

1 **TYRONE TOWNSHIP PLANNING COMMISSION**
2 **REGULAR MEETING & PUBLIC HEARING MINUTES**

3 November 14, 2017 at 7:00 p.m.

4
5 **PRESENT:** Mark Meisel, Dave Wardin, Cam Gonzalez, Ron Puckett, and Kurt Schulze

6 **ABSENT:** None.

7 **OTHERS PRESENT:** Tyrone Township Planner Brian Keeseey, Tyrone Township Planning &
8 Zoning Administrator Ross Nicholson.

9 **CALL TO ORDER (7:00 PM):** By Chairman Meisel.

10
11 **PLEDGE OF ALLEGIANCE (7:00 PM):**

12
13 **CALL TO THE PUBLIC (7:01 PM):**

14
15 A resident in attendance inquired as to why the lights in the Township Hall parking lot were not
16 turned on. Chairman Meisel stated that he was not certain as to why the lights were not
17 functioning properly and that someone would look into the issue the following day.

18
19 **APPROVAL OF THE AGENDA (7:02 PM):**

20
21 Kurt Schulze made a motion to approve the agenda as presented. Dave Wardin supported the
22 motion. The motion carried by unanimous voice vote.

23
24 **APPROVAL OF THE MINUTES (7:03 PM):** October 10, 2017

25
26 One revision was made to the October 10th, 2017 meeting minutes draft (The letter “e” was
27 added to “Kurt Schulz” (to read as “Kurt Schulze”). Cam Gonzalez made a motion to approve
28 the October 10th, 2017 meeting minutes, as amended. Dave Wardin supported the motion. The
29 motion carried by unanimous voice vote.

30
31 *Dave Wardin Made a motion to suspend the order of business, placing Old Business #3 (Solar*
32 *Farm Regulations) above all other agenda items. Kurt Schulze supported the motion. The*
33 *motion carried by unanimous voice vote.*

34
35 **OLD BUSINESS # 3 (7:06 PM): Solar Farm Regulations**

36
37 Brian Keeseey introduced the topic and stated that he had made some revisions in the review letter
38 he had prepared on the topic since it was last discussed. He briefly summarized what had
39 previously been discussed by the Planning Commission, including; height, setbacks, location,
40 and tax implications. He explained that one revision he had made was to include stronger
41 preface language regarding tax implications. The goal of this language would be to require the
42 applicant(s) to demonstrate how a proposed solar energy production facility would benefit the
43 Township so the Planning Commission can better determine whether or not the land use would

44 be suitable in certain locations. The applicant(s) would need to provide details on how a
45 proposed solar facility would positively impact the local community (residents) and Township as
46 a whole. They would also need to provide the Planning Commission with information on
47 whether or not they would be seeking tax abatements and what the anticipated tax assessment of
48 the proposed facility would be. Brian Keeseey suggested that the Township Assessor should
49 weigh in on information provided by the applicant(s) to determine an approximate taxable value
50 of a proposed facility. The applicant(s) should also provide energy cost reduction estimates for
51 Township residents in addition to the other financial estimates. Chairman Meisel added that with
52 certain “green energy” production facilities there is a potential that they could end up costing
53 municipalities financially instead of benefiting them, depending on a number of factors
54 (including the scale of the facility, panel technology/capabilities, natural features, tax
55 abatements/incentives, the average solar exposure of particular locations, etc.).

56
57 Chairman Meisel inquired if anyone on the Planning Commission had any questions or
58 comments to add to the discussion. Kurt Schulze brought up a question regarding the security of
59 energy production facilities. He suggested that it may be beneficial to include some specific
60 security/safety requirements such as perimeter fencing and secure enclosures for any potentially
61 hazardous materials/substances (such as battery acid). Brian Keeseey stated that it is not typical
62 for municipalities to include specific [detailed] fencing or security requirements for solar energy
63 production facilities, but he would do some research and recommend potential language which
64 could be included to address security and safety.

65
66 Dave Wardin asked whether or not the glare/reflections from solar panels had been discussed.
67 Chairman Meisel stated that the issue has been discussed and Brian Keeseey had included some
68 proposed language to address potential glare/reflection to reduce the likelihood of it negatively
69 impacting motorists and local residents. He added that Brian Keeseey had also included some
70 mention of hazardous material handling, referencing the recommended text in the memo that
71 states any hazardous materials must be placed in a secure container/enclosure when not in use, in
72 response to Kurt Schulze’s question. He added that he still believes more information should be
73 included regarding hazmat requirements.

74
75 Chairman Meisel asked if there were any more questions or comments regarding the proposed
76 solar energy facility requirements. Brian Keeseey asked if the Planning Commission would want
77 to consider stronger language regarding removal of the systems upon termination of a solar
78 production facility land use. He explained that under the current language there is potential for
79 certain infrastructure, such as footings for solar panel mounts/frames, to be left in the ground
80 after a facility shuts down at the end of it’s life cycle. He suggested including language requiring
81 that all surface and subsurface structures be removed once a facility shuts down. Chairman
82 Meisel stated that as long as batteries and panels are removed, subsurface structures may not be a
83 significant issue. Brian Keeseey explained that, since solar facilities are a relatively low-impact
84 use, it is not uncommon for the property to be converted back to an agricultural use after a solar
85 facility ceases operation. He continued, stating that it may be beneficial to require the removal
86 of subsurface structures to ensure the land could be tilled and used for agriculture immediately
87 following the energy production land use. Chairman Meisel agreed that requiring removal of
88 subsurface structures would make sense and should be considered. Dave Wardin suggested that
89 it could be an option to require some type of reclamation bond to ensure the equipment and

90 structures are removed following termination of the land use, similar to how permitting for
91 extractive industrial uses are handled. He continued, stating that the current language would
92 require a lien be placed on the property if a site is not restored. This would typically result in a
93 property owner being financially responsible if a company/organization leasing their property for
94 solar energy production fails to restore the site upon expiration of the lease, since most solar
95 facilities are not owned and operated by one entity (instead, the land is usually leased from
96 individual property owners for a specific number of years). For clarification, Chairman Meisel
97 confirmed that the primary intent for requiring a bond would be to ensure that the financial
98 responsibility for maintenance and reclamation stays with the responsible party/parties and
99 would not default to the property owner(s). Brian Keesey asked if he should include language to
100 ensure the same requirement would apply if there was a transfer in ownership or the lease.
101 Chairman Meisel agreed that additional language to address transfers should be included.

