

April 24, 2004

Businesses sue to block new septage plant

Suit alleges zoning will be violated

By **BRIAN McGILLIVARY**
Record-Eagle staff writer

TRAVERSE CITY - Local business owners filed suit to block Grand Traverse County from building a septage treatment plant in their industrial park.

"People here are afraid of the truck traffic and a nasty odor," said Ross Clement, owner of Laser Printing Technology. "The concept is going to automatically lower our property values."

Clement and five other property owners in the Hammond Industrial Center filed suit in circuit court this week against the county Board of Public Works. The suit asks the court to stop construction of the septage plant and award the plaintiffs \$25,000 or more in damages and attorney fees.

"We hope this can be resolved," said Chris Buday, county public works director. "There won't be any odor."

The \$6.5 million septage plant will process waste pumped out of county septic tanks into a class A biosolid to be sold as mulch.

All of the operations are inside, the plant maintains negative air pressure to suck air in and the county filters the air that goes out, Buday said.

"I don't think they can make a plant like that odor free," Clement said.

The suit alleges the plant will violate Garfield Township zoning and deed restrictions and condominium bylaws of the Hammond Industrial Centre.

Clement said there are about 18 to 20 neighbors who support the lawsuit but their businesses are outside the industrial park so they could not be plaintiffs.

If the zoning is found legal, the septage plant would still violate the condominium bylaws, attorney **Lawrence LaSusa** said.

A public relations firm hired by the county said last year it conducted a comprehensive public input process which included 13 presentations before governmental bodies and the public.

Neighbors didn't know about it until recently, said David Fielstra of Concrete Systems Inc.

"They should have notified the adjoining landowners," Fielstra said, "even if they didn't have to."

Last fall the township Zoning Board of Appeals determined the septage plant was an "essential service," township supervisor Lee Wilson said. It did not require a special-use permit that would have required written notice to neighbors, he said.