline between 2 and 20 percent due to the proximity of a cell tower. Standard 5, the use shall not be significantly more objectionable to nearby properties by reason of traffic, noise, vibrations, dust, fumes, odor, smoke, glare, lights, or disposal of waste than the operation of any principal permitted use, nor shall the special use increase hazards from fire or other dangers to either the property or adjacent property. Harvey Bailey is a pilot and bought his property so he could fly his ultralight from his property. A tower would alter his ability to use his runway and could create a safety concern. Standard 7: The special use shall be consistent with the intent and purpose of this Ordinance and with the intent of the Land Use Plan for Big Rapids Township. The special use shall be compatible with the natural environment and shall not be inimical to the public health, safety and general welfare. Mr. Klarecki stated that he hasn't seen the township plan, but there hasn't been any kind of commercial development in the past 20 years in the area between Woodward and West Avenue except residential properties. He said there is tons of agricultural property just a mile to the west. He said there is tons of commercial property a mile to the north where you don't have houses that would be a far more suitable place for that. He mentioned Meijer, Lowes, Menards, Denny Lerner. He suggested that the township historically has promoted residential development in this area with the sub-division and he is concerned if nobody will buy the lots, the township won't get any tax benefit from that property. He presented a map he found that shows there are only 3 homes near the tower on 220th Avenue south of Perry, compared to 23 homes near this proposed site. All 23 pay taxes and vote, and all stand to lose something ~~at the expense of Verizon increasing market share and Mr. Perialas getting \$60,000.00~~ if this tower is approved.

Mr. Keating requested that everyone present there information objectively and that is not appropriate to be criticizing others, so that behavior will not be acceptable.

Mr. Klarecki asked to strike his comment. He mentioned many of the properties on 220th avenue near Perry Avenue, which are not near any homes and would be better locations than this property. He thanked the Commission, and Mr. Keating thanked him for his presentation.

Dr. Rachel Williams, 3120 Claystone Street, Grand Rapids. My family has property on Madison Avenue. She gave the Commission members a packet of information. She went into detail about the uses of radiation in medicine and the effects of radiation on body tissue. She also talked about the radiation from cell phone and cellular towers, citing studies from overseas that explain how different types of radiation change tissue types. She cited several reports from various countries that suggest certain cancer clusters in communities may be caused by radiation waves from communication devices and towers, dose dependent and distance dependent. The cancers were mostly leukemia and non-Hodgkin's lymphoma, brain and reproductive system cancers. She explained how animal studies are used to determine cancer risks. She feels that this tower could contribute to possible increased cancers in the residents of this area because the radio communication radiation would be close to the residential dwellings and the residents would be exposed to it throughout the day. She asked if anyone had any questions, and hearing none from the Commission members, Mr. Keating thanked her for her presentation.

Kathy Klarecki of 21030 Madison Avenue, BR said her concern is that they built in the area because it was rural and yet only 0.7 miles from the city. The area is becoming more populated and the road is being used a lot. She said the assessed value of her home is approximately \$245,000.00. She said she won't believe anyone that says her property value won't go down, because she doesn't think anyone would want to pay that much for a home with a monopole antenna tower within 225' of the side of her house. She stated that during the building process, the house and the driveway had to be situated differently in order to be approved. She said they are in a valley and advised that she is a Verizon customer. She has never had a problem with her phone. The only time she has had a problem with dropping calls is when they are overseas calls. She is happy with her service, they don't have a land line and they have no problem. She is concerned for the value of her home and looking at the pole. She thinks that land is plentiful here, not like a large city; and that there are better locations that would not impact her property value.

Harvey Bailey, 21187 Madison Avenue, BR began by saying that his letter has already been read into the record. He stated aside from health issues and property values, he believes that he could suffer the most adverse effects by virtue of being an ultra-light pilot. He has a runway on his property the is situated north-south, and the proposed tower would be north of his property. He stated that he can legally fly from one half-hour before sunrise until one half-hour after sunset, and it can get pretty dim, so coming in for a landing with the cell tower there will make it very challenging for him and for the other pilots that use his property. He said that not only is the location a detriment, but that he would have to insist that it be lighted so that he could use his runway up to the limits of the legal time allow for him to fly. Mr. Bailey said the tower would be a hazard to the health of the pilots that use his property and he can't see it. Mr. Keating thanked him for the information. Mrs. Davis asked Mr. Bailey to mark his property on her map, which he did, stating that he is directly across the street from the proposed tower site. Mr. Keating asked Mr. Bailey how many acres he has, and Mr. Bailey answered he has 15 acres. He continued by stating that one of the reasons he bought the property was that there is enough room for his ultralights and he has been flying since 1998, having over 800 hours in the air, so it's not a game to him.

Sue Bean, 21021 Madison Avenue, BR just wanted to note that most cell phone towers aren't in residential areas. They are normally located in farmland, on top of buildings like schools, churches, football fields or other public or commercial buildings and not residential areas. She didn't know if Mr. Klarecki counted the vacant lots in The Hills of Mitchell Creek, but wanted to make sure that Commission members were aware that it is a pretty significant residential area. Mr. Keating thanked her for her remarks.

Eric Williams of 422 Marion Avenue, BR, owns a couple hundred acres near the proposed site but doesn't have a house on it. He wanted to focus of the idea of the cell tower changing the essential character of the surrounding area. He thinks that it is crystal clear that it does. He asked the members to think of a couple of particular facts that demonstrate it with absolute certainty. The property that would now take the cell tower has two residential structures on it, making it a non-conforming use. That property has been developed as a residential property. It is not developing or being used for agriculture, just as this whole area in the agricultural district is all residential use. There just isn't any way a cell tower fits in a residential area. It's contrary to that. This site illustrates it. The proponent doesn't live there. The only rational reason it's being proposed on a residential

site is because the owner that is proposing it going to unload it, is not going to live there, doesn't want to live there with the cell tower, because nobody will. Can you think of anybody that wants to build one by their house? I'm not saying that to be critical of the project, it illustrates how much the cell tower is in conflict with a residential area. Nobody wants a cell tower by their residence. The only reason it's being proposed by these two residences is because nobody lives there. The idea that nobody wants to live next to one is the reason that a cell tower on the property is contrary to the residential use of the area. He goes on to state that is not the case with his property, which is big enough and open enough for a cell tower in the back of it. Unfortunately, it is not proposed for a large site, and the proposed land division creates an abomination from the planning scenario, with the access easement and the design of the parcels. Mr. Williams stated that all the standards of the SUP must be met. He doesn't begrudge Mr. Perialas from trying to do it, Mr. Perialas wants to make some money and if it's a legal development he can do that, but the real question is whether or not it fits the standards of zoning. He mentioned that everyone else mentioned the diminishment of land values, and he feels that is a no brainer, it is going to diminish, but doesn't know how much. Other specifics that are concerning are the height of the tower, because it is in a hole, so it needs to be higher. If the tower site were on higher ground, the tower could be much lower and still get the same coverage. Mr. Williams stated that the other standards about traffic hazards and water supply don't apply, so he stated that he was done. Mr. Keating thanked him.

Kathy Klarecki asked about the minimum amount of road frontage for a residence. She asked if the parcels would have to meet those requirements, and Mr. Keating replied that would have to be determined when the plan was submitted. Mrs. Klarecki then commented about helicopters flying all over the area pretty low in the last week, and she is concerned about the safety of low flying aircraft and is also concerned about the direct view that she will have from her home.

