

**ROSS TOWNSHIP  
PLANNING COMMISSION MEETING & PUBLIC HEARING  
JANUARY 25, 2006**

1. The meeting was called to order at 7:02 PM by Chairman Allen Harmon with the Pledge of Allegiance.

2. ROLL CALL OF MEMBERS:

PRESENT:	Allen Harmon	Rusty Fry	Bob Cox
	Garry Lane	Ray Wolfram	Owen Murray
	Jim Lauderdale		

Also present was Rebecca Harvey, PC Planning Consultant and Gary Webster, Associated Government Services.

3. AGENDA:

**Motion was made by Commissioner Lauderdale, seconded by Commissioner Murray to accept the agenda as presented. Motion passed unanimously.**

4. MINUTES NOVEMBER 9, 2005:

**Motion was made by Commissioner Murray, seconded by Commissioner Lauderdale to accept the minutes of November 9, 2005 as presented. Motion passed unanimously.**

5. PUBLIC COMMENTS – NON-AGENDA ITEMS: None

6. PUBLIC HEARING – SPECIAL EXCEPTION USE REQUEST FOR NEW CINGULAR WIRELESS CELL TOWER:

Mr. Dan Mondrella was present to represent Cingular Wireless. Cingular Wireless brought for consideration a communications tower, antenna and equipment shelter on the Elizabeth VanderPloeg property located in the Rural Agricultural (RA) District. The tower structure will have a total height of 110 ft. (with an additional 8 ft. tall lightening rod). The equipment shelter is a 10' x 20' pre-manufactured building, to be contained within the 50' x 50' leased area.

Communication Tower/Antenna is a permitted Special Exception Use in the RA District (8.23(T)). The tower is near the intersection of M-89 and 42<sup>nd</sup> Street. The tower will be approximately 364 ft. from the edge of the road right of way, 404 ft. from the center of the highway, since M-89 is a state highway.

Mr. Mondrella has submitted several photos showing the tower and proposed location. They need the tower because calls are being dropped on 42<sup>nd</sup> Street. There is no other tower in the vicinity on which they could co-locate. Other cell companies will be able to co-locate on their tower if it is approved.

PUBLIC QUESTIONS:

Mrs. Delores Kabza, 13615 East M-89, asked what a "special exception" was. Commissioner Harmon explained the process to the public. Mrs. Kabza also asked about co-locating other cell towers. Mr. Mondrella answered this question for her, explaining that by law a new tower has to have the ability to co-locate three carriers to minimize the number of towers in any area.

Mrs. Kabza asked if the tower was the cage style. Mr. Mondrella explained it was a straight pole, like a utility pole.

Mr. Joseph Lee, a neighbor of Mrs. Kabza, 13740M-89, asked how this tower would benefit the community. Mr. Mondrella stated that it was a “dead area” and many cell calls are dropped. A major benefit is for emergency services, to avoid dropped calls, better communications for families/relationships and for business use.

Mr. Lee said he did not want the tower to disturb the rural character of the area. Mr. Mondrella stated he didn’t think the tower would be seen from 42<sup>nd</sup> Street. There will be no lights on the tower since it is under the FAA requirement for lights. The pole is a straight stick and will be very unobtrusive.

Mr. Mondrella also said there would be an 8 ft. chain link fence surrounding the leased area, with a gate to allow for servicing. The dirt road to the tower does not allow for sight of the tower from the road, and should not draw other traffic.

Mrs. Kabza asked about traffic out of and into the sight. Mr. Mondrella said there will probably only be one trip in and out a month for servicing and should not be a traffic hazard for traffic on M-89.

Gary Webster said this submittal is very complete, with all criteria and requirements being met. Commissioner Murray asked about sending the site plan to the Fire Chief for review and any input the Fire Dept. may have with the site.

#### COMMISSION QUESTIONS:

Commissioner Fry asked if the entrance off of M-89 would be gated. Mr. Mondrella explained that the only gate would be at the chain link fence. Commissioner Murray said that when he drove past the drive he felt that a gate would only call attention to the entrance and would probably be better off without a gate. Commissioner Fry asked what is the usable life of the tower, and would it become unusable in a few years. Mr. Mondrella said that satellite coverage isn’t even in the eye of the industry now and is too costly. This tower will be in use for a very long time, and the leases are usually for 30-40 years. Commissioner Harmon said the contract with the land owner should address the issue of removing the tower when it is no longer usable and who will pay for the removal.

Commissioner Cox asked how many towers a township like Ross would need. Mr. Mondrella stated they are not building as many towers as in the past. He said that having towers every 1 ½ miles is only along the major highways.

