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IN THE MATTER OF:
CHRISTIAN COUNTY

ZONING BOARD OF APPEALS

AUGUST 29, 2023

Sandra K. Haines
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CHRISTIAN COUNTY

ZONING BOARD OF APPEALS

AUGUST 29, 2023

6:00 P.M.

ZONING BOARD:

Mr. Jim Overholt, Chairman

Mr. David Copenbarger

Mr. Gary Merker

Ms. Adrian Adcock

Mr. Joe Dorr

Mr. Glen Goodrich

PRESENT:

Mr. Blake Tarr, Zoning Administrator

Ms. Mary Barry, Christian County Assistant
State's Attorney

Ms. Michelle Knox

Mr. Terence Havard

Ms. Mark Bauman, Central Commodity FS

PRESENT CONTINUED:

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- Ms. Janet Williams
- Ms. Mary Kulavic
- Mr. Jerome Kulavic
- Ms. Jennifer Laurenzana
- Mr. Michael Laurenzana
- Mr. Nate Patterson
- Mr. Brian Schoenung
- Ms. Amber Brown
- Ms. Patricia Brown
- Mr. Dale Eggimann

- Ms. Sandra K. Haines, Court Reporter,
CSR No. 084-002423

1 CHAIRMAN OVERHOLT: Let's call this
2 meeting to order. Let's have a roll-call. I am
3 here. Adrian Adcock.

4 MS. ADCOCK: Here.

5 CHAIRMAN OVERHOLT: David Copenbarger.

6 MR. COPENBARGER: Here.

7 CHAIRMAN OVERHOLT: Joe Dorr.

8 MR. DORR: Here.

9 CHAIRMAN OVERHOLT: Glen Goodrich.

10 MR. GOODRICH: Here.

11 CHAIRMAN OVERHOLT: Joann Howard.

12 Joann Howard. Gary Merker.

13 MR. MERKER: Here.

14 CHAIRMAN OVERHOLT: Are you here?

15 MR. MERKER: I am here.

16 CHAIRMAN OVERHOLT: We have a quorum.

17 Go ahead.

18 MR. BLAKE TARR: First order of
19 business, any member of the public who plans to
20 speak tonight must register on one of the three
21 sign-in sheets: In favor, neutral, or opposed
22 to. Each individual will be called upon in
23 order of the sign-in sheet, and each individual
24 shall have three minutes to present his or her

1 testimony to the Board Chairman during the
2 public comment portion of the meeting.

3 The sign-in sheet will be available for
4 another four minutes. Once the sheets are
5 picked up no additional public comment can be
6 made. Thank you.

7 CHAIRMAN OVERHOLT: Need a motion to
8 accept the minutes of July 28th, 2023 meeting,
9 need a motion.

10 MS. ADCOCK: I will make a motion.

11 MR. DORR: I will second.

12 CHAIRMAN OVERHOLT: Motion has been
13 made and seconded to accept the motion -- accept
14 the minutes from the July 28th, 2023 meeting.
15 Any more discussion on this matter?

16 After discussion by the Board and a motion
17 was made and seconded to approve the minutes of
18 the July 28th meeting, Jim Overholt, I will vote
19 yes. Adrian.

20 MS. ADCOCK: Yes.

21 CHAIRMAN OVERHOLT: David Copenbarger.

22 MR. COPENBARGER: Yes.

23 CHAIRMAN OVERHOLT: Joe Dorr.

24 MR. DORR: Yes.

1 CHAIRMAN OVERHOLT: Glen Goodrich.

2 MR. GOODRICH: Yes.

3 CHAIRMAN OVERHOLT: Joann Howard. Gary
4 Merker.

5 MR. MERKER: Here.

6 CHAIRMAN OVERHOLT: Thank you. The
7 first item of business is a zoning variance
8 application from Terence and Carol Havard this
9 evening. Is the application complete?

10 MR. BLAKE TARR: Yes.

11 CHAIRMAN OVERHOLT: Have the filing fee
12 been paid in full?

13 MR. BLAKE TARR: Yes, it has.

14 CHAIRMAN OVERHOLT: The parcel numbers
15 and address that is affected by this application
16 is 17-13-19-100-003-01, and the address is 1476
17 North 930 East Road in Taylorville.

18 You seem to be a little bit more familiar
19 with that than I am. Would you describe for the
20 Board what's going on here.

21 MR. BLAKE TARR: Sure. The reason for
22 the variance application is that Mr. and
23 Mrs. Havard would like to install a ground
24 mounted PV solar array system in an area outside

1 of the allowed setbacks for their parcel.
2 Mr. and Mrs. Havard have concerns that anywhere
3 besides the proposed side of the front yard will
4 negatively affect the production of the system.
5 The address in question is in a rural country
6 area outside of city limits.

7 CHAIRMAN OVERHOLT: Are there any other
8 questions from the Board?

9 MR. DORR: I have a question. On this
10 map that we have I am assuming that this is
11 north.

12 MR. BLAKE TARR: The top of the page is
13 typically north. Michelle, would you like to
14 take this?

15 MS. MICHELLE KNOX: Michelle Knox,
16 M-I-C-H-E-L-L-E, K-N-O-X. I am the owner of
17 WindSolarUSA. I am the person working with
18 Terence on this project and developing, so happy
19 to answer your questions. This is Terence, the
20 property owner.

21 MR. TERENCE HAVARD: T-E-R-E-N-C-E,
22 H-A-V-A-R-D. There isn't really any other place
23 for me to put this without cutting down a lot of
24 big trees, and I am really not -- I don't want

1 to cut into my woods if I possibly can help it.
2 I have a very long front yard, one corner of my
3 house is 180 feet up to the road. I am very far
4 back. I can't see any of my neighbors' homes
5 from my home, and they can't see mine. The
6 angle of my house is almost 45 degrees off.

