

Milton Township
Planning Commission
Unapproved Special Meeting Minutes
January 15, 2020

Members present: Chairman Hefferan, Merillat, Ford, Lefebvre, Cole, and Kopkau.

Also present: Weinzapfel. This meeting was held via Zoom due to the COVID-19 virus. Zoom shows 100 participants at the start of the meeting.

Members absent: Kingon, excused as he has recused himself from these proceedings.

Hefferan called the meeting to order at 5:07pm.

Hefferan gave the history of this issue and the meetings held.

Agenda: Torch Lake RV Park: Public Hearing Continuation:
July 14, 2020 Public Hearing was convened in regards to Special Use Application #2020-01, owners James and Laurie Brewer, referred to as the Torch River RV Park. Pursuant to minutes dated July 14, Hefferan closed the verbal public comment section of the hearing and Merillat began written summarization. Lefebvre made a motion to table proceedings. Motion carried.

September 15, 2020 – SU 2020-01 scheduled for continued Public Hearing. Applicant requests delay.

October 13, 2020 - SU 2020-01 scheduled for continued Public Hearing via Zoom. MI Supreme Court vacates Executive Orders permitting remote proceedings. Meeting cancelled.

January 15, 2021 – SU 2020-01 public hearing scheduled to be continued. Pursuant to bi-laws, and procedures, if a motion is made to take from the table, seconded, and supported by the majority, the public hearing will reconvene at that point which it was tabled on July 14, 2020.

Motion by Lefebvre to remove Application 2020-01 from the table. Seconded by Cole.
Roll Call: Kopkau: Yea | Merillat: Yea | Cole: Yea | Ford: Yea | Lefebvre: Yea | Hefferan: Yea
Motion carried.

Merillat has a list that was put together that shows 172 correspondences received for the public hearing. This list and the correspondence will be entered into the record without objection.

Hefferan said there are 100 people on this remote proceeding tonight. Hefferan thanked everyone who took the time to publicly speak and for all of the letters from those who could not attend.

When we all met at the township park six months ago I said you would get nothing but respect from the Planning Commission and I thank you for showing us the same. I realize there is a lot of passion about this issue and I thank you all for your participation. To the Planning Commission members, Hefferan read from the Township Guide to Planning:

Planning decisions are not popularity contests. Does it meet the plans and standards of review in the zoning ordinance? An RV Seasonal park is allowed in the Village Zone in Milton Township if it meets standards of review in chapter 16. In 117.1601.C.6, a request for a special use permit shall be approved if it meets all of the requirements. On the other hand, in 1601.C.4, if the facts do not establish that the standards are met, the planning commission shall deny the special land use application. The planning commission may also refer an application back to subcommittee if the members do not feel that they have enough information to approve or deny. That being said, I would ask that any questions be directed through myself and then I will invite the necessary parties to address the questions. Upon conclusion of deliberations, I would entertain a motion from any planning commission member.

Hefferan asked Cole to begin.

Cole said the last activity that we had reviewed was at the Township board level. The board had looked into hiring an engineer with expertise to gather information. At that point, the township board learned that it does not have the authority to do that. Only the planning commission has that authority. Cole would like for the planning commission to have someone who has the skills and ability to give an evaluation on our behalf.

Lefebvre agreed with Cole.

Ford said he would like more information as well and that would be a wise way to go forward. Ford said it was also recommended that we watch the soil erosion presentation from Heidi. It was helpful to see how she came to those conclusions. Does it make sense for the people from the health department and the road commission to be able to explain to us why the permit has been approved by those agencies? I ask for this in conjunction with the third party.

Kopkau said it would be in our best interest to get a third party to review this issue for us. A lot of questions have been raised.

Merillat said if we went the route of a third party, we should determine what questions we want answered and what this person would be doing. Lefebvre asked if this should go back to a subcommittee determine. Merillat said if you have specific questions, let us know now.

Cole said Ford's suggestion is a good one in that it will be difficult to find a person who is an expert in the areas we are looking at. Knowing the facts and having the skills to determine and examine all of the components will be helpful. Cole said one question he has to do with traffic patterns and flow. Groundwater and past experience with RV parks and how that differs from a residential development. We do not want to find things out after the fact. We would like to go in with our eyes open.

Hefferan asked Lefebvre and she said he agrees with Merillat in that we should get some clear direction to why and we may not agree on the reasons why. But I would be more comfortable with knowing specifically why you would want to send this back to a subcommittee.

Lefebvre said she is concerned about traffic. That area is very limited in terms of roadways. She is also concerned with the groundwater and erosion and how this will impact the river and our watershed.

Kopkau said with the large events and influx of people there, I do not believe the traffic will increase, but I do have concerns with the water issues and runoff and making sure we are looking at all aspects of the project. I would be more comfortable having more experts. Now that we do not have Bob, can we add another member to our subcommittee? Hefferan said yes. We would fill in for Kingon, as he had to recuse himself on this issue.

