

Milton Township  
Planning Commission  
Unapproved Special Meeting Minutes  
January 3, 2022

Members present: Chairman Bill Hefferan, Noel Peters, Neil Warner, Tom Cole, Joe Renis, Bob Ford, and Joe Merillat.

Also present: Kopriva via Zoom, and Matt Vermitten, attorney, in person. Approximately 100 audience members in person and 200 on Zoom. The meeting is being held at Peterman Auditorium in Elk Rapids.

Hefferan called the meeting to order at 6:00pm.

Public Comment:

Mrs. Quick spoke against the RV Park. Concerns include pollution and property values and not enough police support.

Jeff Lare asked about public comment. He feels John Peal does what he wants because he said that is what he would do at the last public hearing.

Norm Nordschwarner opposed the RV Park and read from the ordinance. He is concerned about the stabilization of the site due to the clearing.

Francis Perry is opposed to the RV Park. She does not believe this development will do anything for the area. Vote against the park.

Key Fay is a land owner on Elk Lake. He is concerned about the design and size of the septic system and contamination of the water. Do not approve this. It is not acceptable.

Bruce Ford of Torch Bridge Court. He is concerned about contamination of the wetland and the wells. Deny this application.

Jenny Cornea of Crystal Beach Road. She opposes the RV Park. She is concerned about pollution, traffic and there is nothing positive in this proposal for us. Vote against this.

Steve Kelly is a property owner on Torch Lake. He asked about all of the comments submitted via writing.

Tish is a property owner in Wabagama. She is concerned about the environment. She is against the RV Park. The land should be restored.

R. Cobb said this should be voted down. There is no value to the community or the land. She is concerned about pollution of the lakes and surrounding areas. Vote this down.

Mike Harmon is a property owner on Mt. Park Drive. He is concerned about how the site will

survive a rainstorm or run off. He is also concerned about traffic in the area.

Heidi Lange of Torch River Road. The developers have already polluted their land. Deny this application.

Ethan Cannon is a property owner and he is concerned about water quality and pollution from the RV Park.

Chris Grobel said as a point of order, the public hearing has not started yet. These comments will not be part of the public hearing.

Matt Vermitten said the chair has commented on two occasions, public comment at this point is not part of the public hearing.

Doug Lee is a property owner on Elk Lake opposed this RV Park. He is concerned about the site modifications that occurred prior to approval. He is also worried about the safety of the site and erosion of the site and the ability of emergency vehicles to get to the area.

Evan said the board should consider a motion to put these comments as a part of the public hearing.

Approval of Agenda:

**Motion** by Cole to approve the agenda. Seconded by Renis. **Motion carried.**

Purpose of the Special Meeting:

A. Public Hearing: SUP 2021-Torch River RV Park

Hefferan opened the public hearing and gave an overview of the special use permit and read from the ordinance regarding RV seasonal parks. All comments should be directed toward himself. Comments should be 3 minutes or less. You will get nothing but respect from us and I request the same from all of those in the audience. Please be civil and allow people to speak without interruption.

Any conflicts of interest: None.

Hearing was advertised in the Elk Rapids News on December 16, 2021 and 300 foot mailings went out on the same day.

Carrie May of Gourdie Fraser started the applicant's presentation and gave a list of things that have changed since the last meeting:

The property is 14.87 acres, 10 acres involved 68 campsites and 2 manager's sites, two bathrooms. 13.69 acres is zoned village. There is a small area that is zoned Ag, but it is preserved as is. This is a special use in the village district. She discussed the various permits required through the county and the state. This project has been heavily reviewed by professionals whose job it is to protect the environment. All agencies have directed them to get through Milton's

review and approval before they will reissue permits.

Barr Engineering has reviewed this on two occasions. Progressive AE did a traffic study in two parts. They found there was no significant impact on traffic from this proposed plan. It was done during peak season. It is rated for level of service. A rating of D is considered the minimum. This was considered an A rating. That is not to say there is no congestion. The level of service is acceptable.

May went over the specifics of the site and what is required by the county and the state.

Modifications made to the plan:

The percentage open is 39.7%. Out of that, 13% wooded and 26.7% open and recreation areas. That is just for the 10 acres. If you look at all property 52% has been dedicated to open space or preserved. When considering the natural areas, 52.9% is a sizable amount. We added the full length of a green belt on the west side. It has also been added where it abuts Torch River Road.

