

Milton Township
Planning Commission
Unapproved Meeting Minutes
September 15, 2020

Members present: Chairman Hefferan, Kingon, Cole, Merillat, Ford and Kopkau

Also present: Weinzapfel and approximately 90 audience members.

Members absent: Lefebvre.

Hefferan called the meeting to order at 7:00pm

Hefferan said there has been a request by the applicant to postpone or table the RV park public hearing for tonight.

Approval of meeting minutes dated August 11, 2020:
Minutes approved as presented by **unanimous consent**.

Hefferan said on September 9th the planning commission received a request from the developer to table the public hearing. This is moved to number 1 on the agenda. Both the subcommittee report on the Winery Ordinance and subcommittee report on Kewadin Apartments can be removed from the agenda.

Agenda:

1. Request by Torch Lake RV Park developer to table the public hearing.
2. Torch Lake RV Park Public Hearing Continuation.
3. Set agenda for October 13th meeting.

Public Comment:

Kevin Malone asked Hefferan to explain the process that has transpired thus far.

Sharon Hill of Torch River Road submitted a letter with her concerns including traffic and congestion and the environmental concerns.

Sally Vias submitted letters regarding her concerns about traffic and people who are out of control as well as environmental concerns.

A person said he has concerns about possible conflicts of interest of board members.

A person passed around photos of some of the issues that are currently happening.

John Spevick of Chippewa Trail submitted a letter and he would like it included as a part of these minutes. It has been received by the township board and the planning commission.

Rebecca Milliken asked regarding public comment. Hefferan explained the process. She hopes

the planning commission considers ordering some independent studies including hydrological and traffic studies. She suggested setting up an escrow account to fund these studies. Her clients are also concerned about the site plan and they have hired someone to review the site plans. They believe these are incomplete and are more like a sketch plan and not a site plan.

Kevin Solarak of Rex Terrace Road said he sent in a letter regarding getting a traffic impact study done during the busy summer season. He said we all have the same things in common. We want what's best and we want what's best for the river as it can't speak for itself. You must protect that river. He discussed ways to accomplish that. You must also ensure the safety of the road for everyone. Both of these can be done with an escrow account funded by the developer.

Ray Denning of Torch River Road said a lot of people are talking about the traffic, but he'd be willing to bet that none of you have gone after the DNR for what they are going to do when they expand the boat ramp there. Consider this and go after the state instead of going after an individual.

Sue Kelly of Torch Bridge Court said the plan as it has been presented calls for 80 units and up to 10 people per lot. There has been a fair amount of talk that they won't have that many people. I just want to suggest the idea that if you build it, they will come. I've seen it at Torch Grove and up and down Crystal Beach Road. This is a long term decision and it will have an impact for years and years to come.

Dennis Fitzpatrick said the people do not want this development.

Kelly Wells, an adjacent property owner said she understands this is a difficult one. The lake is my soul and it is for everyone here. I realize an ordinance was put into effect allowing an RV park in the village. I trust you as a planning commission and hope you take the ordinance and master plan into consideration.

A citizen said in 2015 the area was a traffic and safety issue. It has only gotten busier since then.

A citizen said at the last meeting we started reading the letters, and you've gotten hundreds of letters since then. Are you really reading them? Hefferan said he has read her mother's letter.

A citizen said his family has been coming here since 1924. He discussed the development that has happened. The people are here to let you know that the lake and river are being destroyed. There is too much development.

Greg Holzhauer said he has read the material that was submitted and the form lease and there are things the developer has put in it that seem to make it more palatable. But that means nothing unless it's codified in the approval because they may not enforce it or may remove it the day after approval. This should be read carefully and the permit be given with enforcement actions. Don't rely on that submission at all.

Jim Garrison of Elk Lake said they've been coming here for 50 years. He said it took his sister 45 minutes to make it across the bridge. Traffic is getting worse. I don't see how this development

will help this situation. If everything does go wrong, what are the mechanisms in place to correct it?

Jim Patten of Rex Terrace said people have chosen this area to retire because it's beautiful. We aren't willing to give that up. Think about yourselves in our shoes. Would you tolerate this if you lived there?

Brenda Hassel of Torch River Road asked what's in this for Milton Township? It will cost the township a lot of money and I don't understand what benefit except the developer who will make money. This is the worst possible location for this. Think deeply about that. Also, what does this mean to Antrim County. Is this something you can live with?

