

**CHARTER TOWNSHIP OF CHESTERFIELD
PLANNING COMMISSION**

February 9, 2016

A regular meeting of the Charter Township of Chesterfield Planning Commission was held on Tuesday, February 9, 2016 at 7:00 P.M. at the Township Hall located at 47275 Sugarbush, Chesterfield, MI 48047.

1. CALL TO ORDER:

Mr. Miller called the meeting to order at 7:00 P.M.

2. ROLL CALL:

Present: Paul Miller
Joe Stabile
Rick LaBelle
Brian Scott DeMuynck
Carl Leonard
Jerry Alexie
Frank Eckenrode

Absent: Ray Saelens, *excused*
James Moran, *excused*

Others: Patrick Meagher, Community Planning & Management
Jonathon Palin, Community Planning & Management
Bob Seibert, Township Attorney

3. APPROVAL OF THE AGENDA

Motion by Mr. Miller to approve the agenda

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

4. **SUB COMMITTEE REPORT** (Committee will report on items under Review)

5. **PUBLIC HEARINGS:**

- A. **SPECIAL LAND USE: #2015-15: Jonathan Crane for Briggs Industries, 1126 N. Main St., Rochester, MI 48307. Proposed new Verizon Cellular Communications Tower located at 54145 Bates Rd., South of 25 Mile on the West side of Bates. Public Hearing was re-published and re-mailed for this date.**

Motion by Mr. Miller to open the Public Hearing

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

Jonathan Crane for Briggs Industries, 1126 N. Main St., Rochester, MI 48307 addressed the board.

Applicant stated that he was there on behalf on Verizon Wireless who are proposing to build a new cell tower at Briggs Industries a light industrial zoned property to meet the needs of the community. He explained that they are properly zoned, they meet all the applicable set-backs and requirements and he asked the board to approve it tonight. He understands that there are residents present that have some concerns. He would like to hear from them and then address their concerns.

Public Comments:

Wayne Nemeth, 54445 Bates, Chesterfield, MI 48047 addressed the board.

Mr. Nemeth stated that he lives on Bates Road in a residential area right next to the site. He explained that the whole street is residential except for the site of Briggs. He made remarks concerning the tower not being in harmony with the residential area, and about the pond and if the guide cables would go in the water. He also mentioned that the tower could instead be put up in the industrial subdivision. He talked to a man named Boris from a Trucking Company who stated that Verizon talked to him about putting up a tower, but they could not come to an agreement about health questions and price.

2-9-16

Lisa Meneghin, 53375 Bates, Chesterfield, MI addressed the board.

Ms. Meneghin brought up the fact that the cell tower would adversely affect the property values of the homes in the area and showed examples of homes where cell towers are located that are under the estimated value as compared to identical homes in other areas. She also brought up the fact that alternate sites are available and are proven appropriate from previous proposals by Verizon Wireless. She mentioned that there is no city water at the proposed cell tower site and there is a wildfire potential with the open field near the tower. She stated that in the past Bates Road has needed Selfridge tankers to fight fires and also Briggs has a wood storage area near the tower. She insisted that the tower would pose potential risks for the neighbors in the area and would negatively impact the aesthetics of the local neighborhood.

Rhonda Ricketts, 53125 Bates, Chesterfield addressed the board.

Ms. Ricketts stated that besides value of the homes and health risks, there are bald eagles in the area and that location is not appropriate. Ms. Ricketts informed them that she is certified by the State of Michigan as an Assessing Officer so she can assure the board that this will definitely have an impact on the value of the homes in the area. She also stated that she heard that the foundation and cabling has already being done for this tower.

Tom Varcie 27295 Houghton Drive, Chesterfield addressed the board.

Mr. Varcie made comments about his concerns with the electromagnetic fields and the adverse effects to the health of the residents in the area, especially the children. He also stated that on the internet there are about 600,000 entries about the adverse health effects of cell phone towers. A few studies have been done in Germany and Brazil talking about cell phone towers being linked to cancers for people living near them. He commented that the tower would also be the construction of essentially an unsightly 18 story building, at 175', in a mostly residential area.

Joe Laute, 53703 Dorner Lake Drive addressed the board.

Mr. Laute commented that he was also against putting the cell tower in this area and mentioned that property values in the neighborhood would drop approximately 10% and for a \$300,000 home that would be a loss of \$30,000.

Trevor Korn, 53732 Dorner Lake Drive addressed the board.

Mr. Korn stated that he was closest to the location of the tower and he was concerned about health risks and property values.

2-9-16

Cassandra Werth, 27283 Houghton Drive, Bates, Chesterfield addressed the board.

Ms. Werth stated that she has lived in the area for a year, has Verizon cell phone service and has never had a dropped call. She then stated that when doing research she read that in Germany, they do not allow cell phone towers any closer than 400 meters from any buildings.

Denise Collins, 7328 Shanna, Ira MI addressed the board.