102
103 Chairman Meisel asked if there were any more questions or comments. None were received. He
104 summarized the discussion and directed Brian Keesey to revise the memo based on the
105 discussion for review at a future meeting.

106
107 No motion was made.

108
109 *The item was closed at 7:22 pm.*

110
111 **OLD BUSINESS # 2 (7:22 PM): Recreation Uses in the FR District**

112
113 Chairman Meisel opened the discussion with a brief summary of the topic. He explained that the
114 Planning Commission was revisiting the requirements for recreational uses in the FR (Farming
115 Residential) zoning district because the Township has received a number of inquiries regarding
116 uses that are not covered by the current Zoning Ordinance since many are very unique and had
117 not been considered when the text was originally adopted. The Township has also been
118 informed of existing recreation uses in FR that should be regulated under specific standards
119 which have yet to be determined.

120
121 Brian Keesey referenced the memo he had previously prepared regarding recreational uses in FR
122 and went through the revisions he had made since the topic was last discussed. He stated that
123 when the Planning Commission had last discussed the topic it was decided that the commercial
124 designation for special land uses in FR would be removed so that all proposed special land uses
125 for public and private recreational facilities would be reviewed under the same standards. Brian
126 Keesey continued, explaining that he had made several revisions to the landscaping and setback
127 requirements in his memo. He suggested that accessory structures involved in recreational
128 special land uses should comply with the FR district minimum setbacks for principal structures.
129 He also suggested including language which would allow the Planning Commission to modify
130 setback requirements for unique circumstances and/or structures. Chairman Meisel asked if the
131 intent of the setback modification language would be to allow the Planning Commission to
132 increase minimum required setbacks rather than reduce them. Brian Keesey confirmed that the
133 primary purpose would be to increase minimum required setbacks in certain instances where
134 greater setback(s) would be necessary to reduce potential nuisance factors such as visibility,
135 noise, etc...

136 Brian Keeseey continued to explain the revisions he had made to the memo. He stated that
137 another change he had made is under the parking standards section. He suggested that parking
138 requirements should be determined on a case-by-case basis due to the unique characteristics of
139 potential/current recreational special land uses in FR. He also suggested including a reference to
140 parking standards under Section 25.11 for common uses which are already defined within the
141 Zoning Ordinance. He suggested defining “permanent off-street parking” as any off-street
142 parking occurring for duration(s) equal to/greater than sixty (60) days within one (1) calendar
143 year. He also included a statement that indicates all parking designs are subject to the
144 requirements and standards in Article 25 of the Zoning Ordinance. Similarly, he defined
145 “temporary off-street parking” as any off-street parking occurring for duration(s) less than sixty
146 (60) days within one (1) calendar year and the standards in Article 25 would apply.

147
148 Chairman Meisel inquired if anyone had any questions or comments regarding recreational
149 special land uses in FR. Kurt Schulze asked Brian Keeseey whether or not the parking design
150 standards in Article 25 of the Zoning Ordinance would apply to both seasonal/temporary and
151 permanent uses. Brian Keeseey stated that the standards would be applicable for both permanent
152 and temporary uses, but could be modified by the Planning Commission where necessary. Kurt
153 Schulze then inquired if there was a maximum time period for events/uses before they would be
154 considered a special land use. Brian Keeseey and Mark Meisel stated that it would be a good idea
155 to include text to define what the maximum time period should be.

156
157 No motion was made.

158
159 *The item was closed at 7:35 pm.*

160
161 ***The regular meeting was suspended at 7:35 pm for a scheduled public hearing regarding the***
162 ***proposed Yasin, LLC Cemetery Special Land Use Application.***

163
164 **PUBLIC HEARING (7:36 PM): Proposed Yasin, LLC Cemetery Special Land Use**

165
166 Chairman Meisel summarized the purpose of the public hearing. He stated that the purpose is to
167 receive public comments regarding a special land use application for a private cemetery on a
168 vacant parcel of land located in the FR (Farming Residential) zoning district at the southwest
169 corner of Denton Hill Road and Germany Road. He explained that the public hearing is required
170 as part of the special land use approval process and that there are additional requirements,
171 inclusive of additional reviews from all agencies with jurisdiction (including the State of
172 Michigan and Livingston County), that will need to be fulfilled before any recommendations for
173 approval or denial can be made. He emphasized that the purpose of the public hearing would be
174 to receive public comments and no official decisions would be made at this time. He then
175 explained that the Planning Commission would go through the application and the Planner’s
176 review to summarize the special land use request before opening the floor to take public
177 comments.

178
179 Chairman Meisel brought up the preliminary site plan included in the application on the display
180 monitors and pointed out the proposed locations for the internal road design, gravesites, fencing,
181 etc... He then brought up an aerial image of the general area to acclimate the residents in

182 attendance with the location of the proposed cemetery. Chairman Meisel asked Brian Keesey if
183 he would like to read through his review letter of the proposed special land use. Brian Keesey
184 suggested that it is important to go through the standards for cemetery special land uses. He
185 stated that cemeteries are permitted special land uses in the Farming Residential (FR) zoning
186 district subject to Planning Commission and Township Board review. He explained that there
187 are specific standards for cemetery special land uses as well as additional standards required for
188 all special land uses.

