

**CHARTER TOWNSHIP OF ORION PLANNING COMMISSION MINUTES
PC-2017-10, VZW 756 INDIANWOOD RD. SPECIAL LAND USE
PUBLIC HEARING - WEDNESDAY, JUNE 7, 2017**

The Charter Township of Orion Planning Commission held a Public Hearing on Wednesday, June 7, 2017 at 7:20pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT:

Justin Dunaskiss, Chairman	John Steimel, BOT Rep. to PC
Don Gross, Vice Chairman	Don Walker, PC Rep. to ZBA
Joe St. Henry, Secretary	Neal Porter, Commissioner

PLANNING COMMISSION MEMBERS ABSENT:

Rob Zielinski, Commissioner

CONSULTANTS PRESENT:

Dan Kelly (Township Attorney) of Giarmarco, Mullins & Horton, P.C.
Doug Lewan (Township Planner) of Carlisle/Wortman Associates, Inc.
Mark Landis (Township Engineer) of OHM Advisors
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:

Edward Duke	Sue Whall	Bob Muns
Mary Duke	Joe Whall	Mary Heffner
Jonathon Crane	Danny Plantus	Tim Ferasin
John Wolbert	Gloria Spitler	Donni Steele
Ed Weglarz	Ron Spitler	Jane Wiener
Ghassan Abdelnour	Ron Folbigg	Tom Wiener
Wendy Pemberton	Ed Van Slaribraek	Mark Crane
Nancy Carty McDevitt	Christi Evangelista	Lynn Harrison

Jonathon Crane, Civil Engineer, Attorney and Land Use Planner was present and represented the applicant, Verizon Wireless. He is here tonight to request a Special Land Use to build a 140 ft. monopole with approximate 5 ft. of appurtenances and antennas for a total height of 147 ft. This is proposed for the Aldridge golf course on Indianwood Road. This is part of their infrastructure for the community, part of their development on behalf of Verizon, and they meet each and every one of the Township's criteria and will be proceeding with the request for a Special Land Use and ultimately for a variance for setback requirements. He noted his contact information on the PowerPoint slide, he informed those in attendance he is available anytime if there is ever a question regarding this project.

Mr. Crane commented on some of the citizen emails and letters in which some had indicated that the Aldridges "had sold out", were getting a lot of money for this, and had solicited Verizon Wireless for this location. Mr. Crane responded that is not the truth. Verizon Wireless had a need for an antenna at this location, actually immediately north of Indianwood in the residential subdivision. He went out with the site acquisition people, looked, and this was the only large parcel available to them. That information was made available in their submittal to the Township. Verizon then approached the Aldridge family with the idea of building a monopole antenna in their maintenance yard immediately adjacent to the ITC corridor. He noted the family was hesitant, were very slow, diligent and did their homework. It took them nearly 6 months to give their response. They talked to other experts, people, and landlords and ultimately they decided to move ahead. It is not a large sum of money, providing the infrastructure for Orion Township and the improved wireless service is what moved them forward.

Mr. Crane depicted and talked about the time he came to the Planning Commission in 1993 to request the second wireless antenna in the community, that being the monopole structure on Kay Drive, south of Silverbell and east of M-24. At that time, there was a lot of reservations about the project – it would be 25 ft. from a single family residential property line, was it going to fall on homes, would it hurt somebody, it would destroy home values to the north, people were afraid of radiation, there would be an impact on local area development, concern about what it would do to television service, garage door openers and pace makers, and what would happen to the pole when the fad of cellular phones was over? That tower is still used, it has never failed, it is well maintained, the grounds are kept properly, and has never been sighted for any kind of blight. It is serviced twice a month and continues to service the community.

Meanwhile Verizon Wireless has grown into a \$25 billion a year communications industry. There are approximately 320 million people in the United States and 365 million wireless lines – more wireless lines than there are people. This is part of the infrastructure for the 21st Century and they continue to build - currently Verizon has 1,800 sites in Michigan and are adding rapidly to that. They are building as many as they can, as quickly as they can to meet the service and growth in the industry.

Not only are there more wireless customers but the uses have changed. They have gone from strictly being voice communications to the largest growth area, that being data communications and machine to machine talk.

Mr. Crane then pointed out through his presentation various things that have happened since the monopole on Kay Drive. A high-end development was built immediately to the east and within hundreds of feet, Silverbell Village – that development sold out promptly, there has never been a complaint, and a parcel was never sold with a discount because it had a facing view of the tower. Immediately to the north of that site, a townhouse project was developed. It has not impacted a single home's value, has not caused any problems, and has fulfilled every obligation and expectation.

