

**CHARTER TOWNSHIP OF VAN BUREN  
PLANNING COMMISSION - VIRTUAL MEETING ON ZOOM  
February 10, 2021  
MINUTES**

**Prior to the start of the meeting, the public was given instructions on how to take part in the meeting.**

Chairperson Thompson called the meeting to order at 7:31 p.m.

**ROLL CALL:**

**Present:** Jahr, Cullin, Kelley, Atchinson, Budd, Franzoi and Thompson.

**Excused:** None.

**Staff:** Director Power, Director Best and Secretary Harman.

**Planning Representatives:** McKenna Associate, Vidya Krishnan.

**Applicant(s) in Attendance:** Applicant, Jim Hamann for Waste Management of Michigan Inc.

**Audience:** Three (3).

**APPROVAL OF AGENDA:**

Motion Kelly, Jahr second to approve the agenda of February 10, 2021 as presented.

**Roll Call:**

**Yeas:** Franzoi, Jahr, Cullin, Kelley, Atchinson, Budd and Thompson.

**Nays:** None.

**Absent:** None.

**Motion Carried.**

**APPROVAL OF MINUTES:**

Motion Budd, Franzoi second to approve the regular meeting minutes of January 27, 2021 as presented.

**Roll Call:**

**Yeas:** Kelley, Atchinson, Budd, Cullin, Jahr, Franzoi and Thompson.

**Nays:** None.

**Absent:** None.

**Motion Carried.**

**NEW BUSINESS:**

**ITEM #1:        21-002 – TREE REMOVAL PERMIT FOR 39670 ECORSE ROAD.**

**THE APPLICANT, JAMES HAMANN OF WASTE MANAGEMENT OF MICHIGAN  
SEEKS A PERMIT FOR TREE REMOVAL ON APPROXIMATELY 118 ACRES OF  
PROPERTY.**

**LOCATION:       39670 ECORSE ROAD. THE PROPERTY IS LOCATED ON THE NORTH SIDE OF  
ECORSE ROAD BETWEEN I-275 AND HANNAN ROAD.**

Director Power informed the Commission and the audience that this a 187-acre parcel that is located at the northeast corner of Ecorse and Heggerty Roads and displayed an image of the survey tree removal plan.

James Hamann of Waste Management of Michigan gave the presentation. The expansion of the Woodland Meadows Landfill began in 2014, this is the first phase in preparing the area for construction with just over 100 acres of tree clearing. The actual landfill cell will be 33 ½ acres, with additional area for stormwater channels, basins, new haul roads and stockpile areas. The clearing of trees in the additional space is needed for construction to take place and for the stockpiling of materials, retention basins and haul roads. The new cell is expected to be in operation in 2022, with the first phase of clearing to begin this year. The excess soil on the site will be stockpiled for future use and the rest of the tree clearing permits will be done in phased approaches.

Director Power presented his staff review letter dated 2-4-21 recommending the Planning Commission approve the request for a tree removal permit on the above site, subject to the following conditions:

1. The applicant shall meet on site if/as required by staff to validate the location of tree clusters prior to the issuance of a tree permit.
2. A 25' wide landscaped buffer shall be maintained along I-275 frontage.
3. A 50' wide landscaped buffer shall be maintained along the site's Ecorse Road frontage.
4. The greenbelts shall be planted in accordance with the Township landscaping requirements.
5. A tree removal permit fee of \$3,099.00 is preliminarily assessed on this application. Any required permit fee must be paid prior to tree removals.
6. Applicable polices for payment into a tree fund for tree removal per Section 8.106(J)(3) of the Van Buren Township Zoning Ordinance must be followed.

Director Power informed that the last item number 6 can be stricken from the report as it does not apply as there is an agreement for tree fund payment that supersedes this requirement.

Vidya Krishnan of McKenna Associates shared an image of the site area and inquired about the landscaping along the Hannan Road frontage. Applicant, James Hamann informed that in the last amendment to the host agreement the applicant agreed to landscaping funds with a minimum amount of \$350,000 and landscaping plans to be reviewed and approved by the Township. Vidya Krishnan of McKenna Associates recommended Director Power add to the staff review letter: The landscape plan at the time of installation will be reviewed by the Township to ensure adequate greenbelts along all site frontages of public streets.