7 MS. MICHELLE KNOX: I brought some
8 additional pictures that show. You have the
9 aerial view that show.

10 MR. DORR: I have the other ones too.
11 I am just asking is this north?

12 MS. MICHELLE KNOX: That would be
13 north.

14 MR. DORR: Okay, and then this is the
15 road. This is the driveway. This is the road?

16 MS. MICHELLE KNOX: Correct. Our array
17 is facing south.

18 MR. DORR: Pardon me.

19 MS. MICHELLE KNOX: The array is facing
20 south.

21 MS. ADCOCK: Towards the home?

22 MS. MICHELLE KNOX: No.

23 MR. TERENCE HAVARD: No, towards the
24 driveway.

1 MR. DORR: If this is north, if that
2 has to be north --

3 MR. COPENBARGER: North is the side of
4 the page.

5 MS. MICHELLE KNOX: So, this -- let me
6 get it so I have it correct here. So, this is
7 north. This is south. This is east. This is
8 west.

9 MR. TERENCE HAVARD: The road is, the
10 front road is north and south almost true.

11 MS. ADCOCK: So, the solar array is
12 facing south towards the house, right?

13 MS. MICHELLE KNOX: The house is over
14 here. The house faces this way.

15 MR. DORR: It is closer towards the
16 house.

17 MS. ADCOCK: That orange corner what
18 you are saying down there that's what is 150
19 feet to the road?

20 MS. MICHELLE KNOX: No, the house
21 Terence was saying is 180 feet. All of our
22 variances as far as the offsets that are
23 required are being observed. There is no
24 problem with that. The problem is the

1 definition of front yard, and the definition of
2 front yard is not defined in the policy.

3 MR. DORR: Yes, but if this is north,
4 and this is south, and the road is over here out
5 of this picture, that's what I am asking. So,
6 this is the road, and this array is facing that
7 way?

8 MS. ADCOCK: We are trying to identify
9 the tilt.

10 MR. DORR: This is the road, and this
11 is the array, and it is facing this way, which
12 is south?

13 MS. MICHELLE KNOX: Yes.

14 MR. DORR: Okay.

15 MS. MICHELLE KNOX: It is at a 30
16 degree tilt angle, which is what is the optimum
17 in terms of a fixed tilt.

18 MR. DORR: That answered my question.

19 MS. MICHELLE KNOX: I don't know if you
20 guys have all these pictures in your packet that
21 show when you are standing from the road that
22 there is no -- you have a clear path to the
23 house. The array will not affect that. The
24 array is to the side. If we continue back in

1 the path, you can see that, on this picture you
2 are starting to see the array location, which is
3 right over here. So, here is the front of the
4 house. The road would be out here. It is over
5 here to the side. Then as we continue on
6 further back there is another picture that
7 better shows the array location over here.
8 Again we can't even see the house. Then as we
9 do another picture now here is where you can see
10 the array, and you can see the house. Again the
11 house faces this way, not this way. Then the
12 final picture is just showing the array, and the
13 fact that it is backed up against basically like
14 a row of bushes.

15 MR. TERENCE HAVARD: Blackberry and
16 native plumb.

17 MS. MICHELLE KNOX: Native plumb, so no
18 way that it can be observed by any neighbors,
19 and it won't be visible.

20 MR. TERENCE HAVARD: I will be on the
21 side that will be facing David Puccetti. He is
22 about a quarter mile away.

23 MR. DORR: So, this is the road,
24 correct?

1 MS. MICHELLE KNOX: Yes.

2 MR. DORR: It runs north and south, and
3 since we can see a road and a vehicle on the
4 road, this right here is that like a tree line
5 on both sides?

6 MS. MICHELLE KNOX: Yes, I mean from
7 the aerial you can see.

8 MR. TERENCE HAVARD: My side is only on
9 this side. I don't own the other side.

10 MR. DORR: Looking at that you cannot
11 see the road in this picture because of the
12 shape.

13 MR. TERENCE HAVARD: Yes.

14 MS. ADCOCK: So, there is no glare that
15 will be on the road because it is facing south
16 away from the road, and there is a tree line
17 protection, correct?

18 MS. MICHELLE KNOX: That is correct.

19 MR. TERENCE HAVARD: Correct.

20 MS. MICHELLE KNOX: And additionally
21 these modules have anti-glare on the glass. So,
22 there will not be a reflection.

23 MR. DORR: Correct.

24 MR. TERENCE HAVARD: I get their glare.

1 They will not get mine.

2 MR. COPENBARGER: I have a question,
3 Dave Copenbarger, Zoning Board. Why don't you
4 just move it farther to the east, and put it in
5 your side yard, and then it would meet the
6 requirements?

7 MS. MICHELLE KNOX: Because of the
8 shading.

9 MR. COPENBARGER: There is no trees
10 there that I see. If you move it -- there is no
11 trees -- I am looking at an aerial and your map.
12 You can't go behind the house, but by the
13 definition I would say the front of the garage
14 is the start of your front yard because your
15 garage goes up farther than your house. You
16 can't put it farther back?

17 MR. TERENCE HAVARD: Not that far back.
18 I wouldn't -- it would be shaded a third of the
19 day.

20 MS. MICHELLE KNOX: Right here you can
21 see them on the aerial. So, we had to move it
22 this way. I have a tool that I take out and
23 actually walk around in the front yard to
24 determine shading, and Terence and I spent

1 probably a half hour trying to see --

2 MR. COPENBARGER: So, like right here
3 you can't move it?

4 MS. MICHELLE KNOX: You could, but do
5 you see the trees to the east, as the sun comes
6 up if we think about the way that the sun moves
7 across the sky, it comes up in the east, and so
8 to get up above those trees to be able to reach
9 the array would take a significant amount of the
10 morning to be able to do that. That's why we
11 have it over in the position that we do.

12 MR. COPENBARGER: Well, even here is
13 shaded?

14 MS. MICHELLE KNOX: Shaded from the
15 east in the morning as the sun comes up, it
16 comes up here. So, it has to get up above these
17 trees before it is ever going to be able to
18 solarize this area.