Ms. Collins stated that she and her husband own 17 acres across the street from Briggs and wanted to have their property rezoned from light industrial to agricultural and then potentially building there. Obviously, if the cell tower is put in they would not even consider doing that. She works for a company that completes environmental audits concerning occupational health and safety. She stated that when she heard about this she talked to some auditors at work, she was told to go on the website Cancer.org. She stated that the amount of information on this subject is scary. Most of the studies have been done in Brazil and Germany. She noted that the studies in the US on this subject have been done by cell phone companies. Most of the studies, she stated have concerns about children's development. She is also concerned about the look of the cell tower, the bald eagles, and the fires; but her main concern would be about the health risks.

Mr. Miller stated that Barbara Gillette at 53950 Bates wrote a letter stating that she was concerned about it the tower as far as health issues and wondered if her television reception would be affected.

Applicant stated that Wayne Nemeth talked about the nice neighborhood they live in, and it is a nice area, but he has supplied the Planner with pictures of Mr. Nemeth's yard and his uses of the property. He commented that he would not say any more on that subject. He mentioned as far as the caisson design they do a soil boring which has been done and the caisson will be approximately 6' in diameter and 32' deep. He stated that they will provide those to the Township Engineer as well as the Building Inspector. It is designed to meet all applicable codes for 1/2 " radial ice and is safe for a 90 mile an hour wind load which is the national standard. He explained that they would not have any guidewires; it is a free standing structure. He mentioned that they did talk to Burroughs trucking and looked at many other properties. He was not going into details about it but one of the strongest criteria was health and the environmental health of the soil of the area. He stated as far as fires, yes, there are fires at cell towers. He mentioned that he was actually involved in the investigation of the one in Howell, Michigan and after that they changed procedures. He explained that in Howell they were using torches to cut into the tower and since that time they only use mechanical cuts. He

promised that there will be no torches on their towers. Incidentally, he stated that tower did fail as a result of the fire and it failed as it was designed; it buckled and did not fall over on the ground. He mentioned that there was no odor and no loss of life. He stated that there are fires everywhere to buildings, homes, etc. He explained that they will meet every building code and requirement. He mentioned that in the pond at Briggs Industries and there is a direct line from there to a fire pick up for the pumpers and it is very close to their site. He claimed that there was adequate fire protection and they will meet every single code. He mentioned that he has done about 500 towers in southeast Michigan and there has never been one documented issue of loss of economics and proposal studies indicate that the tower would have no impact on the value of the homes. He admitted that there is a site line issue and most people see 7 or 8 of these towers when they drive to work each morning. He mentioned an area in Auburn Hills where they put a 175' tower and homes in the area sold in excess of \$500,000. He does not buy the fact that there would be adverse financial impacts. He stated that there are two cell towers within sight of his home one to the east and one to the west and he does not consider it an impact. He mentioned that the Federal Telecommunications Act precludes any evaluations based on health because towers have been found not to have any adverse impact on health and that is not to be considered by the Planning Commission. He stated that someone referenced bald eagles and he claimed that there have been cases where eagles nested in their towers and in that case, and they limit their ability to maintain the towers because they are not allowed to go up on the tower and disturb their nests and they respect and do that. He insisted that they are doing everything possible to minimize the ground impact, they are on a light industrial property and they meet every one of the setbacks, fall zone criteria, building criteria, and FAA criteria. He stated that there has not been one instance of frequency interference with anybody's TV, garage door openers, or other frequency sensitive devices. Their towers do not make any noise, they do not generate any garbage and they would not create any hazards. He added that he also wanted to address the rumor that they put in foundations and cables at the site. He insisted that is not true and they have not done any work on that site. He commented that maybe a utility company was doing some work over there, but it was not them.

Mr. Eckenrode mentioned that a resident stated that she had never had any dropped phone calls. He asked the purpose of the tower?

Applicant replied that the tower is part of a very intensive build program to add capacity for the growth in the wireless service. There may not be a dropped phone call, but there may be problems with data communication, pictures and other uses such as if a person is waiting for a UPS package, all that tracking is done by wireless and the GPS in vehicles is also done by wireless. He reiterated that they are just adding capacity.

Mr. DeMuyck stated that this has been debated a lot; some of the residents were at the Township meeting last time and bringing up their concerns. Mr. Joseph one of the other Trustees also came in for this meeting. He explained that he has talked to counsel on this matter and basically it has been taken out of the local community's hands. He explained that he could tell everyone what is probably going to happen if this goes down. He stated see the lady over there; she is a court reporter and she is taking all the notes so guess where this is going to end up. It will go to court and Mr. Joseph and he will have to go to the table and approve funds to defend. He mentioned that he has looked at this Act and spoken to counsel and if they take it to court he can guess what is going to happen. This is taken out of their hands because Federal law has more jurisdiction than the Township. There are pros and cons to everything and there are more residents here than at any other meeting. He is still not sure where to go with his decision, but he does know if it is turned down, the board is going to have to approve money for the Township to go to court for a lawsuit. He explained that there are maybe thirty people here and he has to consider their concerns, but there are other residents that will want to know why we are wasting money if they think it will go the other way. The reality is if it goes to the court system it will be up to a judge and he was told by counsel, it will probably be in a Federal Court instead of a District Court. He asked Mr. Seibert if that was accurate?

Mr. Seibert replied that it could be filed in Circuit or Federal Court. He would surmise it would be filed in Federal Court because this is an interpretation of a Federal Statute, but they have their choice.

