

**TYRONE TOWNSHIP PLANNING COMMISSION
APPROVED PUBLIC HEARING MINUTES**

WIRELESS COMMUNICATION TOWER SPECIAL LAND USE PERMIT (21.32)

**February 10, 2009 9:35 p.m.
Request of Rick Rockman and Tri-County Wireles**

PRESENT: Chairman Dave Hanoute, Vice-Chairman Mark Meisel, Secretary Laurie Radcliffe,
Commissioners Gary Butler, Steve Hasbrouck, Ed Kempisty

ABSENT: Commissioner Joe Fumich

CALL TO ORDER: 9:35 p.m. by Chairman Hanoute

READING OF THE PUBLIC NOTICE:

The notice was read aloud by Secretary Radcliffe

CORRESPONDENCE:

PURPOSE OF THE HEARING:

The purpose of the hearing is to receive comments regarding the request of Rick Rockman, representing Tri-County Wireless for a Wireless Communication Tower in a Residential Zoning District, R-2 Parcel 02-400-021 owned by Fenton Sand and Gravel, with frontage on Denton Hill Road as a Special Land Use regulated by Zoning Ordinance #36, Article 21.32 Wireless Communication Facilities

COMMENTS FROM THE APPLICANT:

Rick Rockman, representing Tri-County Wireless, 240 North Fenway Drive, said they were making a proposal to erect a tower in the gravel pit. He needs to correct the minutes, which said he was looking for two towers. They will have one tower, but they have selected two sites to choose from. They are leaning toward a tower on the south rim, which is the drawing he has put up.

The tower he wants to put up has been more or less requested by the Township Community. Tri County has been in business for five years, and there have been numerous calls for internet access south of Jayne Hill Subdivision. Charter and Comcast, unless you are in a densely populated area, will not come out and put their wireless cables in. Because of that, we are responding to a need.

Tri-County Wireless is not a cell phone company. The towers you see lining US 23 and I-75 are most, if not all, cell tower providers providing cell phone reception to Nextel, Sprint, and whoever. Tri-County provides internet access and voice phone. The towers are point to point. Right now we are co-located on the Peabody Tower on Foley Rd. That tower serves a purpose, but it is not tall enough for the topography of the area. It does not let the signal get over hills and touch potential customers with the internet access they are requesting.

Tyrone Township Planning Commission
Approved Tri County Wireless Draft Public Hearing Minutes
Article - 21.32
January 13, 2009
Page 2

The two sites presented to the Township are designated north rim and south rim. The south rim is at the entrance of the gravel pit where the cement is, and the north rim would be adjacent to the backyards of the Orchard View Drive residents of Jayne Hill subdivision. Our request is based on a need that we get from our phone calls. A tower doesn't drive, it doesn't drink, and it doesn't make noise. It is as non-impacting as it can be, but it will sit in an area where people can see it. We have shown two sites, but the Southern site is the site we are asking approval for. In addition to that, the tower height should be between 250 to 350 feet.

We have heard from FAA. Our chief technology officer, Mr. Fred Moses, is here tonight. Our field supervisor, Mr. Brian Harper and Delta Land Surveying and Engineering's Joe Wyznijtas are also here. He can't think of a less impacted place than a gravel pit to put a tower in response to the needs of the area. They have to ask the FAA for the maximum height they think they might need. If they are approved for that, they can always go less, but they can't go more.

COMMENTS FROM THE PLANNER:

Township Planner Sally Hodges of McKenna Associates said the Township's wireless communication regulations are fairly extensive. They offer several different standards and different location possibilities for these kinds of facilities. Looking at this application for residential zoning district, she worked her way through the possibilities. There are certain locations where these towers are permitted by right. One would be a co-location on an existing tower, another would be location on existing Township property. They can be located as a use by right and will just require a site plan.

The application tonight is for a Special Land Use approval. However, if you read through the Ordinance, Special Land Use approval is specified for towers in the B-2 ES, M-1 and M-2 Zoning Districts and the application doesn't fit that requirement either. As you read farther, you come to 21.32, Section F which lists special requirements for facilities proposed to be situated outside of designated districts.

