

LILLEY TOWNSHIP PLANNING COMMISSION MINUTES
SPECIAL MEETING AND PUBLIC HEARING ON PROPOSED CELL TOWER
SEPTEMBER 28th, 2023 – UNAPPROVED

The September 28th, 2023 Regular Meeting and Public Hearing of the Lilley Township Planning Commission, held at the Multi-Purpose Building, was called to order by Chairperson Israels at 7:30 P.M.

The Pledge of Allegiance was recited, Invocation by Doornbos.

The roll was called with the following members present: Robert Doornbos, Cindy Israels, Anna Bonnett, and Judith Hoving, Absent, Chris Moore

Motion to Approve the Minutes of the July 20th, 2023 meeting by Bonnett, Second by Doornbos
Roll Call: Doornbos, Yes, Israels, Yes, Bonnett, Yes, Hoving Yes – Motion Carried

Motion to Approve the Agenda by Doornbos with Second by Bonnett
Voice Vote - All in Favor – Aye – Motion Carried

Correspondence received: Special Event Application – Lilley Township Fire Dept. Haunted Fire Station, Trunk or Treat and Business request by the Up-North Gift Shop

Public Comment on matters not published on the Agenda: None

This Special Meeting is now suspended for later consideration by Chairperson Israels.

Visitor recognition: Ryan Streff

*******PUBLIC HEARING*******

Special Land Use Application – Ryan Streff with Powder River Development Services LLC o/b/o ARX Wireless Infrastructure LLC, a national tower company for proposed Wireless Communications Facilities and Antenna Support Structure at the following location in Lilley Township, Newaygo County.

Property Parcel #62-02-02-100-011 property size 3.64 acres located at 14345 N Woodbridge Dr., Bitely, MI

Streff explained that the purpose of the proposed tower was to cover gaps in coverage in cell service between existing coverage areas. The cell service contracting for placement on this tower is Verizon. Per regulations the tower will accommodate four wireless carriers as required. Map was shown in the presentation showing the coverage area increasing northward substantially increasing a wider coverage area. Mr. Streff provided a Packet with information, maps, pictures and specifications for use with his presentation. Zoning maps and aerial views are included. Wetlands are not impacted and FEMA map shows there is no Flood hazard. A copy of the packet that he spoke from is available upon request.

The proposed structure is a 250 ft. guyed tower in a 60 ft. by 60 ft. compound with a six ft. chain link fence surrounding the compound. Equipment will be housed in buildings within the compound. The proposed facility complies with all Zoning requirements such as lot size, fencing, tower distance from lot lines, tower height and number of users accommodated.

In closing Mr. Streff invited questions and discussion by the Commission members.

In response to a question he explained that the enhanced coverage map shows a greatly increased coverage area northward from the existing Verizon Tower located on Gordon Rd. between 14 Mile and 15 Mile Roads. This tower is expected to fill an existing gap in coverage by Verizon. He can't speak to coverage by other providers. Many factors determine quality of coverage. Questions asked about wider coverage and dropped calls and whether additional towers could possibly help. Concerns voiced on areas in Lilley Township that have no cell service. The proposed tower offers other service providers the chance to contract with the new tower in the future. Tower property choice depends on coverage gaps, property availability and zoning. The property where the proposed tower would be located is Zoned Commercial. There will be lighting according to FCC regulations. Kirk Smith, a neighbor, raised questions on the proposed site of the tower. Two audience members spoke of lack of cell service in their locations in Lilley Twp.

Concern was voiced regarding electromagnetic fields affecting health of families. Streff cites the **Federal Telecommunications Act of 1996** which states that local regulations **cannot prohibit** or **regulate** wireless facilities on the basis of environmental effects of **FCC-compliant** radio frequency emissions. Opinions exist on both sides of the issue. Emissions from tower exposure are very far below that of your cellphone and other devices and are much further away, Streff explained.

Member Hoving spoke regarding her hours of research on this subject and found that many years of scientific study has been done regarding these emissions and the effects on health. She cites scientific study by the World Health Org., the FDA, the FCC, the NIH, Sloan-Kettering Cancer Center along with scientific research by seven other International governmental agencies. The consensus is that "There is no convincing scientific evidence that the weak signals from base stations (cell towers) and wireless networks cause adverse health effects". There are other opinions expressed on the internet that propose opposing theories.

This closes the public discussion.

Next is the test regarding Section 20-04 General Standards for Approval. The Township Board shall approve or approve with conditions, a Special Land Use permit request only if a finding that all of the following general standards for approval are complied with: **(List is Summarized)**

1. The use is to be operated and maintained to fit into the area and not change the essential character of the area. (Property is Zoned Commercial and heavily wooded.)
2. The use will be adequately served by necessary public services and facilities as listed.
3. The use does not include anything detrimental to persons, property or the general welfare by reason of traffic, noise, smoke, fumes, glare or odor.
4. The use will be compatible with the natural environment. Designed to encourage conservation of natural resources and energy. (Not near wetlands or flood zone)
5. The site plan must be in compliance with special land use contained in Section 20.07.

Next test is regarding wireless communication towers and radio and television broadcast towers.