#### PUBLIC COMMENTS:

Mrs. Kabza stated she does not like to see the rural character of the area disappearing, and this change should be put off as long as possible

COMMISSION COMMENTS: None

**Motion by Commissioner Cox, seconded by Commissioner Murray to close the Public Hearing. Motion passed unanimously.**

#### ACTION ON SPECIAL EXCEPTION USE REQUEST:

Commissioner Harmon stated that based on the information provided at the public hearing and by AGS’s review they are in a position to be able to move forward with a motion on the request by Cingular Wireless.

**Motion by Commissioner Lauderdale, seconded by Commissioner Wolfram to approve the special exception request by New Cingular Wireless, on M-89, Section 21 of Ross Township, since it complies with Section 9.94, consistent with AGS's review, and is consistent with Item 11, Section 27, regarding each of the 10 items associated with Communication Tower/Antenna, with contingency of the Fire Chief acceptance, that the legal agreements on tower removal and who will bear the liability for that removal are established; and that the public comments be accepted and understood relative to the rural natural of our community with which the board also wrestles. Motion passed unanimously.**

7. NEW BUSINESS: SITE PLAN REVIEW FOR NEW CINGULAR WIRELESS:

Gary Webster stated again that all submittal requirements of 9.94 have been complies with. The Commissioners moved onto Section 9.96 (B)1.

- 1.) Met, no conditions to be imposed.
- 2.) Met, traffic to site will be limited to approximately 1 trip per month by service vehicle, with parking provided coming off of M-89
- 3.) Met, a small 12' x 20' prefabricated shed, fire bonded, not visible to adjacent property owners
- 4.) Met, construction of drive reviewed and approved by AGS, needs Fire Dept. review
- 5.) Met, landscape will be done, planting trees
- 6.) Met, applicant will leave as many trees as possible, utilities will be buried along roadway

**Motion by Commissioner Harmon, seconded by Commissioner Lauderdale to approve the site plan for New Cingular Wireless conditioned upon a Fire Dept. review and approval of drive and turn around area. Motion passed unanimously.**

8. PUBLIC HEARING – TEXT AMENDMENT FOR OPEN SPACE DEVELOPMENT AND RIGHT TO FARM ACT:

Commissioner Harmon explained the amendment to the Right to Farm Act was to bring Ross Township in compliance with State of Michigan regulations.

Commissioner Harmon told the Commissioners that the township office will email the PC to let them know when the PC packets were ready to be picked up, saving the township money.

Commissioner Harmon stated there were several changes in the open space text, which has been worked on by the PC over several months. The final draft before the PC tonight is a modified form from the November meeting.

Ms. Harvey stated in reviewing the open space proposed text change she found an italicized reference in subsection 2, page 2, B 2, needs to be removed, it is an oversight.

PUBLIC QUESTIONS: None

COMMISSION QUESTIONS None

PUBLIC COMMENTS:

Tom Kellogg, 15211 East C Ave. would like more restrictions, no new developments.

COMMISSION COMMENTS: None

**Motion by Commissioner Murray, seconded by Commissioner Cox to close the Public Hearing. Motion passed unanimously.**

**Motion by Commissioner Lauderdale, seconded by Commissioner Lane to accept the text amendments as presented, consistent with what has been discussed for many months and accepted in November 2005, and present to the Township Board to amend the Ordinance, striking D.9 reference. Motion passed unanimously.**

9. NEW BUSINESS: CONCEPTUAL REVIEW FOR AUGUSTA CREEK OPEN SPACE DEVELOPMENT:

Mr. Arnie Polmanteer and Dan Lewis were present to explain the proposed development.

Tom Kellogg 15211 East C Ave., asked about noticing the neighbors regarding the new development. Ms. Harvey explained the open space process and noticing requirements to the public. She explained this step tonight was to get the PC review comments and move forward to the next step if acceptable.

Mr. Lewis presented the parallel plan to the Commissioners. He gave the Commissioners a revised plan, to follow up on the seven items on AGS's review. Commissioner Lauderdale expressed concern that the PC previously agreed in writing that they could not accept new information at the board meetings and be expected to make decisions that night.

Mr. Lewis explained it is not a whole new plan but in answer to AGS's seven points that needed to be addressed. Gary Webster reviewed these seven points. AGS's review is attached. Mr. Lewis said he only wanted to address the seven comments on the parallel plan tonight.

Commissioner Harmon stated that if the applicant comes in with clean plans the approval process goes very smoothly.

