



Dexter Township

planning commission

6880 Dexter-Pinckney Road
Dexter, MI 48130

Telephone: 734-426-3767
Fax: 734-426-3833

www.twp-dexter.org

John Shea,
Chair
Ken Tappe,
Vice Chair
Vickie Kooyers
Twp. Brd. rep.
Mary Adams
Secretary
James Korcek
Molly Wade
Tom Lewis
Commissioners
Kim Jordan,
Recording Secretary

REGULAR MEETING OF THE PLANNING COMMISSION

Tuesday, August 26, 2008 7:00 PM

Present: John Shea, Chair; Ken Tappe, Vice Chair; Vickie Kooyers, Township Board Representative; Mary Adams, Secretary; Molly Wade, James Korcek and Tom Lewis.

Also present: Patrick Sloan, Director of Planning and Zoning and Pat Kelly, Supervisor.

Absent: None

The meeting was called to order at 7:05 PM.

I. Approval of Agenda - Motion by Tappe, supported by Lewis, to approve agenda as submitted. **Carried 7-0.**

II. Approval of the Minutes - Motion by Tappe, supported by Wade, to approve the minutes of August 12, 2008 as amended. **Carried 7-0.**

III. Public Comment - None

IV. Action Items -

1) Verizon Wireless, Site Plan/Special Land Use Permit-

Shea stated that, at the July 22nd Planning Commission meeting, a representative from Verizon and the University Radio Observatory gave the members the impression that they would be able to reach an agreement and would be submitting something to the members in writing. He asked why an agreement between the two parties has not been received.

Verizon representatives, David Antoun and Jonathan Crane, were present for comments and/or questions.

Crane said that Verizon is not in favor of the conditions that the University of Michigan is requesting. Additionally, he stated that Verizon has diligently and thoroughly provided the observatory with extensive on site testing proving that the cellular tower will not interfere with the observatory.

Crane stated that he was given a letter right before the meeting, dated August 26, 2008 from the University of Michigan conveying the observatory conditions. He questioned the language asking them to provide an “enforceable mechanism” and asked what would be an “enforceable mechanism. He stated that they have never had interference with 1,200 towers. If somebody detects interference, a complaint may be filed with the FCC.

Shea stated that the letter received this evening from the University of Michigan is not very specific. The attorneys will need to further review and consult with the township’s attorney.

Tappe questioned what an “enforceable mechanism” would be.

Shea stated that the Planning Commission will not cede any ordinance enforcement powers for a Special Land Use to another authority. Ordinance enforcement authority is the Townships.

Korcek said that the planning commission is behind the curve without the expected agreement between the parties.

Lewis asked what would happen if an agreement isn't reached. Would the planning commission need additional language and, if so, should they consider review of the file and resolution to the township attorney prior to PC review?

Shea asked if there were any further reservation in Sloan's report, dated August 15, 2008.

Sloan replied no. Any outstanding issues can be addressed prior to and during final review.

Antoun stated that they have provided all the information requested by the Township. Also they have addressed all of U of M's concerns regarding interference and/or issues with the proposed cellular tower and the observatory.

Shea responded, not necessarily based on the July 22, 2008 minutes. He stated that they have another agenda item tonight (ITC) where the Township didn't do its due diligence. He said the concerns between Verizon and U of M need to be resolved.

Crane requested that the PC table their review to allow the parties to meet and come to some resolve.

Jim Kosteva, representative for the University of Michigan said that he would be happy to meet with Crane and Verizon representatives.

Wade said she was disappointed that the two parties couldn't come to agreement but feels that the PC should move forward with its review process if an agreement can't be reached between Verizon and U of M. However, she doesn't recommend that the township cede any of its ordinance enforcement authority.

Shea stated that U of M always has the same enforcement authority as any other private person or entity.

Motion by Tappe, supported by Lewis, to table Verizon Wireless Special Land Use application. Carried 7-0.

Shea scheduled Verizon Wireless for the September 9, 2008 Planning Commission meeting.

2) Extension of Approval for Lindemann Farms, Final Site Plan-

Shea stated that he is concerned about the pending issues with the [Michigan](#) Department of Environmental Quality ([MDEQ](#)) per their letter, dated July 8, 2008.

Jim Haeussler, owner and representative for Lindemann Farms, stated that he has submitted all the information they requested several times and has received no response since the end of July. He said he doesn't know what else to do.

Shea asked if MDEQ gave a timeline.

Haeussler said that the email from the [MDEQ](#) in late July stated that they would reply within a few days. They have not yet responded.

Wade stated that she believes that the MDEQ will extend the permit while the issues are worked out. She asked if Mr. Haeussler knew what the issues were.

Haeussler said he doesn't know. He has submitted everything they have asked for. Regardless of the extension approved by the planning commission, he can't start construction without MDEQ approval.

Shea suggested to the members their consideration of granting a shorter extension so to better monitor the progress of applicant.

Members discussed the extension period. Wade, Lewis, Tappe, and Kooyers support the one- year extension versus a shorter extension.

Shea commented that if the MDEQ permit were to expire tomorrow they would have one year to attain a new permit and would not be able to commence construction until that is finalized.

Motion made by Tappe, supported by Wade, to grant an additional extension of 1-year and for the final site plan to expire August 31, 2009. Carried 7-0.

3) John Kelly, Special Land Use Application-

Shea explained the procedural steps for addressing a Special Land Use permit. Overall, he will recommend tabling the item, but would like to have questions and comments from commissioners.

John Kelly stated that he has been put in to a financial burden due to lawyer and municipal fees incurred. He asked what a public hearing would cost him?