Ed Roy said he would like to speak on behalf of Jim Brewer and John Peal. He is here tonight and was hoping to speak during the process of tabling. Looking at the meeting minutes and bylaws you approved in January. You closed the public comment process and continued with the letters. More letters have been submitted. I'm not sure that comports with the rights of the developer. The letters since the last meeting that have been added may not be part of the public record. There are a few reasons. Those minutes are what the court would determine is the law. We must understand the process. We would have submitted a letter to stave off some of the opposition. By receiving letters after the last meeting, you are being set up for litigation if the opposition group isn't satisfied with your decision. Make a clear motion that says consistent with the bylaws, no letters submitted after July 14th are part of the meeting. If you won't do that, the cat may be out of the bag. The developer has rights and he wishes to see the letters and comments. Now, you are gathering more and more public comment, I don't believe this is fair or right.

Bill Arem of Rex Terrace Road asked why the developer requested an extension for tonight.

Mr. Tooman of Torch River Road said he's worried about people partying all weekend. He said where he lives, they have rules about how many boats can be on the lake per acre. During the summer here, you can't even get down the road.

Motion by Cole to approve the agenda as amended. Seconded by Kopkau. **Motion carried.**

1. Request by Torch Lake RV Park developer to table the public hearing:

Hefferan said Weinzapfel received a requested signed by Brewer and Peal requesting to table the meeting until October 13th. They said this is necessary to prepare for the meeting. Shortly after this was shared, we reached out to the township's legal counsel to find out if that was possible and appropriate. The recommendation from Mr. Derman was that we grant the request.

Hefferan asked board members if they have any questions.

Kingon read a statement in which he recused himself from further deliberations on the RV Park special use permit application due to a possible perceived conflict of interest. King left the meeting.

Bob Ford asked regarding what our options are at this point. Merillat said it is my understanding that we got through public comment, we started to read letters and we tabled it. If we come back, we come back to the letters. How long are we going to take letters and when we can move on? If we table it, do we keep continuing to take letters?

Hefferan said as he communicated in July, his intention was at that point, to close that portion of the meeting. He wanted to start where we dropped off on the 14th. If I was incorrect, I am happy to be corrected.

Cole said in fairness to everyone concerned, we do need to allow extra time if it is requested by the applicant. I do not have a problem with more letters. We have read the letters. We do our due diligence. I believe there should be a cut-off for letters and comment. That gives us time to go over them carefully.

Weinzapfel said his notice in the paper did not help the situation.

Kopkau said she agrees with Cole in honoring the extension and reading the letters.

Hefferan said he is the chairperson and he will stay late and discuss this with anyone. Our public notice said we would accept letters up to this time. The postponement allows him time to review the information more carefully regardless of the request of the applicant. I believe we are here to make decisions and I understand the frustration I hear when people think we are pushing this off. Nothing can be further from the truth. We have a responsibility to deliberate this to the fullest extent under very difficult circumstances due to the virus.

Cole said these letters receive every bit as much attention as someone who is standing at a meeting. A letter to the commission is considered and it has the same level of impact as someone who speaks at a meeting.

Motion by Cole that we extend the public hearing for the RV Park to October 13th. Letters will be taken until October 6. Seconded by Kopkau.

Discussion: Hefferan said we are losing daylight. We are one of the very few public bodies still trying to pull this off in person. We are not operating remotely. How will we pull this off in person in October? I'm concerned about the perception that we are delaying this because people are leaving the area for the winter. Remote proceedings will solve that. Cole said the old town hall will not be an option. Hefferan asked why we are scheduling this on our regular meeting. Should this be a special meeting? I worry that other matters of equal matters are not being addressed. Merillat asked how the township board is doing it. Phone conference call. Cole said if we find a way to do this indoors, we are limited to ten people. That will not work. Zoom is an option. The county will lend their license to local governments. Cole said the only way we will be able to meet on this is via Zoom. How and where we meet will be determined.

Roll Call:

Ford: Yea.

Merillat: Yea.

Cole: Yea.
Kopkau: Yea.
Hefferan: Yea.

Motion carried 5-0.

2. Torch Lake RV Park Public Hearing Continuation:

N/A due to vote.

3. Set Agenda for October:

1. Torch Lake RV Park Public Hearing.
2. Set agenda for November 10.

Meeting adjourned by order of the chair at 8:19pm.

Respectfully submitted,

Joseph Merillat