

Milton Township
Planning Commission
Unapproved Meeting Minutes
May 11, 2021

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

Members absent: Kingon

Also present: This meeting was held via Zoom due to the COVID-19 virus as a webinar hosted by Beckett and Raeder. Michelle from Beckett & Raeder is helping present the meeting via Zoom. There are 73 people present at the start of the meeting. Due to technical difficulties, the meeting started late.

Hefferan called the meeting to order at 7:37pm.

Approval of meeting minutes dated April 12, 2021:
Minutes approved as presented by **unanimous consent**

Township Board Report:

Cole said there was an agreement for a fee of \$25 for an application for land combination/lot line adjustment. The township board also approved the funds to do a traffic study, but left the decision to the planning commission.

Kingon joined the meeting at 7:42 pm due to technical difficulties.

ZBA Report:

Kingon said a variance was granted to a property on Sutter Rd to tie an old home into a new home.

Planning Commission Updates:

Hefferan said the township board did request the planning commission to look at steep slopes and see if an ordinance is warranted. He appointed Lefebvre, Ford and Cole to this subcommittee. The first meeting will be May 27th at 9:00am. The meeting location will be determined later.

Public Comment:

Norm Newschwander of TLPA encourages the board to go forward with the traffic study. He discussed a previous traffic count that was done in Kalkaska County in the same area of Aarwood and Crystal Beach Road. That information can also be sent to you if you would like to review.

Terry Roote owns property to the north of the RV Park. He believes the traffic study is necessary. He has counted more than 500 cars per hour on a weekend. The safety in this area is very concerning.

Brenda Hasso said people come here to see Torch Lake and then imagine 80 golf carts on Torch

River Road. This is a big safety issue. We already have an issue with safety and to add additional vehicles to this, it would only increase the safety concerns. At one point, we heard there would be a gate at the park? What would that do for a traffic perspective? Would there be backups?

Mary said she recently made a count of the number of driveways on Shellway and Miller Roads. There are more than 50. There are 108 homes along Torch River Road. When you take all of that into consideration, the DNR refused the option to build the launch in a neighborhood elsewhere. I just want to remind this committee a while back, a comment was made that they did not want to build another launch in Kewadin because they did not want the same traffic mess they had at the Torch River Bridge. If the DNR expands that launch, the point is when you add that stuff to the RV Park; you decrease the safety of the area. Sheriff Dan Bean has concerns about the safety of the area.

Pat thanked the board for their effort. Make sure that if the traffic study is approved, it should also include a safety study. I understand that you must state specifically what this study is for.

Rebecca Millican on behalf of TESSA and TLPA offered observations that the concerns about traffic are not confined to my clients. These are not new concerns. This is a long-standing concern for this area. This is reflected in the Master Plan and the zoning ordinance. She read from these specific sections.

Carrie May of Gourdie Fraser said the oversight of the project is extensive. We participated in a subcommittee meeting and went over the project engineering. The meeting was not but we are willing to repeat our explanations. The fire department review when Chief Ball looked at the project, he had some concerns and those concerns can be addressed. The project is designed to code. The traffic study is her recollection the township consultant said a traffic study is not warranted in this case.

Sue Kelly encouraged the commission to consider a traffic study. This is not an area of averages. Anyone familiar with the area would know that. The RV Park will increase traffic to the area. The DNR has purchased land and intends to double the size of the launch. They are doing that because it's their mission to provide access to Torch Lake. You will have more people in an already small space. Roads have no shoulders. We ran into the same thing in Clearwater Township. People who come here to have a good time and they are not always mindful of the dangers that are involved. All of this should be considered in order to protect our residents and tourists.

Andy Blodgett, attorney for the applicant, said they do not believe a traffic study is warranted for this project. These are best reviewed doing a traffic study as a part of the Master Plan. It should not be put on this project and delay things for this applicant. The ZA and the subcommittee can request a traffic study. Antrim County does not feel a traffic study is needed. A seasonal RV park would allow less traffic than all other uses by right. Beckett and Raeder were hired and they looked at traffic. They did not review it. We reached out to AE Progressive and MDOT and they did not believe it needs a traffic study. Any study should be part of the Master Plan, not part of this application. We are asking you to say you will not do the traffic study and schedule a meeting to deliberate on this application.

Heidi Shafer the soil Erosion officer for Antrim County. She has concerns that this project will

be held open another year. I would like to see a decision made. The site needs to be developed or stabilized. We need to sit down and hammer this out and make a decision. If we have more summer rains, additional issues could happen with the site.

