

CALL TO ORDER

The Regular Scheduled Meeting held on Monday, February 9th, 2026 of the Benton Charter Township Planning Commission was called to order at 6:00 p.m.

Members Present: Chairperson Joseph Taylor, Marletta Seats, Gregory Whitehead, Matt Davis and Wesley Koza
Members Absent:
Staff Present: Loyall Bennett, Caleb O’Toole and Deeann Scalf
Also present: Elizabeth Ashmead (BCT Building Dept); Richard Rassel (W.W.R.P. P.C. & Skyway); Ben Varney (Pyramid Network Services); St John Church (Willie & Marilyn Lark); Steven Thompson; Greater Faith Apostolic Church (Willie Leslie & Mildred Leslie); Jessica Duner; Lynne Erickson; John & Laura Fuse; Kara Wells; Lascelles Lewis; Regina Davis; New Bethel Church (Marcus McAfee); Rebecca Harvey (Harvey Consultants)

SILENT INVOCATION:

APPROVAL OF MINUTES: Mr. Davis motioned and support of approval by Mr. Whitehead. Motion passed.

AGENDA AMENDMENTS: None.

OLD BUSINESS: Mr. Bennett advised of the Resignation of Ms. Trina Rodez, and the welcoming of the New Board Member, Wesley Koza.

NEW BUSINESS:

Elect Chairperson. Ms. Seats nominated Matt Davis as the new Chairperson, and supported by Mr. Whitehead. Vice Chairperson was nominated for Marletta Seats by Mr. Davis and supported by Mr. Whitehead. Motion passed.

Master Plan Review and Kick Off. The Planning Commission meeting previously scheduled with Mr. Bennett was canceled due to weather; therefore, Rebecca Harvey attended the meeting to conduct the Master Plan Review and Kick-Off. Discussion included updates and potential revisions to the 2019 Master Plan, clarification regarding the completion and impacts of Ox Creek, and confirmation of the Plan’s adoption status, as the Township’s copy still reflects a “Draft” date of July 22, 2019. Mr. Bennett confirmed the Plan was formally adopted, and Mr. Davis raised questions regarding the Township’s authority to modify the Plan prepared by McKenna.

The Commission discussed Township improvements to date, including Ox Creek, bypass construction, Main Street reconstruction, trail work, and area clean-up efforts. Emphasis was placed on the need for additional affordable housing and business development within the Township. Ms. Harvey reviewed the 2019 Master Plan and will compile a Work List of recommended updates, including required housing data and strategies to comply with current Housing Enabling Requirements. Once approved, Ms. Harvey will proceed with the updates and distribute a letter of intent, along with the process and schedule for amending the Master Plan. It was suggested that the Planning Commission coordinate a joint meeting with the Township Board to review the Work List and proposed Master Plan changes.

Motion to open a Public Meeting. Mr. Davis made a motion, supported by Ms. Seats at 6:17 p.m. approved. Mr. Bennett we are here to discuss a proposed Special Use Permit for Skyway Towers (aka Cellco Partnership) for a gap in coverage area. A Cell Tower to potentially locate at 1819 Sweet Street in Benton Harbor, MI which is a centralized area to close the gap coverage, this property is a Commercially Zoned Property, which Cell Towers are allowed with a Special Use Permit. It does abut a B2 Family, yet separated on Beverage Court by a Road Right Of Way. Mr. Bennett advised possible Conditions can be the following:

1. Screening / Fencing
2. Drain Commission Approvals
3. ZBA Approvals within distance in current Towers (.8 miles, and needs to be 1 mile apart from each other)

Mr. Bennett the Telecommunications Act of 1996 (a Federal Act), states we can not deny a Cell Tower based on environmental or emission effects. Mr. Whitehead researched and found nothing causing health concerns with Cell Towers. MDOT as well as the Aviation both approved for the Special Use Permit for the Cell Tower. Mr. Koza wants to know how many Towers will that make in BCT? Mr. Bennett stated our Engineering Firm reviewed the Engineering and the Soils and has approved of them and found them to be compliant. Mr. Davis would like the Applicant to address the following:

1. Appears another **Cell Tower is within the Mile radius**. Wants information to co-locate within the mile radius with them and that the possibilities have been exhausted on that.
2. **Ordinance Testing Provisions** that we can complete with testing after it has been installed to make sure it is within Compliance.
3. **Minor discrepancies** of the 158' and 155' tall structure.
4. Applicant stated they were unaware of **abutting Residential Properties** for this location, yet there is, but has a Right Of Way in between on Beverage Court, so the screening would apply for her.
5. **Site Plans need to be stamped** by a Local Michigan Licensed Engineer.
6. **Generator** being part of the Project (regarding sound being an issue). Would like Conditions on the Generator itself being in a Residential District.
7. **Site Ordinance** needs to be $\frac{3}{4}$ of an Acre, and the Leased Property Portion does not show that large of a space. The Property is larger than $\frac{3}{4}$ but not the Leased Portion, as the Applicant only has access to the Leased Owned Property for this work. What is the exact tent of the $\frac{3}{4}$ of an Acre an what exactly is proposed to that Area.
8. **Site Plan Ordinance** states the parking has to be paved. The Site Plan submitted only has a Site Plan approach. With the Current Site Plan, not enough space for Maintenance Vehicles to park at this location without being in the Right Of Way and to be kept maintained.
9. **Fencing** Ordinance Section 82.599 states does not allow a Fence in the Front Yard to be above 4', and the Tower is requesting a 5' fence, or needs to be outside of the Front Yard Set Backs. Mr. Bennett advised that is for Residential Zoning only, and does not apply to Commercially Zoned Properties.
10. **Future Leased Areas** and what would be located in those Areas to make sure they are Code Compliant. Mr. Ressel as other Providers come on to their Towers, which under Federal Law, they have to allow them to do so. This will them keep down the number of additional Cell Towers being built within the Township Area.

Mr. Ressel the closest current Tower does not fill the poor coverage gap it currently needs coverage on to the primary North Area. Mr. Rassel mentioned anything needed to be within Compliance / Site Plan Process they are willing to do (Testing / Inspections / etc.). Mr. Rassel advised it is a lightning antenna at the top of the Tower making it go from 155' to 158' total. **The Tower is not lit up**. Mr. Rassel would take into consideration of any Conditions to be within Compliance to get this structure approved and advised the only immediate property abutting is to the immediate West of the Property by the Right Of Way and Tower is proposed within the Set Backs given. Mr. Rassel advised they thought they already submitted them with the Original Application, but if not would have these at time of Permitting (no problem). Mr. Rassel does not see them not being able to meet Township Noise Violations with the Code Enforcement, as it only comes on once or twice a month for testing anyways. Mr. Rassel advised the whole Site is (1) one Acre of Land, not just the $\frac{3}{4}$ of an Acre Leased Property regarding limited Site Limitations. Or if needed get a Site Variance for the additional Acreage. Mr. Rassel advised they want to do as least as possible with the concrete, but are willing to meet the standards, criteria and Conditions of the Township for the Ordinance. Mr. Rassel is willing to do Wood Fence, Privacy Fence, Tall Evergreen Trees, Landscaping, etc. to soothe the Neighbor's Concerns and will be happy to comply with the Ordinance.

Applicant Skyway Towers and Celco Partnership dba Verizon Wireless, located at 3637 Madaca Lane, Tampa, Florida 33618, is seeking a Special Use Permit for a Wireless Telecommunication Facility for 1819 Sweet Street in Benton Harbor, MI 49022, also known as Property ID No. 11-03-2230-0049-00-4, to construct a 158' Monopole Wireless Communications Tower. (Public Hearing)

Mr. Ressel of Williams, Williams, Rattner and Plunkett, legal counsel for Skyway, along with Ben Varney, Site Activation Specialist for Skyway, addressed the Commission regarding a proposed monopole wireless telecommunications facility. Mr. Varney explained that Skyway has been evaluating potential sites within Benton Charter Township for several years to address a documented gap in cellular, data, and internet coverage. The property located at **1819 Sweet Street** was identified as the only viable site within the Township suitable for a Special Use Permit to construct the proposed tower.