Motion by Mr. Miller to close the Public Hearing

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

Mr. Miller stated that normal procedure is to wait two weeks to render a decision. However, he asked the Recording Secretary to poll the board to see if they would like to vote on the issue tonight or to wait to the next meeting.

Mr. Miller, Mr. Stabile and Mr. Alexie replied that they would like to vote tonight.

Mr. LaBelle, Mr. DeMuyck, Mr. Eckenrode and Mr. Leonard voted to wait.

Mr. Seibert stated if the decision is going to be made at the next meeting he would like to at least provide a guideline of some of the legal issues that were raised at the meeting. He mentioned that he could put that in a written form to the Commission since it would be public record; it would not be confidential. He explained that he could lay out some of the legal issues that are fair game for the Commission to consider and the ones that are not fair game for them to consider. He stated so that when they make their decision at the next meeting, whatever the decision may be, it must be based on what the courts recognize are legitimate reasons in regard to cell phone towers like this. He thought the Commission needs to know that. He stated that he could give it to them verbally now or put it in writing for the members to read and review; however they would like to do it. He added that the fact that there is a court reporter present is significant and tells him that Verizon thinks their position is solid. He explained that whatever decision, the board makes will have to be extremely detailed and the minutes will have to be very specific as to the reasons they give for approval or denial.

Mr. Miller stated that he preferred that information in writing.

Motion by Mr. Miller to Table SLU # 2015-05 until February 23, 2016

Supported by Mr. Stabile

Ayes: All

Nays: None

Motion Carried

Mr. Seibert stated that he would have it for the Commission either next Monday or Tuesday.

Mr. Miller suggested that they take a five minute recess.

Motion by Mr. DeMuyneck to take a five minute recess

Supported by Mr. Miller

Ayes: All

Nays: None

Motion Carried

B. SPECIAL LAND USE #2016-02: Giffels Webster, 6303 26 Mile Rd., Washington, MI 48094. Request is for a Chemical Addition Station, proposed under-ground tanks to correct a moderate to severe corrosion to the Lakeshore Interceptor, located on the South side of 21 Mile, East of Sugarbush Rd. Public Hearing set on January 12, 2016.

Rachel Jackson, 6303 26 Mile Road, Washington, MI addressed the board.

Ms. Jackson stated that she was from Giffels Webster representing Macomb County

Mr. LaBelle asked if they had received the write up from Community Planning and Management?

Ms. Jackson replied no.

Mr. LaBelle handed her a copy of the paperwork.

Ms. Jackson stated that Macomb County did some studies in 2011 that showed that there are corrosion issues in their main interceptor. She mentioned that the Lakeshore interceptor is probably the worst area and it continued down through the 15 Mile interceptor. She stated that they did another study and it was found that an iron solution would help the corrosion in the sewers. She explained that the hydrogen sulfide gas that is in the sewage is corroding the concrete and Ferrous Chloride is the chemical they want to be storing there. She stated that basically the station they are proposing will inject the solution into the sewage and will have a reaction with the hydrogen sulfide and prevents the release of the gas that corrodes the sewer. She stated that the study also concluded that the location of 21 Mile and I-94 would be the optimal site for that.

Mr. Alexie asked if it would smell?

Steve Sikuch, 6303 26 Mile Road, Washington, MI addressed the board.

Applicant stated that he was the senior project manager at Giffels Webster. He stated that the chemical has no odor. He explained that there was a County wide study and it actually found that Chesterfield at 21 Mile & I-94 was a more corrosive environment than any other part of the system, therefore, that is the area they are focused on addressing. He explained that this chemical will combat that corrosive chemical process. He stated that right now the sewers are not able to be entered safely by workers. He explained that 10 parts per million is the suggested guideline for entering a sewer which still does not make it safe; but the study indicated that the sewer in that area was 64 parts per million. He mentioned that at 100 parts per million workers would

lose all senses, have muscular failure and it can be fatal within 8 to 48 hours of exposure. He stated that this project would reduce that between 80 to 90 percent. They demonstrated that successfully in 2011 during a short term one week period of dosing with this exact chemical. He stated that there is accelerated corrosion in the sewers. He added that there are health and safety risks as it exists right now and they are trying to address this problem.

Mr. DeMuyne asked if this was supposed to correct the large interceptor that is 10 to 12' tall?

Applicant stated yes it is 11' in diameter and runs pretty much from 21 Mile all the way to the pump station in Clinton Township. These studies were done before the twin force mains were put in that connect at 21 Mile and I-94 and run north for five miles. He explained that just the addition of those force mains has increased the production of sulfides and the gas. He explained that the sulfides and gas is what generates the odor at the surface.

Mr. DeMuyne stated that there is an odor at 21 Mile and I-94.

Applicant stated that this project would reduce the odor and address the severe corrosion and the decay of the pipelines which is accelerating dramatically.

Mr. DeMuyne asked where it would come in on 21 Mile?

Applicant replied that they would be just east of Sugarbush on the south side of 21 and they would inject it into approximately 3000 feet of Chesterfield's local 54" diameter sewer. He mentioned that one of the stipulations of the project is that they have sufficient flow to carry the chemical; they are talking about 700 to 800 gallons per day would be required to treat the substantial amount of sulfides in the sewer. There are inches even up to a foot of pipe loss in some spots. He explained that they have steel reinforced cages inside the pipe and that is the only thing protecting it from ultimate collapse. The problem is the wastewater coming from 21 Mile and 94. He stated this would be a direct injection of a chemical to combat that problem and create a long term benefit for this area and the entire County.