189
190 Chairman Meisel stated that cemeteries are permitted as special land uses in both the FR and
191 Rural Estate (RE) zoning districts on parcels of land that are at least ten (10) acres in area with at
192 least three hundred and thirty feet (330') of lot width. He continued, explaining that the
193 particular parcel which is the focus of the public hearing exceeds the minimum dimensional
194 requirements. The proposed access points and internal road design will be reviewed to ensure
195 they would be adequate for the proposed use. The Planning Commission will be reviewing the
196 designs to ensure traffic flow, access, parking, clear vision, and all other applicable standards are
197 met. The Livingston County Road Commission (LCRC) will also review the proposed access
198 points and internal road design to ensure it complies with their standards. Chairman Meisel
199 explained that the LCRC will perform the necessary reviews and determine whether or not the
200 location of the access points are suitable and if there is a need for acceleration and/or
201 deceleration lanes. He also noted that the Planning Commission had included a requirement for
202 fencing/gating to deter trespassing. The application for the cemetery includes details on the
203 proposed fencing, which would meet the minimum standards.

204
205 Chairman Meisel suggested that Brian Keesey go through the requirements for special land uses
206 which apply to the proposed cemetery. Brian Keesey explained that all proposed special land
207 uses are reviewed to ensure that they would be harmonious with the character of the surrounding
208 area, the zoning district in general, and the objectives of the Tyrone Township Master Plan. He
209 continued, stating the proposed cemetery would not likely be detrimental to the area or diminish
210 the character of the zoning district. He explained that the FR district is designed for low density
211 residential and agricultural uses and the Master Plan emphasizes preservation of rural character.
212 The proposed use would still need to comply with the minimum setbacks for the zoning district,
213 inclusive of structures and gravesites. Chairman Meisel briefly explained that the setbacks for
214 the proposed cemetery would be greater than the minimum setback for dwellings in the FR
215 district. The entranceway to the cemetery would be located two hundred and fifty feet (250')
216 from the road right-of-way, where most homes in the area are setback around one hundred and
217 fifty to two hundred feet (150'-200'). The intent of the increased setback is to reduce visibility
218 of the cemetery from the road, which should reduce the likelihood of conflicting with any
219 adjacent residential and agricultural properties.

220
221 Brian Keesey then moved on to discuss the economic welfare of the community in terms of
222 ensuring that the proposed cemetery special land use would not be hazardous to neighboring uses
223 (both present and future). He explained that he had researched the financial aspect of cemeteries
224 and found conflicting evidence on potential economic benefits or damages. He stated that many
225 people view cemeteries as a positive land use, understanding that the area would be preserved as
226 green space in perpetuity. The other side of the argument is that some people believe cemeteries
227 in close proximity to residential areas could potentially decrease residential property values. He

228 explained that there is little evidence available that proves property values would be affected,
229 negatively or positively, in a situation where a cemetery is constructed in close proximity to a
230 residential area. Due to the lack of evidence for either side of the argument, he could not say for
231 certain exactly what type of economic impact the proposed cemetery could have on the
232 community.

233
234 Brian Keeseey continued reading through the review standards for the proposed cemetery special
235 land use. One of the standards for all special land uses is that they are served by any/all available
236 essential public facilities. He explained that the area where the proposed cemetery would be
237 located would not likely lead to any increased need for fire or police protection. The LCRC
238 would make the final determination on how the proposed cemetery would impact the existing
239 traffic patterns/flow/volume, but based on his initial review of the proposed design, he didn't feel
240 that there would likely be a significant impact on traffic.

241
242 Brian Keeseey then moved on to discuss the standard for all special land uses regarding potential
243 nuisances. Special land uses should not create any significant nuisances to surrounding
244 properties by means of excessive smoke, fumes, glare, noise, vibrations, etc. He explained that
245 there would not likely be any significant nuisances caused by the proposed cemetery due to the
246 nature of the use. There may be a small impact in terms of noise, vibrations, and dust both
247 during construction and when gravesites are being excavated. He stated that any of those
248 nuisance factors would likely cease upon completion of the cemetery and gravesite excavations
249 would only occur occasionally, as needed.

250
251 Chairman Meisel asked the applicants if they had any questions or comments to add before
252 proceeding.

253
254 Hasan Siddiqui, representing Yasin, LLC, introduced himself and expressed gratitude towards
255 the Planning Commission, Supervisor Mike Cunningham, Brian Keeseey, former Planning and
256 Zoning Administrator Danielle Stack, and Ross Nicholson, for assisting them in working through
257 the required steps in the review process for the proposed cemetery. He explained that they had
258 been preparing for the review for several years, working through all of the details to ensure they
259 could complete everything that is required for the special land use.

260
261 Graduate Landscape Architect Blake Strozier, working for Rowe Professional Services
262 Company, acting as the authorized agent for Yasin, LLC, introduced himself and expressed
263 gratitude for all of the assistance from the Township whilst preparing the application for the
264 proposed cemetery special land use. He stated, on behalf of Rowe Professional Services, that
265 their goal is to ensure and maintain community stability, both long-term and short-term. He
266 stated that he looks forward to a productive review process and thanked everyone in attendance
267 for the opportunity to present the project.

268
269 Chairman Meisel reviewed the public hearing agenda and noted that the next step is to accept
270 public comments. He explained that the application is for a permitted special land use in the FR
271 district which is subject to local, County, and State requirements. As long as the applicants can
272 demonstrate that they have met the requirements for all agencies having jurisdiction and the
273 Township grants final approval, the proposed use would be permitted. He continued, stating that

274 the State of Michigan has to grant approval as well and there are also several financial
275 requirements that must be fulfilled before final approval could be obtained. The primary purpose
276 of the public hearing is to accept comments on the access point(s) and internal road design, but
277 other comments would be accepted as well. Chairman Meisel stated that anyone making
278 comments should direct them to the Planning Commission and state their name and address for
279 the record. He advised the public in attendance to be courteous and respectful of other's
280 opinions and suggested that they refrain from repeating questions that had already been asked to
281 ensure everyone will have a chance to express their thoughts.

