

**ALPINE TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING  
Thursday, September 21, 2006**

**06-47 CALL TO ORDER/ APPROVAL OF MINUTES**

The Alpine Township Planning Commission held its regular meeting on Thursday, September 21, 2006 at 7:30 PM at the Alpine Township Center, 5255 Alpine Ave., NW, Comstock Park, MI, 49321 with due notice. Present were Chair Jason Rosenzweig, Vice-Chair Jim Townsend, and members Kris Cassady-Gall, Greg Madura, Jim May, and Dick Sedlecky. Excused were Secretary Nelda Johnson and member Max Dunneback. Also present were Township Consultants Chris Cruickshank (Prein & Newhof), Tim Johnson (Mainstreet Planning) and Chad Sosnowski (Prein & Newhof.) Recording Secretary Patricia Kolkman was also in attendance.

Rosenzweig called the meeting to order at 7:35 PM with the Pledge of Allegiance.

**Madura moved, with support from Townsend, to approve the minutes of the Special Planning Commission meeting of September 7, 2006 as presented.**

**Ayes: 6**

**Nays: 0**

**Motion carried.**

**06-48 NEW ITEMS: PUBLIC HEARINGS FOR TWO (2) FILL PERMITS**

**3950 Cordes Ave. NW (41-09-35-401-004) ~14,000 cu. yds**

**1012 Henze St. NW (41-09-35-401-005) ~ 22,000 cu. yds.**

Atwell-Hicks representing Wal-Mart

Mike DeVries of Atwell-Hicks presented the two Wal-Mart requests, explaining that Wal-Mart needs approval to move material from the site of the proposed Wal-Mart Super Center store to two sites immediately west of it.

Soil borings done on all three sites prior to plan preparation revealed the presence of arsenic at various levels. Some "hot spots" at the new store site had levels exceeding the "no contact" limits set by the DEQ. Arsenic is already present in varying levels on the Brechting parcel. DeVries pointed out that the presence of arsenic is the result of apple farming practices of the past, and that arsenic based insecticides are now banned. DeVries said when these "hot spot" areas are relocated; they will be covered by at least 1 inch of clean topsoil.

Johnson then summarized his staff report, stating that the fill proposal presented would be allowed under the Township's Fill Ordinance, but that the Ordinance also states that the fill operation will create no health or safety risks to the Township. He asked that Chris Cruickshank of Prein and Newhof expand on his review of the fill proposal.

Cruickshank said although current State regulations allow the proposed fill activity to proceed, and that an "acceptable" arsenic level could be reached by adding soil with a lower arsenic level, any sites with soil exceeding the "direct contact" limit would still pose a risk. He is concerned that even if that lower level is reached on the Brechting site, a future developer may not be advised of the arsenic before construction begins.

Commissioners discussed the following:

- Past contamination levels in the Township

It was noted that past apple farming practices left arsenic in the soil at higher concentrations than are now allowed, and with several former apple orchard sites in the Township, this could exist at other locations as well.

Past records do not clarify what developers were required to do before building if arsenic was found in the soil. May pointed out that the Wal-Mart, Sam's Club and Menard's stores were all built on former apple orchards.

- Explanation of DEQ contamination levels. Cruickshank said arsenic occurs naturally in soil, but when levels are above these concentrations humans and other animals are negatively affected and it can also leach into groundwater. The two levels of concern are the Residential Cleanup levels and No Contact levels established by the DEQ.

Rosenzweig confirmed with Cruickshank that the Residential Cleanup level could still have a negative impact on groundwater, vegetation and animal life at the site, and that the Direct Contact level poses additional risks to humans if inhaled or absorbed through the skin. Cruickshank said that while these levels established by the DEQ are subject to change it is difficult to estimate how much lower they may go in the future.

Cruickshank also said his knowledge about arsenic is limited to determining its levels in the soil. He added he understood that arsenic must be either ingested or absorbed through the skin to have an effect. He confirmed that if a high enough concentration, it could impact gardeners, animals on the site, and even those driving or walking through the contaminated area.

- Location of contaminated soils. Sedlecky confirmed with DeVries that the areas of concern for the contamination is in the first 6" to 18" of soil on the Wal-Mart and Brechting properties, and May added that he understood arsenic remains in topsoil only.
- Effects of moving contaminated soil vs. removing it entirely. Townsend said that if moving the contaminated soil to the Brechting parcel effectively reduces the level of arsenic on both (by "dilution") why would Prein and Newhof still recommend it be removed? He added that if a developer proposes a residential development in the future, he thinks that testing of the soil would be required. Cruickshank said there is concern that no guarantees or vehicle exists by which the site in question would be "flagged" for future testing prior to development.

