



**Planning Commission**  
**March 7, 2012 Minutes for Regular Meeting & Public Hearing**  
(public hearing minutes follow regular minutes below)

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**REGULAR MEETING MINUTES:**

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, March 7, 2012 at 7:00 p.m. at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

**PLANNING COMMISSION MEMBERS PRESENT:** Carol Thurber, Vice-Chairwoman; Dick Christie, Secretary; John Steimel, Trustee, Rep. to PC; Don Walker, Commissioner; Justin Dunaskiss, Commissioner; Chris Barnett, Commissioner

**PLANNING COMMISSION MEMBER ABSENT:** Doug Zande, Chairman

**TOWNSHIP BOARD MEMBERS PRESENT:** JoAnn Van Tassel, Supervisor; Penny Shults, Clerk; Alice Young, Treasurer; John Steimel, Trustee, Rep. to PC; Neal Porter, Trustee; Mike Flood, Jr., Trustee

**TOWNSHIP BOARD MEMBER ABSENT:** Mark Crane, Trustee, Rep. to ZBA

**CONSULTANTS PRESENT:** R. Donald Wortman (Township Planner) of Carlisle/Wortman Associates, Inc.; Dave Schroeder (Township Engineer) of Orchard, Hiltz, & McCliment, Inc. (OHM); Beth McGuire, Township Zoning/Planning Administrator

**OTHERS PRESENT:** Renata Capozzoli, Michelle Parker, Dino Filias, Martin Calcaterra, Tony Doll, Donna Sennot, Jeffrey Sennot, John Capozzoli, Al Fosmoes, Melissa Brofford, Rob LaBelle, Mary Zielinsky, Deborah R. Wylin, Mary Morgan, Terry Morgan, Greg Parker, Robin Dimle, Ken Dimle, Melissa Day, John Day, Richard Snelling, Joyce Snelling, Jacob Richter, Nadine Richter, James Barnhart, Ron Semaan, Scot Hubble, Nabil Hyoub, Richard Stanfield, Robert Cloutier, Michelle Cloutier, John Wyland, Kristin Cesarele, Leif Anderson, Cindy Anderson, Sean Yonsif, Kevin Stoddard, Dottie Kowalski, Raphael A. Flajole, Lorena Foubert, Joseph Latozas, Becky Elmy, James Maciejewski, Jessica King, Dana Reath, Scott Bonacorsi, Laura Schueller, Joyce Wooden, Ken D. Angle, John W. Hart, Scot Hubble, Kim Gasky, Don Harrison, Phoebe Schutz

- 1. OPEN MEETING:** Acting Chairwoman Thurber called the regular meeting to order at 7:00 p.m. Supervisor Van Tassel informed members of the public that the Township Board of Trustees is only here tonight for the joint public hearing.
- 2. ROLL CALL:** Chairman Zande was absent.
- 3. MINUTES:** Moved by Secretary Christie, supported by Commissioner Dunaskiss to approve the November 16, 2011 regular meeting minutes as presented. **Motion carried 6-0** (Zande was absent).
- 4. AGENDA REVIEW AND APPROVAL:** Moved by Commissioner Dunaskiss, supported by Secretary Christie to approve the agenda as presented. **Motion carried 6-0** (Zande was absent).

*Acting Chairwoman Thurber recessed the regular meeting and opened the PC-2012-01, Verizon Wireless Monopole Tower Special Land Use Joint Public Hearing with the Township Board of Trustees at 7:05 p.m.*

*Acting Chairwoman Thurber closed the public hearing and reconvened the regular meeting at 9:07 p.m.*

*Acting Chairwoman Thurber recessed the regular meeting at 9:07 p.m. for a break and reconvened the regular meeting at 9:20 p.m.*

**5. BRIEF PUBLIC COMMENT - NON-AGENDA ITEMS ONLY:** Mr. John W. Hart, 915 Hemingway Road, commented regarding ordinance enforcement.

## **6. CONSENT AGENDA**

**A. 2011 Planning Commission Annual Report:** Moved by Commissioner Steimel, supported by Secretary Christie to accept the 2011 Planning Commission Annual Report as presented. **Motion carried 6-0** (Zande was absent).

