

Lyndon Township  
**PLANNING COMMISSION**  
**SPECIAL LAND USE PUBLIC HEARING**  
17751 N. Territorial Rd., Chelsea, MI 48118  
April 16, 2009 @ 7:00 PM

**APPROVED MINUTES**

*Members Present:* Leon Moore, John Reilly, Joyce Spencer, Jerry Nelson, Mary Jane Maze, Michael Grambau

*Members Absent:* None

*Also Present:* John Francis, Township Supervisor; Merritt Honbaum – Ordinance Officer; Robert Mester – Deputy Ordinance Officer; Sally Elmiger – Carlisle/Wortman; Kevin Glardon, Pyramid Network Services; T.J. Sauthoff, Pyramid Network Services; Craig Swenson, 800 MHz Radio Consortium; Mike Strother, Motorola; and State Police Deputies.

Moore called the meeting to order at 7:00 PM.

Open public hearing 7:02 PM.

***Review of Special Land Use Application and Permit of Washtenaw County 800 MHz Radio Consortium, 1200 State Circle, Ann Arbor, MI 48104, to locate a 400' self-support lattice tower (with a 30' radio antenna) on property owned by the City of Chelsea located at 8027 Werkner Rd., Chelsea, MI 48118 to ensure full coverage of Washtenaw County's public safety initiative. (Property IDE-05-25-400-015)***

***Applicant's Presentation of Special Land Use Request:*** Deputy Jack Ceo, Saline, MI, stated that in May 2006, a millage proposal passed at 67% in favor of rebuilding the emergency radio system in Washtenaw County used by police, fire, and other emergency services. Deputy Ceo stated he is part of a team delegated in bringing this project to fruition and that the proposed tower is one of seven structures to be erected in Washtenaw County. Ceo affirmed he was here tonight seeking approval from the Planning Commission to go forward with the project after the City of Chelsea suggested locating the tower on property at the Chelsea Recycling Center on Werkner Rd. Ceo reported on their effort to collocate on the nearby 1,000-foot WPXD tower, which was the only other suitable location in this corner of the county; however, that opportunity was lost due to the cost for necessary structural upgrades along with the inability to reach an agreement on a lease.

Kevin Glardon, Pyramid Network Services, described the tower project stating it would be a 400' self-support lattice style frame free of any guy wires. The tower would have three legs with an equipment shelter at the base. Drawings were provided.

T.J. Sauthoff, Pyramid Network Services, described two foundation design options available. Sauthoff reported the deep foundation design would be three drilled piers at approximately 32 feet deep while the shallow design option would be a foundation mat going 6-8 feet below the existing grade...both constructually adequate.

***Comments from Carlisle/Wortman Associates:*** Sally Elmiger reported the proposed location of the tower is an allowed use in this Light Industrial (LI) District, as stated in Section 10.3 of the Lyndon Township Zoning Ordinance. However, due to the towers potential impact, the proposal was reviewed based on Section 13.04.FF. of the Zoning Ordinance.

Elmiger requested the applicant provide certain criteria in order for the project to be passable by the Planning Commission and recommended approval of the Special Land Use application conditional on the following issues:

- Discuss attempts to collocate on other nearby towers.
- The proposed tower should be constructed to accommodate two other users.
- Design criteria, i.e. color, lighting, buffer area to have a mix of conifers to prevent “die off,” and Planning Commission must approve reduction in distance from other towers.
- Screening of the base is required.
- Current proposal does not meet setback requirements and variances will be needed with several adjacent properties to consider.
- The applicant should address the soil capability to accommodate the structure foundation.
- Will need a permit from WCRC for access to the site.
- Shielded lighting should be provided on all wall packs.
- Provide an emergency contact sign.

***Letters and Comments from the Public:***

1. Jeff Stamper, 7975 Werkner Rd., in opposition with concerns of dirt/dust affecting son’s asthma, noise, future reception interference with TV, radio, etc., drilling to affect his well water, and loss in his property value as he is closest to the tower.
2. Glen Williams, 7937 Werkner Rd., in opposition and would like items reviewed by Planning Commission, which include Declaration of Restrictive Covenant and a Deed between the Eisenbeiser family and City of Chelsea, all referencing landfill activities. (Items were handed to the recording secretary.) Williams is also concerned with ground water contamination.
3. Shannon Racine, 8319 Werkner, in opposition with devalued property and that radio/microwaves could be harmful to children.
4. Bill Eisenbeiser, 8250 Werkner Rd., in opposition...too close to road.
5. Charlene Eisenbeiser, in opposition asking why negotiations with WPXD failed.
6. Rick Monier, 13511 Island Lake Rd., in opposition citing other existing towers could be used, too close to property line, wind speed, more taxes, moved to country for darkness...not flashing lights, and will interfere with local small planes.
7. John Langmore, 14095 Island Lake Rd., in opposition citing it does not preserve the rural characteristics of the Township, does not meet safety ordinance for setback, lights will be a nuisance, interferes with plane flight, does not meet guidelines of FAA and FCC and there are other alternatives to collocate.
8. Michael Dahl, 7993 Mester Rd., in opposition citing light pollution, power output and interference, have option to collate somewhere else.
9. Susan Cybulski, 109 Island Lake Rd., wanted clarification why collocation on WPXD failed.

Moore closed the Public Hearing at 7:45 PM.

***Discussion from the Planning Commission:*** Moore opened up this portion of the meeting to allow Commissioners to ask questions of the applicants.