Mr. Keating asked if anybody had new information, so that it could be heard.

Mr. Estey asked Mr. Keating if he could respond to some of the issues raised relative to the standards. He stated that the application addressed each item listed in the standard, and that when it comes to wireless communications, we are in a unique world when it comes to a wireless application because they are governed by the local requirements and the Federal Telecommunications Act (FTA). If there is a conflict between them, the FTA controls. A township shall not unreasonably discriminate among providers of functionally equivalent services and shall not have the effect of prohibiting the provision of personal wireless services. Some of the information that was presented tonight cannot be considered. Number one is the personal airstrip, which is not registered with the FAA and it is not allowed by zoning because it would only be allowed in the industrial zone by Township ordinance. Another item of concern are the comments about the aesthetics and property values. No evidence was presented about adverse impact on property values. Mr. Estey brought and submitted into the record 3 separate actual appraisal reports that address the fact that wireless facilities do not have an impact on residential. The studies state there is no measurable difference in property sales for properties next to towers and those not next to towers. He feels that it is important to look at actual evidence and not just statements. He referenced case law regarding the FTA that governs these proceedings. Citizens generalized expressions of concern about aesthetics and potential decreases in property values particularly in light of contradictory expert testimony cannot

serve as substantial evidence for purposes of the telecommunications act. – Omni-Corp v. Zoning Hearing Board, 1999... He also mentioned that there are multiple other cases that cite generalized concerns and conclusive statements about aesthetics and visual impact of the neighborhood do not amount to substantial evidence to support a decision of a zoning authority with respect to personal wireless service. You are governed not just by the objections of the citizens, which I hear all the time. I respect them because all around the state people don't want these near them, but the fact is they are near them in residences all the time. In fact, the slides we showed you tonight show you there are multiple areas near residences like church, buildings where people work, schools where kids play all the time and they are located near residences, including on the maps that we have show you here today. Those aren't factors to deny an application. Mr. Estey believes that they have demonstrated they meet each of the criteria for the SUP, including the essential character of the area. Since this is a permitted special land use in the area, but nothing with respect to the site will change the character of the area. There has been no evidence presented tonight that would give you a basis to deny it under the SUP criteria or the FTA. He went down the list of criteria, stated the he believed that they have met them all, and asked for approval tonight.

Mr. Bailey responded to the statement that his landing strip was an illegal use of his property and stated that the FAA allows him to fly out of and into his own property and that it is not an illegal strip, and the township has no ordinance that prohibits how he uses his own property. Mr. Estey respectfully disagreed with the comment and stated that the zoning ordinance say that landing strips are only allowed in industrial areas. There is nothing that says you can have a landing strip on residential property. Regardless of what the FAA allows, your zoning ordinance controls what you can do on property here in your township.

Mr. Klarecki asked if the cellular industry funded the appraisals that were presented. Mr. Estey said they were three independent studies, paid for by different tower companies. Mr. Klarecki said that was his point, they were paid for by tower companies, which he believes are not applicable to this situation, because they wouldn't present them if the evidence were not in their favor. Mr. Klarecki continued by saying that the tower representatives are very highly educated professional people, and do this regularly, but they are not the residents of the area. The citizens live, vote and pay their taxes here. He encouraged the Commission members to think about who the people are.

Rachel Williams wondered about the Federal Statute that was stated in regard to this issue, and she believes that it isn't applicable because it referenced an area that did not have cell coverage, and this area does have coverage. She also believes regarding Section 153.130 number 5, there is a danger to the residents from a health standing, and that is her medical opinion.

Rebecca Williams Jackson asked if there would be an opportunity to present expert rebuttal evidence to the reports that have been presented by the applicant. Mr. Estey attempted to reply, but Mrs. Jackson asked for a response from Mr. Keating. Mr. Keating replied some have presented written information and everyone has presented verbal information. Mr. Keating stated that he can't say whether the documents that have been presented will be used in the decision-making process. The job of the Planning Commission is to look at our zoning ordinance and the requirements for the Special Use Permit application and

determine if it meets the requirements of the zoning ordinance. If it does, then they should approve it and if it doesn't, then they should turn it down. Mrs. Jackson asked due to the fact that Mr. Estey wanted an answer tonight, and Mr. Keating said that we will see what the Planning Commission is going to do.

Mr. Estey addressed the Commission with information about the Telecommunications Act 47 USC section 332. No State or local government or instrumentality thereof may regulate the placement, construction and modification of personal wireless service facilities on the basis of the environmental effects of the radio frequency emissions, to the extent that such facilities comply with the commission's regulations concerning such emissions. Mr. Keating stated that he understood Mr. Estey's point. Mr. Estey said that the Commission needs to be very careful not to take those in to consideration in making its decision.

Bill Jackson, 425 Rose Avenue, BR. He lives in town but spend several hours in the vicinity of the proposed tower and wondered how many pieces of equipment will be mounted on the top of the tower.

Joel Sherman answered that it is based on the topography and the capacity issues of the area. It is dependent on what type of radio transmitter equipment is used, but typically it would be 6, 9 or 12 antennae in a circle around the tower.

Mr. Jackson speculated on the total number of antenna based on co-location requirements and wondered why that information isn't known prior to possible approval and commented on the fact that the E.M.F. information is supposed to be disregarded for the decision-making process. Mr. Jackson will consider it because he is going to be out there. He believes the Klarecki's will consider it because they are right underneath the tower. He said that there are eight houses within a quarter of a mile, 14 existing within a half mile and within a mile you are at State Street. He asked when the tower might be needed for peak capacity. Mr. Sherman stated that the capacity would be shared most of the time, because this tower is being built for that purpose. Mr. Jackson mentioned his concern for the property values diminishing and the future residential properties that will be developed such as the nearby sub-division. The cell tower has to be a factor in the new potential housing neighborhood.

Mr. Keating thanked Mr. Jackson and Mr. Sherman for their comments. Not seeing any other requests to comment, Mr. Keating closed the public hearing at 9:15 p.m. Mr. Keating asked Mr. Mason if there was any other information that needed to be brought in for consideration. Mr. Mason replied that there wasn't. At this point, Mr. Keating commented that the Planning Commission would take a brief recess before considering the request.

Mr. Keating called the Planning Commission back to order at 9:24 p.m. Mr. Keating referenced that the members should all have a copy of the SUP standards to help in the decision-making process. Mr. Keating asked the Commission members if anyone had any questions they would like to ask before deliberating. Mr. Sweppenheiser asked about why the Perry Street water tower was shown as one of the available towers for co-location.