19 We did investigate. We tried to go out and
20 take a look and see if there was any other
21 opportunities on the property, and there isn't.
22 Again I just think that it is not like it is
23 snack dab in front of his house blocking even
24 the view of his house from the roadway or as you

1 come in his drive. It won't even be visible.
2 It is over to the side. It is technically if
3 your definition of front yard is anything that
4 is in his property that he owns it is in front
5 of the house, if that's the definition of front
6 yard, I couldn't find one, but if that is what
7 the interpreted definition is, then I guess
8 technically it is in the front yard.

9 MR. COPENBARGER: So, then how many
10 acres do you own?

11 MR. TERENCE HAVARD: Seventeen.

12 MR. COPENBARGER: So, you have got 17
13 acres of trees pretty much, right?

14 MR. TERENCE HAVARD: About 16 and a
15 half.

16 MR. COPENBARGER: So, you could cut
17 trees down and move it back?

18 MR. TERENCE HAVARD: Yes. They were
19 there before I got there. I would rather not.

20 MS. MICHELLE KNOX: Kind of
21 anti-carbon, kind of against what we are trying
22 to do if we go cut down trees.

23 MR. COPENBARGER: You can burn it in a
24 wood burner. There you go.

1 MR. MERKER: So, what is the blue? The
2 blue is the array itself?

3 MS. MICHELLE KNOX: The blue is the
4 array itself.

5 MR. MERKER: What are the green
6 circles?

7 MS. MICHELLE KNOX: Those are trees.
8 We do a shading report. We have a technical --
9 we have a software program that allows us to do
10 a shading report where we can indicate where the
11 trees are at, and then it will tell us what the
12 shading impact on those trees is going to be.

13 MR. MERKER: Is this printed off that
14 shading report?

15 MS. MICHELLE KNOX: This is printed off
16 the shading report, correct.

17 MR. MERKER: What is the square orange
18 box there?

19 MS. MICHELLE KNOX: That is his garage.
20 We were showing that to see if it would cause
21 any shading impact based on the size that it
22 was. We actually size it and put in the height
23 of any buildings that might also cause a shading
24 impact. Then the dimensions that you see there

1 are the dimensions from the property lines that
2 we got by using GIS maps from the County. As
3 you can see he has lots of lovely trees.

4 MR. DORR: I have a question. This
5 circle right here in this picture, this white
6 circle, is that this feature right here in the
7 other picture?

8 MR. TERENCE HAVARD: That's my well.

9 MR. DORR: I look at this picture, that
10 white circle is his well, and if we look at the
11 other pictures, there is a lot of smaller trees
12 that will eventually grow, right?

13 MS. MICHELLE KNOX: Are you asking me a
14 question?

15 MS. ADCOCK: Was that factored into
16 your --

17 MS. MICHELLE KNOX: That was factored
18 in, and Terence is going to actually move some
19 of the smaller trees that are moveable.

20 MR. TERENCE HAVARD: Yes, yes, the ones
21 that are in front of it are going to be gone one
22 way or another, and the one next to my driveway
23 I will probably have to cut that.

24 MR. DORR: So, the blue circles or the

1 green circles are substantially taller trees?

2 MS. MICHELLE KNOX: Correct.

3 MR. DORR: They make a bigger shadow
4 area.

5 MS. ADCOCK: So, now I have another
6 one.

7 MS. MICHELLE KNOX: Sure.

8 MS. ADCOCK: Which tree are you going
9 to cut down? Is it one of them that's blocking
10 the solar array from the road?

11 MR. TERENCE HAVARD: If you can see the
12 driveway, there is a very large tree along the
13 driveway.

14 MS. ADCOCK: This one?

15 MR. TERENCE HAVARD: Probably.

16 MS. MICHELLE KNOX: It doesn't have a
17 green blob on it.

18 MR. TERENCE HAVARD: For some reason
19 that did not show up in the program, and I don't
20 know why because it is a very large tree.

21 MS. MICHELLE KNOX: It is in its end of
22 life, and it has been losing branches, and it
23 needs to be maintained anyway, and so that's the
24 only reason that we would.

1 MR. TERENCE HAVARD: I planted that
2 one, and the one that I am going to move, one
3 that I may have to cut, I might try and move it,
4 but I don't usually cut anything unless I have
5 already planted it, Christmas trees, things like
6 that.

7 MR. MERKER: So, basically with this
8 picture we are missing data.

9 MS. MICHELLE KNOX: What data are you
10 missing?

11 MR. MERKER: The tree that never showed
12 up.

13 MR. DORR: Well, you can see it in this
14 picture, can't you? Isn't that it right there?
15 To me that looks like a tree with branches.

16 MR. TERENCE HAVARD: Uh-huh.

17 MR. DORR: The other picture that --

18 MS. ADCOCK: Is it this one, right?

19 MR. DORR: Is this one?

20 MR. TERENCE HAVARD: That's the one.

21 MS. ADCOCK: Would it be right here?

22 MR. DORR: Right there, that would be
23 this tree right here.

24 MR. MERKER: Somebody show me where the

1 missing tree is, please.

2 MS. ADCOCK: It is like right here.

3 MR. COPENBARGER: That's what he is
4 talking about.

5 MS. ADCOCK: Correct.

6 MR. MERKER: All right. Thank you.

7 MS. ADCOCK: These two green ones are
8 still blocking.

9 MR. DORR: I don't have any more
10 questions.

11 CHAIRMAN OVERHOLT: Any more questions?
12 Any more discussion?

13 MR. DORR: Do any neighbors have any
14 problem with this plan?

15 MR. TERENCE HAVARD: Not that I am
16 aware of.

17 MR. DORR: Any complaints?

18 MR. BLAKE TARR: Not that I am aware of
19 at this time, no.

20 MS. MICHELLE KNOX: Honestly I think it
21 will be difficult for the neighbors to even see
22 the property or see the array unless you are
23 coming from the correct angle down the road, and
24 none of the neighbors from their own yards will

1 be able to see the array.