Mr. LaBelle asked the name of the chemical?

Applicant replied that it is Ferrous Chloride.

Mr. LaBelle asked if it is a caustic chemical?

Applicant replied yes.

Mr. LaBelle stated that they would be bringing these chemicals to the area in trucks. He asked if there was any hazard to the Township residents with these trucks traveling down 21 Mile Road in a residential area?

Applicant replied that it is a hazardous chemical; it is a by-product of the iron and steel industry. It is used currently to treat wastewaters all over the country. It is a hazardous chemical and has a PH level of 1 or 2 but the entire system is designed to handle that level of PH and there are precautions that are taken for the workers. He mentioned that the workers dress in hazmat suits with goggles but everything is double contained with leak protection and there are safety precautions. He stated that they have an expert in this field from Massachusetts who they sought for this project.

Mr. LaBelle asked if there is a spill how is that handled?

Applicant replied that they would dump soda ash to clot the chemical and then it would be picked up and disposed of. Everything on the site is designed to contain the chemical to prevent that from happening. He stated that none of their data has indicated that has ever happened.

Mr. Leonard asked other than this proposed station for 21 Mile Road, how many other stations like this are in Michigan or southeastern Michigan?

Applicant stated that every treatment plant has this type of chemical treatment. He mentioned that specifically in Macomb County there is one going in St. Clair Shores and they are going to inject this exact same chemical there.

Mr. Leonard asked if it would be the same type of station?

Applicant replied that they are all different. This one is designed to be underground but some of them are in above ground structures and enclosed in buildings.

Mr. Miller mentioned that the one in St. Clair Shores is in what looks like a house with a driveway and a two car garage.

Applicant replied yes. They get used and designed according to surroundings.

Mr. Leonard asked in the tri county area how many of these are in existence?

Applicant stated that he did not know in the tri county area, but in Macomb County there are currently 2 or 3.

Mr. Miller asked if there would be an odor for the residents to smell?

Applicant stated that there is no odor to this chemical. He stated that there is sewer gas odor being released right now, but the chemical has no odor. He mentioned that the site is nicely landscaped and there is grass.

Mr. Alexie asked who would maintain that after?

Applicant replied that Macomb Public Works would maintain the site.

Mr. Eckenrode asked if there would be any noise?

Applicant replied no the pumps are very quiet.

Mr. Eckenrode stated that he did not see much distinction between the decorative fence and the aluminum fence. He asked if part of it would be decorative and part of it aluminum?

Applicant replied that as of now he believed that the front of the fence would be decorative and the rest chain link as it stands now.

Mr. Eckenrode asked if along the back it would be 6' high?

Applicant replied yes.

Mr. Miller asked how often the trucks would come to unload the chemical?

Applicant replied that it would be once a week is what they are proposing 30 to 45 minutes that the truck would be at the site. He stated that potentially it could be once every two weeks.

Mr. Alexie asked if this would be done forever?

Applicant answered yes.

Mr. Alexie asked even after the pipes are replaced?

Applicant replied it would be there after the pipes are replaced because they will still need some mechanism to treat the wastewater coming into the system.

Mr. Leonard asked about a landscape plan?

Mr. Miller replied that there is a nice landscape plan. He asked what size trucks would be delivering the chemical?

Applicant replied the trucks would be 65' tankers very similar to what they see pulling into a gas station. He stated that they can request smaller vehicles, but they cannot control what they send. He explained that the size of the tanker would probably be dictated by how much chemical is being used on a daily basis. Sampling will occur periodically to test the wastewater coming in. He stated that if they can reduce the amount of chemical used they are going to do it and that may minimize the size of the tankers.

Mr. Miller asked if this would be done during the day between 8 to 5?

Applicant replied correct.

Mr. DeMuyneck asked if the County bought this whole piece of property on 21?

Applicant replied yes, it is a little over five acres of property.

Mr. Eckenrode asked if he knew what they were doing on the west side?

Applicant replied that he did not know and that possibly they would request a parcel split.

Public Comments:

Mr. Joseph wondered about the amount of deliveries and how often. He verified if it would be 700 to 800 gallons per day.

Mr. Miller replied that the applicant stated per week.

Mr. Joseph stated that he heard that. He asked the size of the tank?

Mr. DeMuyneck replied that there would be two 10,000 gallon tanks.

Mr. Joseph asked why the high concentration of corrosion in that area?

Applicant replied that they did not know.

Mr. Joseph then asked as far at the disruption of the neighborhood what is the timeline of how long it may take to put the tanks in? He also asked when the project would go in?

Applicant reiterated that delivery would be once a week and what they are proposing is that the truck would be at the site for approximately 30 to 45 minutes. He stated that potentially it could be once every two weeks. He explained that the size of the tanks would be two 10,000 gallon tanks. He stated that the deepest they are constructing is probably 12 plus or minus feet

in depth which in construction terms is very minimal. There will be some excavation, but it would not be substantial. The proposed timeline for the project is late this year and will probably continue through the summer of 2017.