Township Supervisor, Pat Kelly (no relation) said that the public hearing was included within the application fee. She stated that the only other unforeseen cost would be if the township attorney, engineer or planner needed to review anything. She assured Mr. Kelly that he would be notified if any additional costs were assessed.

Mr. Kelly said that he is a hardworking small time businessman trying to make a living and take care of his family the best way he knows how. He is a good steward of his property. His equipment is well off the road and hidden behind the trees. He doesn't do any work on site and has no plans to expand the use.

Shea commented that he is glad that Mr. Kelly has engaged in the process to abide by the regulations of the zoning ordinance.

Adams commented that the equipment is screened to some extent but that the township has heard complaints regarding traffic and noise. There is some visibility as one drives by the property.

Mr. Kelly said he has three (3) college students working for him. He owns 2 trucks, 2 trailers and 2 tractors. He said that he has a petition from the neighbors supporting him and that petition was previously submitted to the ZBA.

Ed Boullion, owner of Boullion Sale and Services on the corner of North Territorial Road and Huron River Drive, conveyed to the PC that Mr. Kelly's drivers drive slow and safe down Huron River Drive compared to many that do not.

Motion made by Tappe, supported by Kooyers, to table John Kelly's Special Land Use Application. Carried 7-0

Shea informed Mr. Kelly that all supplemental material should be submitted to the Township by the end of September in order to be slated for the October 28, 2008 PC meeting.

4) ITC Majestic Station, Amended Site plan/Special Land Use Application-

Shea explained that ITC was before the members this evening to review the application for completeness. He asked Sloan if the commission had enough information to move forward and schedule a public hearing.

Sloan replied, yes

Jamie Kryscynski and Bruce Whitney, ITC representatives, were present and available to answer any comments and/or questions.

Mr. Kryscynski stated that he believes that they have complied and submitted everything requested of them. He also stated that he believes that the final results of the installation of the sound barrier panels will be positive. They know of other installations in the county but this will be their first time trying it.

Adams asked what the panels were made of.

Bruce Whitney knows of one such wall in New York and wants to see the results of this wall once installed. He stated that the panels are acoustically designed and specific to noise reduction. He can't say what the specific reduction will be but the wall panels can do no harm. The panels are designed to absorb noise and are specifically designed for transformers. He believes the installation will be a positive solution.

Shea asked, if any neighbors have recently contacted ITC.

Kryscynski said that one (1) neighbor had called the 1-800 number recently.

Motion by Korcek, supported by Kooyers, to set a Public Hearing for September 23, 2009. Carried 7-0.

5) Extension of Approval for Starhill's, Preliminary Site Plan-

Victor Lebeau, owner and representative for Starhill, conveyed to the members that he and the other owners of Starhill were seeking alternative measures to fund their development. He said that the bad economy has stalled the project and that investment institutes are not willing to invest without the commitment of saleable lots. They did, at one time, have fourteen reservations but now all but two have backed out because of the present conditions with the economic residential market. He asked that the PC grant them additional time to seek private investments and/or the time to divide the land into estate parcels. One of those two scenarios will be pursued and he doesn't think the township has anything to lose by granting the extension.

Motion by Korcek, supported by Lewis, to extend Starhill's, Preliminary Site Plan for six (6) months, and for the preliminary site plan to expire on February 28, 2008. **Carried 7-0.**

V. Township Board Up-Date -

Kooyers updated the commissioners on the following issues:

-The Township Board passed a resolution to petition the Washtenaw County Drain Commission to lay out and designate a drainage district to address the drainage issues for the Copper Meadows area.

-Motion passed to table the second reading of proposed Ordinance #38 (to create a Planning Commission).

-Motion passed to enter into an agreement with Western Washtenaw Recycling Authority (WWRA), and the City of Chelsea to sponsor a fall cleanup day on Saturday, October 11, 2008.

-Motion passed to approve a dance-entertainment permit to be held in conjunction with the Class C liquor license held by Inverness Inn.

-The Township Board has not yet provided input on the consideration of creating a "Dead Tree" ordinance. Comments were solicited to the board via her planning commission report.

-The board has appointed Supervisor Pat Kelly as the Dexter Township representative to the Chelsea Area Planning Team/Dexter Area Regional Team.

-And last, Kooyers reminded the members that taxes are due on Sunday, September 14th but will be accepted on Monday, September 15th without penalty.

VI. Concerns of Commission Members, Director of Planning and Zoning, Supervisor, and Recording Secretary-

Wade informed the members that she would be moving out of Dexter Township in September.

Sloan stated that he has revised YMCA site plans for the chair and secretary to sign this evening and revised Dexter Dental site plans for distribution to the members.

Kelly informed the members that a joint meeting has been schedule for Tuesday, September 30, 2008 and asked that the Planning Commission submit their agenda. Additionally, she informed the member that the Washtenaw County Road Commission (WCRC) will hold a Public Information Meeting for the bridge replacement project at Dexter-Pinckney Road over Portage Lake Outlet. The meeting will be held at the Township Hall on Thursday, September 18, 2008.

VII. Public Comment – None

VIII. Future Agenda Items -

Tuesday, September 9, 2008 –Work Session

- 1) Verizon Wireless, Site Plan/Special Land Use Permit
- 2) Amendments to the Planning Commission By-Laws
- 3) Review Zoning Ordinance Amendments 34-7

Tuesday, September 23, 2008

- 1) Public Hearing for ITC Majestic Station, Amended Site Plan
- 2) Review of Dexter Dental Site Plan

IX. Adjournment – Shea, Chair, declared meeting adjourned at 9:05 PM

Respectfully submitted,

Kimberly Jordan, Recording Secretary

Mary Adams, Secretary