Mr. Chaille responded that he did not believe that the water tower was in the red circle that defined Verizon's search area. Mr. Sweppenheiser stated that he didn't believe it was. Mr. Chaille commented that he just wanted to make sure we didn't miss it when he was doing

his original search for a tower site. Mr. Sweppenheiser said it was 3,000 feet away. Mr. Chaille stated the search area is defined and drawn up by systems performance and RF engineers working in conjunction with each other to determine where the most optimal site would be to locate the new tower so it would address the problems that they are having, as well as expand the coverage from what they have now. He continued to talk about the variable that are taken into account to create the search area. Mr. Chaille talked specifically about the water tower in the city and mentioned that while it might have space available, it would only create overlapping coverage for what already exists currently. Mr. Sweppenheiser commented that Mr. Chaille didn't provide that information. Mr. Chaille answered that he didn't, he didn't look at that location because it wasn't in the search area. He continued by saying that if he can't find anything in the search area, then he has to back to Verizon and find out what the next move will be. Mr. Sweppenheiser reiterated that colocation is a huge component on these decisions. Our ordinance says that nay towers over thirty feet have to be over a mile from each other. He then asked about whether the 160-foot tower should be more or less than a mile from the next closest tower. Mr. Chaille asked for clarification and Mr. Sweppenheiser replied that it was a rhetorical question. Mr. Sweppenheiser spoke about the responsibility the applicant had to prove colocation was not an option. By not showing towers within an area, they didn't meet that standard. Mr. Chaille stated that he was not aware of the water tank but did know that it was not in his search area. He continued to comment on the water tower location and the fact that in would create overlapping coverage instead of improving the coverage area, even though it could help with capacity issues. Mr. Sweppenheiser and Mr. Chaille engaged in dialog about the water tower and the search area location regarding the colocation standard. They also discussed the distance of 3,000 feet between the sites. Mr. Keating asked if Mr. Chaille knew what the ground level elevation for both locations and what the difference was. Mr. Chaille said he would have to know where the water tower was. There a brief time where many people were trying to explain the location of the Perry Street water tower. Mr. Estey stated that the ordinance says that no new tower shall be approved unless the applicant can document that the co-utilization of an existing tower is not available. It doesn't say tall structure, it doesn't say water tower. It only means wireless communications towers and that is how the state act defines it also. Mr. Estey stated that because it is not in the search ring, they have established that it is not a viable option. He refuted discussion about the issue regarding the money for the tower going to the city instead of a private citizen. He is here to pursue the Madison tower, and not to consider going on the City's water tower. Mr. Chaille mentioned that he was able to find the water tower on the map and stated that it would be redundant coverage because it is right underneath two other sites, so elevation would not affect its coverage. Mr. Keating asked if Mr. Sweppenheiser had any more questions. Mr. Sweppenheiser stated that he did not.

Mrs. Davis asked about the map with the red circle on it, not knowing mileage or distance and if there was a reason why the tower was not put near the many acres of vacant land to the northwest of the proposed site. She asked if that was a coverage issue, how the coverage area was chosen and could it be moved to that area to the northwest.

Mr. Chaille advised that his role as an independent contractor is site acquisition. When he is told to find a site, they give him a GPS location on a map and he is allowed to deviate a given distance, quarter mile, half mile, whatever. He draws the search circle and starts looking in the search area for property that is leasable, property that is meets zoning and property that is constructible. He said it doesn't do any good to have two and not the third,

it doesn't matter which that third is. He has to look for a combination of all those things and finding a land owner willing to sign a lease. He went on to explain that the location he was given coordinates for and the actual proposed tower site are only 90 feet apart. He said that was unheard of, and that it has only happened to him one other time in eleven years. Mr. Keating asked Mrs. Davis if her question was answered, and she replied that it was. She just wondered if maybe a particular wouldn't talk to him, and MR. Chaille answered that his time is valuable and unless he finds a viable option, he goes back to Verizon for further instructions. Mrs. Davis asked a question of the members of the Commission about land division criteria and how that fits in the ordinance. Mrs. Davis stated that is essential for this to work under the ordinance. Mr. Mason replied with the requirements for a legal parcel, minimum of one-acre lot size, 165 feet of road frontage, and that the buildings on that property meet the setback requirements of the district, which they will. Mr. Lance Workman asked how many feet of frontage the parcel would have, and Mr. Mason stated it would be 165 feet.

Mr. Steve Perialas, the owner of the property, responded that the survey has been done, pending the outcome of the meeting.

Mr. Keating asked if Mrs. Davis had anything else to ask. She said she did not have any further questions. Mr. Keating asked the members of the Planning Commission if they were ready to undertake the consideration of the Special Use Permit. There was no immediate response, so he asked if they felt they would need time to consider this.

Mr. Bill Stanek, Township Supervisor made a comment that they have received a lot of good information from both sides, would it be better to study this valuable information for a month and then make a decision. Mr. Cook felt that he would be alright with having a month to study the information. Mrs. Wethington made a motion to table the decision to next month's meeting. Mr. Cook seconded the motion. Mr. Keating asked if there was any discussion. Not hearing any, Mr. Keating asked if everyone was clear on the motion, and no one commented. Mr. Keating called the question, and it passed unanimously with six ayes and no nays. The motion to table the decision to next month's meeting passed.

Mr. Stanek said a special meeting could be called if requested by the chair. Mr. Keating said he was sorry to those who expected a decision this evening, but he thinks this is in the best interest of everybody, for the Commission to have that time to review the information.

Mr. Klarecki asked if there would have to be a public notice if a special meeting were to be scheduled, and Mr. Stanek said that there would be a public notice posted on the bulletin board, on the website, and responded that the applicant would be notified. Mr. Mason mentioned that the minimum notice had to be at least 18 hours. Mr. Keating stated that our interest isn't to do something behind people's back, it is just to have a chance to look at the information that was presented and give consideration to the points of the Special Use Permit.

Mrs. Klarecki asked if all new information is prohibited. Mr. Keating stated that is right. Mr. Klarecki requested clarification that nobody can submit new information. Mr. Keating answered no, this is the end of it. That was the purpose of the public comment period. Mr.

Williams asked if that applied to the applicant as well and Mr. Keating stated that it did. Mr. Keating again thanked all those in attendance.

Mr. Bean was invited to return to the meeting room and join the remainder of the meeting.

VII. SITE PLAN REVIEW:

PZ18-0007 – Site Plan review for Resurrection Life Church, PPN 5405 021 100 002 at 14734 – 215th Avenue. Mr. Keating asked Kristi McConnell for Jeffrey Parker, Architect of record, to inform the Commission about the project. There was an approved site plan in 2015, but the Church wanted to raise some funds for the construction, so the original approval has lapsed. Resurrection Life is requesting to demolish a portion of their original building and replace it with a 10,000 sq. ft. addition. Essentially, this is the same project that was approved in 2015 with the addition of some temporary offices to the north side of the building during the construction phase, and some minor modifications to the previously proposed patio and parking area. Mr. Keating asked if there were any questions. Mr. Mason reviewed the plan briefly and mentioned that a review of the plan still needs to be completed by the Drain Commissioner. Mr. Keating requested a motion to approve the site plan. Mr. Oliver made the motion to approve The Resurrection Life Church Site plan Project # 151088 dated February 8, 2018 as presented and Mrs. Davis supported it. There was no further discussion. The motion was approved unanimously with seven ayes and no nays. The motion passed.

Mr. Keating thanked Ms. McConnell for her patience with the Commission following the long discussion for the Public Hearing.

VIII. ADJOURNMENT:

Hearing no further business for the Planning Commission, Mr. Keating entertained a motion to adjourn at 9:50 p.m. The motion was made by Mr. Sweppenheiser and seconded by Mr. Cook. The motion carried unanimously with seven ayes.

Motion to approve the Planning Commission minutes of March 13, 2018 by: Mr. Sweppenheiser, Seconded by: Mrs. Davis. Roll call vote carried with six ayes.