Mr. Crane explained that since that time, the Federal Telecommunications Act of 1996 came out and it dictates that municipalities cannot consider health and cancer risks in regards to the wireless industry.

Again, they have not affected any home values, nobody is complaining and everything is well. There have been no interferences, they have expanded services and, as mentioned, are part of the largest growth program today. Mr. Crane showed a picture from the Planner's report depicting the location on the site of where the monopole antenna is proposed. It will be behind a berm that is 6 to 8 ft. high, the base will not be visible from Indianwood, and to the east is the ITC high tension lines which are approximately 105 ft. tall. Mr. Crane commented that the Township ordinance calls for shrubs around the cabinets however they are not providing any at this time but will provide them if required to move ahead - he doesn't believe they are necessary. Again, the site is isolated and hidden and will not have any adverse impact. The location's distance to residential is comparable to that of the one on Kay Drive - there will be no issues whatsoever. The monopoles do not cause health issues, they do not cause interference issues, the tower will be unlit, and is maintained by a van-like vehicle – it is part of the infrastructure for the 21st Century.

Mr. Crane then displayed a slide of the site plan and the location of the monopole. He explained the reason why the pole needs to go in that particular area. He also displayed two Radio Frequency Propagation Maps that showed the covered areas without this monopole and with the monopole (the red spans indicated uncovered areas).

Mr. Crane addressed concerns about home values and noted those concerns are not substantiated by any of their studies or other monopole locations. Regarding health concerns, although those are not “on the table”, they do not cause any health problems, they have not had any issues whatsoever with their other sites and is here tonight to ask for the Planning Commission’s approval. He noted one of the incentives for the Aldridge family to agree to this site was that Verizon would be providing top of the line, high quality, wireless service – not only for voice communications but for data, etc.

Mr. Crane then addressed why other locations were not suitable. On top of high tension lines – Verizon Wireless has never done a tower on one of these line, some smaller carriers do. The reason they do not do it is for maintenance safety reasons. In their opinion, the towers are not structurally sound enough to handle the additional load. The foundations aren’t designed for it and the steel in them is not designed for it – Verizon’s antennas are guaranteed to take a 90 mph wind and in reality they have not had a Verizon Wireless antennae or monopole of this design style fail by any carrier in the United States.

This is a fine product, fine location – after it is built, nobody will know it is there.

Chairman Dunaskiss asked for comments from the public.

Mark Crane with Butzel Long, 41000 Woodward Ave., Bloomfield Hills, was here to represent a couple of the homeowners in the immediate area. Mr. Crane responded to some of the comments made by Jonathon Crane (no relation). As to the comment that this was the only large parcel available in the vicinity, he questioned why do they need such a large parcel? The owner of the parcel owns 2 golf courses. What is the point of looking for a large parcel if they are going to put the monopole so close to a property line that it will need a variance? If the goal is to minimize the impact on the neighbors to the fullest extent possible, why would the owner allow them to put it along the edge of the property? It was his opinion you would go to the middle of the property and the fact that they are proposing to put it behind the maintenance barn attests to it being an eyesore and not pleasant to look at. The residents of Royal Troon will be able to look across the lake and see it. It was noted that Verizon had looked north of this location and yes there is a residential area, but north and slightly west is a wooded area along the Polly Ann Trail where there aren’t any homes for a long stretch. Mr. Mark Crane recalled that at one time there was talk of putting a monopole in the middle of Orion Oaks Park. The reaction was, why would they want to put a monopole in the middle of nature preserve? The reality was, as more was heard about it, it actually made sense. If you are looking to protect surrounding property owners, where better than to put it in the middle of a forest that would surround the monopole and the nearest neighbors would be thousands of yards away. In the summertime with the tree cover, people wouldn’t see it unless standing at the base of it – the goal is to minimize the impact on surrounding property owners. Regarding the comment that the Planning Commission cannot consider radiation, that is correct. There were also statements about the pole on Kay Drive, that there was no impact on home values and this project will not impact home values either – that is speculative and is contrary to the science and economic research that is conducted repeatedly in terms of the impact on property values having these poles constructed close by. Also, it would be based on antidotal information, if the Commission is interested in hearing an antidote, someone will be speaking shortly who was told by a potential buyer that walked because he had discovered this project was in the works. Mr. Mark Crane noted a couple discrepancies – the petition says that the support structures are 90 ft. tall, today he heard they are 105 ft. tall, this needs to be accurate so everyone knows what is being discussed here. The other thing he wanted noted, that in addition to the Special Land Use, this petitioner is going to be asking for a variance. He explained that a variance is a license granted by a municipality to violate the law. There is a heavy burden of proof that is borne by the petitioner. In this case, any variance that is being requested is solely due to the petitioner

wanting to put the pole right up next to a property line rather than placing it further onto the golf course – it would be a very inappropriate use of the variance mechanism in this Township.