Mac Whitehouse thanked the planning commission for their review of the RV Park. It must be based on data from peak use rather than averages. Parking is already limited in the area. Cars are parked along the roads. Open doors challenge safe passage. Pedestrians are in real danger. The RV Park allows 10 people per site per day. That is 800 people per day. This RV Park is an attraction to others, not just those living in the park. That leaves the potential for 120 cars needing to be parked. It is said they can all park at the marina. The math does not work and there will be overflow cars. If Torch River Road is no parking, who enforces that? In summary this area is challenged.

Paul Vlachos said a traffic study in July is like a pedestrian study in Time's Square on New Years Eve. The impact of the RV Park will not be as severe as what is been expressed tonight. The comment of the soil erosion officer is correct. It needs to be decided. Do not require a traffic study and decide on this matter.

John Peal apologized to the board for his absence. He has had cancer. Have you required anyone else to do a traffic study? Is this the longest it has taken to have a vote? Yes. You have the info from MDOT. You do not need a traffic study. This previously done traffic data is accessible to you. If we are going to deal with averages, we should deal with real averages. This is a tactic to delay this project. You have seen this before. We will not go anywhere. You have broken your process many times. Where is the liability for lost income? Delaying for a traffic study will cost us about a half a million dollars. If we have another big storm with that site open, we will have more problems. We have all permits required to start except the township. I hope you have read all of your information. You have worked with me many times and I complete a good project. Make your choice who gets sued by whom. We have the Master Plan and the ordinance on our side.

Kellie and Dan Wells are adjacent property owners. Thank you for following through with your obligations to the public. This is one of the largest projects in the township. The developer, along with soil erosion, are having issues because the site was developed without prior approval. Their problems are theirs alone, not yours. Miller and Cherry are steep slopes. It is a safety issue. Do not feel pressure about this. The infrastructure is not set up for this. Is this the right area for this? Is this the type of business that is right for this area? I am concerned with Heidi Schafer weighing in on this. She is the one that gave the permit for this and we need further discussion on this.

Tim Smith said the thing most important is once you make this decision, it cannot be undone. Getting a traffic study helps you get more information to make a good decision. I would also suggest a ground water study. Once the RV Park goes in, and the river and lakes are contaminated it is too late. Take the time and get the information you need to make a good decision for our community.

Linda Spevacek said she has been in this position before and offered her support to the planning commission. She responded to Mr. Blodgett and traffic generation. This is not your ordinary RV Park. This is seasonal. Every other day there is something that needs to be done so there will be

traffic. Do not force a quick decision. The developer has brought on the soil erosion issue.

Sharon Hill said her concern with the traffic is the children running down the steep hill. Unattended children will be running across the street. I am a resident of Torch River Road. I have seen the evidence of erosion on the site. Making a decision is important. The quality of the water and knowing what the baseline is and if it degrades, because once it happens, there is no going back.

Ginny Vance said they are heartsick at the idea of the RV Park. We are praying the planning commission will see the needs of the people in the area and keep the area the way it is. Give it a lot of good thought. Thank you for your efforts.

Jim Brewer, applicant said you hired a third party consultant to review the proposal. It is very difficult to hear Mr. Brewer and his comments. He said the proposal deserves a vote.

Jeff Wess said he is a fire officer in Clearwater Township. DOT said a traffic study does not need to be done. It should be done for the area. The subcommittee said a traffic study would not be needed. RV parks are allowed under a special use permit. It should be voted on. I am an owner of an RV park myself. The developer, due to the delay of process, should look at leasing this land out because the state says everything else is okay. The problem with that is that you will not have the ability to inspect and regulate the park. Base it on what this man has done, not what you think he might do. Do not make special enforcement of rules. A traffic study is a waste of time.

Kevin Celareks was previously in township government. This project is similar to an 80-unit hotel. The things said recently are borderline threats to the planning commission. You must look at the health, safety and welfare of residents and tourists. There are no left turn lanes. When coming east, downhill you are going 55 mph to 25 mph and there are 7000 cars that go through that intersection on busy weekends. For the benefit of the residents and tourists, you must do a traffic study to have someone objective look at this.

Casey Munger said this is not a decision to be bullied into or taken lightly. Every aspect should be considered and most definitely includes the traffic study. Site remediation needs to be done. I pray this RV Park will not go through. The lake would be negatively impacted. Please do your part.

Hefferan thanked everyone for their comments. Weinzapfel joined the meeting.

Hefferan said Master Plan Update can be deleted from the agenda.

Agenda:

1. Winery Ordinance Subcommittee Report: Kingon.
2. RV Park Subcommittee Report: Merillat.
3. Boat Repair Subcommittee Report: Ford.
4. Set agenda for June 15, 2021 meeting.

Motion by Kingon to approve the agenda as amended. Seconded by Lefebvre.

Roll Call: Ford : Yea | Kopkau: Yea | Kingon: Yea | Lefebvre: Yea | Merillat: Yea | Cole: Yea |

Hefferan: Yea
Motion carried.