Sosnowski then told commissioners that the Township Board has already decided that when Henze St. is extended, all contaminated soil will be removed from the road and right of way areas. Madura confirmed that Prein and Newhof also recommends that all contaminated soil be removed and taken to a landfill.



To establish a self-serve vehicle wash facility, in accordance with Sections 12.03 (g) and 21.02 of the Alpine Township Zoning Ordinance

Kendra Buhlig of CEI Engineering presented the request from Sam's Club for a 2 bay self serve car wash immediately west of the Sam's Club gas station. 3-4 queuing spaces will be provided per bay, providing adequate parking. The car wash will be for Sam's Club members only and drivers will pay for the wash at the gas station kiosk, where a code to access will be provided. Doors will automatically close during winter to prevent water within each bay from freezing. Bay floors are heated to avoid water freezing, an air dryer system is installed in each bay, and a 5 foot slab outside the exit will also limit ice build up. The gas station manager will also be available for any problems arising at the wash facility.

Johnson said that the plan was revised to reduce any traffic conflicts between the gas station and car wash facilities on the site. He also recommends that landscaping at the traffic island to the south be confined to grass and low shrubs to maintain clear vision areas and reduce the possibilities of other cars on the site. He also suggests that a sign be placed to alert customers to cross traffic.

Sosnowski said that Prein and Newhof requests some details be added to the site plan. He also noted that the access drive does not appear to have been constructed properly, as the condition is poor. CEI agrees to strip the service drive and repave it during construction.

Storm water will be managed by the system already constructed for the Sam's Club site.

Buhlig said that 80% of the water used for the car wash will be recycled; the remaining 20% will be directed to the storm sewer.

Sedlecky asked if CEI plans on installing oil and sand trap to screen water before it is directed to the storm sewer. Buhlig agreed to investigate that and will see that it is installed.

**Madura moved to open the public hearing, with support from May.**

**Ayes: 6                      Nays: 0                      Motion carried.**

No comments were offered by the public, and **Madura then moved, with May's support, to close the public hearing.**

**Ayes: 6                      Nays: 0                      Motion carried.**

Commissioners agreed that the request would fit well on the site and had no problems with the car wash, provided conditions outlined were met. Rosenzweig confirmed with the applicant that Sam's will have no problem meeting the conditions outlined.

#### **SPECIAL LAND USE MOTION**

**Sedlecky moved, with support from May, based upon representations made by the applicant, to approve the Special Land Use request for a self-service vehicle wash facility as permitted by Section 12.03 (g) of the Alpine Township Zoning Ordinance for the property described in the Sam's Club Car Wash application dated 8-14-06**

as the request does meet the standards set forth in Chapter 18 and Chapter 21 of the Alpine Township Zoning Ordinance, with the following **CONDITION OF APPROVAL:**

Compliance with the requirements of the report prepared by the Township Engineer.

And the following **FINDINGS OF FACT:**

1. The proposed car wash is located to avoid any negative impact on adjacent properties and has been designed to reduce vehicle conflicts, and
2. The proposed car wash would be compatible with nearby adjacent land uses.

Ayes: 6

Nays: 0

Motion carried.

#### **SITE PLAN MOTION**

May moved, with Sedlecky's support, based upon representations made by the applicant, to approve the site plan dated 9-13-06 for a self-service vehicle wash facility for the property described in the Sam's Club Car Wash application dated 8-14-06 as this request does meet the standards set forth in Chapter 18 of the Alpine Township Zoning Ordinance, with the following **CONDITIONS OF APPROVAL:**

1. Indicate on the site plan that the area in the island south of the wash bays will be grass.
2. Install a sign to be placed at the southwest corner of the wash bay island, which will say "watch for vehicles exiting the wash bay".
3. Compliance with the requirements of the Township Engineer.
4. Install a trap to remove grease and oil from used water before it is directed to the storm sewer system.

And the following **FINDINGS OF FACT:**

The site plan as amended by the **CONDITIONS OF APPROVAL** provides all the information required by the Alpine Township Zoning Ordinance and satisfies the standards of Section 18.06.

Ayes: 6

Nays: 0

Motion carried.

May then moved, with Sedlecky's support to remove discussion of the Wal-Mart Fill Permit requests from the table and re-open commissioner discussion.

Ayes: 6

Nays: 0

Motion carried.

#### **06-48 (continued) Fill Permits for Brechting and Stienke parcels**

Commissioners agreed that Wal-Mart ~~will~~ would not ~~profit~~ benefit in any way by removing contaminated soil from the adjacent parcels proposed for stockpiling. They also noted that the Brechting parcel *(add): "will benefit from receiving" needs fill. While* Since the topsoil ~~there~~ *on the Brechting site* is contaminated, ~~and~~ even if Wal-Mart removes it, ~~that topsoil, and~~ brings in their *own* soil for fill, but then replaces the contaminated topsoil ~~originally there, conditions will not be improved~~ the topsoil remains contaminated.