Philip Keating, Chairman
BIG RAPIDS CHARTER TOWNSHIP
PLANNING COMMISSION

Date Approved

MINUTES
BIG RAPIDS CHARTER TOWNSHIP
PLANNING COMMISSION

Tuesday, March 13, 2018 --- 7:30 p.m.

Big Rapids Township Hall, 14212 Northland Drive, Big Rapids, MI 49307

I. CALL TO ORDER: 7:30 P.M.

Chairman Phil Keating called the regular meeting of the Big Rapids Charter Township Planning Commission to order at the township hall on Tuesday, March 13, 2018 at 7:30 p.m.

II. ROLL CALL:

Present: Zach Cook, Mary Davis, Gordon Oliver, Mark Sweppenheiser, Amanda Wethington, Philip Keating and Carman Bean are present. The record shows a quorum is present. Also Present: Zoning Administrator and Recording Secretary, Brent Mason and Supervisor Bill Stanek.

III. MINUTES:

Mr. Keating asked the Commission to review the minutes of the February 13, 2018 regular meeting. Mr. Sweppenheiser made a motion to approve the February 13, 2018 minutes as submitted. Mr. Cook seconded the motion. There was no further discussion. The motion passed unanimously with seven ayes.

IV. CONFLICTS OF INTEREST:

Mr. Keating asked if any of the Commission members had known conflicts of interest with any item on the agenda for this meeting. Mr. Bean acknowledged that the property in consideration for a special use permit tonight is directly across Madison Avenue from his residence and that a conflict of interest exists. Mr. Bean recused himself from participating in any action or discussion related to this issue and removed himself from the meeting room. Mr. Sweppenheiser mentioned his employment with the City of Big Rapids, and that was determined not to be a conflict of interest in this case.

V. PUBLIC COMMENT:

There was no public comment related to items not on the agenda.

VI. PUBLIC HEARING:

At 7:36 pm, Mr. Keating opened the Public Hearing for SUP18-001 – Chaille Tower Consultants for Verizon Wireless, Proposed communications Tower on property owned by Mr. Stephen and Mrs. Kyu-Hui Perialas at 21050 Madison Avenue. Mr. Keating explaining the rules for public comments during the hearing. He then asked Mr. Mason is there was any written correspondence. Mr. Mason replied that there was and read an email he received from Harvey Bailey dated Sat. 3/10/2018 8:35 am into the record:

Dear Zoning Board,

I am forwarding a copy of an email I sent to Jaqueline Bero at Traileaf Corp. on 6 Feb. 2018 expressing my concerns over a proposed cell tower on Madison Ave.

Not even addressing at the time the possible monetary loss of property value should such tower be constructed. This tower would have a major impact on the use of my property.

Sincerely,
Harvey Bailey

----- Forwarded Message -----

From: H B <ever1der_2000@yahoo.com>
To: j.dero@trileaf.com <j.dero@trileaf.com>
Cc: Harvey Bailey <ever1der_2000@yahoo.com>
Sent: Tuesday, February 6, 2018 05:45:07 PM EST
Subject: Jacqueline Bero/Traileaf Corp.

Hello,

My name is Harvey Bailey and I am writing to address potential effects of proposed cell tower at 21050 Madison Ave. Big Rapids, Michigan 49307. My residence is located that 21187 Madison Ave. Big Rapids and I have concerns regarding the ability to fly my ultralight aircraft to and from my property. I fly weight shift trike and powered parachutes from my location as well as have other sport pilots in the area take off and land here. My runway is North/South and a 162 foot tower would pose a serious hazard to safe operation in and of surrounding airspace on takeoff and approach.

Please contact me with proposed location specific's so we can address these issues.

Best Regards,
Harvey Bailey
21187 Madison Ave.
Big Rapids, MI 49307

Phone: 231-796-5285

Mr. Mason also read a letter from Sue Glatz into the record:

November 10, 2017

Planning Commission
Big Rapids Township
14212 Northland Drive
Big Rapids, MI 49307

Board Members,

I am writing concerning a proposed Cell Tower to the west of my property, known as The Hills of Mitchell Creek. I will be out of state when your meeting is being held, but hope you will give my letter some consideration.

I think the site of the tower would be detrimental to selling my lots. I realize that this is a selfish statement, but when I sell lots, people build on them and they pay property taxes, which the Township receives. The site of a Cell tower would not be a natural site, therefore would not be conducive to a wooded setting, natural beauty, etc.

I hope you will consider the above when making your decision. Thank you for your time.

Yours truly,
(signed Sue Glatz) Sue Glatz

Mr. Mason then read the response he wrote to Ms. Glatz at the direction of the Planning Commission:

December 13, 2017

Ms. Susan Glatz
17810 – 205th Avenue
Big Rapids, MI 49307

Ms. Glatz,

We have received your letter expressing your concern about the proposed cell tower on property located west of The Hills of Mitchell Creek. This property is currently zoned agricultural and cell towers are a legal use by special permit for this property. At this time, we have received an inquiry for information only. There has not been an application for a Special Use Permit or a site plan filed for this project yet. The Planning Commission had your letter read into the minutes of our December 12, 2017 meeting, and it will be placed on file to be included in the review of the application for this project, whenever that may be. You will be notified of the public hearing for this project. Thank you for your concern. I am also enclosing a copy of the zoning ordinance language for this particular use.

Sincerely,
Brent R. Mason
Zoning Administrator

Mr. Mason ended by stating that these items were the only items of correspondence regarding the communication tower application.

Mr. Keating asked Mr. Stephen Estey of Dykema Gossett to present the proposal to the commission. Mr. Estey used a slide show to present information from Chaille Tower Consultants to those in attendance. A paper copy of the slide show is on file for this meeting. He expressed the reasons for the proposal including growing demand for wireless services, projections for growth to increase, reliable wireless broadband and emergency services communications, wireless facility siting criteria, coverage requirements including RF propagation maps, sector maps, unavailability of co-location sites, search ring area, Ken Patterson's aviation assessment and report, the proposed site plan, design criteria of the monopole antenna, fall zone information, the proposed land division and access easement.

During his presentation, Mrs. Kathy Klarecki of 21030 Madison asked about the identification of the site and the information the propagation map shows, wondering about the coverage that they are trying to achieve, which Mr. Estey explained by mentioning the criteria that are used to determine what areas need better coverage and how the area for a new tower is determined, covering the gaps and where the coverage is weak.

Mr. Judd Chaille talked on the subject of exhausted sectors, which is providing for additional coverage and capacity in areas where it is deficient. This site is a two-fold site, first to increase coverage, and secondly to handle increase in capacity. Capacity used to

be determined by the number of customers, but now, with many customers having multiple devices, the number of devices determines capacity needs.

Lance Workman of 22980 – 15 Mile Road asked about the necessity of increasing coverage if there is sufficient coverage by one of the other wireless providers.

Mr. Chaille responded by stating that this request is for Verizon Wireless, and is independent of other providers coverage areas.

Rachael Williams, M.D. commented that any provider has to provide 911 call coverage for any caller, regardless of who the caller subscribes with for their service; a Verizon caller can place a 911 call and any other provider would complete the call to 911 if Verizon did not have coverage in a particular area.

Mr. Keating interrupted the conversation to advise the audience of the rules for the evening and requested that questions be asked after the presentation when each individual will get an opportunity to speak and ask questions if they choose.

Mr. Estey appreciated the clarification of the rules for the hearing and spoke on co-locating. He stated that co-location is the easiest, it is mandatory in Michigan and it does not require public hearings. Co-location did not work for this site because all towers were over one mile from the search ring. The search ring (area of the proposed site) is described by the provider, in this case, Verizon Wireless, and the criteria they utilize. Sometimes the search ring is limited by geography, landowner's willingness to grant rights and zoning. The search ring shows that the center of the ring and the proposed site on Madison are very near each other. There was a brief discussion regarding the name of the tower site and some confusion about the choice of the name, but it was reiterated that the site is proposed for the property at 21050 Madison Avenue.

Mr. Estey continued with information about the proximity to the of the site to the Roben-Hood Airport. The site is over one mile away from both registered runways, and that the tower will not need to be lit since its height is under 173 feet. The tower is outside the airspace of the airport and is under 190 feet high, the FAA doesn't consider it a concern to aviation.

Mrs. Klarecki asked who decides if the tower is lit or not lit. Mr. Estey stated the decision for tower lighting belongs to the FAA, but the township can make that a provision of their approval process.

Mr. Estey explained some of the various tower construction types and explained that the proposed tower would be a monopole type, which is a single pole tower without guy wires and provides two additional spaces for co-location. Mr. Estey presented the fall-zone letter that explains how the tower is designed to fall back onto itself in the event of a failure, essentially creating no impact area to the ground. He went on to talk about the fact that they no longer construct an equipment building for these site, as the equipment cabinet is about the size of a refrigerator right next to the base of the tower.

Mr. Estey advised that the site has been determined to be non-conforming because it has two homes on one parcel, so a land division proposal has been developed that will bring the site into zoning conformity and provide an easement for access to the tower site.

Mr. Estey closed his presentation and invited questions from the Planning Commission and the public. He stated that they do want to bring this site to the community and explained that each time he goes into a community he is not a popular person because there are people that do not want things built near them. It is the nature of the business, but they try to mitigate what people perceive as impacts and they try to design the site to have the least impact that they can. He does think that this will be a good addition to the community. He thanked the Planning Commission.

Mr. Keating acknowledged Mr. Estey and asked if any other members of the applicant's team wished to say anything more. They just mentioned they were ready to answer questions.

Mr. Keating opened the floor to the public and asked that everyone be polite and allow each other to make their statement or their response to a question completely, before the next person speaks.

Mrs. Klarecki asked about the applicant's personal experience with co-location and whether the additional providers co-locating on the tower would bring additional compensation to the property owner when the new antennae are placed on the tower.

Mr. Chaille responded that generally, no additional compensation goes to the property owner, however, each individual agreement with a property owner is unique. Generally, the co-location agreements provide revenue to the tower owner to help offset the expenses of developing the site.

Mr. Keating mentioned that he would like all the commenters to identify themselves and give their address before they make their comment.

Rebecca Williams Jackson, of 425 Rose Ave, BR. She stated that they have a garden and some animals on property out Madison, adjacent to Mr. Perialas's property. She presented a letter and a power-point presentation with an aerial view of the tower location and distances to show the impact of the tower on neighboring properties to the Planning Commission. She stated the purpose of the letter and her address to the Commission is to argue that while Verizon may have a need, this site is not suitable for a tower. It violates multiple sections of 153.130, which is the Special Use guidelines, and also, she thinks, violates the intent that the Planning Commission set up to provide services to people out in sparsely populated areas. She feels that Verizon is seeking to take advantage of the Planning Commission's generosity in providing services in an area that they want to get market share in a location that does not meet the criteria for the Special Use Permit. She listed the violations in her letter and mentioned the broadcast towers and cancer clusters going back to 1996 for children's leukemia, for decreased survival rates of the leukemia for the children who are around those, this violates the section 5 that increases the hazards to the public, but it can't be screened against. We can't screen against radiation here. There are hills, yes, but our other neighbors are directly down and near that tower or across from it. She mentioned a listing of numerous resources that she was happy to go over and

discuss with anyone who might have questions about the health implications. She then listed off the information and mentioned that the Colorado Department of Public Health has initiated its own epidemiological study two different times because of the increased rate of brain and central nervous system tumors near tower facilities. She feels that the health issues cannot be protected by the Planning Commission, so it is not something that they can screen off, its not something that they can mitigate the effects for and that way it violates sections 5, 6 and 7. There are violations of section 7 for the environmental. If you look at the next page, there are damages to bees and foraging insects. There is damage and death to trees nearby. There are problems with bird's reproduction and eggs, rodent and animals. We have property and animals out there, we have trees out there, some that are our own. We have thousands of dollars invested into those; they are our food supply. This would make it so that we can't use our property the way that we currently use it. We eat the eggs, if we don't have the eggs, this directly impacts us. She said her daughter sells the eggs. This is pretty much her business, which she uses to save up for college. She believes that this would deeply impact the neighbors and that violates the Special uses provision. It discourages the use of adjacent land. She cited the reduction of property values. That violates the Planning Commission's plan to support any Special Use Permit. The Planning commission has supported residential development in this area for over twenty years with the property development which is residential, with the number of homes that are out there, so this parcel doesn't really fit the agricultural definition or zoning qualifications that he is apparently allowed to use. Also, sectioning it off doesn't meet those criteria that make it compliant with the Special Use Permit. Sectioning it off doesn't mean the we won't lose property value or our ability to operate little business or the ability to be out there and have our trees, our lumber, all material that we harvest and the other resident's property value nearby. The question is does the request meet the qualifications for the special use permit. She stated that this tower is not necessary to provide for emergency 911 access. She also stated that she feels there are other locations where this tower could be located that would be more appropriate outside of residential areas. She reiterated that she feels that this application doesn't meet the requirements for the Special Use Permit and asked if anyone had questions.

Pat Klarecki, 21030 Madison Avenue, presented a letter and a petition signed by all the neighbors in the area in opposition to the tower. He stated that he feels Verizon wants to increase their market share, and the person who owns the property stands to make about \$60,000.00. He suggested that numerous pieces of commercial or industrial zoned property would be better locations for cell towers. Mr. Klarecki mentioned the standards that need to be taken into account. The first item, does it change the essential character of the area. He stated that since 1995 the only development in the area has been single family homes. No industrial or commercial building has occurred in the neighborhood, so he feels that this tower will change the essential character. He mentioned the development of The Hills of Mitchell Creek about 10 years ago. He feels that if someone has to look at a monopole tower, it would probably deter them from buying property in the subdivision. He stated that the Township is losing a lot of tax revenue by the lots in the sub-division not selling, and an approval of the SUP would delay or jeopardize additional revenue. He mentioned the property is zoned Agriculture, but there is no agriculture in the area except for the hobby farm. He feels that the land owner is being opportunistic by trying to get an SUP for the parcel just because he can do it, but it isn't agricultural, it is a residential community. Mr. Klarecki spent 5 years looking for a piece of property to build on, and now they will have a view of this pole from their backyard, which is upsetting to him. Standard

