

Present: Chairperson Jensen; Members: Borowski, Freedman, Landsman, Liberty, Ostrowski, Walter and Wayne

Absent: Tillman

Also Present: Building Official, Byrwa
Planning Consultants, Wenzara and Cramer

Chairperson Jensen called the meeting to order at 7:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

APPROVE AGENDA

Motion by Landsman, second by Wayne, to approve the agenda as published.

Motion carried.

PUBLIC COMMENTS

Sharon Tischler of 21415 Virmar Court brought it to the attention of the Planning Board that there is a renovated house in South Berkshire with garage space for six vehicles where the property owner is requesting a variance to build another two-car garage on the site. She views this as creating a storage facility in a residential area. This proposal would also create a zero lot line driveway as well as drainage issues. Tischler asked that the Planning Board consider a review of the ordinance sections that address the ratio between garage space and first floor area.

Building Official Byrwa commented that this is a single family residential area where an individual added onto his house. The ordinance states that a person can have an attached garage up to 60% of the first floor of the house. Sixty percent of a 3000 sq. ft. house is 1800 sq. ft. The ordinance also permits a 720 sq. ft. detached garage. The homeowner could end up with approximately 2500 sq. ft. of garage space. It is a concern because it would tend to be the predominant use of that property.

Tischler urged the Planning Board and Council to look at regulations for maximum storage or garage space per residential property.

Jensen stated that the Village planning consultant firm LSL has indicated that many Beverly Hills ordinances have not been reviewed or updated in 25-30 years. Jensen asked that Wenzara take a look at this and consider how other communities deal with this issue to establish whether the Village should be proactive in some manner.

APPROVE MINUTES

Motion by Landsman, second by Wayne, that the minutes of a regular Planning Board meeting held on Wednesday, February 9, 2005 be approved as submitted.

In response to an inquiry from Liberty on the intent of a motion made on February 9, it was clarified that the motion recommended Council approval of the Christie land division application for property on Mayfair.

Motion passed (8 – 0).

PUBLIC HEARING ON A REQUEST FROM CINGULAR WIRELESS FOR SITE PLAN AND SPECIAL APPROVAL FOR CO-LOCATION OF ANTENNAS AND A 12' X 20' CONTROL BUILDING AT THE SOCWA WATER TANK AT 16109 W. 14 MILE ROAD

Planning consultant Wenzara outlined her review letter dated April 9, 2005 on the site plan and special approval request from Cingular Wireless. Cingular is proposing to co-locate wireless antennas on the existing Southeastern Oakland County Water Authority (SOCWA) water tower located on 14 Mile Road east of Pierce on property zoned PP Public Property. As a wireless communication facility, this is a special land use. The Planning Board will consider action on the site plan and action on special use approval.

Wenzara reviewed the site plan dated March 21, 2005 for completeness and compliance with ordinance requirements. Section 22.08.470 Wireless Community Facilities and Services dictates most of the required information and standards. Wenzara noted a few required items of information that were not submitted with the site plan including a maintenance plan or agreement; information demonstrating the need for the antennas; the service area and signal power of the antennas; and documentation of SOCWA's approval for the co-location.

Wenzara remarked that there are not a lot of design requirements for this use. The main issues are the maintenance plan and demonstrating that there is a need for the antennas. It should be confirmed that the support building material will be brick and will match existing buildings. It was noted that the size of the proposed control building will be 12' x 20'. Wenzara stated that this proposal for a new facility is an opportunity to upgrade the landscaping on the site particularly where it is visible along 14 Mile Road and along Kirkshire. LSL has included landscape recommendations in its review letter. Any proposed lighting must be shown on the plan.

Wenzara stated that there are standards in Section 22.08.470 that the Board should consider with respect to special approval. Things to look at are compatibility with the neighborhood, impact on surrounding land uses, traffic and infrastructure, and overall safety, health and welfare of the community. She noted, however that this is a co-location and the tower structure is in place.

Freedman questioned whether a public hearing and review of this plan is premature considering that the applicant has not provided all the required information.