Commissioners inquired about points 2 and 3 in the staff review letter, in regard to the landscape buffers is the intent to ensure trees are not removed along the frontages or is the intent for trees to be replaced. Director Power informed that the intent is for preservation of the trees rather than removal and replacement only when needed. The new plantings will be primarily where there are gaps in the landscaping. Commissioners also inquired if the landscaping plan will be on separate agenda. The landscaping will be review by Township staff for approval.

No comments from the audience.

**Motion Kelley, Jahr second to grant the applicant, Waste Management of Michigan Inc. a tree removal permit for the site located at 39670 Ecorse Road, based on the analysis and subject to the conditions detailed in the Van Buren Township Planning report dated 2-4-21 with the removal of the requirement that was discussed as it has been previously resolved and addressing the landscaping review at a later time to ensure proper coverage and other issues.**

**Roll Call:**

**Yeas: Kelley, Atchinson, Budd, Cullin, Jahr, Franzoi and Thompson.**

**Nays: None.**

**Absent: None.**

**Motion Carried.**

**GENERAL DISCUSSION:**

Director Power advised that the next agenda is still in formation and provided an update on the 2-9-21 BZA meeting. The BZA appreciated the comments received from the Planning Commission for the 2 cases on the agenda. The first item was a dimensional variance request for leniency on the lot coverage maximum for M-1, light industrial on Haggerty Road, the applicant wanted to install a canopy addition to an existing building, the BZA postponed to get feedback from the Planning Commission. The Clover community senior housing project had an interpretation that they requested an appeal from the BZA, which was that balconies and communal areas cannot count towards the usable floor area requirement for units in independent senior housing developments. The BZA denied the interpretation to count balconies, but the BZA agreed with an interpretation that the ordinance doesn't say that there needs to be a minimum usable floor area in each unit. This item will return to the Planning Commission for further clarification in the ordinance.

Director Best discussed the 2-9-21 Recreation Committee meeting in which a potential recreation center for Van Buren Township was discussed, 35 people attended the meeting virtually and over 45 comments were received. The Planning Commission is invited to attend the next meeting on March 9<sup>th</sup> at 5:30 p.m. to provide comments. The 2-9-21 meeting is viewable online and invitations will be sent out to the Planning Commission for the 3-9-21 meeting.

**ADJOURNMENT:**

**Motion Jahr, Budd second to adjourn the meeting at 7:59 p.m. Motion Carried.**

Respectfully submitted,

Christina Harman  
Recording Secretary



**VAN BUREN**  
CHARTER TOWNSHIP

## MEMO

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TO: Van Buren Township Planning Commission

FROM: Dan Power-- Director of Planning and Economic Development

RE: VBT 21-002 – Tree Removal Permit Review for Waste Management of Michigan

DATE: February 4, 2021

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The applicant, James Hamann of Waste Management of Michigan, is seeking approval for the removal of trees on the property located at 39670 Ecorse Road (parcel ID number 83 003 99 0003 702). Section 8.106 of the Van Buren Township Zoning Ordinance regulates woodlands and includes all relevant requirements for tree removal permits. Per Section 8.106(H)(2) of the Zoning Ordinance, the Planning Commission serves as the reviewing body for a tree removal permit request, following review and recommendation by Township staff.

The required submittals for a tree removal permit application are listed under Section 8.106(G) of the Zoning Ordinance.

The Planning and Economic Development Department and supporting consulting staff have evaluated the proposal by Mr. Hamann to remove approximately 453 individual trees and clear an additional approximately 11.5 acres of contiguous wooded area. Based on this submittal, staff have provided an initial review of the request under Section 8.106(H)(1). A typical application for a tree removal permit requires the submission of a tree survey per Section 8.106(G)(4); however, the Ordinance does allow for waivers for certain situations. Under the provisions of Section 8.106(H)(3), the applicant has requested a waiver from tree survey requirements.

Upon review of this application, Staff have verified the criteria for a waiver from tree survey requirements under Section 8.106(H)(3) have been met, with analysis and conditions as noted below:

- a. *A field investigation of the site to review and verify the accuracy of the information provided by the applicant.* Staff has performed perimeter field inspection and aerial inspection of the site to confirm location of tree clusters as noted.
- b. *Location of the proposed activity being flagged, marked or otherwise identified by the applicant on site at the time of the field investigation.* The location of the trees to be removed have been identified clearly on an accurate, scaled aerial map.
- c. *The applicant or an authorized representative of the applicant being present during such field investigation.* The applicant will meet on site if/as requested by Staff to validate the location of trees prior to the issuance of a tree permit.
- d. *Finding that the proposed activity in the area of the site for which a waiver is sought meets*

