

Milton Township
Planning Commission
Unapproved Meeting Minutes
June 15, 2021

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

Members absent: None

Also present: This meeting was held via Zoom due to the COVID-19 virus as a webinar hosted by Beckett and Raeder. At the start of the meeting there were 54 attendees listed on Zoom.

Hefferan called the meeting to order at 7:02 pm.

Approval of meeting minutes dated May 11, 2021:
Minutes approved as presented by **unanimous consent**.

Approval of special meeting minutes dated June 8, 2021:
Minutes approved as presented by **unanimous consent**.

ZA Report

Weinzapfel said we have not had a firm decision on where we are headed with the master plan. I have had a submission from Williams and Works. Beckett and Raeder have not submitted a proposal, but we have not outlined a bid scope yet.

Hefferan said Weinzapfel is retiring at the end of July and we will delay starting the master plan revision until the new ZA is hired. Weinzapfel said it is been a privilege and pleasure to work with you all.

Hefferan asked if the winery ordinance can be removed from the agenda. It can for this month, but should be on for July.

Hefferan also asked to remove Steep Slopes from the Agenda. Weinzapfel agreed, but go ahead with your decision if you would like to wait until the new ZA or not.

Hefferan said after July 1, we will be meeting in person again. Lefebvre said she would be able to Zoom for that meeting if it is available.

Public Comment:

Kingon left the meeting and recused himself.

Terry Roote lives on the corner of Cherry and Miller said he is concerned about the remediation of the RV Park property. He has reviewed this and all the water is being funneled down Miller Road. I am already getting clay from the development. This plan is a bad idea and I do not see the water going anywhere else but in my yard. Over the past 30 years, that has never been a problem because nothing has come down that ditch. But looking at the plans, there is only a difference of two feet between the park and Miller Rd. I have had discussions with engineers and

they feel that the plan is not very sound and it will create more of a problem for me. The remediation of my yard has not taken place. The developer has agreed to clean it up. But he has not scheduled that or apologized for the problem. You should be enacting 117.2111 and not allowing him to proceed with this permit. The plan calls for a construction road off Miller Road. The fire department has requested a second exit and that one on Miller Rd will only ever be their second exit.

Scott Howard is here on behalf of Rebecca Milliken of TESSA and TLPA and as the attorney for Terry Roote. I want to talk to you about two items. One is the follow up on the traffic study discussed yesterday and the site plan and grading plan that is being submitted. For the traffic study, we support and encourage you to move forward with Phase 2 of the traffic study. Some of the information you need will not be provided. Ask for the full study. You will have a new DNR boat launch and you already have parking issues. The ordinance addresses this and I will highlight this 117.1602A, D and F. The second item is recent soil erosion plan. Those plans are fully within your jurisdiction and I ask your legal counsel to address that. 117.2111, Land Clearing. There are other sections 1605Q. 1602A/G, talks about keeping things in their natural state.

Steve Yenchich asked the attorneys if you could please send me your comments in writing and gave his email address.

Andy Blodgett: 117.01602A-F. This is the standard you have to vote on and gather information on. You heard from everyone who said you do not need a study at all. You have seen the report. There will be a low impact. It does not warrant phase 2. I did not hear a reason why they are going against the expert. All the people you rely on could not give any reason why this study is warranted. You are all going ahead to waste township money and that is way off base. We would ask for a special meeting and a vote on this.

Ellen said she is concerned about climate change. She discussed her history with the area. Removal of the trees and plants will totally destabilize it when the storm hit a couple years ago. I want to point out that there is a moral decision to be made here. The project should be stopped. Building what is equal to an 80 room hotel how will we handle all of this. The RV park is unsuitable for this site. With the way America is going with guns right now, I hate to see what could happen.

Kevin Celarek of Rex Terrace Road urged you to go forward with phase 2 of a traffic study. His previous experience elsewhere tells him if there is 10 homes or more, you have to do a traffic study. He discussed the speed limits in the area and the issues with the traffic. The traffic study done by Kalkaska showed 7,000 vehicles on that side of the bridge. I think you need to look at phase 2 of the traffic study and 2-3 days, not just one day and it should be in July. This is dangerous place.

Kellie Wells is an adjacent landowner and gave a brief history. She contacted Heidi Schafer last year and asked about silt fencing. There was no enforcement. The night before the public hearing, silt fencing went up. In the fall, the developer says he would not do more remediation, they set the site up and it was crowned in the middle and that is why the silt ran down to Terry's. Now they have it crowned to the center. It is working now. The developer knows he does not think he can get trailers up from Torch River Road and he wants them to come from Miller Rd.