Chris Steiner, 28413 Emerald Court, Chesterfield, MI addressed the board.

Chris Steiner stated that her home is in back of this. She shared her concerns about the wildlife in the area, health issues, and noise with semis coming in and out and the smells. She is totally against this and she thought it should be put in a remote area.

Bruce Allan 28379 Emerald Ct., Chesterfield, MI addressed the board.

Mr. Allan stated that putting hazardous chemical behind his home is unacceptable. He stated the property is zoned residential and wouldn't it have to be zoned something else. He is concerned about possible spills and the noise.

Applicant stated that there are gas stations across from homes that use hazardous chemicals. He explained that they are taking every step necessary to make sure those items are addressed and the chemical is contained. He stated that there are no risks away from this chemical. The only risk or possible harm is with direct contact which would be someone actually working with the chemical. He explained that there are very secure fittings from the truck to the tanks through protective hoses. The workers wear plastic suits and safety equipment which are required by OSHA just like with any other job; they are not really hazmat suits. They wear the suits as a precautionary measure to prevent direct contact in case there are drops from a hose or a small leak of fluid. He explained if this is not done at the site 21 Mile Road could fall 50' deep, the houses would come down with it and that is the ultimate catastrophe that could happen. He stated that the sewer that runs along 21 Mile Road is 11' in diameter and is 50' deep.

Joe Heffner. 46576 Sugarbush, Chesterfield, MI addressed the board.

Mr. Heffner stated that he was not in favor of the Commission approving this plan and as a resident he is concerned about this. He stated that it smells like crap and the odor is terrible.

Applicant stated that this project would clean up the corrosion in the sewers and ultimately this chemical will actually cause a direct reduction of the bad odor in the area. He mentioned that this site will be fully landscaped with nothing visible on the site. There will be circular drive for the truck to pull in

and everything will be at grade and there will not be a building. He commented that the project will truly be out of sight, out of mind.

George Steiner, 28413 Emerald Court, Chesterfield, MI addressed the board.

Mr. Steiner stated that he did not know why it could not be by I-94. He asked what if there is a rupture of the tanks?

Mr. Miller asked if the tanks are inspected annually?

Applicant replied yes they are inspected annually and the system fully complies with the State requirements. He stated it will be double walled tanks and if there is a rupture, it would still be contained in the first layer and there would immediately be alarms stating that there is a leak and somebody needs to get to that site.

Mr. Miller asked if they can shut down one tank and let the other one run?

Applicant replied yes there will be two tanks and two pumps and both can operate independently or together if needed.

Mr. DeMuynck asked if they were fiberglass or steel tanks?

Applicant replied that they are fiberglass reinforced tanks.

Mr. Leonard asked if there were any alternate sites as close to residential as this one?

Applicant stated that there was a site on the northwest side of 21 Mile Road behind the Speedway Gas Station but it did not make sense from the facilities there and being able to get the chemical to the interceptor safely. He explained that if they introduce the chemical in a sewer where there is not enough flow, they could damage the infrastructure. . He commented that site did not have enough of a flow and this piece of property is a premium site.

Cathy Allan, 28379 Emerald Ct., Chesterfield, MI addressed the board.

Ms. Allan asked for a list of the chemicals they are injecting so they can research it? She stated that they are putting in a road and landscaping it on 21 Mile Road. She asked what about their side?

Mr. Miller mentioned that would also be landscaped.

Ms. Allan asked with what?

Mr. Meagher stated that at this point the applicants were talking about a variety of trees back there and they asked them to increase the amount of landscaping there as part of the site plan. He mentioned that they also asked the applicants to put up a decorative fence rather than a chain link fence back there.

Ms. Allan stated that she just bought this house a year ago and the attraction was that there was no chain linked fence anywhere. She stated that there are a few pools, but they have nice beautiful fences. She does not want to look at chain link fence.

Mr. Meagher stated that they asked them not to install a chain link fence and have requested a decorative aluminum fence.

Ms. Allan asked if this is going in the sewers to protect I-94?

Mr. Meagher stated that they are really looking at the integrity of the whole sewer system from that point south.

Ms. Allan stated that the land back there is very wet and if there is a leak who are the alarms going to disturb; us.

Applicant stated that the chemical is ferrous chloride.

Mr. DeMuyneck asked if there was a Chemtec number on it.

Applicant replied that the manufacturer is PVS Technologies.

Mr. Alexie stated that they should be able to supply a material data sheet.

Applicant stated that they do have a material data sheet. He mentioned that the alarms at the site would be silent alarms and are monitored electronically via computer, tablet and phone by the Public Works Office and in the event there is a silent alarm that goes off it will go directly to the people that do the maintenance and they have staff there to respond 24/7. They want to avoid what is going on right now in Oakland County and they want to be proactive to prevent a 160 to 200 million dollar rehabilitation project that gets put on all the taxpayers across Macomb County. He stated that this is a proactive step in maintaining the system at an economical and sustainable cost. He mentioned that there are other projects in the works and they are all geared around preventing this issue that Macomb County had when they inherited the system from Detroit.

Mr. Leonard asked how long the one in St. Clair Shores has been in operation?