*standards set forth above.*

We find that the following standards for tree removal permit issuance have been met per Section 8.106(l) of the Van Buren Township Zoning Ordinance, with conditions as noted below:

- (1) *The protection and conservation of natural resources from pollution, impairment or destruction is of paramount concern. Therefore, all woodlands, trees and related natural resources shall have priority over development when there are feasible and prudent location alternatives on the site for proposed buildings, structures or other improvements. The applicant must consider and pursue all development options available under the Zoning Ordinance in order to preserve the woodlands and trees.* The logical and planned expansion of development in this area lends itself to trees strategically planted as buffers from adjacent land uses, but not as contiguous woodland land cover in the central area of the site. The proposed use of the site does not allow for feasible or reasonable tree preservation of quality woodlands due to the intensity of the use and site grading required. The intent of the Ordinance will be met through incorporation of greenbelt and buffer areas which will create a permanent vegetative screen around the site. Per an agreement with the Township, a 25' wide landscaped buffer must be maintained along the site's 1-275 frontage and a 50' wide landscaped buffer must be maintained along the site's entire Ecorse Road frontage.
- (2) *The integrity of woodland areas shall be maintained to the greatest extent reasonably possible, regardless of whether such woodlands cross property lines.* The subject woodland area is adjacent to a 245-acre landfill site with the potential to expand. There is no feasible justification for maintaining the trees on this lot in their current location. Any expansion of the landfill will involve extensive grading as part of the use and the location of the trees on the site are not likely to survive.
- (3) *Where the proposed activity consists of land clearing, it shall be limited to designated street right-of-way, drainage and utility easements, building and driveway envelopes and other areas (such as off-street parking and loading and unloading areas) necessary for site improvements, considering the development options available under the Zoning Ordinance.* We believe the development will require grading activity on the entire site, which is inherent to the use and therefore, the entire site is deemed as being part of the development area for site improvements.
- (4) *Where the proposed activity involves residential development, the residential structures shall, to the extent reasonably feasible, be designed and constructed to use the natural features of the site.* No known residential structures are being considered at this time therefore, this standard is not applicable.
- (5) *The removal of trees for which a tree removal permit is required shall be limited to any of the following instances:*
  - (a) *When necessary for the location of a structure or site improvements and when no reasonable alternative location for the structure or improvements can be had without causing undue hardship, consideration of all development options which are available under the Zoning Ordinance.* As noted in comment 2 above, any proposed use of the site will involve



use of the entire site.

*(b) When necessary, as determined by the Township, to provide reasonable drainage upon the site and when no reasonable alternative drainage is available without the removal of the trees. Any use of the site will be required to comply with necessary standards for stormwater drainage established by Wayne County and the Township Engineer.*

*(c) When the prospective owner of the residential dwelling unit has requested the builder in writing to remove the trees in order to facilitate the homeowner making certain specified improvements which must be undertaken within twelve (12) months of the date of the certified of occupancy for the dwelling unit. Notwithstanding the foregoing, no applicant shall be denied solely on the basis that some trees are growing on the property under construction. This is not applicable.*

*(6) The burden of satisfying standards shall be upon the applicant.*

Based on our review of the proposal for tree removal approval, we recommend that the Planning Commission approve the request for a tree removal permit on the above site, subject to the following conditions:

- The applicant shall meet on site if/as requested by staff to validate the location of tree clusters prior to the issuance of a tree permit.
- A 25' wide landscaped buffer shall be maintained along I-275 frontage.
- A 50' wide landscaped buffer shall be maintained along the site's Ecorse Road frontage.
- The greenbelts shall be planted in accordance with the Township landscaping requirements.
- A tree removal permit fee of \$3,099.00 is preliminarily assessed on this application. Any required permit fee must be paid prior to any tree removals.
- Applicable policies for payment into a tree fund for tree removal per Section 8.106(J)(3) of the Van Buren Township Zoning Ordinance must be followed.

Sincerely,



Dan Power, AICP  
Planning and Economic Development Director  
Public Services Department  
Charter Township of Van Buren

CC: Vidya Krishnan – Van Buren Charter Township Principal Planner / Planning Consultant – McKenna Associates  
Matthew Best, M.S. - Public Services Director, Van Buren Charter Township  
James Hamann – Waste Management of Michigan Inc.