Ford said his biggest concern is the possible contamination of the ground water and the shallow wells in the area as well as into the Torch River. Those are my biggest concerns. I realize it is a congested area. It is hard to anticipate what will happen with traffic. One of his concerns is if everyone will have a golf cart? How would this affect traffic? I think it would be helpful to hear from Heidi as well. For those reasons I would support getting more information from a hired engineer.

Merillat said the public comment has caused several questions that I would like to have answered. On a traffic study, should there be a turn lane on River Road? Is River Rd built to handle the increased traffic? Should we have an entrance/exit off Miller Rd? What about the intersection of Cherry Ave and River Rd? Should any additional infrastructure be required? How much sewage will leach into Torch River and the nearby wells? I would like to get answers to those questions.

Hefferan said this is the largest RV Park that we would allow in the township. I think that the Torch River Bridge is the most congested area in our township. The ordinance indicates we can ask for a traffic impact analysis. If we did not ask that for this project, then where would we ever ask for one? 117.1601.A.4, which references the traffic study and more regarding public safety. I went through the information we have and I see nothing from the Antrim County Sheriff's Department or Mobile Medical Response. I see one letter from the Milton Township Fire Chief. I would like those folks to tell me that public safety will not be a concern. I do not feel I have this now.

Merillat said the fire chief did weigh in and he does have concerns. Hefferan said he does have the letter. Merillat said the letter discusses steep slopes and if there will be turn arounds. At no other place would we allow dead ends.

Merillat clarified we are discussing the site plan dated March 16, 2020.

Cole said regarding the hill, also Ford mentioned the golf carts and adding those to the traffic mix, my tired old legs would not want to go up that hill. I have got a hunch that anyone going to their boat will have some kind of transportation. I doubt they will be walking up that hill. There will be increased traffic. That is just a guess. Another thought is the acreage; we talked about the minimum acreage and the maximum units. We have to consider usable acreage, which is less than 10. We might want to look at how many units we are talking about. If I had a tradeoff for open space and I wanted to have five in open space and five in development, that is something

we allow, but would we look at it in a positive way if, out of those acres, eight of them were wetlands and I wanted to put 10 acres onto a smaller portion when open space would not be usable space anyway. The third thing is procedural. We establish a subcommittee and they start looking into these things and have an idea, how do I get a thought to the subcommittee if I am not on the subcommittee? Cole said he could get it to Weinzapfel rather than springing it on them at a meeting. Hefferan said everything goes through Weinzapfel unless we are in a public forum and then Weinzapfel will distribute as necessary.

Hefferan said in regards to storm water 117.1605.O. All storm water shall be retained on the parcel. There were some storms that occurred in 2020 but this is something in addition to the letter that was authored by the Antrim Conservation District on October 16, 2020, which expressed some concerns.

Merillat asked if we could ask questions of the applicant.

Hefferan asked Andy Blodgett where questions for the applicant should be directed. Blodgett said we have Carrie May who is a project engineer and there are two other engineers working on the issues. He will direct questions as necessary.

Merillat asked when a lease is broken mid-season, can that space be released? Blodgett referred to Jim Brewer. Brewer said if it was canceled in the middle of the summer, we could leave it vacant or if the camper is sold when it was under lease, they could take over the lease. If they left in July, we could release it, but it has not happened in 19 years.

Merillat asked about comments that have been made regarding the site plan that there would not be any lighting. Would there be lighting outside of the restrooms? Carrie May said there is no lighting for the bathrooms at this time but she would like to look at the plans. If it is decided that lights should be added, that would be regulated by the campground regulations part 125. Brewer said there would be a light on the bathrooms and the gazebos. There would not be lights on the road. I do believe they are on the electrical and architectural plan.

Kopkau asked when a client comes in what the length of the term is. If they are paying for the year are they also paying for storage? Blodgett said 117.1605.L says the park can be open from April 1 to November 1. Brewer said if they keep the camper there, they can have one camper and one boat and they would be stored on site over the winter, we would have a year lease, only they would not be able to be there during the times that are prohibited.

Ford asked if they have thought about golf carts or types of vehicles that are allowed. What about four wheelers and also the parking for them. Has that been considered? Blodgett clarified the smaller vehicles are in the RV park; they are parked on their own site. What happens when they start going down the hill? The general answer is when you look at the traffic overall is that anyone who would walk or take a golf cart is better than vehicle traffic. It would get some vehicles off the road. Brewer said we would allow only electric or gas golf carts. No other small vehicles would be allowed like motorcycles or four wheelers. Parking for those golf carts would be accounted for at the marina.