2 MR. DORR: I know, that's just one of
3 the rules of the special use. If there is
4 complaints from neighbors, we have to take that
5 into consideration.

6 MR. COPENBARGER: Straight west of you
7 is that the landfill property, Waste Management?

8 MR. TERENCE HAVARD: Yes.

9 MR. COPENBARGER: Do they own all of
10 the way to the road or like --

11 MR. TERENCE HAVARD: I believe that
12 they do. The greenhouse and that piece of land
13 went up for auction, but the land, I believe,
14 was just a permanent lease or something. So, I
15 believe it is there.

16 CHAIRMAN OVERHOLT: I have a real quick
17 question. Which company are you working with?

18 MS. MICHELLE KNOX: I am the owner of
19 WindSolarUSA. I live in Owaneco. I am my own
20 company. I am a solar developer. I have been
21 in business since 2008.

22 CHAIRMAN OVERHOLT: I see. Any other
23 questions?

24 MS. ADCOCK: No.

1 MR. COPENBARGER: I have a comment. I
2 think my opinion is if we do approve this, we
3 ought to approve it with conditions because if
4 we approve it carte blanche, then everybody,
5 what's to stop the next people from putting it
6 right in the front yard?

7 MS. ADCOCK: Correct, that's where
8 several other counties have restrictions on what
9 can go in the front yard as well. That's a good
10 point.

11 MR. COPENBARGER: I am not sure what
12 the restrictions should be.

13 MR. DORR: Is it your yard or somebody
14 else's yard?

15 MR. COPENBARGER: Say that again.

16 MR. DORR: Is it your yard or somebody
17 else's yard?

18 MR. COPENBARGER: Needing restrictions?

19 MR. DORR: I am just saying it is your
20 property. Should you have the right to do what
21 you want with your property?

22 MR. COPENBARGER: Not if it is against
23 the zoning rules.

24 MR. DORR: I know, but that's why it is

1 called a special use. No different than putting
2 a building --

3 MS. ADCOCK: This is a variance.

4 MR. COPENBARGER: Yes, this is a
5 variance.

6 MR. DORR: Well, no different than a
7 variance on setting a shed less than the
8 distance from the alley or your neighbor's yard.
9 I am just saying that the whole point of that --
10 because I don't remember that being changed, and
11 I have been on this a long time.

12 MR. COPENBARGER: It is in there.

13 MR. DORR: I don't remember that being
14 changed, and the main thing that Blake said was
15 because of the glare. If you look at the side
16 location, if it is facing south, and you have
17 got shade on that road, I highly doubt you are
18 going to get any glare coming from the south,
19 and you are not going to get any from the north.
20 So --

21 MS. MICHELLE KNOX: If I can comment on
22 the glare for just a moment.

23 MR. DORR: We have had tons of these.

24 MS. MICHELLE KNOX: You know there is

1 no glare.

2 MR. DORR: Yes, but if that's what's in
3 the ordinance and that's the reason that wants
4 to stop it, then right now is the big thing with
5 all this alternative green energy, but I hate to
6 tell a property owner that they can't do what
7 they want to do on their own property.

8 MR. COPENBARGER: Well, he can do
9 something different here. He doesn't want to
10 cut trees down.

11 MR. DORR: Okay. So, here you want
12 green energy so you are cutting down trees give
13 or take.

14 MS. ADCOCK: I think the issue really
15 is could there have been, and that was my issue
16 coming in, is there a potential safety concern,
17 and there isn't because we have identified that
18 he has a tree barrier with the road. He also --
19 it is facing south. So, I think those are the
20 conditions that you are speaking to because of
21 this particular instance it is safe, and it
22 isn't going to harm the neighbors.

23 MR. COPENBARGER: Or unsightliness.

24 MS. ADCOCK: Correct.

1 MR. COPENBARGER: If we put something
2 in the front, I mean this isn't, but what I am
3 saying is, and actually if his house was turned
4 it would be in the side yard probably almost.
5 It is just the way the house is oriented, or it
6 could have been.

7 MS. ADCOCK: Right.

8 MR. DORR: That's why they call it a
9 variance.

10 MR. COPENBARGER: So, maybe, I am just
11 talking out loud here, maybe what we would need
12 to say is that after a solar study has been done
13 and determined that the solar array cannot be
14 placed anywhere but the location as shown
15 without disruption to the property or something,
16 because we don't want the next person to come in
17 and say well, I am putting it in the front
18 because Terence got his in his front yard.

19 MS. ADCOCK: Well, then I think we also
20 have to comment that there is no concern for the
21 road as well, so many people driving past and
22 also there is no issue for emergency vehicles to
23 get to his house or anything.

24 MR. DORR: But then right here in the

1 application it says, right here in the
2 application it says installing the ground
3 mounted PV solar array anywhere besides the
4 proposed side of the front yard will negatively
5 impact the production of the system. So,
6 obviously she has done the --

7 MS. ADCOCK: Study.

8 MR. DORR: -- Study.

9 MS. ADCOCK: I think his point, or
10 Dave's point is is that we should document it as
11 to what our decision was instead of just a
12 cursory, yes.

13 MR. DORR: I agree. That's why it is a
14 variance because we can do that on setbacks. We
15 can do that on anything else.

16 MR. COPENBARGER: Why don't you -- you
17 want to make a motion, or you want me to?

18 MR. DORR: I will make a motion to
19 grant this variance on the factor that there is
20 no problem with the adjoining neighbors or any
21 effect to the roadway going in front of the
22 property.

23 MR. COPENBARGER: I would add to that
24 motion that -- I guess I would amend his motion

1 that the siting of the solar array has,
2 documented by the installing company has
3 determined that that's really the only location
4 on the property that would work.