There was significant discussion among commissioners about whether Wal-Mart should be responsible for removing all contaminated soil from the Brechting parcel as well as their own. After discussion with Township Engineers, Commissioners felt that if Wal-Mart devised a soil management plan that met with ~~their~~ Prein & Newhof's approval, the fill permits could be approved.

**FILL PERMIT MOTION  
BRECHTING PROPERTY**

**May moved, with support from Sedlecky, based upon representations made by the applicant, to approve the request for a fill operation on property located at 1012 Henze Street NW, and as described in the Fill Permit application submitted by Atwell Hicks representing Wal-Mart, as the request does meet the standards set forth in Ordinance 93-01, the Alpine Township Fill Ordinance, with the following CONDITIONS OF APPROVAL:**

- 1. The applicant must provide a soil management plan acceptable to the Township Engineer which will ensure that all soil which exceeds the MDEQ Residential Cleanup Criteria be taken to a landfill for proper disposal and that all soil which is to be transported to the Brechting parcel be certified to be below the MDEQ Residential Cleanup criteria.**
- 2. Hours of the operation will be between 7 AM and 6 PM.**

**And with the following FINDINGS OF FACT:**

**The proposed fill operation will be conducted in accordance with the requirements of the Township Fill Ordinance.**

**Ayes: 5 (Madura, May, Rosenzweig, Sedlecky, Townsend)**

**Nays: 1 (Cassady-Gall)**

**Motion carried.**

**FILL PERMIT MOTION  
STIENKE PROPERTY**

**May then moved, with support from Madura, based upon representations made by the applicant, to approve the request for fill operation on property located at 3950 Cordes Ave. NW and as described in the Fill Permit application submitted by Atwell Hicks representing Wal-Mart, as the request does meet the standards set forth in Ordinance 93-1, the Alpine Township Fill Ordinance, with the following CONDITIONS OF APPROVAL:**

- 1. The applicant must provide a soil management plan acceptable to the Township Engineer which will ensure that all soil which exceeds the MDEQ Residential Cleanup Criteria be taken to a landfill for proper disposal and that all soil which is to be transported to the Stienke parcel be certified to be below the MDEQ Residential Cleanup criteria.**
- 2. Hours of the operation will be between 7 AM and 6 PM.**

**And the following FINDINGS OF FACT:**

**The proposed fill operation will be conducted in accordance with the requirements of the Township Fill Ordinance.**

**Ayes: 5 (Madura, May, Rosenzweig, Sedlecky, Townsend)**

**Nays: 1 (Cassady-Gall)**

**Motion carried.**

Commissioners then confirmed that the fill operation would only be conducted between the hours of 7 AM and 6 PM, and **May moved, with support from Madura, to amend the previous motion to include hours of operation.**

**Ayes: 5**

**Nays: 1**

**Motion carried.**

#### **06-50 PUBLIC COMMENT/ COMMISSIONER COMMENT/ COMMITTEE UPDATES**

No public comment was offered.

May reported that the Township Board asked the Personnel Committee to begin interviewing candidates for the Planning Director's position.

Madura commented that he appreciates all the work being done by Tim Johnson and Kolkman since Vega left.

Rosenzweig said he hopes the Planning Commission will be able to complete the Master Plan review process by the end of 2006. May said the Board had discussed this at its last meeting and agrees this should be completed.

Johnson said while the new Master Plan cannot be adopted by the end of 2006, a draft of its text could be completed.

Townsend said he reviewed the 1998 Master Plan text and thinks there is additional work to be done, and the review should cover future roads and other subjects noted in the last plan. Madura agreed, and added that the PC must also complete its review and amending of the Sign Chapter of the Zoning Ordinance.

Rosenzweig added that the MPUD chapter in the Zoning Ordinance must also be discussed and text should be completed with Master Plan review. He added that a Master Plan Subcommittee meeting should be scheduled before the October Regular Planning Commission meeting.

Townsend stated since he was not on the PC when Master Plan review began, he has numerous questions about the accuracy of estimated population growth provided by GVMC at early Master Plan meetings. Johnson agreed to locate the references, but commissioners recalled that the GVMC estimates were not used by Beckett & Raeder to prepare their recommendations. Those members who had participated in the full review process from the beginning ~~were~~ did not agree that the PC should go back to the beginning and start the process again.

A Zoning Ordinance Review committee meeting was set for Tuesday, September 26<sup>th</sup> at 7 AM to discuss amendments to Chapter 20, Signs.

**May moved, with Madura's support, to adjourn at 9:45 PM.**

**Ayes: 6**

**Nays: 0**

**Motion carried.**

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**Nelda Johnson, Secretary**

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**Patricia Kolkman, Recording Secretary**