Cole asked regarding the golf carts and if they would be required to be licensed to use on the roads? Also, what about park models and tiny homes? Would the wheels remain on the homes versus building a foundation and making it more of a home? Are there any limits on the number of parked vehicles on the site?

Blodgett said regarding licenses he does not know. They would not need to be within the RV Park. If they take them out of the park, and if they need a license, the responsibility would be on that person. The wheels would have to stay on. It is meant to be an RV Park. As far as the limits on parked vehicles, it is not simply whatever will fit. The parameters are there will be no boats in the RV Park. The only time boats will be allowed is in the winter for storage. You are allowed two autos per site and this includes guests. The golf cart is not considered a vehicle.

Lefebvre said the question is if there is a transient nature to the RV Park, if there are people who stay for a long time, this is a question for the subcommittee.

Merillat said he has another question. There were public comments about the grade of the roads. What will the final slope percent be? Carrie May said roads will be 10% or less. May also shared her screen and showed the outdoor lighting and dark sky shielded at the bathrooms. The main drive is 10%. All others will be less than that.

Merillat asked regarding the site plan, there are three spots that have drives off the site, when we were creating the language for RV Park, why did we say 10 acres tops, but the parcel can be larger than 10 acres? What else can be done on the rest of the parcel? Can you put in another commercial operation? Merillat said it appears there are roads going nowhere and that is his concern. You have ten acres tied up in the park, what can be done on the other acres? It ties back to our language to using 10 acres on a larger parcel. There is land on different sides of the parcel that are not being used as an RV park. What can they be used for? This is a question for the planning commission. Do we anticipate having other uses on the same parcel? Hefferan said he does not have an answer for that at the moment. Cole said it could be used for any use allowed in the Village Zone.

Merillat said another comment just for the sake of history; the only other comparable development we have in the township is Cottage Cove in Kewadin which was developed in 2004 with a community septic. It was originally 37 units on 4.3 acres. The RV Park is 80 units on 5.15 acres. It is roughly two times the density and two times the units, but it is seasonal.

Merillat asked how much the site plan can change without having to start over. Weinzapfel said it depends on the seriousness of the change. If they are expanding, yes. If you are downsizing, possibly no.

Blodgett said this is a 10-acre site. This is a good question and it raises the point, by virtue of the rules there is a complete application and I would push this board to have a specific list of questions for an outside expert. If this gets sent to subcommittee, that is part of the deliberation process and is not a part of the application process. If the subcommittee gets a report that says the traffic was X, it is not fair to adjust a site plan since we are in the deliberation process. My personal thought is to have this commission have a specific list of questions for the outside

expert and then process those through the subcommittee and those get answered and not changes to the application and then we come back to where Hefferan started where we either deny or approve with conditions and adjust as you see fit. I am leery of going back to a subcommittee process that could lead to something that is a new application.

Hefferan asked for comment on Blodgett's comment from township attorney Vermetten, Vermetten said he appreciates what Mr. Blodgett said, but this commission is charged with gathering all of the information leading to the application being granted or denied or if further modification is needed. That is what this body requires. This position represents the entire township. The general discussion is that there are more questions than answers. If the Planning Commission needs more information before going forward, then they would come back to the deliberation process after getting third party input.

Ruben Schell of Beckett & Raeder, Inc. pointed out that there was an issue with our zoom license that our participation was capped at 110 attendees. We are at 95 attendees now. I wanted to apologize and make everyone aware of that situation. Hefferan asked if this is this being recorded. Yes. Can it be provided to the township for posting to the website? Yes.

Vermetten said watching the number of people coming on and watching the comments, it seemed like there were people who could not get access. If people can watch it online, that should be sufficient. Hefferan asked Schell to work with Weinzapfel to get this posted to the website.

Motion by Hefferan to return Special Land Use Application #2020-01 to subcommittee for further information and clarification including but not limited to 117.1601.B.4 as it relates to traffic, 117.1602.A.d as it relates to public safety and 117.1605.O as it relates to storm water and soil erosion. Furthermore, I would ask that the zoning administrator identify, and the township retain, a neutral licensed planning or consulting firm to assist in dialog with both the planning commission and applicant.

Seconded by Lefebvre.

Motion Discussion:

Merillat asked what the subcommittee is supposed to do. Hefferan referenced three sections of the ordinance for review. Ford asked if we should come up with specific questions. Hefferan said those questions will be retrievable from the minutes to say what our concerns are tonight.

Cole said if the subcommittee is less than comfortable with their questions, they can come back to the Planning Commission before going out for bids. Cole said we should have a list of questions and then get bids from different companies who could be hired to review and assist.