5 MR. DORR: I agree.

6 MR. MERKER: Except it is not because
7 you can cut trees down anywhere and make it
8 work.

9 MR. COPENBARGER: He could.

10 MS. MICHELLE KNOX: But then you are
11 talking about increasing -- I mean then he is
12 paying additional cost to do that, and also
13 cutting down trees, that reduces carbon, and it
14 is kind of anti against the whole purpose of
15 what I believe Mr. Havard and his wife are
16 trying to do in addition to saving money on
17 their utility bill.

18 MR. TERENCE HAVARD: It would be a
19 great expense to go out and try to cut down a
20 bunch of trees. It is going to be five, \$600.00
21 to cut a tree down that's a yard wide. You are
22 talking about wading into the forest pretty
23 much.

24 MR. MERKER: If you are going to site

1 this somewhere, how many, I hate to ask this,
2 but how many trees would you have to cut down to
3 actually get your --

4 MS. MICHELLE KNOX: Well, to the point
5 that we were talking about with this gentleman
6 earlier even though those trees are far off to
7 the east, that if I go out there and use my
8 shading tool in the morning, it is still going
9 to create shade until that sun gets high enough
10 that it is above those trees. So, we would be
11 talking about -- if you look at the aerial and
12 you see the amount of the density of the trees
13 that he has there, you are probably talking
14 about, I don't know, ten trees because we have
15 to create a whole carve out that's going to
16 allow him to get the eastern sun and the western
17 sun in addition to the noon sun.

18 MR. MERKER: In my opinion that's an
19 undue burden to have to do that.

20 MS. MICHELLE KNOX: That's what?

21 MR. MERKER: An undue burden.

22 MS. MICHELLE KNOX: Thank you. I think
23 so too.

24 MR. DORR: Gary, you good with the

1 motion that we have?

2 MR. MERKER: I am sorry.

3 MR. DORR: Are you good with the motion
4 that we have amended?

5 MR. MERKER: Can I hear it again,
6 please.

7 MR. COPENBARGER: Joe moved that we
8 would approve this based on no safety concerns
9 for people traveling by on the roadway. I don't
10 know what else he said.

11 MR. DORR: No complaints by the
12 neighbors?

13 MR. COPENBARGER: No complaints, no
14 neighbors are complaining, and to me the big
15 thing is it was sited to be -- that location
16 was, given the property as it is that's really
17 the only location it could be put without
18 disrupting, cutting trees.

19 MR. MERKER: I am good with that.

20 MR. GOODRICH: I am good.

21 CHAIRMAN OVERHOLT: Okay.

22 MR. COPENBARGER: We need a second.

23 MS. ADCOCK: Second.

24 CHAIRMAN OVERHOLT: Motion has been

1 made and seconded. So, the roll-call of members
2 present, Jim Overholt.

3 I will vote present.

4 Miss Adcock.

5 MS. ADCOCK: Yes.

6 CHAIRMAN OVERHOLT: David Copenbarger.

7 MR. COPENBARGER: Yes.

8 CHAIRMAN OVERHOLT: Joe Dorr.

9 MR. DORR: Yes.

10 CHAIRMAN OVERHOLT: Glen Goodrich.

11 MR. GOODRICH: Yes.

12 CHAIRMAN OVERHOLT: Joann Howard. Gary
13 Merker.

14 MR. MERKER: Yes.

15 CHAIRMAN OVERHOLT: Motion passes.

16 MS. MICHELLE KNOX: Thank you all for
17 your time.

18 MR. TERENCE HAVARD: Thank you.

19 CHAIRMAN OVERHOLT: The second item on
20 the agenda is a zoning variance application from
21 Central Commodity FS. Is the application
22 complete?

23 MR. BLAKE TARR: Yes.

24 CHAIRMAN OVERHOLT: Has the filing fee

1 been paid in full?

2 MR. BLAKE TARR: Yes, it has.

3 CHAIRMAN OVERHOLT: Would you brief us
4 on what's going on.

5 MR. BLAKE TARR: The parcel numbers and
6 township that are being affected by this
7 application are as follows: 14-24-23-410-001-00
8 in Rosamond Township and 14-24-23-411-001-00 in
9 Rosamond Township.

10 The zoning variance application is that
11 Central Commodity FS would like to propose a
12 plan design that would have 15 foot of distance
13 from property boundaries. The zoning requires
14 15 front and 7 foot back for a total of 22.
15 Central Commodity FS would like 8 foot front and
16 7 foot back for solar panels.

17 MS. ADCOCK: As a point of
18 clarification this was one we had voted on
19 already, but we didn't have four affirmative
20 votes?

21 MR. BLAKE TARR: That's correct.

22 MR. MARK BAUMAN: Mark, M-A-R-K,
23 Bauman, B-A-U-M-A-N. I can give a brief
24 overview of what we are trying to do here, and

1 this is what you received with your application
2 materials there.

3 On the front page here you can see an
4 aerial picture of the proposed site. On the
5 second page if you will look, I have got some
6 before and after pictures. So, really what this
7 site was when we purchased the property in
8 Rosamond, there is some old steel tanks. You
9 can see the after as we were maintaining the
10 property and keeping it mowed.

11 I would also like to point out that in
12 addition to the property that we own, we are
13 maintaining the railroad leased property that
14 sits between our property and the main line
15 there of the Union Pacific.

16 If we go one page farther, you can see as
17 we go towards Pana we get in some brush and
18 basically some junk from the Township and
19 others. If we look at this page, it has kind of
20 been used as a place to store rock, and culvert,
21 and some other things throughout the years. We
22 are working with the Township. They have used
23 our property there, but they have since moved
24 most of their materials out of there. We would

1 like to clean this area up as well, and put the
2 solar panels on. So, really it has almost kind
3 of been somewhat of a derelict property in some
4 regards as we approach that end towards Pana.
5 So, that would all be cleared off nicely.

6 The final page just shows the UP in blue.
7 That's the railroad property that butts up
8 against the property that we are proposing to
9 put the solar panels on.