Nelson requested clarification on why the other tower suitable for collocation could not be used citing the cost to collocate had to be much less than building a new tower. Glardon responded the WPXD tower needed extensive modifications. Sauthoff continued stating various types of equipment must be added at varying heights and an analysis revealed the extra weight/wind load would over stress the current tower, which would require costly upgrades in addition to the cost to

lease the property. Additional ground space would need to be negotiated from the landowner to house an equipment structure at the base of the tower. Sauthoff stated with a new tower, there would be assets at the end of the day as opposed to spending an enormous amount of money to lease and upgrade the existing tower. Swenson added that the cost to collocate for 35 years on the WPXD tower would cost more than building a new tower. Swenson stated a significant concern was the tower owners could cancel their lease leaving them to find a new tower at even more expense to the public.

Moore inquired on the status of the other six towers. Ceo gave the location of each tower and described the current status stating whether a tower was in place, waiting for tower upgrades, waiting for housing structures, or still in negotiations.

Grambau asked if the County gravel pit was considered. Swenson reported it was considered but the gravel pit is lower requiring a 500' tower and would be cost prohibitive. Swenson stated the landfill would be a better location as far as coverage was concerned.

Leon asked if the state had been contacted to locate the tower on state owned land. Swenson reported they looked at several locations (Pinckney, Waterloo) only to find out the land was purchased with grant money and there are deed restrictions that do not allow building of any kind.

Nelson expressed concerned with the close proximity to the road and nearby homes. Sauthoff responded the towers are designed not to fail and to withstand the loads.

Moore questioned if the back side of the property was considered. Sauthoff stated they were directed to the front of the property by the City of Chelsea.

Moore asked, from an engineering standpoint only, if there was any location on that site that would meet all the required isolation distances from property lines. Sauthoff stated they had never explored the rear of the property in detail after the landowner directed them to the front of the property.

Moore asked if any assurances could be provided on the integrity of the structure, to address radio wave concerns, and if this was common practice to locate so close to a residence. Mike Strother, Motorola, reported there are 187 towers across the state and he could supply names/numbers where similar towers have been located close to homes and could provide an engineering study. Strother stated 800 MHz emits a very low microwave frequency, which has been used for years and assured there would be no interference with satellite, TV, cell phones, etc. Strother stated that to his knowledge, they have not had to investigate noise disturbance issues. Strother also stated the structure would be built with solid rods for strength and the color was clarified as galvanized metal.

Sauthoff addressed the issue concerning a seaplane that takes off over the landfill and stated they filed with the FAA and received a determination of no hazard.

Lighting would include white flashing strobe lights at 200 and 400 feet during the day with red beacons at night. There would be three side markers each at 100 and 300 feet for night. Exterior lighting on the service shed could be on a motion detector or hard wired and would be equivalent to porch lighting.

Sauthoff reported foundation soil borings did not encounter any landfill material and that it is virgin soil. Specific tests would be performed to detect any potential for water contamination and if so, they would consider using the shallow foundation design. Issues with methane gas emissions will also be analyzed. Sauthoff reported these tests are on hold awaiting the outcome of this meeting.

Sauthoff reported there would be a generator on site, which would run during power outages and a weekly test run. The decibel level of the generator inside the building was not known or how it would impact neighbors.

Maze questioned the timeliness in repairing light failures. Sauthoff addressed the series of alarms that would be highly monitored by the National Communications Center (NCC) in Lansing, MI and the tower crew is from of the City of Northville.

Gardon clarified plantings would be placed only on the two sides visible to the public. The equipment shelter would be visible from the road. Gardon reported the driveway permit from WCRC is on hold until final staking of the tower.

State police officers and an HVA driver commented on benefits to the residents and the terrible situation with current radio systems causing delays in response times.

Reilly commented that he finds it difficult to believe the only location in the Township able to accommodate the tower location is a place that flagrantly violates the Lyndon Township Zoning Ordinance. Reilly stated the Commission has to look out for the constituents of the Township and asked if they couldn't continue looking for a better suited a location.

Moore reiterated the proposed site clearly has some limitations and would like to see if the tower couldn't be located somewhere else on the property. Moore stated he is concerned with safety and the view from the neighboring homes.

Nelson raised the issue of coverage from the proposed tower location. Strother replied each tower is different...depending on topography...and all sites must be linked together by microwave.

At this time, Moore asked other Commissioners what they would prefer for the site. Reilly stated there would be serious reductions in setbacks. Grambau not comfortable with setbacks and would like to take another look at the site. Maze stated she would like them to search a little further. Nelson stated they should be able to find another location between Howell and Manchester where the coverage area could overlap.

Reilly suggested looking at the property again and then come back at another meeting. Moore agreed. Maze asked if there was a coverage area map available for the Commission to review. (A map will be provided.) Spencer agrees with other Commissioners.

Grambau stated he understands the necessity for the system but asked if this was the only location given to the applicant by the City of Chelsea to locate the tower. Swenson answered, "yes." After listening to all the questions and comments, Swenson said he would not mind going back and taking another look at the property.

Nelson motioned to deny the request for the special land use. There was no second. No discussion.

Grambau motioned, second by Spencer, to table this until the applicants could research further and come back with an option for this site or another area on the property. ROLL CALL VOTE: Nelson – Nay; Grambau- Aye; Maze – Aye; Moore – Aye; Reilly – Aye; Spencer – Aye.  
CARRIED 5-1.

Moore announced this would be on the agenda at the next regular Planning Commission meeting on May 14, 2009.

Reilly motioned, second by Grambau, to adjourn at 9:28 PM.

Respectfully submitted,

Roxanne Petrie  
Office Manager