The proposed facility is intended to provide approximately a one-mile coverage radius to improve cellular service, data transmission, internet connectivity, and public safety communications. Mr. Ressel referenced a letter dated **October 20, 2025**, from **Xiangmin Zhou, RF Engineer with Verizon Wireless**, which supports the necessity of this location to address existing deficiencies in wireless coverage within the Township. They had Blosson Trails Golf Course (off Britain Avenue) but the Special Land Use Criteria was not available for Zoning at this property site location. Unfortunately, this is the only feasible option in a D1 Commercial Zoned Property within BCT to cover the gapped areas with Services. As far as for Environmental Effects as Mr. Bennett stated it is dealt with by the Telecommunications Act of 1996. Mr. Ben Varney advised as for other properties within the Area being available for them, the Airport plays a significant part in not being able to build near it (because their range is so large you have to stay out of it), this was the only property in BCT available for their needs and being able to try for a Special Use Permit Application. The Applicant did receive FAA Approvals for this Telecommunications Tower being built at Sweet Street and MDOT Tall Structure Approvals.

Public Comments. Neighbor, Willie Leslie with Greater Faith Apostolic Church located at 1995 E. Britain Avenue on behalf of the Pastor, Cunningham & Bishop, Cunningham, would like to vote no, as it is located within 2,640 feet from the Church on Britain as it will be an eye sore. It will be a negative benefit to this Community if approved. Emission concerns.

Neighbor, Stephen Thompson located at 204 S. Euclid Avenue wants to know if it can be denied due to the square footage of the Area they are Leasing out? Or if this does not get denied, does Skyway plan to take Legal Action at the Township for the denial, like has happened in other Area's? Or issues with Bonding or Insurance at the Board Level? Thinks just because a property is the cheapest isn't the best property for something.

Neighbor, Laura Fuse located at 547 Boynton Avenue has been a resident for over 60 years, and would like to deny this request due to exposure to our Children / Grand Children, with chemicals and radiation issues with our health.

Neighbor, John Fuse (son of Laura Fuse) located at 547 Boynton Avenue does not approve of this Tower either, due to validated findings no one has, as he is a Retired Nurse, and knows what all can harm us with the findings. People without a voice need to be heard.

Neighbor, Jennifer Dunek (wife of Stephen Thompson) located at 204 S. Euclid Avenue for roughly (10) ten years now and states to deny the request of the Tower, due to height issues, eye sore, wants more greenery and

not a giant eye sore out her windows blinking 24/7, footings for 158' Tower, removal of green grass, noise of the construction and of the generator, pesticides that may need to be sprayed, wood fencing for a 158' Tower will do nothing for the Tower. The proposal being in a Residential Neighborhood is strange, and should not be allowed. She feels there is plenty of property in BCT to look at for this item, that is a better suit. Would rather have poor service than an eye sore in her Neighborhood.

Neighbor, Kara Wells located at 280 S. Euclid Avenue would see the Tower directly out her back window, and she wants this denied. Has amazing views currently, and does not want to take that away with a Cell Tower, plus the decline in property values because of this Project, the radiation it will give off for health concerns of the neighboring Residents, the loud sounds they give off, and the curb appeal they will take away from the Neighborhood. Where is the research on property values in the Area?

Motion to Close the Public Hearing and return to the Regularly Closed Meeting. Ms. Seats made the motion and Mr. Whitehead supported. Motion passed at 7:06 p.m..

BOARD COMMENTS: Ms. Seats would like more information on the Lease Agreement length between Skyway Towers and SBMR Properties, LLC (current Owner of the property in question) as well as how was this issue driven? Customer Driven? And who will maintain the Cell Tower if constructed. Mr. Ressel advised they receive Long Term Lease Agreements at (10) ten years with (5) year renewals between Skyway and Lease the space to Verizon Wireless / Owner being SBMR Properties, LLC and it was Customer Driven, since the coverage gets dropped a lot in this particular Area the gap needs to be fixed.

Mr. Ressel, the Site at 1819 Sweet Street is in the center of the coverage Area needed for that (1) mile range of coverage. That is why no other location has been looked into. Otherwise, the coverage gaps would not get the coverage they would need if moved more North, South, East or West.