10 So, the variance, I guess, we are asking
11 for is with a 15 foot front, and 7 foot back.
12 The back of our property actually sits 50 foot
13 from the main on the railroad. So, we could
14 give the 15 foot front variance with the panels
15 butting up against the property line on the back
16 side, or some combination of those two
17 distances, but we don't have the full 22 feet if
18 we install both rows of solar panels.

19 MR. DORR: So, are these the tanks that
20 used to be there?

21 MR. MARK BAUMAN: Yes, and they have
22 been removed. That would be some of that debris
23 and stuff from trees and some of the township
24 culverts, et cetera.

1 MR. DORR: So, there is no houses on
2 that side of the street?

3 MR. MARK BAUMAN: That's correct.

4 MR. COPENBARGER: Mark, is this
5 industrial or commercial, the zoning, do you
6 know?

7 MR. MARK BAUMAN: I believe it is
8 commercial. It was part of the Route 16
9 property when we bought the elevator. So, there
10 had been a working elevator there in the past,
11 which was what those two steel tanks were and
12 the leg that we had to remove.

13 MS. ADCOCK: Since this was already
14 proposed in June and this is more of just kind
15 of a technicality are you comfortable to move
16 forward with a vote?

17 MR. DORR: Yes, I am.

18 MS. ADCOCK: I make a motion to
19 approve.

20 CHAIRMAN OVERHOLT: Is there a second?

21 MR. DORR: I will second it.

22 CHAIRMAN OVERHOLT: Motion to approve
23 has been made and seconded. All in favor say
24 aye.

1 ZONING BOARD MEMBERS: Aye.

2 CHAIRMAN OVERHOLT: I guess we should
3 have a roll-call on that. Overholt, I am saying
4 yes. Adrian Adcock.

5 MS. ADCOCK: Yes.

6 CHAIRMAN OVERHOLT: David Copenbarger.

7 MR. COPENBARGER: Yes.

8 CHAIRMAN OVERHOLT: Joe Dorr.

9 MR. DORR: Yes.

10 CHAIRMAN OVERHOLT: Glen Goodrich.

11 MR. GOODRICH: Yes.

12 CHAIRMAN OVERHOLT: Joann Howard. Gary
13 Merker.

14 MR. MERKER: Yes.

15 CHAIRMAN OVERHOLT: Motion has been
16 made and passed. Okay.

17 Moving right along, one last item is a
18 zoning special use application from Central
19 Commodity FS. This is the one where Riverton, I
20 am sorry, Kincaid is moving it further out of
21 town.

22 Central Commodity FS would like to relocate
23 its current ammonia facility located in the
24 Village of Kincaid to a remote location outside

1 the City limits.

2 Are there any questions from the Board? Go
3 ahead. I think last week we discussed that.
4 There was a motion to approve it if they would
5 do something about the ground, possibility of
6 groundwater run-off.

7 MR. MARK BAUMAN: Yes, sir. If you
8 look at your application, on the third page we
9 were able to get a design change, which wasn't
10 available to us when we presented to the County
11 Board. So, it shows the retention pond, the
12 100,000 gallons capacity as well as the green
13 screen on the property to the north to obscure
14 the view of those that would be to the north of
15 the property. So, once again that was the
16 design change asked for by the Zoning Board.

17 I guess there is one additional thing that
18 hadn't occurred to me as we talked last time,
19 but the lake itself is the property of Vistra
20 Energy, who themselves have two 50,000 gallon
21 ammonia storage tanks on their property about
22 850 foot from the lake itself without a storage
23 retention pond. So, it seems to me that if the
24 owners of the lake themselves have 100,000

1 gallons of storage capacity of anhydrous
2 ammonia, which is over three times what we are
3 proposing to put on the site, that they wouldn't
4 probably be too opposed to the idea of us having
5 30,000 gallons of ammonia storage in proximity
6 to the lake with a retention pond in the
7 unlikely event that there is a release that
8 requires the use of water on that release.

9 MS. ADCOCK: I have a question. So,
10 where are those 50,000 gallon tanks located? Do
11 you know approximately where they are versus the
12 lake? Is that on the north side?

13 MR. MARK BAUMAN: I do actually. So, I
14 can give you guys all a copy of this, but they
15 would be located right there, and there is a
16 picture.

17 MS. ADCOCK: Thank you.

18 MR. DORR: Where are these at?

19 MR. MARK BAUMAN: Vistra Energy.

20 MR. DORR: On their property.

21 MR. MARK BAUMAN: Yes. They own the
22 lake.

23 MR. DORR: Which is Dominion,
24 Commonwealth, whatever it is called, correct?

1 MR. MARK BAUMAN: Yes.

2 MR. DORR: The power company.

3 MS. ADCOCK: Correct.

4 MR. MARK BAUMAN: So, I will be glad to
5 answer any questions that the Board would have.
6 I don't want to get into a situation where we
7 are going through the whole presentation that
8 was given last time, but as you look at your
9 application, and I will just distribute again
10 the zoning requirements of Christian County that
11 does provide for the special use of an anhydrous
12 storage facility in ag zoned land. It clearly
13 states that as long as we are not a quarter mile
14 from a residence, which you can see from the
15 application within that yellow circle, I have
16 got larger pictures if you would like, no homes
17 are within that quarter mile. We exceed the
18 Illinois Department of Agriculture setbacks by
19 many percentages of what is needed, which is
20 also in the application. I think the dispersion
21 models that we talked about last time are clear.
22 The proximity of humans, residents to our
23 existing site while we have not had problems
24 with release, potential exists with the

1 proximity of the highway mere feet from our tank
2 to have potential problems, and then as we look
3 at the danger of the dispersion model on the
4 application you can see within these two
5 pictures the amount of potential people that
6 could be exposed in the event of a release from
7 a large storage tank. It could be catastrophic
8 in the town of Kincaid versus its proposed
9 location where no one would fall within the
10 orange or red zone. The red zone in Kincaid has
11 Midland Fire District, which is a big concern of
12 mine, where something happened we couldn't even
13 have emergency responders get to their equipment
14 to try to help the problem. At the proposed
15 site there would be no such problem, in addition
16 to obviously all of the Casey's, St. Rita's
17 Church, other residents that are in near
18 proximity to the existing site. So, I just -- I
19 feel like if there was someone that you knew
20 that lived within that red zone and someone
21 asked you if they would like it to be at the
22 proposed location versus the current location, I
23 think the question would be pretty obvious.