There still will be supplemental plantings and shrubs. There was a question about lighting. It will be shielded and down-lit, directed onto the site only. The enclosed screened dumpster and lighted park sign was provided. Max building height is 14.6 feet. The observation deck was moved into the common area. Storm water and soil erosion are designed up to a 100 year storm. The west side of the site has less runoff than it would for a 25 year storm. We are trying our best to go over and above what is required to what will be helpful there. We did add a maintenance cord was recommended and updated. There are no slopes greater than 2:1. All walls above 4 feet will be engineered. If you look on the plans, if there is a filled slope it will be constructed in lifts and compacted. The water is two type 2 community wells. This is for backup and redundancy. They do not run together. They alternate. There is a test well and a draw down test. There will be weekly sampling and flow monitoring. Sizing of the well is approximate to five homes or a church or a restaurant. The septic system is a community system. May discussed the specifics of the system. A correction from last time: It is about 14 feet above groundwater level rather than 16 feet.

Andy Blodgett, attorney for the applicant said he is hearing that people do not like this project. However, on every element, we have met with experts and we meet all the criteria for a special use permit for an RV park. May went through the traffic report. The applicant jumped through hoops and did the traffic study and it showed it meets requirements. The opposition would like to delay this project. Regarding the erosion problem, you focused on what happened and the plans to remediate the issues. We have met with experts and it is time to move this project forward. This planning commission has 100 days. This was submitted on October 8, 2021 and we would like a decision.

Don Passenger, attorney for the applicant said he appreciates the opposition, but some things are not correct and you need to find objective facts. Permits were in hand to do what was done in the beginning. From day 1, they wanted to do stabilization on the site, it is now stabilized and they always had permits. The number of people that will be on site is not accurate. The 10 site campground has been there for years and there was never any problem. Your ordinance allows for this in the village zone. Common spaces have been defined and clarified. They want to have a

permitted use and they will have all permits before going forward. They want the ability to annually lease these sites and place RVs there. Park models are defined by the government and your ordinance does not make any statements for that. They are appropriate for this area. Each site will be disconnected from late spring and into early fall. It is a conforming use as permitted. It will benefit the township in many ways and bring a half million dollars in revenue. It will not diminish the tax base.

This concludes the applicant's presentation.

Kopriva said she provided a status report on all items. Kopriva discussed the process for a special use permit. In November the planning commission decided the application was complete enough to have a hearing. After public comments, the board will deliberate. Standards for approval are included in your packet. You are required to make findings. If the standards are met, you must approve. If there are any absent, you must deny.

Public comment was submitted until 3 pm today. Any written public comment is included up to that time. Kopriva discussed all public comments. It was not determined that the application was complete on the date we received it. The 100 days begins when the application is complete.

Matt Vermitten said the staff report is complete and the applicant has made his presentation and now it is time for public comment.

Scott Howard will be granted 10 minutes. He represents TLPA and TESA and Terry and Susan Roote. The history on this matters. This project was denied last July based on 116.02A and G and that section hits on the spot of where this project is in violation. He read from the ordinance. We have had an increase in erosion and Mr. Roote's property has not been cleaned up and there was a discharge into the wetlands. The standards are less met now in 1605.O. He read from this ordinance and 1605.Q which he feels is not met. Mr. Passenger did a smooth job of trying to tell you this was a use by right. It is not. The standards must be met prior to approval. Deny this project.

Mrs. Lewandowski took the remaining 10 minutes. Experts were brought in and regarding the vegetative buffer. Clear cutting this property is against the ordinance. It must be replanted. The screening requirement is not met. Given the slopes, visual screening will not be accomplished with a 10 foot buffer. Portions of the screening proposed are in the road right of way. They should be placed on the owner's parcel. In review of the storm water ordinance, they do meet the Antrim County standards. However in 117.1605 of Milton's ordinance they are to keep all storm water on site. The current design does not account for the 25 year or 100 year requirements. The full site does not meet the detention requirements.

Kopriva discussed the number of written letters. Jackie Peterson discussed the public comment letters. There were approximately 175 letters.

In Person Public Comment:

Jeff Husbany is a property owner in Milton Township said he has spent time in the mining business. With that time, we can only go where there was metal to mine, in this instance, the

location, the success of any mine was contingent on the acceptance of the community. This project will be there for decades. Where is the public support for making this decision?

Tony Martina is proud to live in this community. This issue has galvanized the community. As an attorney, the original application is 10 times the size of what was previously submitted. Turning this down last year was the right decision and it would be the right decision again. I do not like to hear attorneys threatening litigation. It is not the right time for that.