## **7. NEW BUSINESS**

**A. PC-2012-01, Verizon Wireless Monopole Tower Special Land Use and Site Plan, Northwest Corner of Baldwin and Waldon Roads:** Mr. R. Donald Wortman, of Carlisle/Wortman Associates, Inc., overviewed their Special Land Use/Site Plan Review correspondence, dated January 20, 2012\*. The burden is on the applicant to prove that this cell tower is needed in that location. He then suggested that members may want to postpone until they've had an opportunity to research it. In the ordinance it does state that you can seek advice from an expert regarding radio frequency and the lack of coverage. The applicant needs to provide documentation to back up their statement when they stated that they cannot collocate with ITC or DTE. The applicant has shown a map of the Township's tower, but the applicant should also provide maps modeled to show deficiencies of other towers. Also, the exterior surfaces materials for the utility building at the base of the tower does need to be on the drawings as well. The Township can also require a performance guarantee in the event that the tower is abandoned and that should be through the Building Department. He would defer to the Township Attorney to interpret the Telecommunications Act regarding the Township's interest. The applicant needs to demonstrate that there really is a deficiency and also must meet the standards for granting special land use approval as listed in Zoning Ordinance No. 78, Section 30.02.

Mr. LaBelle stated, may I speak to the Telecommunications Act, because there were some mischaracterizations from the audience and I think I may have contributed to that. The Telecommunications Act does not usurp local authority. In fact, it specifically states, except as provided in this paragraph, nothing in this chapter shall limit or affect the authority of a state or local government over decisions regarding the placement, construction, or modification of personal wireless facilities. There are specific things that a Township can't do. It can't say, if the tower can be seen, it can't go in, because that's an effective prohibition, because it obviously can be seen from some direction, it's going to have to be seen. Simply saying, if it's seeable from anywhere, it's therefore aesthetically displeasing, therefore you say no. That would be an effective prohibition. But to put regulations that say you're going to have to put landscaping all around the base and you're going to have to show us that putting it in this location is the least obtrusive method of placing it. The Township is perfectly capable within the structure of the Telecommunications Act to ask us to do those things, which we hope we have demonstrated. You are not prohibited from regulating under your ordinance, under the

Telecommunications Act. That's not what I was trying to suggest, but I was suggesting there are some limitations on what you can do. One of them, for example, is the effective prohibition and another one is that you can't use the health effects as a basis to say no. Those are some of the limitations, but otherwise, you've got your usual range you'd have under your normal powers for the health, safety, and welfare of the community.

Secretary Christie inquired whether the Petitioner has any concerns at all of being right next to a Detroit Edison substation.

Mr. LaBelle stated, no because we are so much higher than that. Basically, we want to stay away from the wires. The wires create the electromagnetic interference, because they have a field that's created around them. With the substation being where it is, we're 125 feet above that, so the substation is not an issue.

Secretary Christie inquired, when you say the electromagnetic field of high-tension lines, how far outside does that pole have to be to get away from that pyramid effect roughly.

Mr. LaBelle stated, my Radio Frequency Engineer had to get back to his son, so I can't give an answer to the specifics on that, but we can provide the information on that.

Secretary Christie inquired whether the electric lines area would be a good spot to locate this monopole if it were outside that range.

Mr. LaBelle stated, one difficulty that we'd have with this is that we'd have to locate it on the actual transmission towers, but DTE Energy and ITC by derivative, refuse to allow us to put any towers within that area.

Commissioner Barnett inquired whether they would consider collocating on a tower that is located in Orion Oaks Park.

Ms. Brofford noted that they would look into that to determine whether they can collocate on it.

Commissioner Barnett requested that the applicant provide documentation on that as well. He suggested that the applicant investigate whether they could collocate on the existing tower that is located in the Orion Oaks Park.

Ms. Brofford noted that they will look into that.

Commissioner Steimel noted that members need the data to make the best decision for the Township. He also requested that the applicant provide documentation for their definition of dropped calls and requested that the applicant investigate all towers within that area to determine whether or not they could collocate on one of them and to provide members with documentation proving their results. He also noted that the applicant's petition that they submitted did not show addresses of the people that signed it and suggested that if they should ever submit another petition in the future, that it should provide the signees' addresses.

Commissioner Dunaskiss requested documentation showing the conditions of the lease agreement that would be used for the tower.

Moved by Commissioner Barnett, supported by Commissioner Dunaskiss regarding case PC-2012-01, Verizon Wireless Monopole Tower Special Land Use, with the subject site located on the northwest corner of Baldwin and Waldon Roads, Sidwell #09-20-351-011, **to postpone** this case to allow the applicant to provide more actual data, including the dropped-call information, stating that there is deficient cell coverage necessitating a new tower. Equally important, that there be proof that it cannot be located on an alternate site, specifically we'd like you to look at the Orion Oaks Park site just a mile and a half north of the proposed site and the ITC towers. Also, to address some of our residents' other concerns at some distance out from the base of that same monopole, we'd like to see data on that as well as on cell phones. Also, some language in the application referencing what would happen after five years if the lease is not renewed and some type of performance guarantee, which may be required in our ordinance, but I don't see that. Also, provide information on the exterior building materials of the actual building structure. Also, to include data on everything mentioned in this meeting to support the applicant's position. The applicant must submit to the Building Department the requested information within thirty days. Roll call vote was as follows: Barnett, yes; Dunaskiss, yes; Christie, yes; Steimel, yes; Walker, yes; Thurber, yes. **Motion carried 6-0** (Zande was absent).