24 MS. ADCOCK: This location versus like

1 Millersville or Dunkel, how much difference is
2 that?

3 MR. MARK BAUMAN: In proximity to?

4 MS. ADCOCK: It is going to be the same
5 services, right?

6 MR. MARK BAUMAN: Yes. So, in fact,
7 the volume of storage at those two locations
8 would be greater than this location, but the
9 site itself is simply for the storage of
10 anhydrous. We would have bulk tanks of ammonia.

11 MR. DORR: But this differs from
12 Millersville because there is no fertilizer
13 there. They are just anhydrous storage.

14 MR. MARK BAUMAN: Anhydrous only
15 similar to Dunkel.

16 MR. DORR: This is the same that we
17 have approved before, but then the County Board
18 turned it down.

19 MR. MARK BAUMAN: I think there was
20 concerns around the possibility of fish kill in
21 the lake, which we have addressed I feel like
22 with the plant design change.

23 MR. DORR: Those design changes are?

24 MS. ADCOCK: These.

1 MR. DORR: I am asking out loud, so the
2 berm and the water retention?

3 MR. MARK BAUMAN: So, if you would vote
4 to approve that plan, we would implement that
5 plan.

6 MS. ADCOCK: Which he is asking is the
7 berm.

8 MR. DORR: That's been updated from the
9 original plan we approved previously, which is
10 the green zone.

11 MR. COPENBARGER: It is the same piece
12 of property?

13 MR. MARK BAUMAN: Same piece of
14 property.

15 MR. MERKER: I have a question, Gary
16 Merker. I printed this off the Supervisor of
17 Assessments plat, and unfortunately I am sorry I
18 didn't have time to get a bunch of copies made.
19 In looking at the shape of the site itself what
20 are these? Are those -- do you own those? Are
21 those easements?

22 MR. MARK BAUMAN: So, no, that is
23 actually part of the property that we purchased
24 from Mr. Puccetti.

1 MR. MERKER: The site is actually going
2 to be down at the south end of it?

3 MR. MARK BAUMAN: Correct.

4 MR. MERKER: How are they going to
5 access the site?

6 MR. MARK BAUMAN: We are going to build
7 a road, and this is property of the property
8 that we purchased.

9 MR. MERKER: Thank you.

10 CHAIRMAN OVERHOLT: Are there any other
11 questions from the Board?

12 Blake, would you mind reading off the
13 list of people that would like to make comments.

14 MR. BLAKE TARR: At this juncture we
15 are going to move to public comments. Just a
16 quick reminder that individuals will be called
17 upon in order of the sign-in sheet, and each
18 individual will have three minutes to present
19 testimony. First is Janet Williams.

20 MS. JANET WILLIAMS: Janet Williams,
21 W-I-L-L-I-A-M-S. I oppose this because of the
22 fact that I live within a distance of that. I
23 am also not healthy. If something would happen,
24 I want to know if FS is going to relocate all of

1 us along with our pets, and pay for everything
2 because we shouldn't have to. Also this is
3 going to endanger all of the wildlife. We have
4 pelicans, egrets, herons, deer, raccoons,
5 otters. You name it, they are all there. We
6 even have bald eagles now at the lake. So, I
7 just think this is not a good place for it
8 totally. It needs to be further out of town.

9 I am sorry they bought the property before
10 we discussed this. I don't know how you can
11 vote on something when the full Board is not
12 here.

13 MR. DORR: The full Board is here.
14 This is the Zoning Board of Appeals, not the
15 County Board.

16 MS. JANET WILLIAMS: All right then.
17 There was more here last time though.

18 MR. BLAKE TARR: You will have to bear
19 with me on the last name, but Mary Kulavic.

20 MS. MARY KULAVIC: Kulavic.

21 MR. BLAKE TARR: Kulavic, sorry about
22 that.

23 MS. MARY KULAVIC: Last name is spelled
24 K-U-L-A-V-I-C. My husband and I actually live

1 in Sangamon County. Knowing the dangers of
2 anhydrous it is very volatile, and it is very
3 dangerous when inhaled. So, we are concerned
4 not only about the lake, but also in the
5 proposal we notice that it says remote. If you
6 look at a definition of what remote is, that
7 means secluded. If you just take a trip
8 yourself to Kincaid where the location is, there
9 is residents close at hand even though you have
10 a berm and so forth.

11 I am also an old nurse. I also know and
12 have seen burns, and the one burn that I
13 experienced I will tell you the person came in
14 our emergency room alive. He looked like a
15 burnt marshmallow, and the only way we could
16 tell his race is by his boots, taking them off.
17 It is a dangerous situation.

18 If you also look Lake County just six years
19 ago had an incident. There is also literature
20 out there that Tyson had a problem with the
21 refrigeration, which is also anhydrous.

22 So, what I am saying is do your due
23 diligence. Think not only about what the County
24 wants, but the community, and how it affects the

1 environment.

2 Also like he mentioned, where is the first
3 responders. The first responders are six miles
4 in either direction. The volunteer Fire
5 Department is volunteer. So, what's the time
6 restraint on getting help. If you inhale this,
7 it is very dangerous, and you only have matters
8 of minutes.

9 So, I am going to ask you to reconsider,
10 and have them really locate in a remote
11 situation. I mean I agree it shouldn't be in
12 Kincaid or Tovey where it is at right now. Put
13 it out where it is safer. The farmers will
14 still be serviced. The community will be
15 serviced and safer, and the employees would
16 still have a job. So, it is all a win win
17 situation. Thank you.