Chris Grobel of Grobel Planning Associations of Lake Leelanau listed his qualifications and his work with Milton Township. We heard about two documents that have not been given to the public. You will have to have one other public hearing to account for that. I am here retained by adjoining land owners. The planning commission should not be making a determination of administrative completeness. Procedurally this is not right. There should be a finding of fact document where every standard is discussed. He submitted a 10 page report. The village zone envisions a certain density. A special use permit is not automatic. They are high impact developments. Regarding 1605.A, they just barely meet the open space requirement. Is it valid to adjust park boundaries? In 1605.L, you have to have a construction plan and I have not seen one. Storm water should be kept on site and it is not and it is being discharged off site. There is a violation of 1605.O and you cannot discharge offsite. They also must comply with the Master Plan, and you must find that this has been complied with and this has not. Also what about internal roads and do they comply with state law? Lastly it is a seasonal RV park and they will leave the units over the winter. Your ordinance prohibits outdoor storage.

Hefferan said he was liberal with time with some professionals in the audience to mitigate additional public comment.

Mary Beth Kezanski of Shell Way Drive. She is opposed to the plan. We know what we have and we do not want it gone. Do not pave paradise to put up a parking lot.

Jeff Hoak is a property owner in Antrim County. The developers talked about providing storage for boats from people leasing. This is called funneling and not allowed in Antrim County. I also do not like to see you being threatened.

Tom Pierce of Shell Way Drive said he has heard about the 25 and 100 year water events. You cannot take data from earlier periods and know how it will be here. The precipitation will be higher, along with storm water and erosion. Vote no.

Sue Kelly of Torch Bridge Court is opposed. Section 117.1602 sets the standards for special use permits. It can only be approved if it meets each of the standards. It shall be consistent with the Master Plan which says the community does not want further development and the township will use public input when making future decisions. The clear cutting has created a natural amphitheater and the noise will carry down. The party will move across the street into the marina. It was stated at the last meeting, that there have been no issues at the marina RV park sites, while that may be true, there have been calls about the marina. There is no noise ordinance so there is nothing to enforce. Vote no.

Mark Catch of Fairmont Drive. This new development does not solve any problems that were in the first plan. He is concerned about the environment and traffic congestion. Consider the adverse consequences. Deny the application.

Raymond Denning of Torch River Road said he does not know why it has taken so long to dig into all of the information given. From my point of view, it has been kicked down the road too long. Vote on this. Listen to all the facts. If you do, you will approve this RV Park.

Deb Germaine of West Torch Lake Drive said the marina has gone from something small to something big. We are putting a parking lot in a beautiful area. I feel sorry for the people stuck with this mess. Vote no.

Kevin Solarak of Rex Terrace Road. In Milton Township you have an ordinance that says it should not be cleared if site plan approval is not given. This was not done two years ago. I was at the hearing with Judge Power. He said you cleared this land a year before you applied for your special use permit. That is not good engineering. Pete Garwood said in 117.2300 that a zoning permit must be required for any construction. Judge Powers said you did not apply until after. Deny this permit based on it is not in compliance with your ordinance.

Robert Larson of Coral Lane is concerned with pollution of ground water. The test pits should be reevaluated. A fund should be established to allow neighbors to test their water. The developer should be responsible if contamination occurs. Full screening should be provided. The minimum lot width is 20 feet. Then you do not have room for two vehicles. There is only room for one vehicle. Deny this request.

Pat Scarnolous of Torch Lake Drive is opposed to the RV Park. The developer jumped through all these hoops, but one he forgot was a permit.

Mary Scarnolous of Torch Lake Drive. The planning commission gave a survey to the residents and they based the master plan on that. Citizens did not want to expand the business in the Torch River Bridge area. If you allow this you are not meeting the master plan. Vote no on this plan.

Chris Hasting of Elk Lake addressed the snickering in the crowd regarding the traffic study. His opposition is to the navigational hazard that will be created on the river as well as on the road.

Kelly Wells is an adjacent land owner on Miller Road. She discussed the history of the project since 2017. There were erosion events that have happened. It is the natural resources. We are standing up for ourselves. Bottom line, this density is too high. This natural resources cannot be harmed. Deny this application.

Catherine Semanik of Ridge Road said the landowner has the right to use the land provided all ordinances are followed. I support this land owner's freedom as long as he follows the ordinances. I support the campers out there who have been demonized and we should not put all this blame on campers since camping can provide a lifetime love of nature.