282
283 Laurie Cohoon (7433 Mabley Hill Road) inquired what the total number of gravesites proposed
284 would be, if there would be any plans for future expansion, and whether or not there would be
285 specific requirements for landscaping/buffering, such as bushes, trees, berms, etc.. Chairman
286 Meisel explained that the site plan submitted indicates there would be approximately three
287 thousand nine hundred (3,900) gravesites total. He stated that there would be some
288 landscaping/buffering requirements to ensure compatibility with adjacent developments. He also
289 noted that there would not likely be buffering requirements to the adjacent properties under the
290 same ownership as the cemetery, but there would definitely be some required for the road
291 frontage and any properties, as necessary. Laurie Cohoon asked how the Township would assess
292 the cemetery in terms of taxes. Chairman Meisel replied that he is not familiar with how the
293 property would be taxed and explained that the Township Assessor would ultimately determine
294 that. Kurt Schulze added that, in most situations, privately owned cemeteries that are not
295 affiliated with or sponsored by a religious group would be subject to taxation. Laurie Cohoon
296 asked about what types of wetlands and soil evaluation studies have been performed/will be
297 required. Chairman Meisel explained that the State of Michigan will require a full site
298 inspection/evaluation and Livingston County Drain Commissioner (LCDC) will require various
299 tests/evaluations/permits for soils and wetlands. Laurie Cohoon then inquired whether any
300 future expansion of the proposed cemetery has been suggested or discussed. Chairman Meisel
301 directed the question to Hasan Siddiqui. Mr. Siddiqui explained that the plan would be to begin
302 filling gravesites at the rear of the cemetery and move forward towards the front over time. He
303 stated that there are no plans or intentions for future expansion at this time.

304
305 Ed Murray (12271 Germany Road) noted that the original application referred to the project as a
306 "family cemetery" and asked whether or not a family cemetery would fall under the same
307 category as a private cemetery and whether or not the approval requirements/standards would be
308 equally applied to each category. Chairman Meisel stated that the term "family cemetery" on the
309 original application would fall under the category of a private cemetery and private and public
310 cemeteries all need to go through the same approval process to receive a Special Land Use
311 Permit. He then directed the question to Hasan Siddiqui, who explained that the original name
312 on the application was decided upon before they had a full understanding of how public and
313 private cemeteries are classified. They have since specified that they are applying for a private
314 cemetery. Ed Murray then explained that his primary concern with the location of the proposed
315 cemetery is the potential for groundwater contamination. He explained that many countries,
316 primarily in Europe, especially Ireland, have been performing extensive studies on groundwater
317 contamination resulting from cemeteries. He mentioned that the water table in the area of the
318 proposed cemetery is high compared to most areas and there may be a significant risk that the
319 drinking water could be contaminated if the necessary studies are not conducted since there are

320 many wells serving single family residences within close proximity to the area in question, the
321 closest water well being approximately eight hundred feet (800') away. He suggested that the
322 Township require extensive studies on the soil, percolation, and the potential for contamination
323 before moving forward through the approval process.

324
325 Carol Roeder (7262 Denton Hill Road) stated that the proposed location of the cemetery is
326 located directly across the road from her residence and she is concerned that the close proximity
327 could contaminate her drinking water. She explained that she does want any cemeteries located
328 close to her home, regardless of religious affiliation or ownership.

329
330 Jerry Sanders (12345 Alcoy Drive) stated that he agrees with all of the comments that have been
331 made so far and wanted to add that Portugal has also been performing extensive research on
332 groundwater contamination related to cemeteries. He explained that he has concerns about the
333 number of bodies being buried simultaneously, since that has been found to increase the potential
334 for groundwater contamination. He elaborated further, explaining that when a large number of
335 bodies are buried during winter months they will decompose simultaneously when the ground
336 thaws in the spring. He suggested that reviews/evaluations performed by the State of Michigan
337 and the County may not be enough to ensure the groundwater would not become contaminated
338 by the proposed cemetery. He stated that the City of Flint's water system was regulated through
339 the State and would leave his comment at that. He then asked who would be responsible to pay
340 for the reclamation of the cemetery land if it ceased operation in the future for any reason.
341 Chairman Meisel stated that it would depend on the circumstances.

342
343 Eleanor Adams (7422 Denton Hill Road) asked how the cemetery would be monitored if it is
344 considered to be private. Chairman Meisel stated that the classification of public and private
345 does not affect the use designation, only the ownership designation. He continued, stating that
346 most of the monitoring is mandated and performed through the State of Michigan based on their
347 specific requirements. The State requires and performs regular site inspections to ensure
348 compliance and Livingston County would also require site inspections. Chairman Meisel
349 explained that the Township cannot prohibit certain uses that are regulated through the State of
350 Michigan if they meet the minimum requirements/standards. The Township has some local
351 control aspects which can be applied to the review including; location, buffering/landscaping,
352 working with local municipalities to identify wetland areas, etc. He continued, stating that the
353 wetlands/groundwater aspect would be controlled primarily through the Michigan Department of
354 Environmental Quality (MDEQ), the Livingston County Health Department (LCHD), and the
355 Livingston County Drain Commissioner (LCDC). Hasan Siddiqui explained how Livingston
356 County performs soil testing and evaluations. Blake Strozier stated that the State of Michigan
357 monitors cemeteries annually to ensure compliance with their regulations.

358
359 Donita Sanders (12345 Alcoy Drive) stated that her well would be the closest to the area where
360 the cemetery is proposed and she will be the first person whose water will become contaminated
361 as a result of the cemetery. She explained that the surface water which runs through her property
362 flows from north to south and there is a creek running throughout. She asked what would
363 happen when her well does become contaminated and her property value is severely reduced.
364 She then stated that cemeteries throughout the County have failed in the past and inquired about
365 what steps would be taken if the proposed cemetery also fails. Dave Wardin mentioned that

366 surface water flow does not always indicate groundwater direction. Donita Sanders disagreed
367 with Dave Wardin's statement.

368
369 Elaine Schilling (12330 Alcoy Drive) stated that she has lived in the Township for forty (40)
370 years, during which time she has seen a number of artesian well issues. She stated that on one
371 occasion, a gentleman who was digging a basement had struck an artesian well and severely
372 impacted the flow of surface water in the area. She mentioned that several homes on Alcoy
373 Drive cannot have basements due to the high water table and artesian wells. She also mentioned
374 an occasion where a utility pole could not be installed because of the high water table. She
375 stated that eventually the utility company found what they felt was a suitable alternate location,
376 however, the pole currently sits on an angle and water flows from the base of the pole into the
377 creek. She stated that the construction crew who was initially building Alcoy Drive had hit an
378 artesian well and had to reroute the road around it. She stated that a drainage ditch on her own
379 property had been dredged by the Department of Natural Resources (DNR) in the 1950's which
380 flows constantly every day without ever having been maintained. She also mentioned that there
381 is a large pond just south of the proposed cemetery location on Denton Hill Road, which has
382 increased to approximately four (4) times its original size in the past several years. Elaine
383 Schilling summarized her concerns which include: wetlands, the number of Township
384 maintained cemeteries, the number of proposed gravesites, methods of burial (cement vaults or
385 natural) etc.

386
387 Herman Ferguson (12197 Alcoy Drive) asked the Planning Commission if every resident in
388 attendance opposes the proposed cemetery special land use, would they be able to do anything to
389 stop the project from receiving approval and moving forward? Chairman Meisel explained that
390 the Planning Commission would make a decision to recommend approval or denial to the
391 Township Board after all aspects of the proposed special land use have been reviewed. The
392 public hearing is a requirement for all special land uses for the purpose of receiving public
393 comments, concerns, and questions, which would be taken into account to ensure the proposed
394 special land use would be compatible with surrounding land uses. Chairman Meisel stated that
395 agency reviews from the State and County will be required prior to any final recommendation
396 being made to the Township Board, whether that recommendation is for approval or denial. He
397 stated that the Township also has additional regulations which must be complied with including;
398 location, minimum lot size, buffering to neighbors, compatibility, etc. Once the Planning
399 Commission recommends approval or denial to the Township Board, they would render a
400 decision. If the State denies the application, then the Township Board's decision would be of no
401 consequence. If the State, the County, and the Township approve the proposed cemetery,
402 residents in opposition could mobilize and appeal in court. If all of the minimum requirements
403 of the State, County, and Township are met and a court determines the approval is legal, the
404 applicants would have every right to have the cemetery.

405
406 Scott Adams (7422 Denton Hill Road) asked which part of the proposed cemetery would be
407 considered to be either farming or residential. He inquired as to how a use could be permitted in
408 the Framing Residential (FR) zoning district which does not clearly fall under the category of
409 farming or residential. Chairman Meisel explained that the FR zoning district designates a
410 specific location within the Township as do the other zoning districts. Permitted uses in the
411 Township, as required by the State of Michigan, are required to be located within certain zoning

412 districts, based on the potential impact and compatibility of the use within zoning districts.
413 Cemeteries are generally considered to be low impact land uses which are typically located in
414 low density residential and/or agricultural zoning districts. Scott Adams stated that drinking
415 water contamination is not low impact. Chairman Meisel explained that cemeteries are not
416 permitted within high-density residential zoning districts in Tyrone Township, but they would be
417 permitted as a special land use in the low density residential districts (FR and RE) as long as all
418 of the requirements of the State, County, and Township have been met. He explained that the
419 reason that the applicant can apply for a cemetery in the proposed location is because it would be
420 a permitted special land use in FR. Cemeteries must be permitted within some area of the
421 Township, and the decision to permit them only in low density zoning districts was likely made
422 since there would be a lower potential for conflict versus high density residential zoning districts.
423 Chairman Meisel reiterated that the purpose of the formal review process is to determine the
424 proposed use would, in fact, be compatible with adjacent land uses. Even though a cemetery is a
425 permitted special land use in FR, all special land uses must be reviewed before approval can be
426 granted to ensure that all requirements have been met and there would not likely be any
427 significant negative impacts to the community. Scott Adams stated that the State of Michigan
428 has not been known to adequately review and monitor certain uses that fall under their
429 jurisdiction. He inquired as to what power the Township would have to ensure the State
430 monitors the cemetery, if approved. Chairman Meisel stated that the Township would have
431 limited authority in that aspect, however, they would utilize the power they do have to make the
432 best possible decision regarding the application. Scott Adams stated that if the Township denies
433 the request and the State approves it, the project would be approved anyways- so the Township
434 really would not be able to stop it if they feel it could potentially negatively impact the
435 community. Chairman Meisel explained if the Township denies the application, on grounds that
436 are enforceable, the application could not be approved. He continued stating that the Township
437 cannot permit anything that is not allowable nor allow anything that is not permitted, so that is
438 the purpose of the formal review.

439
440 Jim Kortge (12270 Germany Road) asked why the applicant's name is different from the
441 property owner's name. Chairman Meisel stated that the name is irrelevant since the cemetery
442 would ultimately be an entity in itself. He explained that it is common for an engineering
443 company or third party to act on behalf of the property owner for applications as long as they
444 provide documentation which authorized them to do so. Jim Kortge then expressed concern with
445 the size of the proposed cemetery. He stated that the application is for a family cemetery, but the
446 site plan seems to show a much larger number of plots than could be realistically utilized by a
447 single-family. Chairman Meisel explained that the term "family" could lead to confusion,
448 however, there is no difference in the approval process for a family cemetery and a public
449 cemetery. He stated that the real designation that should be clarified is whether it would be a
450 private cemetery or a public cemetery. He stated that the applicant has applied for a private
451 cemetery, which does not have a limitation on the number of plots permitted so if they were to
452 choose to call it a "family" cemetery, they could realistically do so. Jim Kortge asked for
453 clarification that what is being proposed is a privately held cemetery. Chairman Meisel stated
454 that to the best of his knowledge, that is what the applicant has applied for so that is how the
455 application is being reviewed. He stated that most private cemeteries are owned and operated by
456 an entity, such as a Limited Liability Corporation (LLC), which is the case for this particular
457 application. Jim Kortge asked how long the approval process would likely take. Chairman