Now is their opportunity to get in from Miller Road. We contacted Heidi and she cannot explain it. She punted it to Carrie May. I know you do not think it is your job to go over soil erosion. You have to pay attention to everything going on. You are not being given all the information. There are a lot of smart people here but this is not good.

Mary Scarnolous said the developer's attorney said because of the number of cars, a traffic study was not relevant. This same committee said that this was already a busy and dangerous area. Now, if you add more cars to this area and you will create a bigger mess than we already have. A traffic study is relevant to this area. She discussed a dangerous situation in the area.

Tonya Lewandowski thanked the board and those present who are protecting the natural area. She also thanked Ellen for her thoughts and comments. To ensure the protection of this area, she is here on behalf of TESSA and is an engineer. Enforcement of thoughtful zoning ordinance is essential and will ensure the protection of the area. She is here to remind the commission of the due process that has been outlined and not followed for the Torch River RV Park. Please remember this. There has been a lack of compliance. This board has been provided those points and are taking it into consideration. To my knowledge, we have not seen a revised plan. As such I would suggest this plan not move forward as such. The proposed remediation plan was discussed. Under land clearing in the ordinance, the erosion issues were clearing of the soil and left the site bleeding down Miller Road. The topography of the site is key to this site.

Robin Fortino agreed with all of those who have already spoken. This is a bad situation and now with the proposed construction road off Miller Road and I want to let you know we are opposed to it. Instead of just working with the one person, please consider all of the residents.

Jeremy Ball, Fire Chief, Milton Township commented on the Miller Road access. The determination was based on NFPA 1194 that all fire departments across the US use and this involves parks and campgrounds. You have to have two entrances and exit routs. I have seen two plans with one off Torch River Road (TRR) and the other off Miller. This is based solely on the fire department's response if it were needed at this park. If we have one entrance and exit, it will cause delays for us. There could be a rescue scenario and that would only give us one way in and one way out if patrons are coming out and blocking the road way. Our suggestion was to have it off Miller as an emergency exit/entrance only. It is only proposed to be 14 feet wide and is 6 feet narrower than the entrance off TRR. It will allow us to shuttle water in with tankers since there is no hydrant there and would allow us to enter of TRR and off Miller to create a seamless tanker shuttle of water.

Brenda Hasso said, on the traffic study, regarding the quality of the plan, it was based on statistics. I ask for the second study. How many times do we need to have Heidi Schafer prove us wrong? She created this mess. Yet, it is what it is and it is based on the developer's engineering firm telling us what to do. This is just ridiculous. Your own engineering firm said this is not a good fit for this location. I just do not understand. As far as the second driveway, the fire chief is correct, but what kind of quality plan did they start with to not know they needed a second entrance? What kind of plan did they put forward on us? How do we even know what they are proposing? Stop the work. This is wrong. Ask yourself why do we have to remediate anything. Just stop the work. It is in the best interest of the area.

Dan Wells said Chief Ball made a good point. We need a second egress. What are we voting on?

The original plan? The original plan does not include the second egress and it is all crowned in the middle. The RV ordinance said it must retain all water on site. There is a big difference between detention and retention. They are retaining the water on property. This new site remediation plan crowns in the middle and dumps the water back into detention ponds. The original plan does not have the green belt and does not meet chapter 5 and 8 of the master plan. The original plan does not conform to what is mandatory for what is required. Chief Ball just confirmed that. They are about to tear down the remaining trees on the property. After the trees are gone, there is no plan to stabilize anything other than the Miller Road side and in order to do that, what do you need a road for.

John Peal said the original plan had the road on Miller Road the plan you are looking at today was created after the first subcommittee. We knew there had to be a second road. I agree. Vote. Let the judge make the decision.

Jim Brewer said early on Hefferan said the planning commission does not have the expertise to look at the details of many of these things. We asked Gourdie Fraser to design it to all of the rules. They did a good job, but time after time, you have six firms telling you that. You do not need a further traffic study and you are still going to do it. We have done everything right even according to your third party reviewer. We are done. We need a vote.

Gary Doty said he does not understand how this got built in the first place. Anyone with the ability to read a map can clearly see what has been done to this property. It was clear cut and a road was used to sculpt the land into elevations into the unapproved RV Park plans. Massive amounts of earth were moved. It now seems that the soil erosion official said she is in favor of the RV park and is in complete control of the RV park. What happened to the Beckett and Rader study? The developer goes back to his same engineer and is approved by soil erosion and Milton has nothing to say about the remediation plan. It will only benefit the park owner. This will permanently affect the quality of life in the Torch River area. It should be denied.