Byrwa responded that the petitioner will present material this evening that will demonstrate the need and the coverage of the wireless antennas. He met with a Cingular representative a couple of months ago to coordinate the proposed landscaping and building with the existing building and plantings on the site. Byrwa stated that the maintenance agreement is required to be submitted prior to closing out the building permit. Submission of documentation of SOCWA approval for co-location on its tower is required prior to being issued a building permit.

Byrwa indicated that this request is similar to a previous petition that came before the Board four years ago. The applicant has agreed to upgrade the landscaping. Byrwa suggested that the petitioner wait until after Planning Board review and public input before preparing revised site plan drawings that consider public comments and demonstrate compliance with the planning consultant's requests.

Wenzara suggested that the Planning Board proceed with the public hearing tonight in order to share information with the public and hear their comments. The Planning Board is not required to take action at this meeting if it is not comfortable with the level of information provided. The Board can hold a public hearing, discuss what additional information it would like the applicant to provide, and review a revised plan at its next meeting.

Borowski recalled that action on an application was delayed on previous requests for antennas or cell towers until further information was provided for review. Data demonstrating the need for antennas and the service area signal power is technical material that should have been received in advance for review by Board members.

Norm Burns, Project Manager for Velocitel representing Cingular, addressed issues raised by the planning consultant. He displayed a landscape plan and reviewed the plantings and their location with the Board. Burns remarked that the applicant will add more trees if requested. He noted that SOCWA prefers that the landscaping not be overdone to completely screen the buildings from view, which might encourage vandalism. The facility will match the brick of the existing facility.

Burns stated that SOCWA maintains its facility. For security reasons, it does not want anyone going in there unless there is a need. The Cingular facility is unmanned, and the company has an on-call maintenance service. With regard to lighting, a commercial stoop light will be installed and will activate only when someone is in front of it.

The landscaping plan was reviewed by the Board. Wenzara commented that the plan is generally what the planners envisioned for the property.

Jensen declared the public hearing open at 8:17 p.m. on the Cingular site plan and special use.

Jeff Beno of 16036 Birwood questioned the characteristics of the antennas such as size and power.

Burns demonstrated a propagation drawing to justify the need for the antenna. A color-coded map generated by computer software showed air coverage of the site before and after the antenna is put on air. He pointed out a big hole in Cingular's coverage without the antenna at that site.

Sharon Tischler of 21415 Virmar Court commented that SOCWA is concerned with the security of the water tower property and does not view the site as a park. She cautioned

against the area being too heavily landscaped, which would result in seclusion and an opportunity for vandalism. Tischler questioned the need for additional lighting.

Burns stated that there will be lighting on the shelter itself that will be activated when someone needs to enter the shelter. Any additional lighting is the responsibility of SOCWA. Burns mentioned that SOCWA signed off on the site plan and does not have a problem with the additional landscaping. A letter will be provided to address maintenance. The antennas are a standard installation similar to what already exists on the tower. Cingular will paint the antennas to match the legs of the tower.

Terry Caroselli of 16285 Kirkshire commented that she lost reception of a television channel the last time an antenna was erected on the water tower. She questioned the effect of the antenna on the neighborhood. Burns responded that the antenna operates on a different frequency than television or telephone reception.

Robert Walsh of 20655 Smallwood Court made reference to litigation initiated by Bloomfield Township relative to erecting cell towers on Birmingham School District property. The Village joined Bloomfield Township in that lawsuit. The case was appealed to the State Supreme Court, and he believes that the School District lost the case. He does not think that the schools are an area of last resort for cell towers.

James Scharret of 16083 Kirkshire urged the Planning Board to vote against this proposal for the reason that it is incompatible and out of balance with the neighborhood. This area of Kirkshire was a passive development in terms of the SOCWA use of the site for a water tower and support building. The nature of the site is changing from residential to commercial. There is no public benefit to additional erection of antennas that will expose the neighborhood to these frequencies. Scharret believes that there should be a balance between the rights of private sector development and the neighborhoods considering the affect on the community image.

Gladys Walsh of 20655 Smallwood Court stated that she is a proponent of open space and green space and is opposed to a proposal to construct another building on the site. She has concerns with allowing the antennas and building to increase the profitability and the coverage area of a business at the expense of the Villagers. Walsh expressed concern about homeland security issues. She questioned how a need for the antennas or the demand for this service is established. Walsh thought that all of the information should be available to the Planning Board before it acts on this proposal.

Kay Michael of 15767 Kirkshire stated that she moved to Kirkshire 13 years ago because of the park area. She is not opposed to growth in technology but is concerned about the additional buildings going up in the park area.

In answer to inquiries from Ms. Michael, Burns stated that the Cingular support building and equipment cannot be accommodated by expanding onto the existing Nextell building. Oakland County's plan for a wireless county-wide service will not have an impact on cell tower structures.

Jeff Beno of 16036 Birwood expressed concern about the health hazard of the antennas on the water tower. The applicant has not addressed specifics on the type of power and type of antenna that is proposed to be erected. He would like this information to be presented to the public so that they can make an evaluation of the proposal.

Burns responded that there is a concern with radiation emission associated with AM and FM towers. There is no danger in the operation of the proposed antennas that operate at about 21 watts per antenna. There is no known long-term danger in the transmission of these signals. Cingular proposes to put a maximum of 12 antennas on the installation.

James Scharret expressed the view that the information is being presented piecemeal to the Board and the Cingular proposal is incomplete.

Norman Rubin of 31020 Rivers Edge Court asked if the water tower is maxed out in terms of antennas. Burns answered that he does not believe that another antenna could be located on the legs of the water tower. Rubin remarked that County Executive L. Brooks Patterson is proposing wireless local area networks for Oakland County.

No one else wished to be heard; therefore, the public hearing was closed at 8:44 p.m.

Board members discussed the proposal. Ostrowski commented that he would like to see more targeted landscaping, i.e. around the utility rack and the units on the south side that would face residential property. Freedman requested information from the applicant that educates the Board on the antennas and service area, the signal power, and the need for the antennas.

There were members who indicated support of the Cingular proposal citing antennas of two other providers existing on the water tower. Other members thought that the material was presented in a piecemeal manner by the applicant and that a revised and complete plan should be submitted for consideration by the Board along with information requested at tonight's meeting.

Jensen summarized that a public hearing was held and the applicant received feedback from the public. It might be appropriate to ask the applicant to provide answers to questions from Board members and the public at the next Planning Board meeting. The Board will take action on the Cingular proposal at that time.

Motion by Borowski, second by Landsman, to table the request from Cingular Wireless for special use approval to a meeting to be scheduled by the Chairman and Building Official.

Yes – Borowski, Freedman, Jensen, Landsman, Liberty, Walter, Wayne

No – Ostrowski

Motion passed (7– 1).

Motion by Borowski, second by Freedman, to table the request from Cingular Wireless for site plan approval to a meeting to be scheduled by the Chairman and Building Official.

Yes - Borowski, Freedman, Jensen, Landsman, Liberty, Walter, Wayne
No – Ostrowski

Motion passed (7– 1).

Byrwa informed the public that the Cingular proposal will be an agenda item for the next Planning Board meeting. Interested residents can call the Village office to confirm that this will be on the agenda for the fourth Wednesday in May. He noted that the Planning Board recommendation on the Cingular proposal will be forwarded to Council for consideration, and the Village Council will hold another public hearing.

MASTER PLAN UPDATE KICK-OFF MEETING

Planning consultant Caryn Wenzara introduced Robert Cramer from LSL, who will be working with her on the master plan project. Wenzara proceeded with a power point presentation to outline the Master Plan Update project scope and schedule. The kick off session is an opportunity to make sure that everyone fully understands the process. Wenzara has met with Village staff including Manager Renzo Spallasso, Building Official Dave Byrwa and Bob Bliven, who will be involved in mapping and data collection for the existing conditions update.