Mr. Davis advised this is an Adjoining Residential Property and the Property Values may go down because of the Cell Tower Construction (he feels). Fences are a screen but that with this size, doesn't do much work for the size of the Tower. Pavement Leased Area seems like a small amount of space not covering the parking being Leased since you have no rights beyond the Leased amount. After the (10) ten year Lease, can Skyway remove a Tower if the Lease Ends for any reason? Mr. Ressel advised yes, they could, but that is not their intent at this time. But Skyway would have to tear down the Tower, and get it back to it's original position if Terms of Lease change with the Owner.

Mr. Koza wants to know how many Cell Towers are within BCT at this time, and how many are currently being used? Mr. Ressel advised there is (1) one, but it **is not** a Skyway Cell Tower, so they have no other further information on it. Other than it was approved for a License, but was never built (so, it isn't abandoned, it is non existing Tower and is not available to use by Verizon). It was a location by the Airport, that is why it was stalled out and never built. Mr. Ressel advised there is no Plan B at this time, if the Application is denied for 1819 Sweet Street.

Mr. Ressel advised Blossom Trails on Britain Avenue could not be used as a Site due to Zoning and a Special Use Permit Application being unavailable, due to the Zoning being Residential and Recreational, not D1 which is needed for a Special Land Use Approval. Mr. Bennett advised Re-Zoning to spot Zone for a Cell Tower would not be ideal at the County Level and would not be allowed if the Ordinance says ¾ of an Acre is needed, would they go by Leased Acreage or Parcel Size?

BUILDING DEPARTMENT REPORT: Mr. Bennett advised going to the ZBA Board for the Variance for the .8 miles apart from existing Cell Tower's within the Township (as 1 mile apart is what is recommended). We could also go to the ZBA for the Lot Size as well. Fence height / screening could also go to the ZBA as well for those Variances. The Telecommunications Act of 1996 Section 332(C)(7)(B)(IV) (denial on emissions or Environmental Effects) the Tower has to meet the Criteria for this Section and there will also need to be Third Party Inspections but approved by the Township.

Ms. Seats made a motion for the Special Use Permit Application be approved with Conditions for the Zoning Board of Appeals for Approvals for Variances then come back to the Planning Commission. Conditions including but not limited to:

1. Fencing / Screening Variance at ZBA
2. Land Size (Leased or Parcel Size) Variance at ZBA
3. Tower Distance (.8 Miles, and not 1 Mile apart) Variance at ZBA

Mr. Whitehead supported and approved. A Zoning Board of Appeals Meeting will be set up for these (3) types of Variances to be approved, then will come back in front of the Planning Commission Board for a Site Plan Approval with Recommendations for the Township Board for a Special Use and Site Plan Approvals / Denials.

PUBLIC COMMENTS, CONCERNS, QUESTIONS OR REQUESTS: None.

PUBLIC COMMENTS: Neighbor No. 1 – has a problem with the Board not understanding the Omission’s Act (Health Issues specifically). Neighbor No. 2 – how come the Residents don’t have a voice when making these decisions? Wants the Board to do the right thing for the Community. Neighbor No. 3 - lived here for years without coverage, so why now? If no Plan B, what is the Plan if gets denied? Housing is too close to this Cell Tower location. Neighbor No. 4 – Urge Board to deny request based on Public Concerns. Neighbor No. 4 – sad to put more value on things rather than our people’s health. People are more valuable than things.

BOARD MEMBER COMMENTS: Mr. Whitehead concerns with demolition if that becomes a problem with leasing. Mr. Koza hopes if it passes, conditions will be put on it moving forward. Ms. Seats is concerned with the health, safety and welfare of our Residents, but this is just a Recommending Body to go to the Board of Trustee’s. The Zoning Board of Appeals which will be even more thorough with their response then tonight because we are just a Recommending Body to the Township Board.

TOWNSHIP BOARD REPRESENTATIVE REPORT: None.

ZONING BOARD OF APPEALS REPRESENTATIVE REPORT: Meeting to be scheduled on this Project soon.

OTHER COMMENTS/CONCERNS: None.

ADJOURNMENT: Ms. Seats motioned to adjourned Mr. Whitehead supported. Motion carries and Meeting adjourned at 7:59 p.m.

ADJOURNMENT: There being no further business before the PC, the Meeting was adjourned:
Minutes: Deeann Scalf the Secretary of the Planning Commission.

Loyall Bennett, Building Inspector