458 Meisel stated that it is difficult to come up with a definite timeline, since there are a number of
459 additional agencies involved in the review process. He stated that if everything goes perfect and
460 all additional approvals are obtained as quickly as possible, the process should take
461 approximately six (6) months before a decision could be made. Jim Kortge asked what is the
462 best way for residents to keep informed on the status of the application in the future. Chairman
463 Meisel stated there may be a way for the Clerk to set up a notification list, but another option
464 would be to keep up to date on meeting agendas and minutes on the Township website and/or
465 through Township email notifications

466
467 Tom Sokolnicki (7448 Denton Hill Road) stated that he has a concern with the potential for
468 increased traffic in the area where the proposed cemetery would be located. He stated that gravel
469 haulers and other motorists frequently speed down Denton Hill Road at an average of
470 approximately seventy (70) miles per hour and the State Police do not regularly monitor or
471 enforce the speed limit. He stated that he has spoken with an officer who had told him that the
472 speed limit on Denton Hill Road is sixty-five (65) miles per hour and would not be willing to
473 issue traffic citations for five (5) miles per hour over the speed limit. He continued, stating that
474 he is renovating his home so he has been outside eight (8) hours a day for the past three (3)
475 weeks, during which time he has seen a deputy drive by only on one occasion. He stated that
476 increased traffic on the road is a significant reason for concern since hazardous driving
477 conditions already exist, including poor visibility, roadway disrepair, and gravel haulers traveling
478 at dangerous speeds. He said that anything that would increase the traffic on Denton Hill should
479 not be approved without first getting the truck route designation removed. Chairman Meisel
480 stated that the truck route designation is a fair comment, however, it is not within the Township's
481 jurisdiction. Tom Sokolnicki responded, stating that he understood that the Township approved
482 the gravel pit operation in the first place, so there must be some local authority to reclassify the
483 road or modify the truck route. Chairman Meisel replied, stating that no person on the current
484 Township Board or from previous Township Boards in the recent past has voted in favor of
485 continuing the Fenton Sand and Gravel operation. He continued, stating the company is
486 operating under a consent judgement which has been ordered by a judge in circuit court. Tom
487 Sokolnicki inquired if the Township has any way to address the minimal presence of law
488 enforcement monitoring the truck traffic on Denton Hill Road. Chairman Meisel recommended
489 bringing the topic before the Township Board, who could review the coverage concerns and
490 hopefully address the issue.

491
492 Gerald Mantela (12210 Germany Road) asked if the Livingston County Road Commission
493 (LCRC) would require the applicant to install improvements to the roadway such as acceleration,
494 deceleration, or turn lanes to accommodate a potential increase in traffic along Denton Hill Road.
495 Chairman Meisel replied that the potential for increased traffic would be reviewed by the
496 Livingston County Road Commission (LCRC) and the Township. Depending on the anticipated
497 traffic volume, visibility, and related factors, the LCRC can require improvements be made
498 within the road right-of-way such as acceleration and/or deceleration lanes. He stated that the
499 Planning Commission has been working with the applicant on the design for the entrance and
500 exit lanes and internal road design for the proposed cemetery to minimize the potential for traffic
501 flow issues. He stated that, in general, cemeteries don't create consistent traffic increases, except
502 during times when funeral processions take place.

503

504 Rebecca Crandell (12449 Germany Road) asked at what point the Michigan Department of
505 Environmental Quality (MDEQ) would inspect the area of the proposed cemetery to ensure the
506 water table would not be contaminated. Chairman Meisel stated that the Township will first
507 perform an initial review of the area based on a wetland delineation plan, soil boring test results,
508 and opinions/reviews/comments from the Livingston County Drain Commissioner (LCDC) and
509 the Livingston County Department of Health (LCHD). The applicant will also need to obtain
510 reports from additional agencies with jurisdiction, including the MDEQ. Rebecca Crandell
511 asked when the MDEQ would perform an inspection and perform a review. Chairman Meisel
512 stated that he cannot say for certain when the applicant will obtain all of the necessary reviews,
513 but they will be required as part of the formal review process prior to Township approval.

514
515 Randy Melville (13179 Old Oaks Drive) asked the applicant why they intend to create a new
516 cemetery when there are already three (3) public cemeteries and one (1) private cemetery. Hasan
517 Siddiqui replied, stating that the cemetery would be intended for family, friends, and members of
518 the local community. Randy Melville asked who would be buried in the cemetery and would it
519 be open to all residents of the Township. Hasan Siddiqui stated that the cemetery would be
520 intended primarily for private use, however, they have not yet determined all of the details and it
521 is possible that it may be available for all residents of the Township.

522
523 Julie Inglis (7333 Denton Hill Road) stated that the State of Michigan permits two (2) bodies per
524 grave, which could potentially lead to approximately eight thousand (8,000) bodies buried in
525 approximately four thousand (4,000) graves. She stated that she is unfamiliar with the method of
526 burial the applicants intend to use, but she has concerns that the potential for groundwater
527 contamination could be doubled compared to what was initially proposed since it would be
528 permitted under State law. Chairman Meisel stated that she had a good point and thanked her for
529 bringing it to the attention of the Planning Commission.

530
531 Elaine Schilling (12330 Alcoy Drive) asked if there would be any buildings in the proposed
532 cemetery. Chairman Meisel stated that at the current time no structures have been proposed. He
533 continued, stating that it would be reasonable to assume that the applicant will propose a
534 structure to house maintenance equipment as most cemeteries have. If the applicant chooses to
535 propose any structures, they will need to receive approval as part of the site plan. He added that
536 any proposed structure(s) would need to be located where they are set back a significant distance
537 from the road. Brian Keesey added that any significant changes to the site plan after the initial
538 special land use approval (if approved), such as proposed structures, would be treated as a site
539 plan amendment which would need to go through additional public hearing(s) and another
540 formal review process.