Acting Chairwoman Thurber noted that members did receive various pieces of correspondence regarding this case.

**B. Recommend Representative to the Zoning Board of Appeals:** Moved by Secretary Christie, supported by Commissioner Dunaskiss to recommend to the Township Board of Trustees to appoint Mr. Don Walker as the Planning Commission representative to serve on the Zoning Board of Appeals for 2012. Roll call vote was as follows: Dunaskiss, yes; Christie, yes; Steimel, yes; Walker, yes; Barnett, yes; Thurber, yes. **Motion carried 6-0** (Zande was absent).

## 8. UNFINISHED BUSINESS

**A. PC-2011-22, Text Amendment to Zoning Ordinance No. 78, Temporary Use Permits:** Mr. R. Donald Wortman, of Carlisle/Wortman Associates, Inc., overviewed their correspondence, dated November 21, 2011 and attached revised text\*. Moved by Secretary Christie, supported by Commissioner Barnett regarding case PC-2011-22, Text Amendment to Zoning Ordinance No. 78, Temporary Use Permits, to schedule the public hearing for Wednesday, April 4, 2012 at 7:05 p.m. Roll call vote was as follows: Christie, yes; Steimel, yes; Walker, yes; Barnett, yes; Dunaskiss, yes; Thurber, yes. **Motion carried 6-0** (Zande was absent).

**B. PC-2011-23, Text Amendment to Zoning Ordinance No. 78, Recreational Vehicle Parking:** Mr. R. Donald Wortman, of Carlisle/Wortman Associates, Inc., overviewed their correspondence, dated November 21, 2011 and attached revised text\*. Moved by Secretary Christie, supported by Commissioner Steimel regarding case PC-2011-23, Text Amendment to Zoning Ordinance No. 78, Recreational Vehicle Parking, to schedule the public hearing for Wednesday, April 4, 2012 immediately following the PC-2011-22 public hearing at 7:05 p.m. Roll call vote was as follows: Steimel, yes; Walker, yes; Barnett, yes; Dunaskiss, yes; Christie, yes; Thurber, yes. **Motion carried 6-0** (Zande was absent).

**C. Consider Cancelling the March 21, 2012 Planning Commission Regular Meeting:** Acting Chairwoman Thurber overviewed correspondence received from Ms. Beth McGuire, Zoning/Planning Administrator, dated March 7, 2012\*. Moved by Secretary Christie, supported by Commissioner Barnett to cancel the Wednesday, March 21, 2012 Planning Commission regular meeting due to the lack of

agenda items at this time. Roll call vote was as follows: Walker, yes; Barnett, yes; Dunaskiss, yes; Christie, yes; Steimel, yes; Thurber, yes. **Motion carried 6-0** (Zande was absent).

**9. PUBLIC COMMENTS:** No further public comments were given.

## **10. COMMUNICATIONS**

**A. Communication Regarding Bald Mountain Stakeholder Meeting:** Acting Chairwoman Thurber overviewed correspondence received from Ms. Beth McGuire, Zoning/Planning Administrator, dated March 7, 2012, in which it was requested that a member of the Planning Commission participate in the meeting\*. Commissioner Steimel volunteered to attend the meeting. Commissioners Barnett and Dunaskiss volunteered to substitute if the need arises.

**11. COMMITTEE REPORTS:** Acting Chairwoman Thurber noted that the Site Walk Committee recently conducted a site walk on the Verizon tower subject site.

## **12. PUBLIC HEARINGS**

A. PC-2011-22, Text Amendment to Zoning Ordinance No. 78, Temporary Use Permits  
Public Hearing is scheduled for Wednesday, April 4, 2012 at 7:05 p.m.

B. PC-2011-23, Text Amendment to Zoning Ordinance No. 78, Recreational Vehicle  
Parking Public Hearing is scheduled for Wednesday, April 4, 2012 immediately following  
the PC-2011-22 public hearing at 7:05 p.m.

**13. CHAIRMAN'S COMMENTS:** Acting Chairwoman Thurber welcomed Mr. Don Walker as our new Planning Commission member.

## **14. COMMISSIONERS' COMMENTS:**

Commissioner Barnett noted that it was great to have so many residents here to express their views and comments tonight and welcomed Commissioner Walker to the Planning Commission.

Commissioner Walker thanked members for their welcoming comments.

Secretary Christie also welcomed Commissioner Walker to the Planning Commission.

Commissioner Steimel also welcomed Commissioner Walker to the Planning Commission.