The tower could be located someplace else, if the Planning Commission and ultimately the Township Board find that there is an adequate demonstration of need and that the coverage capacity could not be met otherwise. It requires that the design of the tower be an alternate design. A steeple, a bell tower, or another form compatible with the existing character of the proposed site. She didn't see that in the proposal.

The Ordinance offers some kinds of alternate sites, specifically like a municipally owned site, another governmentally owned site, a religious site, a public park, or other large permanent open space and when compatible, a school site or other similar location. The site questions need to be answered and addressed this evening because what is proposed does not fall into any of the Ordinance categories. They don't have an alternative design to propose because this is a lattice tower that is 350 feet tall.

The standards in the Ordinance require that there be fall zone that is at least equal to the height of the tower all the way around the tower. Mr. Rockman asked who requested the fall zone requirements. They are not state or federal requirements. There are towers all

Tyrone Township Planning Commission
Approved Tri County Wireless Draft Public Hearing Minutes
Article - 21.32
January 13, 2009
Page 3

along the expressway that will more than overlap the north and south lanes of the expressway. Ms. Hodges said the fall zone requirements were Township requirements and she hadn't reviewed the other towers. Mr. Hanoute said the towers were not located in Tyrone Township and the Township hadn't approved them.

Ms. Hodges recommended that Mr. Rockman look at Ordinance Section 21.32 since there were several discrepancies in his plan. The Planning Commission needs to review the color and aesthetics of the tower, the maintenance plan, and the engineering certificate of soundness. The Ordinance requires signal coverage documentation. She thanked them for submitting the map showing the location and height of other towers, but typically we get the coverage map that shows where the tower has to be located for signal coverage. Mrs. Hodges said she had reviewed the south site and couldn't find the base elevation of the tower and that information is required. The Ordinance prohibits splitting a separate parcel for a tower site, unless the site meets the Ordinance minimum parcel requirements for the Zoning District. The way the south site is configured, it doesn't really lend itself to a future use for anything else. You should address that and your site needs to contain the entire fall zone. We have requirements for landscaping the site. You will need something around the base of the tower for a tower as large as this and you will need a strobe light for something as tall as this which should be considered as another impact on the surroundings.

Mr. Moses said the strobes would only be active during the day at medium intensity. At night they would use a red marker. Ms. Hodges asked if their application didn't state that they would have one strobe light at an intermediate level and one at the top. Mr. Moses said the strobe would only be at the top level, but the FAA will dictate that. The FAA will ultimately say how you mark your tower. We have requested one medium strobe light during the day and a red beacon on the top at night. That will be the brightest one of all and then you will have two small steady burning red side markers.

Mr. Rockman asked if the Planning Commission had received copies of the propagation map he had supplied. Mr. Hanoute asked if he meant the map showing the location of their towers. Mr. Moses explained that it isn't like a cell phone coverage map. Due to the line-of-sight nature of the tower, there could be someone between me and you who couldn't get service due to the fact of trees and such. To give you a DBM level type of service map, would not give you the proper picture of the service due to the fact of tree foliage intensity. It's not like the usual maps you are used to receiving where they can show the DBM levels so far out from the site. They could produce one, but it would not give an adequate picture of the coverage due to the line of sight nature.

Ms. Hodges said what needed to be addressed and what the propagation map should answer is the justification for the height and location of the structure. What evidence can you supply to the Township that the structure needs to be there at 350 feet at that particular site.

Mr. Rockman said their map wasn't a strict propagation map but it was the propagation map required. It shows their current tower sites. All of them are to the north except one—the Peabody tower where they co-locate on Foley Road. This map indicates that there are nine other towers erected in the area and gives the reasons why they were inadequate or

insufficient, and why they would not fill the bill for the requests we are getting to provide internet and phone service south of the gravel pit.

When you go point to point, towers talk to towers and they come from a home base. Everything has to come from a starting point. The starting point is 256 Fenway Drive. Mr. Rockman said he thought he might have given another location as the address earlier. He referred to the blue pins on the map which show the location of the existing Tri-County Wireless Towers. The white pins show existing towers they can't get up on for one reason or another. Nobody goes on a state owned tower for security reasons. Two of the listed towers are 40 feet or less. The height has to be adequate to get the signal in the air. We live in beautiful communities and because of the hills and trees, the towers are tall. As you drive down the expressway, your are looking at 150 to 400 foot towers.