Ms. Lewandowski said in the packet there was a memo from SME. We asked them for a review

of the site plan because of our concern of slope stability. Based on the topography and soils and site history, we had concerns. This was provided. They recommended very specific site conditions to ensure the property can handle the load. A professional should review this.

Terry Roote is an adjacent property owner who has been impacted by erosion on to his site. He submitted a letter. The screening does not meet your ordinance. Vote against this. They are counting my trees as their screen.

Brenda Hasso of Torch River Road. Deny this application. It is as flawed as the first. This is a serious decision. How can the marina and the RV Park work together when they are not owned by the same entity. We have not talked about how this will be run. This is funneling. The permits are contingent on the draw down test. This has not been done yet. We do not know if it will taint our wells. Regarding the greenbelt, in a meeting on October 15, 2019, it states Hefferan asks about the greenbelt. Being that it does not meet the ordinance, the commission would need to approve this. It does not meet your ordinances.

Mac Whitehouse discussed the parking plan and rules. The developers cannot answer the questions about parking. It is not clear where visitors should park. They cannot accommodate the required parking let alone peak parking. There will be no parking along the main roads. Deny the application.

Gary Doty of Fairmont Drive read from the Master Plan about surface and ground water. There have been five major washouts since the developer leveled the forest. All major washouts were without loads. He discussed potential loads. The hydrology study should be required at this site before it is developed. It should be called Torch River RV Club.

April Neisen of Rex Terrace Road read from a list of ordinances that are not being met.

Amy Russell of Chaney Drive said all of the ordinances have not been followed. She is opposed to the plan.

Dan Wells said chapter 16 has been covered, but he read from 1601.D. You have been tasked with review of chapter 16 but also chapter 21 as well. By rights that is an additional obligation.

Online Public Comment started at 8:41 pm.

Christopher Hilton of NW Torch Lake Drive said he lived at Crystal Beach Drive until he was run off the property. There is no right way to do the wrong thing. He is against this development.

Jeffrey Evans of Fairmont Drive. The property was developed and the trees cleared and then it could be considered a non-conforming use. It should be considered non-conforming now. In general the concept of the SUP allows the commission to put conditions on the approval of the property. It has been implied that this is a use by right. It is not. Look at the definition of the village zone, and he read from the Master Plan. Does this meet the Master Plan?

B and T Miller of Brentonwood in Milton Township. Please hear the public out.

Vance Family, they are unhappy with the developers because they did not consider their neighbors. We are concerned about the environment and traffic congestion. We are opposed to this RV Park.

Christina Cobb of Hoopfer Road is concerned about the negative economic impact and cultural impact due to the scope of this development.

Gary Bokerman of Torch River is opposed to the development based on the Master Plan and the zoning. This seems to be out of step with global eco-tourism, which is trying to preserve what is there and we really have what we originally had in the presence of additional people. This seems to be opposite to that. He is concerned about the septic system.

Linda Spevaseck of Milton Township. You must deny this proposal if it does not meet your ordinances. It does not meet parking requirements. She is also concerned about noise. There is no study needed to prove section G is not met.

Ann Hubbard said the environment has not been preserved and so section G has not been met. She read from previous minutes. What is different now with this new application that would satisfy 117.1602.G? This should never have happened. Deny this application.

Sharon Hill said regarding 117.1602.A.d, this will not make this area less congested. Today there is no traffic heading west to east on River Road. If the park goes through, there will be 700 people crossing Torch River Road impacting their own safety and emergency services. Fire and emergency services are constrained already. The roads on site are gravel. This does not meet chapter 19 requirements. She is concerned about water and soil erosion hazards and chemicals.

Bill Hill said this park is problematic from a power/electrical perspective. We have 70 families reliant on a system without a good back up plan. He is concerned about RV fires due the grades on sites. Deny this application.

R. Cobb said she is concerned with the dollar amount quoted as benefiting this community. Can you put a value on clean water and an old growth forest? She is also concerned about their attorney making light of civic discourse.

Lynn Herbers of Kalkaska. Lhurs Landing was founded by her father. Torch River Marina has grown over the years and it is huge. It is contributing to congestion on the river. This is a travesty if this passes. There is no back up plan for money when the failures start.

Francis Perry asked that her comments be included and recorded.

Vermitten said it is within Hefferan's rights to include previous public comments before the public hearing started. Heferan agreed that comments made prior to opening will be made part of the record for the public hearing.