Hefferan said his motion was that the Zoning Administrator would identify and the township would retain the engineer. Next week, Weinzapfel would be hiring someone to dialog with the applicant and us. Hefferan asked if we are required to get bids for assistance. Weinzapfel said he does not believe so. It is no different than hiring an attorney. Vermetten said he believes

Weinzapfel is correct. It does not have to go out for bids. Cole asked about the financing of the consultant and if it would have to be approved by the Township Board since it most likely will cost more than \$1500. Weinzapfel will have to clarify.

Ford asked regarding chapter 117.2305 and if that comes into play regarding the money in escrow to be provided by the applicant? Hefferan indicates that his motion specifies that the township will retain. So the township will pay.

Roll Call:

Cole: Yes; because of the complexity of the items in the decision it is in our interest to get outside experts.

Lefebvre: Yes; because I think that the community and environmental impact must be resolved.

Ford: Yes; because the complexity of it, as well as the concerns of the neighbors. There are people that are very concerned and it makes sense for us to get all of the information we can and I feel personally I need more information and this will get us there.

Kopkau: Yes; because I feel I need more information regarding what is going on and would feel more comfortable having an expert to help us.

Merillat: Yes; because it will answer questions that we need answered before we can make a decision.

Hefferan: Yes; specifically the lack of info that I possess regarding public safety including information from ACSO, Fire Department, and MMR.

Motion carried 6-0.

Hefferan appointed Kopkau, Merillat, and Lefebvre to the subcommittee. The subcommittee will meet on January 26th at 9:00 am.

Weinzapfel said that date is tentative because he wants to make sure we have a firm in place and get them up to speed.

Merillat said we have to get some questions down on paper and get some parameters for the firm. Weinzapfel said we could meet one time without the firm.

Weinzapfel will take care of getting this set up and post it on the website.

Motion to adjourn by Cole. Seconded by Ford.

Rebecca Millican commented that she does not think this can be concluded without public comment.

Vermetten said public comment does need to take place for the meeting to be concluded.

Susan April Rinder said she is concerned about enforcement of these issues. When the subcommittee should talk to the law enforcement body, are they capable of enforcing the rules?

Mary Beth Kaskansky of ELSA regarding her prior submissions there are too many risks here

and at a minimum an independent surveys are warranted at peak season that we get an honest evaluation of the situation. How disheartening it has been that the development has not been blended into the landscape.

Rebecca Millikan said she is an attorney with two lakes associations that are 650 members of the community. We are engaged with the issue and we are speaking for a big contingent of the community. Regarding the motion that was passed tonight we commend the commission to seek out additional information. In her own review of the information, is that in response to the questions from the Planning Commission and other questions, we only saw arguments from the applicants and not facts with data. I understand within the motion, the subcommittee will work with the experts and the applicant. I ask that the public voice will be a part of that. In response to the applicant suggestion that it is improper to return this to the subcommittee, I agree with Vermetten. There are more questions than answers. As the chair pointed out, it is incumbent that they get facts to support their decision at the end of this process. If the applicant is concerned, then it should be denied and they can come back with a new application. The motion was to entertain one expert but it touched on many different issues and would be hard to find in one person alone. Engage possibly more than one expert. We appreciate your work.

Brenda Hasso said there is an ordinance in place that does not allow storage of boats or trailers today. Has that ordinance changed?

Tim Smith said you may need more than one consultant to handle all of the issues here. \$1500 will not cover what you are looking for.

Sharon Hill said in a year of many unprecedented things, if people had not seen the news in the last days Governor Snyder has been indicted on the Flint water crisis. If we make decision without proper data, there are criminal penalties.

Kevin Solarak thanked the planning commission and said he is certain that they are not allowed to store RVs or boats over the year on the property. You involved the applicant's attorney but you have not talked about involving the public. National Geographic article on saving the great lakes. Lake Michigan is one of the lakes that is most vulnerable to environmental complications. This is a serious matter and we are very concerned and thank you for listening.

Linda Spevacek suggested a sound study and a light study. 80 units with this kind of sound and light many people will be effected.

Rick Welsh said you have said this is based on the Master Plan. He was involved with the original Master Plan and this was not in there. He wants to know when this went into the Master Plan. If this is associated with this application it would be interesting.

Brenda Hasso said we were capped at 100 people participating that they were not able to attend tonight and we missed some public comment.

Patricia Greiner asked why this is not being put on hold until next spring. This area is too small and it is the wrong thing to do for this community. In the newspaper tonight, it says the meetings

starts at 7:00 pm. Friday night is not the right time to have a conversation about this matter.

Linda Spevacek said if people were denied to talk at the public comment, this should be left open until the next public meeting.

Motion to adjourn by Cole. Seconded by Ford

Lefebvre: Yea | Ford: Yea | Cole: Yea | Merrillat: Yea | Kopkau: Yea | Hefferan: Yea.

Motion Carried.

Meeting adjourned at 7:00 pm.

Respectfully submitted,

Joseph Merrillat