Mr. Miller replied that is has been there at least 20 years.

Mr. Leonard asked if they ever had any problems?

Mr. Miller replied no. He mentioned that he has a friend who lives a few doors down from it.

Mr. Leonard asked if they had the same amount of chemicals going through that system as this one?

Applicant stated that he did not know. The size of the treatment plant would determine how much chemical would be used. He stated as far as usage, this would probably be on the low end of the amount of gallons per day.

Mr. Leonard asked so this would use less than some of the other sites?

Applicant replied yes.

Mr. Eckenrode asked what the point of that retention area at the back?

Applicant replied that basically it would be to maintain the property. He stated that if they put in some nice grading and clean up, with the detention pond for this site, the marshy swampy areas should go away. He explained that they do understand that the residents abut this property and directly behind have concerns about something new coming in and that was why they hired experts that deal with this on a daily basis. He stated that they have worked on this project since 2010.

Mr. Meagher stated that the ordinance requires for any type of utility and management that the Township Planning Commission can consider this under a Special Land Use hearing based on the Special Land Use standards. The Commission will then make a recommendation and the Township Board will make the final decision under 76.92 of the Zoning Ordinance.

Mr. Miller stated so the Planning Commission will just be the recommending body.

Mr. Meagher replied yes because this has a larger community impact so it will be decided by the Township Board.

Mr. Alexie asked why did they choose 21 Mile Road and not the top of Macomb County?

Applicant stated that 21 Mile is about as far as they can go. North of 21 Mile are the force mains which have intermittent flow and they cannot dose chemicals into an intermittent flow for various reasons. There would also be ventilation concerns and the pressure in the wrong place could blow tops off of man holes. He stated that 21 Mile is the furthest north they can go to have an interceptor with flows large enough to carry this chemical.

Mr. Alexie asked who covers the cost of maintaining the system?

Applicant replied Macomb County residents would pay, but this would be the less expensive option. He stated that 200 million on the tax bills would hit residents a lot harder than a couple of million.

Gary Gendernalik, 52624 Laurel Oak, Chesterfield, MI 48047

Mr. Gendernalik made comments concerning the necessity of something being done with the system.

Mr. LaBelle asked is the spelling of the chemical was Ferrous Chloride?

Applicant replied yes.

Mr. Labelle wanted to encourage all the panel members to research the chemical.

Mr. Alexie asked the applicant to supply them with a material data sheet.

Applicant agreed. He stated that they met with Township officials and engineers and they went into much greater detail and they are addressing items of concern as they come in. At this point they are trying to get approved to start the design process.

Mr. LaBelle asked if other chemicals could be used?

Applicant listed a number of chemicals that could be used instead, however, he stated that based on the area and the issues they are facing the final determination is that this product is the best suited for this application. He stated that there is a 70 page study that was done on this by Macomb and Oakland Counties on this matter.

Motion by Mr. Miller to close the Public Hearing

Supported by Mr. DeMuyneck

Ayes: All

Nays: None

Motion Carried

Mr. Miller stated that their normal procedure is to wait two weeks to render a decision. He asked if the applicant could supply the Commission with what was requested and he stated that they would make their decision at the next meeting.

Motion by Mr. Miller to Table SLU #2016-02 to the February 23, 2016 meeting

Supported by Mr. DeMuyneck

Ayes: All

Nays: None

Motion Carried

6. **REVIEWS:**

- A. **PUBLIC HEARING TO AMEND CHAPTER 76-ZONING ORDINANCE:**
Public Hearing is to adopt and amend a new Section, #76-99, Temporary Structures. Set Public Hearing for March 15, 2016.

Motion by Mr. Miller to set the Public Hearing for March 15, 2016.

Supported by Mr. DeMuyneck

Ayes: All

Nays: None

Motion Carried

- B. **SIGN REVIEW #2016-12: Macomb County Wastewater Disposal District, 21777 Dunham Rd., Clinton Twp., MI 48036. Proposed new ground sign located on the South side of 21 Mile Road, East of Sugarbush Rd. Tabled 1-26-2016.**

Mr. LaBelle stated that the sign does meet the Township ordinance.

Motion by Mr. LaBelle to approve Sign # 2016-12

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

- C. SIGN REVIEW #2016-15: MLS Signs Inc., 25733 D'Hondt Ct., Chesterfield, MI 48051. Proposed wall sign resurface located at 25975 N. Knollwood Dr., Chesterfield for Nesco Resource.**

Mr. LaBelle stated that the sign does meet the Township ordinance.

Motion by Mr. LaBelle to approve Sign # 2016-15

Supported by Mr. DeMuyneck

Ayes: All

Nays: None

Motion Carried

- D. SIGN REVIEW #2016-16: Phillips Sign & Lighting, 40920 Executive Dr., Harrison Twp., MI 48045. Proposed pylon renovation located at 47011 21 Mile Road for a FreeStar Financial Credit Union.**

Mr. LaBelle stated that the sign does meet the Township ordinance and does have the address on the sign.