Commissioner Dunaskiss also welcomed Commissioner Walker to the Planning Commission and noted that it was great to have so many residents here to express their views and concerns.

Mr. Dave Schroeder, of Orchard, Hiltz, and McCliment, Inc., (Township Engineer) commented that the Township Board of Trustees authorized OHM to proceed with design of a project for Indian Lake Road to improve the drainage at the old railroad bridge crossing just east of M-24 and also look at enhancing the clearance under that bridge to enable delivery trucks to go through there. There may be additional projects coming up this summer.

**15. ADJOURNMENT:** Moved by Commissioner Barnett, supported by Secretary Christie to adjourn at 10:30 p.m. **Motion carried 6-0** (Zande was absent).

\* on file

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**JOINT PUBLIC HEARING MINUTES:**

The Charter Township of Orion Planning Commission held a special joint public hearing with the Township Board of Trustees on Wednesday, March 7, 2012 at 7:05 p.m. at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

**PLANNING COMMISSION MEMBERS PRESENT:** Carol Thurber, Vice-Chairwoman; Dick Christie, Secretary; John Steimel, Trustee, Rep. to PC; Don Walker, Commissioner; Justin Dunaskiss, Commissioner; Chris Barnett, Commissioner

**PLANNING COMMISSION MEMBER ABSENT:** Doug Zande, Chairman

**TOWNSHIP BOARD MEMBERS PRESENT:** JoAnn Van Tassel, Supervisor; Penny Shults, Clerk; Alice Young, Treasurer; John Steimel, Trustee, Rep. to PC; Neal Porter, Trustee; Mike Flood, Jr., Trustee

**TOWNSHIP BOARD MEMBER ABSENT:** Mark Crane, Trustee, Rep. to ZBA

**CONSULTANTS PRESENT:** R. Donald Wortman (Township Planner) of Carlisle/Wortman Associates, Inc.; Dave Schroeder (Township Engineer) of Orchard, Hiltz, & McCliment, Inc. (OHM); Beth McGuire, Township Zoning/Planning Administrator

**OTHERS PRESENT:** Renata Capozzoli, Michelle Parker, Dino Filias, Martin Calcaterra, Tony Doll, Donna Sennot, Jeffrey Sennot, John Capozzoli, Al Fosmoes, Melissa Brofford, Rob LaBelle, Mary Zielinsky, Deborah R. Wylin, Mary Morgan, Terry Morgan, Greg Parker, Robin Dimle, Ken Dimle, Melissa Day, John Day, Richard Snelling, Joyce Snelling, Jacob Richter, Nadine Richter, James Barnhart, Ron Semaan, Scot Hubble, Nabil Hyoub, Richard Stanfield, Robert Cloutier, Michelle Cloutier, John Wyland, Kristin Cesarele, Leif Anderson, Cindy Anderson, Sean Yonsif, Kevin Stoddard, Dottie Kowalski, Raphael A. Flajole, Lorena Foubert, Joseph Latozas, Becky Elmy, James Maciejewsic, Jessica King, Dana Reath, Scott Bonacorsi, Laura Schueller, Joyce Wooden, Ken D. Angle, John W. Hart, Scott Hubble, Kim Gasky, Don Harrison, Phoebe Schutz

Acting Chairwoman Thurber opened the PC-2012-01 joint public hearing with the Township Board of Trustees at 7:05 p.m.

Ms. Phoebe Schutz, Recording Secretary, took the roll call for the Planning Commission. Chairman Zande was absent.

Ms. JoAnn Van Tassel, Township Supervisor, opened the Township Board of Trustees' joint special meeting with the Planning Commission 7:05 p.m.

Ms. Penny Shults, Township Clerk, took the roll call for the Township Board of Trustees. Trustee Crane was absent.

Mr. R. Donald Wortman (Township Planner), of Carlisle/Wortman Associates, Inc., overviewed the special land use process, which is required in the Office and Professional - 1 (OP-1) zoning district to allow the installation of a cell tower.

Ms. Melissa Brofford, of Pyramid Network Services, parent company of Verizon, briefly overviewed their proposed cell tower project.