2: the SU shall not diminish the value land or structures in the area. He mentioned a study which indicated the sales and rental of properties within a few blocks of a cell tower is undesirable. Local realtors were not able to quantify a change, but all felt that the value of his property would go down. The study suggested that property values can decline between 2 and 20 percent due to the proximity of a cell tower. Standard 5, the use shall not be significantly more objectionable to nearby properties by reason of traffic, noise, vibrations, dust, fumes, odor, smoke, glare, lights, or disposal of waste than the operation of any principal permitted use, nor shall the special use increase hazards from fire or other dangers to either the property or adjacent property. Harvey Bailey is a pilot and bought his property so he could fly his ultralight from his property. A tower would alter his ability to use his runway and could create a safety concern. Standard 7: The special use shall be consistent with the intent and purpose of this Ordinance and with the intent of the Land Use Plan for Big Rapids Township. The special use shall be compatible with the natural environment and shall not be inimical to the public health, safety and general welfare. Mr. Klarecki stated that he hasn't seen the township plan, but there hasn't been any kind of commercial development in the past 20 years in the area between Woodward and West Avenue except residential properties. He said there is tons of agricultural property just a mile to the west. He said there is tons of commercial property a mile to the north where you don't have houses that would be a far more suitable place for that. He mentioned Meijer, Lowes, Menards, Denny Lerner. He suggested that the township historically has promoted residential development in this area with the sub-division and he is concerned if nobody will buy the lots, the township won't get any tax benefit from that property. He presented a map he found that shows there are only 3 homes near the tower on 220th Avenue south of Perry, compared to 23 homes near this proposed site. All 23 pay taxes and vote, and all stand to lose something ~~at the expense of Verizon increasing market share and Mr. Perialas getting \$60,000.00~~ if this tower is approved.

Mr. Keating requested that everyone present there information objectively and that is not appropriate to be criticizing others, so that behavior will not be acceptable.

Mr. Klarecki asked to strike his comment. He mentioned many of the properties on 220th avenue near Perry Avenue, which are not near any homes and would be better locations than this property. He thanked the Commission, and Mr. Keating thanked him for his presentation.

Dr. Rachel Williams, 3120 Claystone Street, Grand Rapids. My family has property on Madison Avenue. She gave the Commission members a packet of information. She went into detail about the uses of radiation in medicine and the effects of radiation on body tissue. She also talked about the radiation from cell phone and cellular towers, citing studies from overseas that explain how different types of radiation change tissue types. She cited several reports from various countries that suggest certain cancer clusters in communities may be caused by radiation waves from communication devices and towers, dose dependent and distance dependent. The cancers were mostly leukemia and non-Hodgkin's lymphoma, brain and reproductive system cancers. She explained how animal studies are used to determine cancer risks. She feels that this tower could contribute to possible increased cancers in the residents of this area because the radio communication radiation would be close to the residential dwellings and the residents would be exposed to it throughout the day. She asked if anyone had any questions, and hearing none from the Commission members, Mr. Keating thanked her for her presentation.

Kathy Klarecki of 21030 Madison Avenue, BR said her concern is that they built in the area because it was rural and yet only 0.7 miles from the city. The area is becoming more populated and the road is being used a lot. She said the assessed value of her home is approximately \$245,000.00. She said she won't believe anyone that says her property value won't go down, because she doesn't think anyone would want to pay that much for a home with a monopole antenna tower within 225' of the side of her house. She stated that during the building process, the house and the driveway had to be situated differently in order to be approved. She said they are in a valley and advised that she is a Verizon customer. She has never had a problem with her phone. The only time she has had a problem with dropping calls is when they are overseas calls. She is happy with her service, they don't have a land line and they have no problem. She is concerned for the value of her home and looking at the pole. She thinks that land is plentiful here, not like a large city; and that there are better locations that would not impact her property value.

Harvey Bailey, 21187 Madison Avenue, BR began by saying that his letter has already been read into the record. He stated aside from health issues and property values, he believes that he could suffer the most adverse effects by virtue of being an ultra-light pilot. He has a runway on his property the is situated north-south, and the proposed tower would be north of his property. He stated that he can legally fly from one half-hour before sunrise until one half-hour after sunset, and it can get pretty dim, so coming in for a landing with the cell tower there will make it very challenging for him and for the other pilots that use his property. He said that not only is the location a detriment, but that he would have to insist that it be lighted so that he could use his runway up to the limits of the legal time allow for him to fly. Mr. Bailey said the tower would be a hazard to the health of the pilots that use his property and he can't see it. Mr. Keating thanked him for the information. Mrs. Davis asked Mr. Bailey to mark his property on her map, which he did, stating that he is directly across the street from the proposed tower site. Mr. Keating asked Mr. Bailey how many acres he has, and Mr. Bailey answered he has 15 acres. He continued by stating that one of the reasons he bought the property was that there is enough room for his ultralights and he has been flying since 1998, having over 800 hours in the air, so it's not a game to him.

Sue Bean, 21021 Madison Avenue, BR just wanted to note that most cell phone towers aren't in residential areas. They are normally located in farmland, on top of buildings like schools, churches, football fields or other public or commercial buildings and not residential areas. She didn't know if Mr. Klarecki counted the vacant lots in The Hills of Mitchell Creek, but wanted to make sure that Commission members were aware that it is a pretty significant residential area. Mr. Keating thanked her for her remarks.

Eric Williams of 422 Marion Avenue, BR, owns a couple hundred acres near the proposed site but doesn't have a house on it. He wanted to focus of the idea of the cell tower changing the essential character of the surrounding area. He thinks that it is crystal clear that it does. He asked the members to think of a couple of particular facts that demonstrate it with absolute certainty. The property that would now take the cell tower has two residential structures on it, making it a non-conforming use. That property has been developed as a residential property. It is not developing or being used for agriculture, just as this whole area in the agricultural district is all residential use. There just isn't any way a cell tower fits in a residential area. It's contrary to that. This site illustrates it. The proponent doesn't live there. The only rational reason it's being proposed on a residential

site is because the owner that is proposing it going to unload it, is not going to live there, doesn't want to live there with the cell tower, because nobody will. Can you think of anybody that wants to build one by their house? I'm not saying that to be critical of the project, it illustrates how much the cell tower is in conflict with a residential area. Nobody wants a cell tower by their residence. The only reason it's being proposed by these two residences is because nobody lives there. The idea that nobody wants to live next to one is the reason that a cell tower on the property is contrary to the residential use of the area. He goes on to state that is not the case with his property, which is big enough and open enough for a cell tower in the back of it. Unfortunately, it is not proposed for a large site, and the proposed land division creates an abomination from the planning scenario, with the access easement and the design of the parcels. Mr. Williams stated that all the standards of the SUP must be met. He doesn't begrudge Mr. Perialas from trying to do it, Mr. Perialas wants to make some money and if it's a legal development he can do that, but the real question is whether or not it fits the standards of zoning. He mentioned that everyone else mentioned the diminishment of land values, and he feels that is a no brainer, it is going to diminish, but doesn't know how much. Other specifics that are concerning are the height of the tower, because it is in a hole, so it needs to be higher. If the tower site were on higher ground, the tower could be much lower and still get the same coverage. Mr. Williams stated that the other standards about traffic hazards and water supply don't apply, so he stated that he was done. Mr. Keating thanked him.

Kathy Klarecki asked about the minimum amount of road frontage for a residence. She asked if the parcels would have to meet those requirements, and Mr. Keating replied that would have to be determined when the plan was submitted. Mrs. Klarecki then commented about helicopters flying all over the area pretty low in the last week, and she is concerned about the safety of low flying aircraft and is also concerned about the direct view that she will have from her home.

