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Evening News

# Witnesses: Bedford able to withstand subdivision's impact

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The second day of testimony in the Bedford Partners development company lawsuit against Bedford Township included a string of expert testimony about whether the township can accommodate a 450-home subdivision.

Expert planner David Birchler, who also testified against the township in its recent legal battle with Whitman Ford Co., said adequate services are available for the proposed development.

"This is a very appropriate place for this type of development. It is clearly under the influence of the Village of Temperance," Mr. Birchler said, referring to Bedford Partners' 2004 proposal to rezone 80 landlocked acres north of the Temperance Rd. Village Meadows subdivision.

The firm's plan is to combine that property, once rezoned from agricultural designation to residential, with another already residentially zoned 80 acres to the north along Erie Rd. to create Albring Farms. The development has been billed as a blended density subdivision with higher density at its southern edges fading to lower density along Erie Rd.

Bedford Partners is suing the township because the township board twice in 2004 denied requested rezonings of the 80 landlocked acres. Township officials cited the proposal's density, the poor condition of Erie Rd. and a general shortage of services such as water and sewer capacity and police and fire protection in declining the rezoning requests.

But Mark Brant — a former Raisinville Township supervisor and a Bedford Partners associate — testified Monday that before filing the rezoning request he had lined up preliminary approvals or studies from the Monroe County Road Commission, Monroe County Drain Commission, a school financial planning consultant and a host of other consultants and agencies to "answer any questions that may come up."

On Tuesday, Doug Thompson of the drain commission testified that the property was serviced by a Lewis Ave. sewer main that most likely had enough capacity.

"There are no known issues of capacity in that trunk line sewer," he said, adding that even if there turned out to be a significant problem, "it's just like getting to the moon."

"You just have to throw enough money at it," he said.

The next person on the stand, Keith Gere — president of the Mark Brant-owned, Bedford Township-based Intek Engineering — was qualified as an expert witness in civil engineering. He testified that engineering standards in his industry dictated that adding 450 homes to the township's sewer system would be between a 3 and 5 percent increase toward capacity.

Mr. Gere testified that an ingress/egress route onto the property in question wasn't wide enough for 55-foot-long semi trucks. He also discussed a document Bedford Partners

mated costs of construction since he was deposed by the township's attorneys.

A five-minute recess was called so she and Mr. Gere could get on the same page, but a series of mislabeled plaintiff's exhibits afterward and the late arrival of Mr. Birchler seemed to wear on Monroe County Circuit Judge Michael W. LaBeau.

Trying to move the case along as quickly as possible, the judge allowed township attorney David Landry to begin his examination of his own witnesses before the plaintiff had even finished pleading her case.

During another of many pauses in the trial caused again by a mislabeled plaintiff's exhibit, Ms. Friedlaender jokingly said, "I'm firing everyone on my staff," as she scrambled through the township attorney's exhibits in hopes of finding a copy of her missing documents there.

"I can tell you this," Judge LaBeau said, "The buck stops with you."

Although she admitted to having a "long day" at the end of the daily proceedings, Ms. Friedlaender did get in testimony that she said Monday was crucial to her case.

Mr. Landry was nearly successful in striking from the record testimony of Jack Hosmer, a Plymouth-based consultant who specializes in advising school districts on financial impacts of surrounding or proposed developments.

Mr. Hosmer testified that Bedford Public Schools has the capacity to handle the estimated 225 students Albring Farms is expected to generate.

"In my judgment, the Bedford school district can accommodate the additional students without difficulty," the former school superintendent said, referencing a recent decline in K-12 enrollment throughout the school district.

Mr. Landry tried to strike the testimony because at least part of Mr. Hosmer's study relied on a hearsay conversation with Bedford Supt. Jon White. But Judge LaBeau asked if Mr. Hosmer would come to the same conclusions without Mr. White's input based on Census data and other determining data sets, and the consultant answered in the affirmative.

Supervisor Walt Wilburn was the first witness in the township's defense. The Erie Rd. resident testified that the section line road couldn't handle the additional 1,885 cars — a figure that includes roundtrips — a day that Bedford Partners engineers claimed Albring Farms would generate.

Mr. Birchler testified Erie Rd. could handle as many as 13,000 cars a day.

"I live on Erie Rd.," Mr. Wilburn said. "There's no way it can handle that kind of traffic. It's not big enough. It's not wide enough. Right now, it's breaking up before my eyes."

Bedford Partners rested its case after its appraiser testified that developing the 80 acres in question as agricultural estates — one home for about every five acres — was not economically feasible.

Ron Blank, another principal of Bedford Partners, testified that the proposed development has cost the company — not including