1. Winery Ordinance Subcommittee Report: As presented by Kingon. Waterfire Vinyard has removed their request. This subcommittee on hold for now.

2. RV Park Subcommittee Report: Merillat said they met on the 21st. The applicant submitted information from the technical review. It did not review the traffic. They would put a proposal together if a traffic study was required. We have not met since then. We are not scheduled to meet again. Weinzafel said Beckett and Raeder has a proposal from AE Progressive that was submitted and last night, the board approved the cost of going ahead with the traffic study if the planning commission decides to do so. The subcommittee can meet to determine this. Merillat asked if the subcommittee authorized the technical review in the first place. Lefebvre asked if the township needs to send out an RFP for a traffic study? If the board has approved it do we need to meet again? Hefferan said in January we made a motion to send this to subcommittee, the reason we do that is for investigation and so they can come back to us with recommendations. Lefebvre said we have a mandate for ourselves and one of those things was a traffic study. I cannot recommend anything until we have a traffic study. Hefferan said what we have heard tonight and what letters received, the question is a traffic study warranted. John with Beckett and Raeder was not able to attend this meeting. Hefferan said you all met for three hours on the 21st. Is it your intention to have another subcommittee meeting? Lefebvre said part of our mandate is to have a traffic study done. It should be focused on June to late September. Merillat said he is not sure what questions a traffic study will answer. Merillat said he received a copy of a letter from the applicant's lawyer about a proposed study, but nothing directly from Beckett and Raeder. I do not believe the subcommittee will give a recommendation because we are in the middle of deliberations. We will gather information but not make a recommendation. Hefferan said we sent this back to subcommittee for further investigation and then we are back to the public hearing? Yes. What application would be voted on? It would be the original application dated March 16.

Bob Ford said the traffic is crazy busy in the summer time. Without the RV Park being open, how could you judge the impact? Would you guess at the number of cars and traffic? We know it is a busy area but how do you anticipate an operation that is not active right now. If we are going to move forward, we need to get going. Will the traffic study make the final decision? Lefebvre said it was one of the key points as a new subcommittee, and it should be fulfilled in some way. Otherwise we are not accomplishing our task. Cole said the other studies that a 40-80-unit RV Park would not impact the area. But, it seems they are not looking at a very unique area like the Torch River Bridge area. I do not know a new study would help, but I am not sure any other studies have looked at this specific site that is very unique. This site has people trying to park and launch boats and people who live on one side of the county, trying to get to the other side of the county. All of that makes it very unique. Ford said he agrees but it should be done as a part of the Master Plan. It goes beyond the scope of the RV Park. Hefferan said we sent this to a subcommittee and it should be talking to Beckett and Raeder and asking if we need a traffic study and why? I would hope they would send us minutes back as to what they say. I appreciate what the applicants have said tonight and their positions, but what does Beckett and Raeder say about that? Hefferan said the motion was to refer this back to the subcommittee including but not limited to traffic and public safety. The motion does not say we will do a traffic study. Merillat said we have not heard from Beckett and Raeder conclusively as to what they have determined. Weinzafel said we will reconvene the subcommittee and have that determination made with

Beckett and Raeder. He will work to schedule this on Monday.

Hefferan asked Andy Blodgett what would be we voting on Are we working off the March 16 application. Blodgett said you are voting on the original application. We have submitted many things. You can approve, deny, or approve with conditions so we do not have to do a new application. We have submitted amendments and they could be approved as conditions.

Hefferan said there is language in our ordinance to approve with conditions but it is up to our members to determine those conditions.

Township attorney Matt Vermitten said there was confusion at the subcommittee meeting. Three of four issues were taken care of. Then the issue of a traffic study came up. One organization indicated there would not be a traffic issue, the subcommittee was looking for the letter from that group indicating that. It was discussed that it was probably in the best interest of the township to do a traffic study. Becket & Raeder secured Progressive AE to provide an estimate for a traffic study. The scope was split in two tasks 1) trip generation 2) data collection and analysis, which would be done during peak season, July 1-July 14. The subcommittee needed to wait to get the quote and get it to the township board, which was approved. The subcommittee could not go forward without it being approved. Now, they can have a meeting on Monday to move the matter along.

3. Boat Repair subcommittee Report:

Ford said the information was received from the ER Marina and we have a complete application and we went through chapter 16 and 21 and checked all of the boxes. Now we have that, Weinzapfel will schedule a public hearing for a special June meeting. This will be either the 3rd or 4th of June.

4. Set agenda for June 15th meeting

1. RV Park subcommittee Report: Merillat.
2. Winery Ordinance subcommittee Report: Kingon.
3. Steep Slopes subcommittee Report: Ford.
4. Set agenda for July meeting.

Meeting adjourned by order of the chair at 9:24pm.

Respectfully submitted,

Joseph Merillat