The applicant must demonstrate that the construction of a new tower is necessary to best suit the applicant's needs rather than placing an antennae on an existing tower, spire or municipal structure. If the Township Board is convinced no other method is applicable, the following standards must be met:

1. Minimum lot area of one and one-half acres – **Note**: Property is 3.42 acres
2. The tower and any other related appurtenances shall be fenced with a six (6) foot high fence. **Yes**
3. The tower must be at least one hundred (100) feet from any lot line. **Note**: Tower setbacks are as follows: 110 ft. (N), 148 Ft (W), 291 Ft. (S), 369 ft. (E).
4. The maximum height of the tower shall be three hundred (300) feet. **Note**: Tower Height is 254 feet with lightning rod included.
5. The tower facility shall be equipped to accommodate at least three (3) antennae, to encourage co-location. **Note**: This tower will have space for four (4) users

The plans and specifications provided are in compliance with the General Standards for Approval.

Chairperson called for a motion to approve the application by ARX Wireless Infrastructure LLC. as presented Motion to approve by Hoving, Second by Israels: Roll Call: Bonnett, No, Doornbos, Yes **with conditions**, Hoving, Yes, Israels, Yes – Motion Carried - More information on this vote will be added later after conditions are clarified.

Doornbos is concerned regarding the Cell Tower approved on August 19, 2021 but never completed. He feels this would complicate future plans and would set a bad precedent. Streff argued that non-completion of the approved project, by a previous applicant, should not affect approval for the current AXR project. He also reminded us that Federal law prohibits non-approval of the current project based on environmental effects. This is based on the previously stated Federal Communications Act of 1996. Discussion continued. One member expressed concern regarding nearness to a resident. Another asked does anyone want to look at a cell tower in their backyard. Another cited the fact that zoning can impact what happens near a residence in the future. Living near a Commercially Zoned or Agricultural Zone can impact future projects. One member spoke of the poor cellular service in this area and the danger to residents and visitors in getting help in an emergency. With many cell service providers and visitors from all over, improving cell service could save lives. As it is, so many residents of Lilley Township have either no service or unreliable coverage. So many people now depend solely on Cellphones and the infrastructure to support them has not kept up especially in more rural areas. Zoning Officer Jeff Wroblewski stated that the Cell Tower Application approved on August 19, 2021 has **expired**. It was never extended after the one-year period following approval. He has sought legal opinion following up on where they stand today. It has nothing to do with the current cell tower application and would have to be revisited as a separate issue. That tower was for AT&T, a different cellular provider than we are dealing with today.

Chairman Israels stated we live in an area where people are desperate for more and better cell service. We knew two years ago that something had to be done. Even if the other tower comes back to us again, we can make sure everything is done correctly then. Her opinion is that we approve this new application, both because of the FCC regulations and secondly, she does not feel that she should ever vote on something because of personal feelings but that her vote should be whatever is best for the Township as a whole who she represents. Audience member questioned why he was not notified by letter of this issue. The Zoning officer replied that everyone within 300 feet of the project had been mailed a notice. Mr. Streff asked why the ARX application, which has met all of the necessary criteria required for approval, should be held up because of the expired application by another entity. Much discussion back and forth regarding conditions for approval and the information from legal to be included when the approval of the current project, by the Planning Commission, is sent to the Board to be finalized. We can approve with conditions as stated in the Zoning Guidelines.

Chairperson Israels stated that in conclusion, the motion to recommend approval with conditions to the Township Board, for a Special Land Use application for ARX Wireless Infrastructure, LLC to build a cell tower at 18 Mie Road and M37 will go forward as approved.

Our Zoning officer will explain to the Board, at their upcoming meeting, the Legal opinion he received regarding the expired application by Parallel Towers III LLC and AT&T previously approved on August 19, 2021. Mr. Streff was invited to attend that meeting to answer any questions and supply us with packets of information for anyone interested. Information to be presented to the Board during the Planning Commission part of the Agenda.

Public Hearing is now closed.

Special event application by the Fire Department for a Haunted Fire Station is approved for the Saturday before Halloween. We suggest additional efforts to organize a Trunk or Treat and maybe some activities for older kids to participate in. We would try to encourage community activities and the interest in young people to join the Fire Department or Medical First Responders. It is difficult to organize child activities without a local school system to help. Many good suggestions to involve young people were made but time is very short. We may have to move the implementation of these suggestions and ideas into the future.

Motion was made by Bonnett, Second by Doornbos to approve the Haunted Fire Barn Application.
All in Favor – Aye – Motion Carried.

Next was application by the Up-North Gift Shop to add a one chair hair salon into an existing room in the building that has always had three businesses within the location.

Motion by Doornbos, Second by Israels to approve the addition of a hair salon chair. Zoning Approved.
All in Favor – Aye – Motion Carried.

Presentation of our results will be made to the Board on October 9th, 2023

The next Regularly Scheduled Planning Commission will be held on October 19th, 2023

Motion to adjourn by Bonnett, Second by Doornbos
All in Favor – Aye – Motion Carried.

Meeting Adjourned 9:25 P.M

Respectfully Submitted,



Recording Secretary