

Views mixed on toxic materials study panel

By Susan Duck
staff writer

Mixed reaction follows Farmington Hills city councilman Philip Arnold's proposal to form a citywide committee to study fears and concerns relating to toxic and hazardous materials.

Chuck Leonard, Independence Hills Homeowners Association president representing a subdivision north of a proposed industrial-research-office zone in the Drake-Grand River area, believes the committee would be helpful.

"I'd like to see a moratorium in granting any pending or additional IROs," said Leonard, citing not only

the toxic threat to his neighborhood's health and environment but also increased truck traffic and industrial encroachment north on Drake.

Dick Isham, Hillside Estates Homeowners Association president representing 96 condos in 21 buildings just north of the proposed IRO site, said neighboring homeowners should have taken a more active interest last July when the city amended the IRO ordinance.

He said the committee proposed by Arnold is a good idea, but it should have been empaneled last year when the IRO ordinance was amended.

The amendment allows the planning commission to review land

uses, hold a public hearing and impose special conditions (such as greater buffers, height restrictions and land use controls) to assure a use is not injurious to health and environment whenever an IRO zone is proposed adjacent to a residential area.

CONDO GROUP representatives last year stood alone in their opposition to an IRO zone in their neighborhood, Isham said. "We opposed it all along," he said.

But once it seemed inevitable, he said, his complex wanted to come up with land-use restrictions they could live with.

A Hillside Estates condo commis-

sion outlined its land use concerns and submitted them to the developer to be recorded and put in escrow to assure as unobtrusive an IRO project as possible.

OS-1 would allow up to a 30-foot-high, 200,000-square-foot office building. The Hillside Estates board of directors now believes the planning commission has the authority, through the 1988 amendment, to impose what's needed "to safeguard all citizens who are on or off Drake Road," said vice president John Jaworowicz.

Minutes from the June 1988 planning commission meeting and the July 1988 city council meeting, where the IRO ordinance amend-

ment was considered, show no representatives from Independence Hills, according to Ed Gardiner, city planner.

"THERE'S A variety of state laws designed to keep companies in compliance or to get them back into compliance," said Larry AuBuchon, environmental quality analyst for the Department of Natural Resources office in Northville. "A lot of times, we encourage local municipalities to become aware of the laws that are out there."

Within an IRO zone, regulation depends on waste generated, AuBuchon said.

"I would be very concerned about what kind of research goes into that district and I would put in strict requirements," said Dennis Piper, Detroit Sierra Club secretary. "You're opening up a Pandora's box. My experience with the DNR is that they're understaffed."

Gary Frick, Oakland County Health Department environmental health supervisor, has only four inspectors to cover all of Oakland County.

Routine inspection of facilities with hazardous waste covered under the Hazardous Waste Management Act occurs once every two to three years, he said.

Hospital files suit over zoning denial

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third of the northern boundary, the shopping center along the entire easterly boundary and the over 50,000 vehicles passing daily along the boundaries of the parcel," the complaint said.

The complaint echoes hospital president Brian Connelly's argument in February that the proposed medical and hospital uses for the land are quasi-public, which conforms with the city's master land use plan. The land, as well as property to the south, the 60-year-old St. Vincent and Sarah Fisher Center, had quasi-public uses long before Woodcreek was developed, according to the complaint.

The complaint maintains that the requested office use was inconsistent with the city's zoning ordinances because the zone is intended "to abut single-family residential uses and serve as zones of transition between commercial dis-

tricts and lower density single-family districts."

Even though hospital officials in February agreed to maintain the property's existing wooded area on the western side acres, Woodcreek residents were still disturbed by possible office encroachment.

"We do know exactly what we want. We are vehemently opposed to any development that's going to jeopardize the residential area," said Hank Murawski, Woodcreek Civic Association president.

Claude Coates, Farmington Hills' planning consultant, told the city council in February the city would have no way to prevent the hospital from expanding even though officials only plan a 90,000-square-foot building.

St. Vincent and Sarah Fisher Center's residential treatment program provides care and treatment for 55 children, ages 5-14, who live in cottages.

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and ordinances.

• Citizen volunteers who may be recruited from the Year 2000 task force, from known experts or from public agencies.

• Resource people as necessary — city planners, city attorney, specialized outside counsel, etc.

If established, Arnold foresees this committee reporting back to both the city council and planning commission.

The committee would evaluate city policies regarding types of ma-

terials permitted in the community, existing control measures and the need for added limits and controls.

The committee would make appropriate recommendations such as limited usage, outright usage bans, restricted locations and warehousing, Arnold said.

It also would address the preferred means of control, revisions to the city code or zoning ordinances, and establishment of standards.

THE CONCEPT of standards, or guidelines, would be particularly useful to controlling bodies such as

the planning commission and board of zoning appeals, Arnold said.

"Our ordinance is applied throughout the city," he said. "If we have a perceived violation, it should be studied that way."

In a July 26 memo to fellow council members, Arnold wrote: "With regard to timing, they (the committee) should proceed with expediency but deliberation. If their required time frame results in the delay of pending related actions, then such delays are appropriate and necessary. Beyond the immediate future,

they may even recommend remaining as a standing committee."

Arnold expects that, once formed, the task force may take two to three months to report back.

Mayor Terry Seever supports such a committee even if it means a delay in rezoning the acreage on Drake. "We need to be able to address the concerns of citizens," Seever said. "Anything related to chemicals should be delayed."

He sees the committee as a chance to study transportation of chemicals and a chance to review the city's ability to perform well in a chemical-related emergency.

Study committee is advocated

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Pretrial set in false claim charges

A Southfield man charged late last year with counseling patients without a license and filing false medical insurance claims pleaded not guilty this week at his Oakland County Circuit Court arraignment.

Judge Gene Schmelz' office said Gary Bernstein's arraignment was conducted by mail, a practice often used.

Bernstein, 42, has been free under a \$5,000 bond since his 47th District Court arraignment last Nov. 2 in Farmington. The charges stem from a time when the defendant worked as a therapist at the Woodcreek Counseling Service in Farmington Hills from April 1983 through October 1987.

Bernstein is charged with five counts — writing a bad check; obtaining money under false pretenses more than \$100; unlawful practice of a health profession; and two counts of violating the state health care false claims act. If convicted, he faces up to 14 years in prison.

DURING HIS preliminary exam in district court, evidence presented by the Michigan Board of Psychology, the Michigan Board of Medicine and the Michigan Department of Li-

ensing and Regulation indicated that he had no license to practice medicine or psychology.

Other evidence subpoenaed and brought by Brenda Daviniani, administrative director of Woodcreek Counseling, indicated that Bernstein had submitted a photocopy of a license when he was accepted into the practice.

Patient records showed that he counseled and charged for his services as a therapist. They also showed he prepared billing paperwork for submitting claims to Blue Cross and Blue Shield of Michigan for insurance payment. The records showed the name of Huron Valley Counseling, the corporate name for the Woodcreek clinic.

Bernstein's pretrial is scheduled for 1:30 p.m. Aug. 28 before Schmelz.

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