Mr. Keating asked if anybody had new information, so that it could be heard.

Mr. Estey asked Mr. Keating if he could respond to some of the issues raised relative to the standards. He stated that the application addressed each item listed in the standard, and that when it comes to wireless communications, we are in a unique world when it comes to a wireless application because they are governed by the local requirements and the Federal Telecommunications Act (FTA). If there is a conflict between them, the FTA controls. A township shall not unreasonably discriminate among providers of functionally equivalent services and shall not have the effect of prohibiting the provision of personal wireless services. Some of the information that was presented tonight cannot be considered. Number one is the personal airstrip, which is not registered with the FAA and it is not allowed by zoning because it would only be allowed in the industrial zone by Township ordinance. Another item of concern are the comments about the aesthetics and property values. No evidence was presented about adverse impact on property values. Mr. Estey brought and submitted into the record 3 separate actual appraisal reports that address the fact that wireless facilities do not have an impact on residential. The studies state there is no measurable difference in property sales for properties next to towers and those not next to towers. He feels that it is important to look at actual evidence and not just statements. He referenced case law regarding the FTA that governs these proceedings. Citizens generalized expressions of concern about aesthetics and potential decreases in property values particularly in light of contradictory expert testimony cannot

serve as substantial evidence for purposes of the telecommunications act. – Omni-Corp v. Zoning Hearing Board, 1999... He also mentioned that there are multiple other cases that cite generalized concerns and conclusive statements about aesthetics and visual impact of the neighborhood do not amount to substantial evidence to support a decision of a zoning authority with respect to personal wireless service. You are governed not just by the objections of the citizens, which I hear all the time. I respect them because all around the state people don't want these near them, but the fact is they are near them in residences all the time. In fact, the slides we showed you tonight show you there are multiple areas near residences like church, buildings where people work, schools where kids play all the time and they are located near residences, including on the maps that we have show you here today. Those aren't factors to deny an application. Mr. Estey believes that they have demonstrated they meet each of the criteria for the SUP, including the essential character of the area. Since this is a permitted special land use in the area, but nothing with respect to the site will change the character of the area. There has been no evidence presented tonight that would give you a basis to deny it under the SUP criteria or the FTA. He went down the list of criteria, stated the he believed that they have met them all, and asked for approval tonight.

Mr. Bailey responded to the statement that his landing strip was an illegal use of his property and stated that the FAA allows him to fly out of and into his own property and that it is not an illegal strip, and the township has no ordinance that prohibits how he uses his own property. Mr. Estey respectfully disagreed with the comment and stated that the zoning ordinance say that landing strips are only allowed in industrial areas. There is nothing that says you can have a landing strip on residential property. Regardless of what the FAA allows, your zoning ordinance controls what you can do on property here in your township.

Mr. Klarecki asked if the cellular industry funded the appraisals that were presented. Mr. Estey said they were three independent studies, paid for by different tower companies. Mr. Klarecki said that was his point, they were paid for by tower companies, which he believes are not applicable to this situation, because they wouldn't present them if the evidence were not in their favor. Mr. Klarecki continued by saying that the tower representatives are very highly educated professional people, and do this regularly, but they are not the residents of the area. The citizens live, vote and pay their taxes here. He encouraged the Commission members to think about who the people are.

Rachel Williams wondered about the Federal Statute that was stated in regard to this issue, and she believes that it isn't applicable because it referenced an area that did not have cell coverage, and this area does have coverage. She also believes regarding Section 153.130 number 5, there is a danger to the residents from a health standing, and that is her medical opinion.

Rebecca Williams Jackson asked if there would be an opportunity to present expert rebuttal evidence to the reports that have been presented by the applicant. Mr. Estey attempted to reply, but Mrs. Jackson asked for a response from Mr. Keating. Mr. Keating replied some have presented written information and everyone has presented verbal information. Mr. Keating stated that he can't say whether the documents that have been presented will be used in the decision-making process. The job of the Planning Commission is to look at our zoning ordinance and the requirements for the Special Use Permit application and

determine if it meets the requirements of the zoning ordinance. If it does, then they should approve it and if it doesn't, then they should turn it down. Mrs. Jackson asked due to the fact that Mr. Estey wanted an answer tonight, and Mr. Keating said that we will see what the Planning Commission is going to do.

Mr. Estey addressed the Commission with information about the Telecommunications Act 47 USC section 332. No State or local government or instrumentality thereof may regulate the placement, construction and modification of personal wireless service facilities on the basis of the environmental effects of the radio frequency emissions, to the extent that such facilities comply with the commission's regulations concerning such emissions. Mr. Keating stated that he understood Mr. Estey's point. Mr. Estey said that the Commission needs to be very careful not to take those in to consideration in making its decision.

Bill Jackson, 425 Rose Avenue, BR. He lives in town but spend several hours in the vicinity of the proposed tower and wondered how many pieces of equipment will be mounted on the top of the tower.

Joel Sherman answered that it is based on the topography and the capacity issues of the area. It is dependent on what type of radio transmitter equipment is used, but typically it would be 6, 9 or 12 antennae in a circle around the tower.

Mr. Jackson speculated on the total number of antenna based on co-location requirements and wondered why that information isn't known prior to possible approval and commented on the fact that the E.M.F. information is supposed to be disregarded for the decision-making process. Mr. Jackson will consider it because he is going to be out there. He believes the Klarecki's will consider it because they are right underneath the tower. He said that there are eight houses within a quarter of a mile, 14 existing within a half mile and within a mile you are at State Street. He asked when the tower might be needed for peak capacity. Mr. Sherman stated that the capacity would be shared most of the time, because this tower is being built for that purpose. Mr. Jackson mentioned his concern for the property values diminishing and the future residential properties that will be developed such as the nearby sub-division. The cell tower has to be a factor in the new potential housing neighborhood.

Mr. Keating thanked Mr. Jackson and Mr. Sherman for their comments. Not seeing any other requests to comment, Mr. Keating closed the public hearing at 9:15 p.m. Mr. Keating asked Mr. Mason if there was any other information that needed to be brought in for consideration. Mr. Mason replied that there wasn't. At this point, Mr. Keating commented that the Planning Commission would take a brief recess before considering the request.

Mr. Keating called the Planning Commission back to order at 9:24 p.m. Mr. Keating referenced that the members should all have a copy of the SUP standards to help in the decision-making process. Mr. Keating asked the Commission members if anyone had any questions they would like to ask before deliberating. Mr. Sweppenheiser asked about why the Perry Street water tower was shown as one of the available towers for co-location.