Ron Folbigg, 131 Burniah Lane, lives on Dunelaine Lake and is also the President of the Royal Troon Condo Association. Upon receiving the public hearing notice, he sent two separate emails out to his co-owners asking them what they would like him to say? Two weeks ago they had their annual meeting, this was an agenda topic and based on feedback from the co-owners, they are going to take a neutral stance on this – neither for nor against. However, they did have two concerns. One was whether the tower would be lit, and it is not. The other concern, living on Dunelaine Lake, every time they look out over the lake they will see the cell tower looming on the horizon. What they are asking for is some consideration, that if this tower is built, if somehow it could be disguised or camouflaged – to make an attempt to get it to blend in with the surrounding area.

Nancy Carty McDevitt, 1784 Berwick Lane. Cell towers do not belong in neighborhoods, if you drive around Oakland County, you will see these towers situated on municipal properties, commercial properties, or on industrial properties. For the most part, not in neighborhoods. She was here to speak in two capacities, first as a member of the St. Andrews Estates Association Board, she is here to speak on behalf of both their Board and the entire neighborhood to say they are adamantly opposed to a cell tower being erected in their neighborhood. She noted that Mr. Jonathon Crane kept referring to this area as “the golf course” this golf course has three communities interspersed throughout it - it is not a golf course; it is three neighborhoods. On behalf of her husband and herself, they own the home that would be closest to the proposed cell tower, they would be in the shadow of it. She asked if Mr. Jonathon Crane lives in the shadow of a cell tower? She would have more confidence in his facts and figures if she knew he was willing to expose himself to the same situation they will be exposed to. She has numerous concerns. One being the immediate and dramatic decrease that will result in the value of their home if this is allowed to be built. Through her research, they could expect a 20% decrease in the value of their home. Realtors state that 94% of prospective home buyers won't consider looking let alone purchasing or renting a home situated near a cell tower. They are not alone, all of the homes located in the three neighborhoods will realize a decrease in home values. These homes were here first; this cell tower will be new to the neighborhood. When home prices decline in entire neighborhoods, it impacts the whole community, not just those specific homes. They are also concerned about the aesthetic quality of their neighborhood - that it will be destroyed. This cell tower is not located on a remote piece of property far from the homes that populate this golf course. It is literally in the middle of the three neighborhoods and situated next to wetlands. They will be forced to look at this ugly tower 24/7. It will ruin everyone's view. She is aware that the Commissioners cannot consider health issues but she is a two-time cancer survivor and this is certainly an important consideration to her. She is concerned that this tower will compromise the health of those who will be forced to live in its shadow. Allowing one cell tower to be built on this site - will it not open the door for other towers to be built there too? Could you legally deny others if you have already allowed one? The members of her neighborhood have no options, they have built or purchased their homes here in good faith, they have invested their hard earned money, energy and time maintaining these homes. They have made a commitment to this community and they cannot relocate their homes. If this tower is built, they will have no alternative other than to suffer the consequences of that act. The cell tower could be relocated on one of countless other sites around the community. Travel in either direction on Indianwood Road and you would come to industrial or commercial properties - couldn't these locations be considered for this tower? The person who is requesting permission to have this tower erected and who does not live in this community will realize a profit \$1,000s of dollars a year but not have to suffer the horrible consequences. They do not begrudge him the ability to profit from his properties but it should not be at the expense or total disregard for the dozens of people who live there. This person owns a second golf course just across Joslyn Road east of her neighborhood, one which

does not have any homes or neighborhoods located on it – why can't the cell tower be located somewhere on that property where it won't have a devastating impact on anyone. Speaking about profiting from this tower – why isn't the community seeking to locate this tower on municipal property allowing the city to collect the \$1,000s of dollars of rent per year and thus benefiting everyone in the community. She hoped that the members of this Commission will take the concerns of the dozens of individuals who live in the neighborhood of St. Andrew Estates, fellow Orion Township residents, very seriously and not allow the construction of this cell tower at the proposed location. It will destroy their home values, it will ruin their quality of life and compromise their health. She is looking to them to fulfill the responsibilities that have been entrusted to them, to safeguard the integrity of the community and quality of life of fellow Orion Township residents while allowing for measured progress in the community. She hoped that the Commission would show the same consideration to them, that they would show themselves if a cell tower was proposed in their neighborhood. She found it interesting that in Mr. Jonathon Crane's presentation, he showed the maintenance building but not their home which is literally next door.