The tower they have asked the Township to consider is a trilon, a tri-leg tower. A perfect illustration is on Fenway Drive, sitting next to the old Randy Wise dealership. It is on the east side of the road. We don't plan on color coding the tower, but they will meet any requirement there is. Mr. Moses said that is a 240 foot tower. It is painted, but they're not requesting a painted tower here. Usually they show a gray tower, but the FAA has the ultimate color determination because that is a military flight zone.

Mr. Rockman said they were also asked to provide a quadrant addressing the tower radius or frequency. They showed quadrant boundaries of 1.5 to 7 or 8 miles for the frequency to expand from that tower, without reaching another tower. Signals from that tower could go straight to a house on Faussett Road that wants internet access and phone access. Their northern boundary is Silver Lake Road, their southern boundary is Faussett Road, their eastern boundary is Hickory Ridge Road and their western boundary is Linden Road. You can't square off a frequency sending out microwave signals, but that is a rough idea of the area they intend to cover.

COMMENTS FROM THE PLANNING COMMISSION:

Mr. Hanoute asked Mr. Rockman to show the locations graphically on a map. He couldn't read the Rockman's map and asked where the new site and the district boundaries were shown. The Planning Commission wants to be convinced that the location is the only location and the right location that will connect with all your other towers. What if it is suggested that they could move the tower to within two or three blocks of the Freeway and still cover that area. How can we be convinced? He sees a residential impact in this area that he won't see in other places. He needs to be convinced that this location is the only location that will work for you. The other fact he needs to be convinced of is that you can't co-locate on any other tower within the area you want to serve.

Mr. Rockman said they had identified seven existing towers. Mr. Hanoute asked if they had contacted the tower owners or if they could extend some of the towers. Mr. Rockman said their footings were already in. Mr. Hanoute recalled that when the existing towers in the Township were approved, some of them could be raised and every one agreed to accept co-location. Mr. Rockman said that towers are engineered to accept a certain amount of weight at a certain height and a certain amount of wind resistance. Our chief technology officer identified seven towers and gave the reasons they couldn't be used. You can't get

on four of them because the owners won't let you. Mr. Hanoute asked if those towers were in Tyrone Township. You can co-locate on any tower in our Township if they meet your height requirements. Mr. Rockman said the Township's towers were outside of their service area. Mr. Hanoute said you couldn't tell that from looking at his map. He needed to show that.

Mr. Rockman said they identified towers they own and how they link together. They have identified towers they don't own and for business and engineering reasons can't co-locate on them. They will not provide any service to Tyrone Township. None of the other towers that are already up will fill the bill, including the Peabody tower. The Peabody tower is under 200 feet. Mr. Moses said that the problem with a line of sight product is that if you move the towers, or move the equipment to a tower on the other side of the ridge, you are not going to have service and you are cutting off service to three-quarters to one half of their proposed area.

Mr. Hanoute asked what ridge they were talking about. Mr. Rockman said it was called the Kandahar Ridge. Peabody tower is on the south side of it and that is the problem. If they put a 300 foot tower on the top of Denton Hill at a 1047 foot elevation, which is on the schematic which they supplied and are trying to get approved by the FAA, that tower would touch the Peabody Tower and will be able to send communication to other towers. That's the whole idea. Get something far enough up in the air, that the other towers out there can talk to it. Nobody else has done it. The next request you are going to get will be from Nextel or Sprint. The reception is terrible on White Lake Road and Denton Hill Road. We already have had three contacts because they heard we were going to build a tower in the gravel pit.

Mr. Meisel told Mr. Rockman that he had to prove to the Township that he was unable to use any of the existing towers for co-location. Mr. Hasbrouck said he should show his future plans. Mr. Rockman replied that their future plans were to have Hickory Ridge and Faussett Road as boundaries. They have some key towers now, and this would be a key tower for this area. Mr. Hanoute commented that since he was in competition with Charter and other services and should fully explain the advantages of his program. Mr. Rockman said that one difference is that Charter only locates their cables on main roads. Tri-County Wireless service would be sent directly to the residence.

Mr. Rockman explained that there was always a risk when you put up a key tower until you could fill in the service. It would cost \$11,000 a month to use another company's tower. This would be the key tower for Genesee County. You will be able to see the tower, but there will be a berm around the site they have decided to use on the south rim of the gravel pit.

COMMENTS FROM THE PUBLIC:

George Rizik, representing the Southwyck Hills Association, said he doesn't feel that the Zoning Ordinance allows this use. It doesn't qualify as a Special Land use as allowed in an R-1 or R-2 Zoning District. He referred to Zoning Ordinance Article 21.00 - Supplemental District Regulations, Article 21.17 - Noncommercial Satellite Dish Antennas and Amateur Radio Antennas; Article 21.32 - Wireless Communication Facilities; and Article

Tyrone Township Planning Commission
Approved Tri County Wireless Draft Public Hearing Minutes
Article - 21.32
January 13, 2009
Page 6

21.23.C.1 - Location Considerations and C.2 - Special Land Use. Item 1 lists the locations where towers can be located while Item 2 lists the zoning districts where a tower can be located as a Special Land Use---B-2, ES, M-1, or M-2.

Section 21.32.F might allow you to locate a tower outside of the specific locations if you can count Item 1 (Demonstration of Need) or Item 2 (Alternate Design), but Item 3 (Alternate Sites) prevents the use of residential sites

Art Pulen of Older Lane, said he has no service where he lives. He has tried to get Verizon but has been told that they don't provide service to private roads. He asked Mr. Rockman if the signal would reach his building if this tower is put up. Mr. Rockman said it would reach his location, but there might be interference from tree leaves.

George Stolzenfeld, said he has one of Mr. Rockman's towers on his property on Fenway Drive. He purchased and developed Southwyck Hills as a desirable residential property. He still owns many of the lots and the tower will kill the value of his property. He lives between two wireless towers and still can't get wireless service because there are trees in the way. He didn't feel that wireless service is dependable.

Jim Curchie, 1027 Germany Road, said he can't get cable or wireless phone service where he lives either. The ideal spot to get service in the Township isn't the gravel pit near Jayne Hill but somewhere on the Kandahar ridge. Mr. Rockman should show us the line of sight coverage area and the amount of power they can use.

Kevin Luke, 1124 Denton Hil Road, said he had many birds in his yard. More than 45,000 birds a year are killed by tower strikes. He is concerned about his property values if the tower goes in across the street from his house. There are European reports of health risks, resulting in cardiac disruptions, cancer, and other concerns, but none from the United States, .

Dennis Wheaton, 12431 Ivy Lane, said he would be forced to live next to a tower with blinking lights when he thought he bought a house in the woods.

A Windy Ridge resident suggested making the Peabody tower or one of the other towers taller. Mr. Rockman said that you couldn't make an existing tower taller Tower taller because of the foundations. .

Marc Mcaffery, commented that Mr. Rockman's tower would be a key tower for him from an economic point. He wanted to know what the plans were for the gravel pit after it is finished. It was important to consider the zoning of the property adjacent to the gravel pit and the tax impact of all the unsold lots. He asked if the Township had considered a Master Plan for Wireless service. Livingston County is working on a plan for county wide wireless and he asked if the Township had considered that as an alternative.

Robert Harris, 11360 Manchester Drive, asked If there was a Master Plan for the gravel pit. Mr. Hanoute stated it was Zoned R-2 for high density residential. Mr. Harris wanted to know how they would be able to sell lots next to a communication tower.

CLOSING PLANNING COMMISSION REMARKS:

Mr. Hanoute asked Mr. Rockman to provide any additional information that would help the Planning Commission make a decision. Mr. Meisel specifically asked for coverage information. Mr. Hanoute reminded Mr. Rockman that he had to convince us that the tower could only be located at that spot.

There being no further comments, the Hearing was closed at 10:25 by Chairman Hanoute



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission