

JONESFIELD TOWNSHIP ZONING BOARD OF APPEALS

*July 29, 2021
Meeting Minutes*

Request for Administrative Review

Call to Order at 6:02 p.m.

Members present: Stanley Brown, Larry Tibbits, Mark Gath, John Siler Jr. (alternate)

Members absent: Roger Poscal (alternate)

First order of business is to name Brown as the ZBA Secretary

Motion made by Tibbits, seconded by Brown

Vote is unanimous

Motion to approve the agenda by Gath, seconded by Tibbits.

Vote is unanimous

Motion to approve minutes of the ZBA meeting on October 29, 2020 made by Brown, seconded by Tibbits.

Vote is unanimous

Next order of business is public comment – Public comment opened at 6:06 p.m.

Ruth Coppens commented approving of the work done by the Planning Commission, Township Board, and Planning Commission in processing the application and the administrative approvals issued.

Tim Morrison commented that he was not pleased with the Township’s processing of the special use permit or with the legal representation of the Township. He stated that he voted down the original wind ordinance and would vote down future millages.

Danielle “Swartho” commented that she did not like the ZBA’s previous decision to grant variances to DTE. She wanted a vote on whether the turbines should be allowed.

Roland Piechotte commented that he did not believe the Township listened to the people. He wanted a vote on whether the turbines should be allowed. He was concerned about conflicts of interest in Township officials.

Dale Deibel commented that the Township did not follow the will of the people. He was concerned about property values and nuisances created by the turbines. He stated that he did not believe the Township followed its master plan. He also commented that the project costed him the sale of his home and he eventually sold his home at a lower price.

Unnamed comment – concerned about concrete being left in the ground after the turbines are gone and stated that the turbines would destroy the ecosystem.

Public comment closed at 6:23 p.m.

Next order of business is Rochelle Siler's Request for Administrative Review

Conflict of Interest Disclosures by Township Attorney Christopher Patterson

Discussion of ZBA bylaws and conflicts of interest.

Motion to accept conflict statements and seat Brown, Tibbits, and Gath on the ZBA pursuant to the ZBA Bylaws and the Rule of Necessity by Gath, seconded by Brown.

Vote is unanimous

Pursuant to the bylaws and the Rule of Necessity, each member and alternate of the ZBA present had their conflict disclosures entered into the record and attached to these minutes.

Township Attorney Christopher Patterson summarized Rochelle Siler's Request for Administrative Review and the ZBA's authority to hear the review.

Motion from Gath to begin the public hearing, seconded by Tibbits.

Roll call vote:

Gath – yes

Brown – yes

Tibbits – yes

Vote is unanimous. Public hearing began at 6:33 p.m.

Chair Tibbits stated that Rochelle Siler would have 20 minutes to state her Request for Administrative Review. Ms. Siler presented her Request for Administrative Review. Ms. Siler described the history of the development of the Meridian Wind Park. Ms. Siler continued to describe the history of the development of the Meridian Wind Park and various other information. Ms. Siler concluded her presentation after 30 minutes.

The floor for public comment resumed at 7:05 p.m.

9 individuals spoke during public comment on the ZBA matter. Individuals stated concerns about conflict of interest, DTE lease language, and the variances previously granted to DTE by the ZBA. The Township Attorney summarized a letter submitted to the ZBA by Alan Bean of Spicer Group on July 22, 2021.

Emily Palacios, legal counsel for DTE, stated that the DTE lease language did not present a conflict of interest. She also stated that issues relating to lighting would ultimately be determined by the FAA, which would pre-empt local zoning regulations that impose a different standard.

Motion to include the written letter from Alan Bean of Spicer Group dated July 22, 2021 into the official record of the meeting.

Motion made by Tibbits, seconded by Brown.

Vote is unanimous

Motion to close the public hearing relating to the Request for Administrative Appeal.

Roll call vote:

Gath – yes

Brown – yes

Tibbits - yes

Public comment closed at 7:25 p.m.

A break was taken at 7:29 p.m.

The meeting resumed at 7:31 p.m.

ZBA Discussion of the Request for Administrative Review

The Township Attorney answered questions regarding conflicts of interest and summarized a written proposed decision provided to the ZBA.

The ZBA discussed the proposed decision and the merits of Ms. Siler's Request for Administrative Review.

Motion to adopt the written proposed decision as the decision of the ZBA, affirming the administrative decisions subject to the Request for Administrative Review.

Motion made by Tibbits, seconded by Brown.

Roll call vote:

Brown – yes

Gath – yes

Tibbits – yes

Vote is unanimous

Meeting was adjourned at 8:25PM