Mr. Scott Hubble, of 24242 Northwestern Highway, Southfield, Michigan, commented that he is a radio frequency engineer for Verizon Wireless. He overviewed details regarding the site for the public, including how they determine where to install towers, which generally relates to unreliable coverage. Regarding health concerns, Verizon Wireless takes the concerns of their customers and communities very seriously. He noted that the energy from cell phones is hundreds of times greater than the actual measurements directly under the towers themselves. They comply with the FCC guidelines on every single one of their sites. The new sites are determined by many things including the number of customers' dropped calls. He also noted that more than 75% of 911 calls are made from cell phones, which makes the need for good coverage even greater. Although collocating on local power lines may be a possibility, they're very susceptible to external interference when you're located with this high energy high transmission power lines and the structures themselves are generally incapable of supporting our load. Sprint uses them, but they only have one band of frequencies, where we own and operate multiple bands of frequencies. We have 800 frequencies, 700 frequencies, AWS frequencies, and PCS frequencies. We use double the number of antennae in most examples. We also have remote radio heads that are heavy boxes that go on top of the structures that make them incapable of supporting our load. It would be much easier to collocate on an existing structure when possible, but those aren't designed to accommodate us. Although there are 20 towers in this area that are listed on the FCC website, generally anything that's licensed would be for separate businesses like Bass Pro Shop or Rainforest Cafe that don't relate to our industry. Within those 20 towers many of them are only 40' or 50' tall. This particular location only had seven homes within a 500' radius. All of the other locations that were in the proper zoning district we considered had many more than that. We found this to be the least intrusive. We're here to meet our customers' demands and to ensure a reliable call when they dial 911. He also submitted to members a multiple page petition that many of their customers signed that were in favor of the proposed cell tower\*.

Ms. Brofford overviewed various graphs showing various cell tower coverages for the Baldwin and Waldon Roads area\* as well as photo simulations of what the tower would look like from all different angles\*.

Mr. Robert LaBelle, of 40701 Woodward Avenue, Bloomfield Hills, Michigan, stated, I live in Livonia at 32543 Camborn approximately a quarter-mile from a cell phone tower. I am with the Verizon Wireless Corporate office. I want to talk about a few of the things that you'll be talking about tonight in terms of the standards of what we'll be looking at. One thing that was discussed already was the coverage and how it works. The coverage is cellular and it is a pretty exacting science to try to set fifties in. They have to be fitted so that you end up with cell coverage that is approximately edge to edge. If you have too much interference and too much overlap from one to one, you'll end up with permanent gaps in coverage because you cannot place another site in the other area because you'll have destructive interference between that site and another. One of the things that was mentioned to us is the fact that

there are twenty towers and 120 antennae within a 4-mile radius. It's important to note the fact that that's not the radius you're actually dealing with. The radius you're dealing with is about  $\frac{3}{4}$  to one mile, which is the red zone. If you go within that red zone, there are no towers whatsoever. The only antennae are the ones used by private industries with regard to their individual sites and are about 20 to 25 feet high. In this case, they were discussing about placing the tower in a different location. In talking about the drop-call zone, here is our proposed zone and you see that it covers the areas where the largest number of dropped calls happen. This map is per day dropped calls. In that area you get the coverage. If you move over to where the Township's tower is you would end up with the gap right there where the most significant dropped calls are, so you can't move to those locations. Also mentioned was the electrical towers and the problem with that is that today's telecommunication, the devices that are used in connection with it have to do so much more than they had to do just even five years ago. They carry a huge amount of data now, more than they carry voice. As a result, the antennae and even the cabling that drives it up the side of the tower is all larger, so structurally it is extremely difficult. We know that the electrical towers can't handle it. We will discuss the ordinance in a moment, but I do want to talk about one thing specifically and it's called the the Federal Telecommunications Act. It was enacted as a means to be able to establish standards that would govern with regard to a Township and its decision making. Some of those things that are important from that ordinance, I'd like to note here, first it says that a regulation in place for construction and modification of a personal wireless service facility, by any state or local government shall not prohibit or have the effect of prohibiting the provision of personal wireless service. So, the gap that you see there, what that means in effect, is that if a site cannot be placed in an appropriate location and it's prohibited from going in there, then you have an effective prohibition of personal wireless service. The second item I'd like to mention is the fact that in subsection three any decision by the state or local government or instrumentality thereof to deny or request to place, construct or modify personal wireless service facilities, shall be in writing and supported by substantial evidence contained in a written record. This means what it says. It means written evidence, not assertions or statements. That's what has to support a denial if that's what comes. The last item I want to note is subsection four, no state or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities. On the basis the environmental effects of radio frequency emissions to the extent that such facilities comply with the FCC's regulations concerning such emissions and we do comply with those. We would be happy to provide monitoring provisions in order to show that we are well below the FCC's requirements with regard to that. As a result, one of the things that can't be considered is the health effects of the tower in considering and making the decision on the part of the municipality. In the ordinance, specifically regarding special land use in Section 30.02, first compatibility with adjacent uses, one of the things that our application notes is that this is located in an area where there is a substantial amount of commercial and non-residential development. In fact, what we're looking at here is trying to provide service to a residential area. You saw the dropped calls. The problem with trying to site the kinds of towers is that they do have to get reasonably close to a residential area, so we do everything we can to try to find a spot, which is as much compatible with the area and also to do what we can to be sure they're screened. In this particular case, we're talking about a monopole, which is a very limited side view. It is not a trestle, nor is it a number of larger vehicles you would see providing antennae. It is painted gray, because we've found that in Michigan that's the right color to make it blend in with everything. From the standpoint of it looking as it does, it tends to have a look of urban and suburban locations. You have a number of things that are tall and stand like that. He then showed pictures of two locations where they currently have these towers and how they blend in. This is what they try to do with any of the locations in which they install towers. This is a self-servicing pole. Basically, once it is up, the only person who will come there will be a maintenance person who will come once a month, will be there for about an hour to test the equipment, he'll come in with a standard-issue commercial van, and then he'll leave. He is the only

person who will ever be inside the building. It's not occupied. It does not use water. It uses minimal electricity. It doesn't require police, fire, or other public services of any sort. As far as traffic is concerned, it creates almost no traffic at all. Finally, there is a detrimental effects section of the zoning ordinance that looks for traffic noise, vibration, smoke, fumes, odors, dust, glare and light. In this case, I want to talk specifically about the light and glare. This tower at 145 feet will not require any lighting under the FAA or FCC guidelines. The only lights that will be at the site will be on the building itself for emergency lights only. They will be hooded downward and will only be on when the maintenance person is at the site. I'd like to point out that we would not build a tower or even try to build a tower unless there's a need. To be candid, it's a \$500,000 to \$1million investment in terms of going into one of these places. We install towers because our customers demand that they be there and because the FCC and the Telecommunications Act require that we service the customers' needs in order to maintain our license. As a result, when we put a site in, it's because we really truly need it. We do everything we can to minimize the impact of it and also to make sure that it's in an area that will give the best service in a single shot, not double or triple numbers of towers and the height to allow another collocation by other service providers, so that ultimately you're talking about a single tower and you do this once.

Acting Chairwoman Thurber offered time for public comments.

Mr. Richard Stanfield, of 3822 Mt. Rainier Drive, commented that he lives in the Preserves behind the corner of the proposed tower and noted that he has never lost a call there. He inquired whether the wetlands in the subject area are protected wetlands. He is also concerned about negative effects on the property values and about the height of the tower if it should happen to fall over.

Mr. Terry Morgan, of 2648 Aubrey Drive, commented that he also lives in the Preserve. He then noted that he finds the photo simulations misleading, because two of the four pictures look odd, because they were taken with obstructions immediately in front of where the camera was placed, which caused the obstructions to look huge and the proposed cell tower look far away. If the same picture had been taken further down Baldwin Road it would look more realistic. He also believes that the map the petitioner used was old.

Ms. Joyce Wooden, of 2985 Walmsley Circle, commented that she is concerned and needs to know whether this cell tower would be a health risk to their neighborhood. She is opposed to the proposed tower being so close to them.

Ms. Donna Sennott, of 3659 Acadia Drive, commented that she is an original home owner in the Preserve. She loves living there, but they do have poor quality cell phone service and they have dropped calls often. Through her research she has found that an electromagnetic field is an electrical field generated by the flow of current and electromagnetic waves range from gamma rays at the highest output to x-rays at the lowest. This is referred to as ionizing radiation, which means that it has the ability to penetrate tissue. Cell towers electromagnetic radiation, but in the microwave form, radio frequency mode, which is non-ionizing. Intensity of power varies with distance from the source, which is a basic rule with radiology and radio waves. Cell phone base stations emit electromagnetic radiation (EMR) continuously, but at far lower levels than cell phones themselves, which emit EMR during calls. In rural areas cell phones are often at their maximum output, which is between ten and 100 watts in order to provide good reception. There are studies being conducted that links to serious illness from use of cell phones, cordless phones, Wi-Fi, and TV and radio antennae. She is in support of the proposed cell tower for the benefit of the entire community especially to ensure quality 911 calls to get the help that is needed in emergency situations.

Mr. Leif Anderson, of 2816 Walmsley Circle, commented that he lives right at the corner of Baldwin and Waldon Roads. He is a Verizon Wireless customer and has had no problem with his service. He is in opposition to the proposed cell tower and is concerned about negative effects on property values. He then suggested exploring a more suitable location.

Mr. Ray Flajole, of 2951 Baldwin Road, commented that he is the property owner of the commercial building that would be right underneath the proposed cell tower and is opposed to the proposed cell tower. He is very concerned about the health risks on his employees as well as the negative effects on his commercial business. He noted that when he went through the site plan process for his own business, he followed all the rules and regulations and it appears that they don't even have to go through the site plan process and noted that he believes that is unfair to him as a business owner. He questioned why his business has to suffer in order to allow Verizon's success. He also noted that there are hundreds of residents in our community that do not want that cell tower in that location. He would also like to know who the liability would fall on when something negative does happen.

Ms. Renata Capozzoli, of 3448 Waldon Road, commented that she lives two doors down from the proposed site. She is in opposition to the proposed cell tower and is concerned how it may affect her livelihood since she is a piano teacher in her home and is there 24-hours per day. She lives there with her two children and her husband and the idea of having a cell tower towering over her home all day long, all evening long, every day, concerns her. Another concern is how it may affect the quality of her life, including stress and how it may affect her business. She has already had a few families come to her that are concerned about bringing their children to a home with the cell tower right next door. She is also concerned about the health risks on her family since no one knows yet what the long-term effects will be. She recently circulated a survey to residents in the area asking how their cell phone coverage is and the result was that their coverage is fine and that a new cell tower so close to their homes was not worth the financial risk of losing their home values or the potential unforeseen health risks. They had also distributed packets of information to members for their review\*. The last 19 pages in the packets are the petition. Since yesterday, they have even more pages to add to that petition, so the grand total is that there are 257 people in opposition to the proposed cell tower that signed the petition. One of the concerns of the residents was a person that cannot live near a cell tower due to a heart condition, defibrillator, and pace maker. Another comment was that there is already a cell tower right next to their children's school and there cannot be one right next to their homes as well. Lake Orion needs to make the safety of our residents, especially our children, the number one priority. Another comment was that they have Verizon and don't have any issue with their service, so a new tower is not needed.

Ms. Michelle Parker, of 3436 Waldon Road, commented that she is one of the seven home owners that will be affected by the proposed cell tower. Her property borders the proposed site. She is adamantly opposed to the proposed cell tower on land that is not currently zoned for this use. She then referenced the last two pages in the packets that she and Ms. Capozzoli distributed to members, which referred to a 285-foot cell tower on Collier Road and a 233-foot cell tower on Indian Trail. She noted that they spoke with a Verizon salesperson and he informed them that Lake Orion has never had an issue with coverage and has the best coverage of any provider with the only true 4G coverage. She also referenced a map that he had given them that showed that this area is already well covered. She would like an explanation of why we need more coverage in this area. She is also concerned about the negative effects on health as well as property values. She asked that members carefully consider this before acting on this special land use.

Mr. Don Harrison, of 3461 Waldon Road, commented that he lives in the first house west of Baldwin Road that is across the street from the proposed site and that they have the Verizon Wireless service and have never had any problem with their service.

Ms. Cindy Anderson, of 2816 Walmsley Circle, commented that she has no problem with her Verizon service either.

Mr. John Capozzoli, of 3448 Waldon Road, commented that he lives on the second parcel next to the proposed site. He is opposed to the proposed cell tower and is very concerned about the health risks as well as negative effects on the property values and that it will destroy all the views from their home. He suggested keeping the cell towers in the industrial zoning districts.

Mr. John Wyland, of 3880 Acadia Drive, commented that since the petitioner has stated that the Township doesn't have much choice than to allow the cell tower due to the FCC regulations, he is hoping that is not the case. He then inquired what the reason is that Verizon can't collocate like Sprint did and what is the reason for the extra coverage, is it for 4G. He asked that members fully investigate this matter before taking action.

Ms. Jessica King, of 3600 Seney Drive, commented that she has been a Verizon customer for years and has never had an issue with her phone. She believes that the petitioner's information is misleading. She is also concerned about the negative health effects from the cell towers. She has heard that there is a 99-year lease on these towers, so we may need to live with this for 99 years.

Ms. Kim Gasky, of 3733 Mt. Vernon Drive, commented that she believes that this proposed cell tower is purely for the good of Verizon's business and does nothing for our community. She is also very concerned about the negative health effects in humans and animals that have been determined in several studies on cell towers. Why should Lake Orion residents be the guinea pigs and our population here have to suffer the adverse effects just for the convenience of Verizon customers? She is also concerned about the aesthetics of the neighborhood.

Mr. Greg Parker, of 3436 Waldon Road, commented that he lives next door to the subject site. The cell tower would be 165 feet from their house and the tower will be 145 feet tall. He is very concerned about the known fact that cell towers do catch on fire and collapse, which is a danger to surrounding residents. There is not a clear fall zone for this tower. The towers need to be placed in non-residential areas. There is not enough information on cell towers yet to allow it in residential areas.

Ms. JoAnn Van Tassel, Township Supervisor, commented that the petition that was submitted by the petitioner had signatures of several people that are not residents of Orion Township and of the residents of the Township that signed, many of them are not residents within the subject area.