541
542 Donita Sanders (12345 Alcoy Drive) stated that her understanding of Muslim burial practices is
543 that bodies must be buried within twenty-four (24) hours of death. She asked if death certificates
544 would be required to be submitted to the Township prior to burial. She also stated that since
545 burials would likely be occurring 24/7, it can be assumed that heavy equipment could be used to
546 prepare grave sites at any time, including during nighttime hours, which would generate
547 unwanted noise pollution for nearby neighbors. Chairman Meisel stated that part of the Planning
548 Commission's formal review will include establishing reasonable hours of operation to reduce
549 the likelihood of creating public nuisance factors, including excessive noise. He stated that the

550 exact hours of operation have not yet been proposed, but he assured her the proposed cemetery
551 would not be permitted to operate 24/7. Donita Sanders stated again that her understanding is
552 that burials must occur within 24 hours from the time of death so she is skeptical that they would
553 not need to occasionally prepare gravesites during nighttime hours. Chairman Meisel stated that
554 he did not want to get into discussing specific religious beliefs or burial practices since they do
555 not apply to the approval process. He stated that from a general, procedural, point of view, a
556 cemetery is a cemetery regardless of any religious or other denomination, and they all must go
557 through the same approval process. If the proposed cemetery is approved and the established
558 hours of operation are altered or violated without receiving additional approval(s), the operation
559 would be in violation of the Special Land Use terms and conditions and the permit could be
560 revoked.

561
562 Richard Schumacher (7385 Denton Hill Road) stated that the Planning Commission has the
563 authority to require any reviews, inspections, and/or approvals from outside agencies, such as
564 annual inspections through the State of Michigan, be submitted to the Township by the
565 applicant/authorized representative as a condition of the Special Land Use Permit. He stated that
566 all maintenance agreements related to any aspect of the Special Land Use should be established
567 prior to approval to ensure the property does not fall into disrepair and/or lead to financial
568 burden(s) for the Township. Chairman Meisel thanked Mr. Schumacher for his comments. He
569 stated that special land uses are either approved in perpetuity or on an annual/semi-annual/other
570 basis. He said that the Planning Commission has not yet determined all of the terms and
571 conditions for approval, but is typical for uses that require regular inspection/approval
572 documents from the State of Michigan (such as cemeteries) for the Township to require the
573 owner to periodically submit such documents as a condition of the Special Land Use.

574
575 Kathleen Kortge (12270 Germany Road) stated that she has concerns about the specific burial
576 practices and the proximity of the proposed cemetery to existing wetlands. She asked the
577 applicant how the bodies would be buried. Hasan Siddiqui stated that the 24-hour burial
578 requirements would not apply to the proposed cemetery since they do not supersede the State of
579 Michigan burial requirements. He stated that they would intend to bury the bodies as quickly as
580 possible after death, but would not violate any of the State, County, or Township requirements to
581 do so. He stated that the bodies would be wrapped in white shrouds and encapsulated in
582 covered, concrete vaults prior to burial. Kathleen Kortge asked where all of the bodies would
583 come from. Chairman Meisel stated that the question is not relevant. He suggested, as an
584 example, that a restaurant could have any number of seats, but the number of seats does not
585 guarantee that the restaurant would have any customers. He continued, stating that a cemetery
586 can have any number of plots, but there would be no guarantee that any/all of them would be
587 filled within a specific period of time. There are many factors involved, but ultimately, the
588 number of available plots in a cemetery does not correlate to how quickly they will fill or how
589 many will be filled. Kathleen Kortge asked in which order the gravesites would be filled.
590 Chairman Meisel stated that the applicant has proposed that the gravesite be filled in phases (as
591 indicated on the site plan), from the side of the cemetery closest to the road to the back of the
592 cemetery (furthest from the road). Kathleen Kortge asked if there would be grave markers or
593 monuments at each occupied gravesite. Hasan Siddiqui stated that they would intend to use
594 typical monuments/grave markers, similar to those in most cemeteries, some being flush with the
595 ground and others projecting upwards several feet. Kathleen Kortge asked the applicant how

596 quickly he anticipates they would be able to obtain the necessary approvals to begin construction
597 on the cemetery. Hasan Siddiqui replied, stating that there is still a lot of work that needs to be
598 done before they can begin construction.

599
600 Gary Crandell (12449 Germany Road) stated that he has been informed by local law enforcement
601 that the property where the cemetery is proposed is sovereign territory where police would not
602 have any legal authority to enforce the law or even set foot on the premises. He asked the
603 Planning Commission if the information is accurate. Chairman Meisel stated that he believes
604 that he was provided with false information. He explained that the area where the cemetery is
605 proposed is on a parcel located in the jurisdiction of Tyrone Township, Livingston County, the
606 State of Michigan, and the United States of America and, therefore, would be subject to the laws
607 that apply to all other residents of Tyrone Township. He stated that he was not aware of any
608 special circumstances that would make the property exempt from the law or prevent law
609 enforcement agencies from enforcing the law. Hasan Siddiqui stated that there is nothing special
610 about the property and confirmed that it is not considered to be a sovereign territory.

611
612 Carol Roeder (7262 Denton Hill Road) stated that she lives directly across from the area the
613 cemetery is proposed and asked if the cemetery would have a streetlight. Chairman Meisel
614 stated that it is a good question that hasn't been fully explored yet. He said that it is an important
615 question because street lighting relates to security and traffic flow, so it will be addressed in the
616 future.

617
618 Gerald Mantela (12210 Germany Road) asked if the Township had any absolute assurance that
619 the gravesites would not exceed the number that was originally proposed. Chairman Meisel
620 stated that the number of gravesites that is proposed at the time that the application is approved
621 (if approved) is the number which would be permitted. If the applicant wanted to modify the
622 number of gravesites after receiving approval, they would need to go back through the review
623 process for a site plan amendment.

624
625 Carol Roeder (7262 Denton Hill Road) asked if other Muslim communities would utilize the
626 proposed cemetery for burials or if it would be specifically for the local community. Hasan
627 Siddiqui stated that the proposed cemetery has never been presented as a Muslim cemetery, just a
628 private cemetery.