Ed Duke, 91 Burniah Lane, was strongly opposed to granting this "variance". He noted that his home faces east, the rear façade and deck look directly across the lake. He noted that when Mr. Aldridge marketed this pristine, exclusive enclave of homes and private golf courses, he was able to solicit from them an up charge for a lake view. What came with that from Mr. Aldridge were promises of cleaning up the area that was contiguous to the maintenance area so that it would be enhanced in terms of the aesthetics experience they would have because it was important for him at that time, to create this kind of ambiance. This is just the most recent example of promises made and promises broken by the Aldridge family. Although Mr. Jonathon Crane ensured everyone that there is no monetary incentive on behalf of the Aldridges to profit from this. This is, to him, like a taking. In big cities there are issues with respect to air rights. People who purchase a particular building in New York with a view of Central Park are protected by their elected officials from having people like Verizon who in the name of technological progress, change the aesthetics of their life. He noted that he will be soon retiring and had plans of expanding their deck this year to augment their home and appreciate the view even more and then they are apprised of this particular "overreach" by Verizon and the Aldridges. He is relying on the Commission to protect them, they paid a premium, entered into the community, paid their taxes, and are good citizens but they don't have the ability as individuals to protect themselves against a corporate monolith like Verizon and those like the Aldridges who seek to profit. He finds it interesting that Mr. Jonathon Crane said he made this proposal to the Aldridges but it took them some time to make up their minds. They had to consult with other landlords – did the Aldridges or anyone from Verizon consult with anyone from the neighborhood? Certainly there are other alternatives, is this the only location that is possible? What criteria has Verizon given in terms of studies that have been done. There are a lot of platitudes that have been made by Mr. Crane, none of which are collaborated by any kind of study, any affidavits or any kind of financial analysis with respect to those other neighborhoods. Empty statements just as empty as the promises that were made 10 years ago to them when they paid the surcharge to build there. He asked the Commissioners to do their job to protect the residential values that are going to be impacted should this be approved. And just the quality of life - they are entitled to enjoy the fruits of their labor, they are entitled to enjoy the investment they made in the community. He expects each and every Commissioner to do their job and vote to protect them.

Tom Weiner, 41 Burniah Lane, noted that he and his wife bought a condo about 15 months ago and are delighted to be there. As far as they are concerned, the jewels of Lake Orion are the lakes. They brought their unit because it looks right out onto Dunelaine Lake. He heard the comment that "if this tower is built, no one will know it is there". He wished that were true. If that were true, he might not have been here tonight objecting to the proposal. This statement is certainly not true, they and their neighbors will look directly out onto that tower and they probably would not have brought where they did had they known that this tower was proposed

to be placed there. He said they all recognize that cellphone towers are necessary today and nobody is saying they are afraid it will fall down or interfere with their televisions and felt it was insulting for Verizon to be dredging up 25-year-old issues that nobody is concerned about today. What they are concerned about is when a cell tower has to go up, where will it be placed? And why is this an appropriate location and what other locations have been considered that might be more appropriate? Mr. Jonathon Crane had nothing to say about any of those subjects. Mr. Crane did not have anything at all to say about what the effect this tower would have on the views, on the environment, on visual pollution – these are real concern for those who choose to live in a lovely community such as Lake Orion. He hopes these comments and those of his neighbors will be taken seriously and the proposal will not be approved at least without forcing some real consideration of where else this tower could be placed.

Gordon Scupholm, 1772 Berwick Lane, objected to the placement of the tower in the spot chosen. They built a home on a lot that overlooks a beautiful pond to the east and the lake from their front porch. He commented that he belongs to Indianwood and has paid his dues for the last 30+ years. They built a 4,800 sq. ft. home, invested his emotional reserve and economic reserve to build this beautiful home in anticipation of living there a long time. It was Mr. Scupholm's opinion that Mr. Aldridge wouldn't have done this had he built his home on the lot that he now occupies – it would be right in his backyard. While the trees might protect it a little in the summer, they certainly won't in the fall or winter. He noted that he read that a tower that is 140 ft. high is about the height of a 14 story building and so it is disingenuous for Jonathon Crane to say that nobody would even notice it, that's not true. There are about 24 homes there and it is about a 40-acre lake. Everyone who lives there, when they come out on their nice patio or deck, all their eyes are going to see is the 140 ft., 14 story building. He will notice it. Again, if Mr. Aldridge had his home where his is, he would not put that pole there. There are significant other parcels within the golf course that if he wants the monthly fee, he could put it other than their backyard. He feels disadvantaged standing here, he looked at the application and what impressed him was the last page which was from First American Title Insurance Company and they wrote a commitment to insure the property where the pole is going to be placed, the date on that commitment was June 28, 2016 – about a year ago. You don't order your title commitment until you "have something going". He believed some things were going on even before June 28, 2016. He commented he read the application and was impressed with all of the statistics from experts that said this is what is needed and this is the only lot that is available. They had a year and half to do that, and he's only had about 2 ½ weeks to figure out who he can get to say that there are 14 other parcels within a reasonable distance and would serve the same purpose as the proposed. He suggested there be a significant adjournment to give the property owners an opportunity to find another place. He said it could be right here (on the Township property) where the collected fees could be used to reduce every ones' taxes. He is about to retire and intended to sell his home and buy one of the condominiums across the pond, if that tower goes up, he won't do that. If the demand for those condos is reduced, the likely result is their value will be reduced too. He noted that the other tower Mr. Jonathon Crane compared this to, the tower was built and then the homes were built, people knew what they were buying into. How do you measure that that property wasn't affected? The aesthetics is a significant thing, and he believed that this thing shouldn't be in a neighborhood when there are other options. He requested that the Commissioners vote, exercise their duty in a reasonable way or rule for a significant adjournment and then he would go out and get other opinions if what Mr. Crane has claimed is true. And, if it is confirmed, would probably consent to it, but doubts it.

Ron Spittler, 83 Burniah Lane, which overlooks the lake. He noted he and wife used to live on the other side of Voorhies Lake and when the tower went in in that area, they could see it quite clearly in the daytime. When they looked at this condo and considered buying it, they could see the high tension towers across the lake and really had think about that for a while - if they really wanted to buy with that in their backyard. Now the idea of having another tower every bit as

visible slightly to their left and across the lake is not very appealing. If there had seen both of those when they looked at the condo, they probably would have rejected it. There has been a lot of talk about the tower being on the golf course however, as far away as you can get from the course. There are other places that everyone has mentioned where it could be placed that wouldn't be as disturbing visually and aesthetically. He is asking that the Commissioners reconsider, get a new plan - a better location that is less bothersome.

Donni Steele, 262 Kirksway Lane, and is here tonight as a neighbor. She wanted to make sure that Verizon had considered Paint Creek Elementary School which is right there and could really use the money. There is a 275 ft. existing pole on the industrial site further down on Indianwood, could Verizon attach their equipment to that? Also, the Polly Ann Trail parking lot and trail head is right there, they too could really use the money. Ms. Steele noted she was talking to someone from the road commission and they said they have been allowing Rochester to have access in their road right-of-ways, on their poles and street lights. She did not know, however, if was Verizon or not. By putting antennas on these poles – the electricity is already there, the pole is already there and probably just a matter of attaching their equipment to the existing structure. There would then be no further pole pollution. Speaking as a neighbor, she does not agree with this pole going in the neighborhood and is hoping the Commissioners will consider other existing areas.

A resident who lives at 292 Kirksway commented there will be a 6 ft. berm, what good will that do when you can see a 140 ft. tower from over a mile away. How could anybody possible even bring that up as a benefit. He commented on the tower near I-75 and Joslyn Road, in back of Montgomery's – it is very noticeable. He wanted to reemphasize property values, how do you determine property values? Especially in the area where the tower was built before the homes. He would also contend that there was a rumor that the Planning Department was telling people that this was going to happen because the FCC is demanding it – or something like that. He walked the houses in Royal Troon to make people aware that proposal was probably going to happen and one individual he talked to said, there is a lawyer in the neighborhood and he said the Township can't deny it, it is going to happen. That individual also said they were working with Stan on another piece of property and we didn't want to upset the "applecart" so they are going to stay neutral. Out of a couple hundred people, he doubted if he could find at least two people that were in favor of it.

There were no other comments from the public. Chairman Dunaskiss closed the Public Hearing for PC-2017-10, VZW 756 Indianwood Rd. Special Land Use at 8:24pm.

Respectfully submitted,



Lynn Harrison
PC/ZBA Recording Secretary
Charter Township of Orion

June 21, 2017

Planning Commission Approval Date