Motion by Mr. LaBelle to approve Sign # 2016-16

Supported by Mr. Miller

Ayes: All

Nays: None

Motion Carried

- E. SIGN REVIEW #2016-17: Phillips Sign & Lighting, 40920 Executive Dr., Harrison Twp., MI 48045. Proposed new wall sign located at 47011 21 Mile Road for FreeStar Financial Credit Union.**

Mr. LaBelle stated that as the sign is drawn on the application it is 55 square feet and the allowable size is 36.5 square feet. He reviewed the sign with the applicant earlier this evening and the way the sign is laid out and speaking with John there is a lot of dead space that they were considering as part of the 55'; in actuality the sign is only 33 square feet.

Motion by Mr. LaBelle to approve Sign # 2016-17

Supported by Mr. Miller

Ayes: All

Nays: None

Motion Carried

- F. SIGN REVIEW #2016-18: Sign Fabricators, Inc., 43984 Groesbeck, Clinton Twp., MI 48036. Proposed new wall sign located at 50750 Gratiot for Size-UP- Supplements.**

Mr. LaBelle stated that the sign does meet the Township ordinance.

Motion by Mr. LaBelle to approve Sign # 2016-18

Supported by Mr. Miller

Ayes: All

Nays: None

Motion Carried

- G. SITE PLAN #2016-05: Taco Bell Revised from approved SLU, WT Development, 10223 E. Cherry Bend Road, Traverse City, MI 49694. Revisions to approved SLU located at 34626 23 Mile Road.**

Mr. LaBelle stated that the applicant is present and there are some concerns which have been brought forward by our Community Planning advisor. The first concern would be the use of brick on the building. He mentioned that as they all know one of the Township's ordinances is a 90% requirement of brick or better. He stated that the applicant has assured him that the building does contain more than 90% brick. In addition, at the first meeting there was an access road at the back of the building and this revised drawing does not have that access going over to the Kroger parking lot.

Bill Beckett, WT Development, Traverse City, MI addressed the board.

Applicant stated that he was with WT Development and was representing Taco Bell. He stated that it is a brick building and does have some façade treatments on it and he cannot speak as to whether they are at 90%, but they will make adjustments and comply with that. He stated that this is a slat wall system that projects out from the wall and has some architectural back lighting

on the wall itself. He mentioned that the material behind it at this point in time is efface or synthetic stucco, but they could change that and put brick behind it or would the Commission just like to see a little less of the slat wall?

Mr. Meagher stated if the Commission is fine with it, he asked the applicant if he could just stipulate or show them that the building is 90% brick and they can be done with it.

Applicant assured them that they would comply with the 90%. He stated that relative to the access drive; the site has been redesigned. He explained that Taco Bell has a national initiative moving in the direction of going green and they redesigned the site with one curb cut, with less access at the front parallel to 23 Mile. He mentioned that since this goes all the way to Kroger's, there was a feeling that the rear access was actually redundant and is likely to be used only about 5% of the time compared to access on 23 Mile Road. He stated that if the board requires them to put that rear access drive in, he would take that back to Taco Bell.

Mr. Stabile stated that was the most important part of the project, having that back access.

Applicant stated that he was not the consultant on the original plans, so he did not know.

Mr. Stabile stated that through the years they have been continuously looking for spots to make everything connect without it being a problem. He stated that going across the front and through other properties; it does not flow very well.

Applicant asked if they thought the rear access would be highly used?

Mr. Stabile replied yes.

Applicant stated that he did see that it is typical in the Township to have cross access at the front or somewhere based on a past project they did here a few years ago. He stated that they just haven't seen two access points.

Mr. Leonard stated that traffic is horrendous on 23 Mile Road, so to keep more cars off the main road is a plus. He finds that more and more he tries to stay off of 23 Mile Road or Gratiot and with the rear access he would be all over that. He agreed with Mr. Stabile that the rear access would be used a lot.

Mr. Stabile stated that Taco Bell would be surprised at how much more business they will get with the rear access road.

Mr. Miller asked if they should make a motion to table it or approve it if the applicant agrees to the stipulations.

Mr. Meagher stated that it was up to the board. He explained that they could make a motion that approval was subject to the applicants meeting the requirements and complying with Planning and Engineering comments. He stated with the previous drawing they did see the access drive, so he did not think it would take a whole lot of design to put that back in.

Mr. Miller asked if the building is smaller than on the original plans?

Applicant replied no it is the same.

Mr. Meagher stated that the parking layout shows a more efficient design from the previous plans.

Applicant stated that they could extend the rear access over to Kroger and install that as a condition tonight.

Mr. Eckenrode asked if they would be connecting the bank to the east?

Mr. Meagher stated that the bank is connected at the front of the site but not in the rear.

Mr. Stabile commented that the traffic by the bank is not good as it is; that is why he is emphasizing that even though they would have a drive-thru at the front the flow in front of that bank is not good.

Mr. Meagher stated that it sounds like the applicant is agreeing to do it as long as there is a motion to approve it subject to these things.

Mr. Alexie stated that 90% brick ordinance also stipulates that they are not allowed to paint the brick and he did not know if the applicant knew that.

Applicant replied that he did not. However, they will comply with the 90% brick and have to figure out how to handle these treatments.

Mr. Alexie stated that the proposals do not include the signs.

Applicant replied that is correct. He stated that usually after the site plan is approved the sign company comes in and takes care of that. He stated if he gets an approval tonight, they will get the signs started.

Mr. Stabile stated that the parking was also changed from the original plans.

Applicant stated as part of the green initiative they have reduced the parking spaces to 29, but that is still within the Townships parking requirements.

Motion by Mr. Stabile to approve Site Plan #2016-05 for the revisions providing the building be 90% brick or better and the access drive at the rear to the Kroger parking lot must be put back in the plans.

Supported by Mr. Leonard

Ayes: All

Nays: None

Motion Carried

H. PLYMOUTH VILLAGE PUD #2013-19: (Final Review) Leone Companies 49212 Van Dyke, Shelby Twp., MI 48315. Proposed multi Family lots located in Plymouth Village II, located on the East side of Gratiot, North of Hickey Road. Tabled 10-13-15.

Mr. LaBelle stated that there were comments that they are still missing some information. They actually recently received information, however, they have not had an opportunity to review said information.

Mr. Meagher stated that basically they are requesting one complete application package to be submitted with the site plan, the architecture, the Master Deed and any type of development agreements. He talked with the developer and asked them to supply that information this week so they have a chance to review it in a meeting with the engineers so they can provide an intelligent recommendation to the Commission

Motion by Mr. LaBelle to Table PUD#2013-19 for up to two meetings

Supported by Mr. Miller

Ayes: All

Nays: None

Motion Carried

7. APPROVAL OF MINUTES FROM PRIOR MEETINGS:

Motion by Mr. Miller to approve the meeting minutes from January 26, 2015

Supported by Mr. DeMuyneck

Ayes: All

Nays: None

Motion Carried

8. COMMUNICATIONS:

There were no communications.

9. OLD BUSINESS:

There was no old business.

10. NEW BUSINESS:

- A. REZONING #334: D & P Homes, Inc., 35054 23 Mile Road, New Baltimore, MI 48047. Proposed rezoning located on the South side of Cotton Road, East of Donner from R2 (Two Family Residential) to R-1-C (Single Family Residential) Set Public Hearing for March 15, 2016**

Motion by Mr. Miller to Set the Public Hearing for March 15, 2016

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

11. PLANNERS REPORT:

- A. ADMINISTRATIVE REQUEST #155: Jeff Bianchini, 50413 Central Industrial Drive, Shelby Twp., MI 48315. Request approval for two outdoor cooling Towers located at 50300-50320 Patricia. Tabled on January 26, 2016.**

Mr. Meagher stated that they requested that the applicants supply them with some additional information. The applicants did supply them with that data and they are confident that the site would comply with the ordinance and it would not cause a vision impact. Therefore at this time they recommended that the board approve the administrative request.

Motion by Mr. Miller to approve Administrative Request #155

Supported by Mr. LaBelle

Ayes: All

Nays: None

Motion Carried

12. COMMENTS FROM THAT FLOOR PERMITTED BY THE COMMISSION ON AGENDA OR NON-AGENDA MATTERS.

Mr. Alexie stated that he wanted to ask Mr. Meager about a petition from last time. He thought that they kind of put the lady with the daycare in limbo for three months. He asked if there was anything they could do now that they have seven voting members? He asked if they could bring that back and vote?

Mr. Meagher stated that his recommendation would be to make a motion to take this off the table and place this on the next available agenda and phrase it that way.

Mr. Stabile asked why they needed all nine members?

Mr. Meagher stated that they could take this off the table with the condition that the applicant be notified and that the applicant also understands that if she gets to the meeting and finds out there is an even amount of Commissioners that she could ask for it to be tabled again. He stated that they do not want to go into a fishing expedition where she shows up at the meeting and tries counting yes and no votes. He reiterated that this would need to be a motion that she brings herself back for a vote to see if there is an odd number of Commissioners present or if she decides to just wait for the May meeting; that is the motion at this point. He mentioned that there is no guarantee that there will be a full board at the May meeting.

Mr. Leonard thought that they tabled it to the May meeting because they thought there would probably be a full board at that time. He stated this would give her the choice to come earlier to a meeting or wait until May.

Mr. Meagher asked Mr. Gendernalik if he thought his client Ms. Goemaere would be interested in this option?

Mr. Gendernalik stated that he would discuss the matter with her.

Mr. Meagher stated that the lady could come back in May and two people might be absent.

Mr. Gendernalik stated that most of the time they have nine people.

There was a rather lengthy discussion on the matter between the Commissioners and Mr. Gendernalik.

Motion by Mr. Alexie on SLU #2015-16: to contact Ms. Nicole Goemaere, 52417 Robins Nest, Chesterfield, MI 48047 and ask her if she wants to come back to the board for the Commission to either approve or deny her application starting with the next meeting.

Supported by Mr. LaBelle

Ayes: All

Nays: None

Motion Carried

Mr. LaBelle asked for volunteers for the next pre-planning meeting.

Mr. Leonard and Mr. Stabile both agreed to attend the meeting.

13. PROPOSALS FOR NEXT AGENDA.

There were no proposals for the next agenda.

14. ADJOURNMENT

Motion by Mr. Miller to adjourn at 9:32 PM

Supported by Mr. DeMuyck

Ayes: All

Nays: None

Motion Carried

Rick LaBelle, Secretary

Grace Mastronardi, Recording Secretary