629
630 Ed Murray (12271 Germany Road) stated that he had spoken with someone from Hartland
631 Township regarding the cost to maintain one of their cemeteries. He was informed that the
632 minimum cost per year to maintain the cemetery is approximately twenty-two thousand dollars
633 (\$22,000). He asked who would be performing the maintenance of the proposed cemetery.
634 Hasan Siddiqui stated that the cemetery would be privately maintained and maintenance would
635 be guaranteed by the State of Michigan through an escrow account required to maintain a
636 minimum balance of fifty-thousand dollars (\$50,000) at all times. Ed Murray asked what size
637 the bore holes would be for the required Livingston County Department of Environmental Health
638 soil evaluation. Hasan Siddiqui stated that the bore holes would be three feet (3') in diameter
639 and ten feet (10') deep.

640

641 Jerry Sanders (12345 Alcoy Drive) asked how many bore holes would be required and where
642 would they be located on the property. Hasan Siddiqui stated that Livingston County would
643 make the determination on the size, number, and location of the bore holes that will be required.
644 Chairman Meisel stated that the County will perform the review and include specific information
645 on the test results, including bore size, number, and location, which will be added to the public
646 record once completed.

647
648 Linda Kurnik (12231 Germany Road) asked the applicant approximately how many people
649 would be buried at the cemetery and how frequently would burials occur. Hasan Siddiqui stated
650 that the number of bodies and frequency of burials is intended to be very minimal, but it is
651 unpredictable.

652
653 Hasan Siddiqui stood up to address the Planning Commission and residents in attendance. He
654 stated that he loves Tyrone Township and is happy to see how many people showed up to
655 provide feedback on the proposed cemetery. He stated that he would take all of the comments
656 and concerns discussed during the public hearing into account and make some revisions to the
657 application before resubmitting it for review, including a reduction in the total number of
658 gravesites. He stated that the reason the preliminary site plan shows a large number of burial
659 plots is because he was requesting the maximum number that would reasonably fit. He did not
660 anticipate that all of the plots would be filled within the foreseeable future, but wanted to plan
661 ahead just in case. He said the intent is to have a cemetery for friends, family, and loved ones to
662 be buried peacefully near one another, not to fill up as many graves as quickly as possible. He
663 continued, stating that if the average person considers all of their friends, family, loved ones, and
664 their families, friends, and loved ones, the original number of gravesites that was proposed or the
665 total size of the cemetery shouldn't sound totally unreasonable. He stated that in his circle of
666 family, friends, and loved ones, there have been five (5) deaths in the past four (4) years, so that
667 is about the anticipated average as far as the number and frequency of burials that would take
668 place on site. He stated that the cemetery would not be a Muslim cemetery, just a cemetery, and
669 all residents of Tyrone Township would be welcome to be buried there if they so choose. He
670 stated, on a personal note, that he hopes he has not angered anyone in the Township for
671 proposing the cemetery. He explained that he greatly values the strength and togetherness of the
672 community and hopes that he and his family can continue to peacefully coexist with all residents
673 of the Township.

674
675 Robert Johnston (12150 Germany Road) asked who would be responsible for maintaining the
676 cemetery if it is abandoned or if the property is sold. Chairman Meisel stated that historically,
677 cemeteries that have run out of funds or gone out of business for other reasons are generally
678 absorbed by the local municipality. He stated that the State of Michigan does have some
679 requirements for approval, such as an escrow account, to prevent this from happening with
680 current and/or future cemeteries. He stated that the Township will be discussing further the
681 potential to obtain additional financial guarantee(s) and methods to ensure consistent
682 maintenance. Robert Johnston stated that he does not understand the need for another cemetery
683 in Tyrone Township. Chairman Meisel stated that the applicant has a right to apply for a
684 permitted land use on their property. If the applicant can fulfill all of the Township and
685 additional agency approval requirements, they would have the right to build the cemetery.

686

687 Steven Gornick (13170 Old Oaks Drive) asked how the hours of operation would be monitored,
688 controlled, and enforced. Chairman Meisel stated that the hours and specific details will need to
689 be discussed further during the review process and there is no definite answer at this time.

690
691 Tom Sokolnicki (7448 Denton Hill Road) asked why the property would not need to be rezoned
692 to commercial if the proposed cemetery would be operated by a Limited Liability Corporation
693 (LLC). Chairman Meisel explained that it would not be legal to rezone a property completely
694 surrounded by residential zoning districts since it would be considered “spot zoning” which is
695 prohibited by the Michigan Zoning Enabling Act. Special land uses can be permitted within
696 residential zoning districts as long as the necessary approvals are obtained. At some point, it was
697 determined that cemeteries would be most compatible with low density residential zoning
698 districts such as FR and RE, so they can be permitted there as long as they meet the minimum
699 standards for approval and obtain those approvals and permits. He continued, stating that if the
700 property was rezoned to commercial instead of permitting a cemetery as a special land use, the
701 door would be open to a much wider range of potential commercial land uses, many of which
702 would be much less compatible with adjacent residential properties than a cemetery.

703
704 Richard Schumacher (7385 Denton Hill Road) asked if the Township has some kind of guarantee
705 that the State of Michigan would adequately review and inspect the property on a regular basis.
706 Chairman Meisel stated that there is no specific guarantee, but the Township will do everything
707 possible to take all factors into account and make a well-informed decision based on the findings.

708
709 Chairman Meisel inquired if there were any more comments from the public or Planning
710 Commission. No additional comments were received.

711
712 *Chairman Meisel closed the public hearing at 9:16 pm.*

713
714 **The remaining agenda items were deferred due to the late hour and continuing**
715 **conversations by residents in attendance.**

716
717 **MISCELLANEOUS BUSINESS: NONE**

- 718
719 1) Planning and Zoning Administrator's Report: None
720 2) Other Business Items: None
721 3) Township Board Actions: None
722 4) ZBA Report: None
723 5) Future Items: N/A
724 6) Correspondence: N/A

725
726 **ADJOURNMENT (9:20 PM):** By Chairman Meisel