Sue Kelly said this situation is complicated and concerning and unbelievable. You have heard tonight and every night that there are a lot of concerns between the citizens and the developer. Specifically within the realm of this new remediation plan and the remediation plan the soil erosion officer has already approved. I learned recently that the township will not allow their consultant to review and discuss these issues with the public. That is unconscionable. This will change life in the area forever. You have a big decision. The soil erosion officer is only taking input from the developer. That is who is paying her. There are other professionals and other interested parties and they have looked at that plan and find it to be very different than what is supposed to be a remediation. It is beginning to look like compromised professionalism. The soil erosion officer was pressing for a decision when information was outstanding. This is highly unprofessional. 117.2111 has already been bastardized. If there is no RV park, there is no need for a second exit. Is this remediation or not?

Carrie May said, as the design engineer, it has been designed to meet the requirements of the township and county. Your experts have confirmed that this meets the regulations. The owner has decided to do additional things to satisfy concerns. The board should deliberate and decide what to include. It is not a plan that keeps changing. These are things the owner is offering. What would not be typical is for the planning commission to ignore their experts. I hope you will conclude your deliberations.

Mac Whitehouse said he focused on the remediation plan and said this is ongoing construction disguised as remediation. On the south side, the slope is collapsing. Some of the trees along Miller Road are dying. Now the plan is to remove all of the trees. This goes against all township regulations. If you see the remediation plan goes against the removal of trees and moving of dirt without a permit, you must deal with that. It is incumbent on the planning commission to deny the request. Delay this decision until the final decision about the special use permit has been made.

Hefferan closed Public comment.

Kingon rejoined the meeting.

Agenda:

1. RV Park Subcommittee Report: Merillat.
2. Set agenda for July 13, 2021 meeting.

Motion by Cole to approve the agenda as amended. Seconded by Ford.

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

Motion carried.

Kingon left the meeting and recused himself.

1. RV Park Subcommittee Report:

Merillat said the subcommittee has met twice since the last planning commission meeting. The first was on May 17 and reviewed the need for a traffic study and decided it was needed. Phase 1 was complete and we met again yesterday to review the report and decide on whether to proceed to phase 2. The phase one report indicated that the proposed use would not meet the usual thresholds for additional study. The subcommittee decided to have the phase 2 completed.

Ford asked if you could explain why you feel phase 2 is necessary. Merillat replied that it is being paid for by the township and it will be done quickly. It will answer the question as to what the typical peak traffic is and how well the intersection will function with the RV Park traffic added. What we have now is the number of trips generated, but we do not know what the underlying traffic is and this will be answered by phase two. Lefebvre agreed with Merillat. Ford asked how they will do that. Merillat said they will set up cameras and count traffic. Cole asked if there would be recommendations as a result of the study such as bike or turning lanes. Merillat said there will be recommendations if they determine there are problems.

John Iacoangeli of Becket and Raeder said phase 1 looks at internal trip generation from the RV park based on the traffic engineering trip generation guide during peak hours. The second phase looks at external conditions. During the peak hours, they will generate 40 trips, the second part looks at the traffic along TRR and more specifically focuses on the level of service for the intersection of TRR and Cherry. It is similar to a report card A-E. Based on that, then they can add the proposed traffic from the RV park to determine what that will be. There are underlying conditions at that intersection. They will also look at pedestrian traffic and the issue of golf carts and the amount of parking that occurs along the road.

Hefferan asked when this will be completed. Merillat said it should be done by late June and then they would send their report. Hefferan asked Iaconangeli and he said they are planning on doing the traffic counts in the next 7-10 days. Once the count is done, they will model it and have a report within four weeks. It may be ready by the July meeting.

Hefferan said the position of the subcommittee is to go forward with phase 2. Merillat confirmed.

Township attorney Matthew Vermitten said his notes from May 17th were that the traffic study would take place in mid-June and be a 2-3 week turn around for the report and have it ready for the July 13th planning commission meeting.

Hefferan said Progressive and B&R will get it to Weinzapfel as soon as possible. Would there be an objection to call for a special meeting as soon as that report is in our hands? No one objected.

Kingon rejoined the meeting.

2. Set Agenda for July 13th Meeting.

1. Winery ordinance Subcommittee Report.
2. Steep slopes Subcommittee Report.
3. RV Park update.
4. Set Agenda for August 10th.

Cole said on steep slopes, how quickly will we be doing a master plan update and if we can address it there before getting into an ordinance on it. Hefferan has no opposition to that being suspended at this point, pending the master plan. Weinzapfel said unless the township board puts a moratorium on it, it could be a concern. Ford suggested we move forward.

Meeting adjourned by order of the chair at 8:28 pm.

Respectfully submitted,

Joseph Merillat