Mr. Chaille responded that he did not believe that the water tower was in the red circle that defined Verizon's search area. Mr. Sweppenheiser stated that he didn't believe it was. Mr. Chaille commented that he just wanted to make sure we didn't miss it when he was doing

his original search for a tower site. Mr. Sweppenheiser said it was 3,000 feet away. Mr. Chaille stated the search area is defined and drawn up by systems performance and RF engineers working in conjunction with each other to determine where the most optimal site would be to locate the new tower so it would address the problems that they are having, as well as expand the coverage from what they have now. He continued to talk about the variable that are taken into account to create the search area. Mr. Chaille talked specifically about the water tower in the city and mentioned that while it might have space available, it would only create overlapping coverage for what already exists currently. Mr. Sweppenheiser commented that Mr. Chaille didn't provide that information. Mr. Chaille answered that he didn't, he didn't look at that location because it wasn't in the search area. He continued by saying that if he can't find anything in the search area, then he has to back to Verizon and find out what the next move will be. Mr. Sweppenheiser reiterated that colocation is a huge component on these decisions. Our ordinance says that nay towers over thirty feet have to be over a mile from each other. He then asked about whether the 160-foot tower should be more or less than a mile from the next closest tower. Mr. Chaille asked for clarification and Mr. Sweppenheiser replied that it was a rhetorical question. Mr. Sweppenheiser spoke about the responsibility the applicant had to prove colocation was not an option. By not showing towers within an area, they didn't meet that standard. Mr. Chaille stated that he was not aware of the water tank but did know that it was not in his search area. He continued to comment on the water tower location and the fact that in would create overlapping coverage instead of improving the coverage area, even though it could help with capacity issues. Mr. Sweppenheiser and Mr. Chaille engaged in dialog about the water tower and the search area location regarding the colocation standard. They also discussed the distance of 3,000 feet between the sites. Mr. Keating asked if Mr. Chaille knew what the ground level elevation for both locations and what the difference was. Mr. Chaille said he would have to know where the water tower was. There a brief time where many people were trying to explain the location of the Perry Street water tower. Mr. Estey stated that the ordinance says that no new tower shall be approved unless the applicant can document that the co-utilization of an existing tower is not available. It doesn't say tall structure, it doesn't say water tower. It only means wireless communications towers and that is how the state act defines it also. Mr. Estey stated that because it is not in the search ring, they have established that it is not a viable option. He refuted discussion about the issue regarding the money for the tower going to the city instead of a private citizen. He is here to pursue the Madison tower, and not to consider going on the City's water tower. Mr. Chaille mentioned that he was able to find the water tower on the map and stated that it would be redundant coverage because it is right underneath two other sites, so elevation would not affect its coverage. Mr. Keating asked if Mr. Sweppenheiser had any more questions. Mr. Sweppenheiser stated that he did not.

Mrs. Davis asked about the map with the red circle on it, not knowing mileage or distance and if there was a reason why the tower was not put near the many acres of vacant land to the northwest of the proposed site. She asked if that was a coverage issue, how the coverage area was chosen and could it be moved to that area to the northwest.

Mr. Chaille advised that his role as an independent contractor is site acquisition. When he is told to find a site, they give him a GPS location on a map and he is allowed to deviate a given distance, quarter mile, half mile, whatever. He draws the search circle and starts looking in the search area for property that is leasable, property that is meets zoning and property that is constructible. He said it doesn't do any good to have two and not the third,

it doesn't matter which that third is. He has to look for a combination of all those things and finding a land owner willing to sign a lease. He went on to explain that the location he was given coordinates for and the actual proposed tower site are only 90 feet apart. He said that was unheard of, and that it has only happened to him one other time in eleven years. Mr. Keating asked Mrs. Davis if her question was answered, and she replied that it was. She just wondered if maybe a particular wouldn't talk to him, and MR. Chaille answered that his time is valuable and unless he finds a viable option, he goes back to Verizon for further instructions. Mrs. Davis asked a question of the members of the Commission about land division criteria and how that fits in the ordinance. Mrs. Davis stated that is essential for this to work under the ordinance. Mr. Mason replied with the requirements for a legal parcel, minimum of one-acre lot size, 165 feet of road frontage, and that the buildings on that property meet the setback requirements of the district, which they will. Mr. Lance Workman asked how many feet of frontage the parcel would have, and Mr. Mason stated it would be 165 feet.

Mr. Steve Perialas, the owner of the property, responded that the survey has been done, pending the outcome of the meeting.

Mr. Keating asked if Mrs. Davis had anything else to ask. She said she did not have any further questions. Mr. Keating asked the members of the Planning Commission if they were ready to undertake the consideration of the Special Use Permit. There was no immediate response, so he asked if they felt they would need time to consider this.

Mr. Bill Stanek, Township Supervisor made a comment that they have received a lot of good information from both sides, would it be better to study this valuable information for a month and then make a decision. Mr. Cook felt that he would be alright with having a month to study the information. Mrs. Wethington made a motion to table the decision to next month's meeting. Mr. Cook seconded the motion. Mr. Keating asked if there was any discussion. Not hearing any, Mr. Keating asked if everyone was clear on the motion, and no one commented. Mr. Keating called the question, and it passed unanimously with six ayes and no nays. The motion to table the decision to next month's meeting passed.

Mr. Stanek said a special meeting could be called if requested by the chair. Mr. Keating said he was sorry to those who expected a decision this evening, but he thinks this is in the best interest of everybody, for the Commission to have that time to review the information.

Mr. Klarecki asked if there would have to be a public notice if a special meeting were to be scheduled, and Mr. Stanek said that there would be a public notice posted on the bulletin board, on the website, and responded that the applicant would be notified. Mr. Mason mentioned that the minimum notice had to be at least 18 hours. Mr. Keating stated that our interest isn't to do something behind people's back, it is just to have a chance to look at the information that was presented and give consideration to the points of the Special Use Permit.

Mrs. Klarecki asked if all new information is prohibited. Mr. Keating stated that is right. Mr. Klarecki requested clarification that nobody can submit new information. Mr. Keating answered no, this is the end of it. That was the purpose of the public comment period. Mr.

Williams asked if that applied to the applicant as well and Mr. Keating stated that it did. Mr. Keating again thanked all those in attendance.

Mr. Bean was invited to return to the meeting room and join the remainder of the meeting.

VII. SITE PLAN REVIEW:

PZ18-0007 – Site Plan review for Resurrection Life Church, PPN 5405 021 100 002 at 14734 – 215th Avenue. Mr. Keating asked Kristi McConnell for Jeffrey Parker, Architect of record, to inform the Commission about the project. There was an approved site plan in 2015, but the Church wanted to raise some funds for the construction, so the original approval has lapsed. Resurrection Life is requesting to demolish a portion of their original building and replace it with a 10,000 sq. ft. addition. Essentially, this is the same project that was approved in 2015 with the addition of some temporary offices to the north side of the building during the construction phase, and some minor modifications to the previously proposed patio and parking area. Mr. Keating asked if there were any questions. Mr. Mason reviewed the plan briefly and mentioned that a review of the plan still needs to be completed by the Drain Commissioner. Mr. Keating requested a motion to approve the site plan. Mr. Oliver made the motion to approve The Resurrection Life Church Site plan Project # 151088 dated February 8, 2018 as presented and Mrs. Davis supported it. There was no further discussion. The motion was approved unanimously with seven ayes and no nays. The motion passed.

Mr. Keating thanked Ms. McConnell for her patience with the Commission following the long discussion for the Public Hearing.

VIII. ADJOURNMENT:

Hearing no further business for the Planning Commission, Mr. Keating entertained a motion to adjourn at 9:50 p.m. The motion was made by Mr. Sweppenheiser and seconded by Mr. Cook. The motion carried unanimously with seven ayes.

Motion to approve the Planning Commission minutes of March 13, 2018 by: Mr. Sweppenheiser, Seconded by: Mrs. Davis. Roll call vote carried with six ayes.

Philip Keating, Chairman
BIG RAPIDS CHARTER TOWNSHIP
PLANNING COMMISSION

Date Approved