Commissioner Murray explained to the applicants the difficulties the PC has had in the past with plans that have a lot of work still to do on them. He also stated they have the requirement of a pre-application review with applicable township consultants which has worked out very well for the PC, because then things are brought together so that by the time it comes before the PC there is a real litany of areas that have to be corrected on the parallel plan and the open space that can then be worked through. Mr. Lewis stated they have met with Ms. Harvey and that he would really like to discuss these seven things tonight.

Mr. Lewis went through the seven points and explained where they were answered on the revised drawings. He said Mr. Polmanteer does not own any adjacent land and has no desire to expand the development. The roads shown meet public road standard slopes. The septic systems will meet the Health Dept. requirements. Mr. Lewis said they would request a waiver from the 1000 foot drive length requirement, and realize the feasibility of construction on some of the proposed lots will still need to be reviewed. He also said they have shown the boundaries of the entire property, not just the open space development. The total acreage is 92.3 acres, but because so much of the property is wetlands, the open space development can only be on part of the parcel.

Gary Webster had no questions for the applicant.

Commissioner Wolfram asked where the run off water would go. Mr. Lewis explained the retention basins and passing the clean water to the wetlands, which is monitored by the DEQ.

The association would be responsible to clean the retention basins and monitor the water quality.

Mr. Lewis said the Mr. Polmanteer's residence will not be removed, but will be included in the density that is approved.

**Motion by Commissioner Lauderdale, seconded by Commissioner Wolfram that the applicant will check with AGS regarding their review of the revised plan and meet closely with Ms. Harvey, particularly regarding the open space, and come back to the February 22<sup>nd</sup> PC meeting with their proposed plan. Motion passed unanimously.**

10. OLD BUSINESS: RESIDENTIAL ZONE REVIEW, LOT SIZE AND AG-PRESERVATION DISTRICT

Commissioner Harmon stated the PC has pretty well come to agreement on the zoning districts, descriptions, uses, special exceptions and have identified the split of the current RA zone into the Rural Residential and Ag-Preservation Districts. He said they are now at a point where they need to work on density and lot sizes. The Commissioners have in their packets copies of the 1998 Public Hearing minutes regarding lot sizes. The majority of residents were not in favor of the minimum lot sizes presented at that time.

Commissioner Harmon said it is now time for the Commissioners to work on the density and minimum lot sizes. A committee was formed to work on examples to present to a combined Township Board/Planning Commission meeting. There is a lot of work to do before they are ready to meet with the public on the proposed districts and lot sizes. He would like to see three scenarios presented to the Township Board and show how they would work. Commissioner Harmon also said the PC wishes to maintain the rural flavor of the township and maintain growth.

The committee will bring these examples to the March PC meeting and plan to have a joint meeting with the Township Board in April. The committee will meet Wednesday, Feb. 8, 7:00 PM at the township hall.

11. NEW BUSINESS -- ELECTION OF OFFICERS:

**Motion by Commissioner Lauderdale, seconded by Commissioner Murray to re-elect Allen Harmon as Chairman. Motion passed unanimously.**

**Motion by Commissioner Lauderdale, seconded by Commissioner Lane to re-elect Bob Cox as Vice-Chairman. Motion passed unanimously.**

**Motion by Commissioner Harmon, seconded by Commissioner Wolfram to elect Garry Lane as Secretary. Motion passed unanimously.**

12. NEW BUSINESS – SCHEDULE COMBINED PC AND TWP. BOARD MEETING:

The PC will reserve time at the April PC meeting for combined PC/Twp. Bd. Meeting. The PC will present an invitation to the Township Board for this meeting.

13. REPORTS:  
ZBA: Commissioner Harmon shared the ZBA hasn't met in a couple of months and that the number of variance applications have been greatly reduced. The last one before the Board was for the Talmage family.  
TOWNSHIP BOARD: Trustee/Commissioner Murray previously gave a report on the meeting.  
4 TWP. WRC: None; this can be taken off the agenda for the time being.  
WORKSHOPS: None

12. COMMISSION COMMENTS:  
Gary Webster said they (AGS) wanted the Augusta Creek development taken off the agenda two weeks ago because it was incomplete.

Mr. Polmanteer returned to the meeting to let the PC know one of his neighbors threatened him tonight in the parking lot after the meeting. He was advised to file a complaint with the Kalamazoo County Sheriff's Dept.

Rusty Fry handed out a paper with information about himself

13. ADJOURNMENT:  
**Motion to adjourn was made by Commissioner Wolfram, seconded by Commissioner Cox to adjourn at 9:20 PM.**

Respectfully submitted,

Jackie Whitney  
Recording Secretary