Wenzara described a community master plan as a document that addresses land use, transportation, natural features and community facilities. This process will be about updating those elements in the Village's current master plan. A master plan is a guide for decision making and investments. It sets the framework for ordinance requirements and policies. In addition, the plan provides a vision for the community and helps to understand where the Village is headed in the future. It is an opportunity to get the community involved in the decision making process. Surrounding communities will be involved as well as the County and other outside agencies. The master plan is adopted by the Planning Board and Council.

Wenzara related that the Village Council has authorized \$10,000 for fiscal year 2004/05 to update the master plan without optional meetings or sub-area studies. Additional tasks may include a Southfield Road corridor plan, a neighborhood plan element, and additional public workshops. The Planning Board will be talking to Council in July about expansion of the scope and funding for the next fiscal year budget.

Wenzara outlined the schedule which will include the following tasks: 1) Kick Off; 2) Existing Conditions Update; 3) Public Workshop; 4) Visions, Goals, and Objective Update; 5) Future Land Use Plan Update, Circulation Plan Update, Community Facilities Plan Update; 6) Draft #2 Complete Plan Review; 7) Draft #3 Complete Plan Review; 8) Agency Review, Public Hearing and Adoption Process.

The public workshop format will be discussed further at the next Planning Board meeting. There needs to be an effective approach to get the word out about the meeting and to make sure that as many people as possible are able to attend. The Strategic Planning group will be an important resource to promote the workshop. There will be a brief presentation on the master plan process at the public meeting. The majority of the meeting will be devoted to a structured discussion of the issues that are in the master plan such as land use, community facilities, natural features and transportation issues.

Gladys Walsh of 20655 Smallwood Court stated that she understands that the Municipal Planning Act does not mandate that a master plan has to be updated every five years. Every five years after adoption of a master plan, the planning body is required to review the plan and determine to commence the procedure to amend the plan or adopt a new plan. Walsh asked when the Planning Board conducted a review to determine whether the Village master plan needed to be amended.

Jensen stated that a subcommittee of the Planning Board consisting of John Smith, Bob Bliven, and Hugh Woodrow reviewed the current master plan over a period of time and presented the Board with its recommendation. A master plan work program was approved by the Board about two years and has been awaiting funding.

Gladys Walsh expressed the view that the public workshop should be a forum for open discussions by the public.

Bob Walsh of 20655 Smallwood Court asked to receive a copy of the subcommittee report recommending an update of the Village master plan.

Wenzara stated that she was given copies of marked up master plans from the subcommittee members. Walsh asked for copies of those documents.

Frank Worrell stated that he has 19 pages of various minutes of Planning Board and Council meetings relating to the Master Plan update going back to November 14, 2001. He read excerpts from meeting minutes regarding a master plan proposal from the planning consultant firm. Worrell noted that subcommittee members recommended no substantial changes to the master plan in the minutes of September 2002.

Wenzara responded that LSL was asked to develop a proposal for Site Development Regulations, a 14 Mile Road Corridor study, and a Master Plan update. Codification of site development regulations was the first project to be undertaken followed by the 14 Mile Road overlay district. The master plan update is the next priority project. Since the proposal was prepared two years ago, the desires of the Planning Board in terms of the scope of the project has changed, and the proposal was modified and presented to Council.

Jensen stated that there is a reason for targeted sub studies to be incorporated into the master plan. A part of the master plan review that was identified by Council as a potential study item is the lot coverage issue. The planning consultant has advised the Village that the best way to undertake these studies is to make them components of a comprehensive master plan.

Worrell stated that he asked a question at a Planning Board meeting about the impact of the Mayfair lot split on the R-A Zoning District, and the answer did not appear in the meeting minutes.

Bunker Kelly stated that he is a spokesman for the Beverly Hills Citizens Forum Committee. A research subcommittee of that group has reviewed minutes of the Planning Board over the last few years. Kelly referred to past Planning Board meetings that address the master plan update. He read from 2003 minutes discussing a planning consultant proposal for the project, which differs from the current master plan update program. Kelly questioned the need for rewriting the master plan when the community is 98% developed.

Motion by Freedman, second by Walter, to adjourn the meeting at 9:59 p.m.

Motion passed.

David Jensen, Chair
Planning Board

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary