

NELSON TOWNSHIP
Special Planning Commission Meeting
Nelson Township Municipal Building
2 Maple Street
Sand Lake, Michigan 49343

MINUTES
November 28, 2018
7:00 pm

The Special Planning Commission meeting was called to order at 7:00 pm by Chairman McKown.

Commissioners Present: McKown, Mahoney, Stolk, Wier, Wall, Litwinchuk, Covell.

Also, Present: Township Supervisor Britton, Township Attorney Ron Redick, and the Township residents who signed the attendance sheet attached to these minutes.

Approval of Agenda: Litwinchuk moved to approve, Seconded by Wier, Yes – 7, No - 0

Approval of Minutes: Wier asked for the wording to be changed in John Sarniak’s statement, “the County takes better care of the road better when a mining operation is on the road” to “the County takes better care of the road that is serving a mining operation”. Wier moved to approve as amended, Seconded by Stolk, Yes – 7, No – 0.

Public Hearing: Resolution for New Par d/b/a Verizon Wireless Communication Tower located at 15920 Northland Drive. NE

Public Hearing opened at 7:05

Ralph Wyngarten from Faulk & Foster, requested a special use permit to install a Communications Tower. He explained the tower is 190’ tall monopole, it will have no lights, and no guidewires. It will be located at 15920 Northland Drive, NE., which is zoned AG. He explained that this tower would fill a 2-mile gap in service for Verizon. Other companies will be able to use this tower also.

Terrance Wilds, 5085 19 Mile Road, stated his property is directly across from the site of the proposed Tower. He is concerned that his airport runway will be affected by the tower when landing on the airstrip. His concerns were with the tower being in a single-family dwelling, the setbacks for the tower, and the tower going in to a flood plain. He was also concerned that there would be more than one tower.

Township Supervisor Britton spoke for the Zoning Administrator Gross and indicated that 2 other residents had contacted Gross and had objections to the tower but when they saw Faulk & Foster’s site plan, they did not have any objections to the special use.

Commissioner Wall spoke about the special use permit, stating that the permit was for only one tower and it is zoned commercial. Attorney Redick confirmed this.

Commissioner Stolk asked about FAA regulations concerning height. Terrance Wilds stated the FAA leaves it up to the Airport owner.

Commissioner Wier stated FAA regulation is 500’ AGL minimum height, except for descent. He said the tower is a non-issue, the tower does not affect the flight pattern in descent and landing. Wier stated he flew the pattern and the tower would not affect the flight path. Commissioner Wier supports the project but is disappointed that the setbacks were not correct. He asked if the tower could be moved further north.

Commissioner Wall asked what could be done to bring the tower into compliance with the setbacks.

Property owners of 15920 Northland Drive NE, Jason and Carrie Fisher, indicated the monopole was built to collapse on itself. So, they were not worried about having it closer to their house. They were fine with the position of the tower.

Commissioner Stolk, stated that the board wanted it to be safe and to do that, it needed to be moved.

Wygarten indicated that he would need to come back with a revised site plan and the supporting documentation.

Public Hearing was closed at 7:15 pm.

New Business: The PC Board agreed that the special use permit should not be issued until the set backs were correct. Attorney Redick advised that the 90 days were up today and the board would need to adopt a conditional denial of the special use application.

This would give Faulk & Foster time to revise the site plan or provide documentation showing that moving the tower was not possible due to powerlines, a ditch and possible wetlands. The Commission shall revisit the special use permit at the January meeting.

Wier made a motion to adopt a Conditional Denial based on the setbacks, Wall seconded. Yes – 7, No – 0.

Comments from the Commissioners: None

Extended Public Comment: Supervisor Britton stated that the 16 Mile Road is going to be paved. The cost will be split 1/3 to Courtland Township, 1/3 to Nelson Township and 1/3 to Kent County.

Supervisor Britton said the Trail is moving ahead and is expected to begin in 2020. The County is looking at the drainage of the ditches around the trail.

Supervisor Britton introduced the new Village of Sand Lake President, Danielle Hardenburg. Hardenburg stated that she is excited to take on the position and hopes that the Township and Village can work together to benefit the residents.

Attorney Redick stated the Planning Commission should look at what they want to do concerning the new Marijuana proposal passing.

Attorney Redick explained the differences between the medical marijuana laws and recreational marijuana laws. He explained about opting in and opting out. There is nothing to be done by the Township about medical marijuana because we never opted in. The recreational marijuana includes commercial grow operations and transportation and retail businesses. It does not affect personal use.

Commissioner Wall made a motion to set a hearing for prohibition of marihuana facilities and establishments. Stolk seconded it. Yes – 7,
No – 0

A public hearing will be held at the January 16th, 2019 meeting.

Wier asked about Air BnB, Attorney Redick indicated that there is a bill pending in the house and senate that may take any regulations out of the Township's control.

Adjournment: Motion by Wall, with support from Litwinchuk, to adjourn the meeting at 8:20 pm. Yes – 7, No – 0.

Next Planning Commission meeting, January 16th, 2019