Mr. LaBelle commented that there are a lot of questions about whether there is a need for this tower. A cell tower can only radiate only about a mile to a mile and a half. Their customers have notified them that they dropped calls and need another tower. Under the Telecommunications Act, we have to respond to dropped calls and inadequate coverage. It is very important to have adequate coverage, especially when it comes to 911 calls. Locating this tower in a different area would not address the problem of inadequate coverage in this area. They cannot collocate on the DTE towers due to the interference between the two types of towers. He also noted that the photo simulations are not photo chopped. They are made using laser projections to make sure that they are exactly right. Also, there is

no evidence in the industry that would suggest that there is a property value reduction as a result of the existence of a cell tower. The monopolies are designed to blend in to the area. They try to place them in the least obtrusive area. He then noted that they did an analysis and determined that they found that property values actually went up when cell towers went in, rather than down. He then distributed copies of a sheet of paper to members\*.

Supervisor Van Tassel inquired when this study was done.

Mr. LaBelle replied that it is not a study. He went to various municipalities and researched their records.

Supervisor Van Tassel again asked when this was done.

Mr. LaBelle replied that he did it yesterday.

Supervisor Van Tassel noted that the various towers listed were built in 1997, 2006, 1999, 1995, 1996, and 1993. Those were all built during the years where property values were increasing before the housing collapse happened.

Mr. LaBelle stated that this is the only evidence members have in front of them in terms of what property values do following the erection of a tower. From their standpoint, they are trying to accommodate their customers. From the Federal government's standpoint, the individual municipalities are given an option to be able to take a look at these sites and try to do what they can with regard to

aesthetics on the site, etc. and we have done all those things and your ordinance requires all those things. We have done that in each of these circumstances. The final thing I want to talk about is the reference to the fires and regarding the falling towers. Only one Verizon tower in the history of this operation has ever fallen. The one that had a problem did have a fire and did, in fact, collapse, but it was designed to collapse in a particular way. They break into three pieces and fall down next to it. In the case of the one that did have a fire, it fell directly below where it was located. Nothing, including the adjacent building, was damaged in connection with it. That was after the operation of that tower was in use for over twenty years. The fall zone is about one-third the height of the tower. In terms of needs for the towers, they determine the needs through scientific data.

Acting Chairwoman Thurber inquired regarding the length of the lease.

Mr. LaBelle stated, the lease term is five years with four or five year options, so the total could be 25 years.

Acting Chairwoman Thurber requested that Mr. LaBelle address the health concerns.

Mr. LaBelle stated, I wasn't going to address that, because the Telecommunications Act says that it can't be considered. There is a variety of information on the American Cancer Society website that talks about cell phones themselves, but they say that there is no demonstrated link from cell towers. The cell tower produces so little energy at the base that if you don't have extremely sensitive equipment you couldn't measure the difference the day before it was put into operation and the day after. It is literally one-millionth electron volt. Every electronic device that you have emits more than that. The FCC website has a link in it to the health effect sites. All of that information concludes that the health effects of a tower shows no direct links with regard to cancer or any other health effects. He again noted that

under the Telecommunications Act, municipalities cannot regulate the placement, construction, or modification of personal wireless facilities on the basis of environmental effects of radio frequency emissions. This act is a superseding law.

Mr. Capozzoli again spoke in opposition to the proposed cell tower.

Ms. Sennett again noted that she believes the towers are safe.

Ms. Capozzoli again commented and questioned the safety of a tower, perhaps collapsing, being installed in a soft wetland area.

Mr. Flajole again commented that the rays actually go out to the sides and that may be why the count is so low at the base of the towers.

Mr. LaBelle stated, if I could just clarify one more thing. The one-millionth electron volt at the base is measured there because that's where it's strongest. As it radiates out in this direction, it's also going a lot longer distance and by the time it reaches the other it's less than one-millionth electron volt.

Mr. Anderson again commented that he is concerned that the site could change once this is approved if other collocators come onsite.

Ms. Penny Shults, Township Clerk, inquired how many businesses could collocate on that tower.

Mr. LaBelle noted that it could be a total of four, but most likely it would be one or two more.

Ms. Brofford noted that it would depend on the loading since everybody's equipment weighs different amounts. That would be reviewed by an engineer to determine that tower's capability of supporting it.

Mr. Wyland inquired whether members have investigated the interests of the Township in regard to the tower and the Telecommunications Act.

Board members noted that it will be referred to the Township Attorney for review.

Acting Chairwoman Thurber noted that the Planning Commission will review the case tonight later on the agenda after this public hearing and that they are only a recommending body to the Township Board of Trustees. It is possible that it could be postponed for an attorney's opinion.

Since there were no further comments, acting Chairwoman Thurber closed the PC-2012-01 public hearing at 9:08 p.m.

The Township Board of Trustees adjourned their joint special meeting at 9:08 p.m.

\* on file