Sally Bell Messiah of Torch Bridge Court is opposed to the RV Park. Noise is not regulated. She



is concerned about the environment. The developer should not threaten the board with a lawsuit.

Mike Whitefoot of SE Torch Lake Drive is opposed to the RV Park. Trust has been breached and I do not know how we could trust him. Deny this request.

A citizen is concerned about the RV Park. It is at odds with the small town feel of the village. An additional 700 people will increase traffic congestion. He is also concerned with noise and the environment. This should be denied.

Tim Lock is a property owner and is concerned about the water quality. Deny this SUP.

Tim Smith of Chippewa Trail is concerned about water quality and pollution. He gave specifications on the pollution and the environment and contamination of nearby wells.

Heather Weber said she had a house on SW Torch Lake Drive and we are limited in short term rentals because of new ordinances and same concerns. This SUP should be denied. If this is approved, then short term rental restrictions should be lifted.

Paul and Julie Payne of Hooper Road said this development is not in the best interest of this area.

Patty Lange of Torch River Road said she is the voice for wildlife. It is being ruined.

Warren Goodow said given the environmental risks, and traffic concerns, and growth and lack of accountability, I urge the commission to deny this and put it to rest.

Liz Overbeck at Rex Terrace Road said a majority of this community does not want this. That is a fact. Deny this application.

Jane Sherry is opposed to this application.

Ken Coleman of Elk Rapids said he was dismayed to see this naked land. Nature will fill it with floods and slides and it will prevail.

Marjory Philip said this meeting has been run well. We are on the bayou and we are concerned about this property. Vote against this plan.

Evan of SW Torch Lake Drive. He discussed the traffic study. He is concerned about congestion and safety.

Public comment online ended at 9:39 pm.

**Motion** by Warner to close public comments and record comments. Seconded by Cole. **Motion carried.**

Discussion and Deliberations:

The commission took a break for five minutes at 9:41 pm. The board returned at 9:47 pm. Hefferan asked the members if they would like to forge ahead or adjourn to another date.

Joe Renis said he has some questions on the park models. The reason they fall under RV is because they are under 400 Sq feet. Is it an RV or is it semi-permanent? I would like to know if the park rules apply to park models. If they are there for 15 years will you tell them to get a new one? They will need stairs or some permanent structure to get in and out of them. Show me what an owner of a park model says after it is put there. They are expecting to have two exits. Show me any RV park that is a park model that does not have permanent structures associated with it.

Don Passenger said it will not be permitted to have permanent structures. How will they get in and out? Park Models do not have slide out steps. It is like a mobile home. If you put something up against the building, do you have to put in footings? Passenger said park models have flip down stairs, even in front of the slider doors. He will provide proof that this exists. Renis said what happens if they do have a permanent structure? They will be asked to remove it. Renis asked who will remove them. The manager on site. He would like to see an RV park with park models that do not have permanent stairs.

Renis said he would like to go through batch 4 of letters that were received today. Hefferan agreed.

Cole said he would like to see any rules that we want to make part of our conditions, if we have conditions, such as future owners down the road. Cole said he is also concerned with park models and the potential for them to become permanent structures.

Warner said there are 10 sites at the Marina at this time. Brewer said most of them will stay in place. Five or six stay in place year round and then the rest will go down to a pole barn for storage. The campground was started in the late 60s or early 70s, according to Brewer.

Kopriva said it would be appropriate for the planning commission to take what they have heard tonight and review it before making a decision. Please let me know if you need direction regarding finding of facts.

Warner suggested reviewing the new material and he will have questions to clarify if given more time.

Hefferan referred to Kopriva's report. What we have is what we have. Ford said it would be helpful to have Kopriva move forward with findings of fact.

Hefferan said he heard about kicking the can down the road and he does not like that. Peters said we must respect the public and review what arrived this evening.

Cole asked if we should establish our next meeting at this time. Yes. Kopriva said talking with Vermitten, January 24th or January 27th will work. We will go with the 24th at 6:00pm at the Peterman Auditorium.

Hefferan said there will not be open public comment. We will not be reviewing any additional public comment.

Ford asked about having Kopriva draft findings of fact. She will go ahead with this. It will be a starting point.

**Motion** by Ford to continue the public hearing on January 24th at 6:00pm at Peterman Auditorium and Kopriva will establish findings of fact a week prior to the meeting. Seconded by Merillat. **Motion carried.**

Meeting adjourned by order of the chair at 10:10pm.

Respectfully submitted,

Joseph Merillat