18 MR. BLAKE TARR: Thank you. Jerry
19 Kulavic.

20 MR. JEROME KULAVIC: K-U-L-A-V-I-C,
21 J-E-R-O-M-E. I oppose this Anheuser or -- the
22 building of this. It was my wife spoke earlier,
23 and I agree with her, and there is nothing more
24 I can say really. Thank you.

1 MR. BLAKE TARR: Thank you. Next
2 Jennifer Laurenzana.

3 MS. JENNIFER LAURENZANA:
4 J-E-N-N-I-F-E-R, L-A-U-R-E-N-Z-A-N-A. I am here
5 to oppose the Central Commodity moving of their
6 anhydrous plant.

7 I want to kind of give a quick -- last
8 spring Central Commodity did a presentation
9 where they showed what they just reapplied for
10 in their application and what Mr. Bauman just
11 talked about on the consequences of analysis.
12 We last spring asked the County Board to have
13 them include a consequence analysis report to
14 show what would happen, what could happen. I
15 only have three copies. You should have this on
16 record, just you will have to share. But in
17 their presentation last spring he gave a couple
18 of examples a mile and a half and a mile of the
19 blast area or whatever. They showed it all
20 going northeast, but what he did not, what he
21 failed to do is show the radius. So, when you
22 have an impact on something, it just doesn't go
23 northeast in a direction. It has a radius. I
24 have put on here the number of parcels. As you

1 can see this came from Christian County. This
2 isn't just going to affect Kincaid. This is
3 going to affect Tovey too. This isn't
4 Millersville with only a couple hundred in
5 population. This is a bigger community.

6 I oppose this because like I said before
7 Beach Lake in Lake County, Illinois in 2019 had
8 an anhydrous accident. Eleven out of the 37
9 people were first responders that ended up in
10 the hospital.

11 Kincaid is a volunteer Fire Department.
12 Are they trained in the right areas? Are they
13 trained, like Janet Williams said are they
14 trained to protect us.

15 I understand -- I wasn't born when this
16 thing was originally built in Kincaid or Tovey,
17 but I am here now to speak against it. I don't
18 want it near me. I think it should be further
19 away from population, and sure, they might make
20 all of the zoning requirements, all of the
21 setbacks, sure, but there is a little more at
22 stake, people, people's lives, people. People
23 aren't God. They are not perfect, and errors do
24 happen. I mean it happens. Nobody wants it to

1 happen, but it could happen. I don't want to be
2 around it when it does happen. I want it pushed
3 further away from the population, and I agree
4 with Janet Williams I am sorry you purchased the
5 property before we had this discussion. It is
6 nothing personal. Thank you for your time.

7 MR. BLAKE TARR: Michael Laurenzana.

8 MR. MICHAEL LAURENZANA: My name is
9 Michael Laurenzana, M-I-C-H-A-E-L,
10 L-A-U-R-E-N-Z-A-N-A. I oppose this. Mr. Bauman
11 said himself this could be catastrophic to
12 Kincaid. Really should I go on, but I will.

13 It also states in here it says we did not
14 conduct any paid studies. Something as serious
15 as this I think there should be a paid study. I
16 really do. I don't think people should just go
17 in there and say I am the engineer, I am the
18 architect, I am the designer, I am the
19 geologist. I want to make sure the soil is
20 strong enough to hold these big tanks. Is there
21 mines underneath this? I believe there is. I
22 am going off some information that I have
23 received in the past before.

24 So, I think we need to think about things

1 before we make decisions. I don't think
2 somebody should just go in there and say well,
3 if you have a question, ask me, I will tell you.
4 We need to have hired professionals that know
5 what they are doing, that do this for a living,
6 that have degrees in this to be able to come up
7 with solutions.

8 Another thing is Sangchris, it is called
9 Sangchris because it is Sangamon County and
10 Christian County. Now, if something were to
11 happen to the lake, that would also involve
12 Sangamon County. Now, that's a liability. It
13 is just like the tanks that the owner of the
14 lake has, two wrongs don't make a right. They
15 are their tanks. That's their liability. If
16 this Board approves this, this will be a
17 liability on Christian County. So, that's
18 something to think about. Also if it passes
19 onto Sangamon County, there may be a lawsuit if
20 all the fish die. That's a lot of money. You
21 think of Scheels, Dick's Sporting Goods, all of
22 the boating places that service boats, that sell
23 the boats. I mean if all those fish die, people
24 come from all over the state, all over the

1 country just to fish at that lake.

2 So, I would like for you to keep that in
3 mind, something to think about. Don't just rush
4 off and make a decision on this. Please do your
5 homework, and think about it, and I thank you
6 for your time. You have a great evening.

7 MR. BLAKE TARR: Thank you. Next Nate
8 Patterson.

9 MR. NATE PATTERSON: Nate, N-A-T-E,
10 Patterson, P-A-T-T-E-R-S-O-N. I echo all their
11 sentiments.

12 My main concern is the proximity to the
13 lake, and I think that was the Board's concern
14 when they denied it. I think one thing that
15 should be pointed out is this is really not a
16 new application. This Board approved it with
17 the contingency that they put that drainage in
18 there. So, now all they have done is get a
19 drawing, and now they are putting it back
20 through. It just seems like they are going to
21 put it through, and see if they get the answer
22 they want. It is either that, or worse there
23 has been some discussions in private that maybe
24 that's what's changed. These meetings are

1 public for a reason. That's not right. So, how
2 does it look if the same proposal comes back,
3 now it is suddenly approved. If anything
4 happens, this is all recorded, this is all
5 public, and the County Board had enough concerns
6 to deny it the first time. What's different
7 now? I think that's what you need to ask,
8 what's really different now. You approved it
9 with the contingency of the drainage. There is
10 no difference. That's all that I will say.
11 Thanks.

12 MR. BLAKE TARR: Thank you. Brian, I
13 can't read your last name, I apologize.

14 MR. BRIAN SCHOENUNG: So, my name is
15 Brian Schoenung. It's B-R-I-A-N,
16 S-C-H-O-E-N-U-N-G. Now, I will just say it's
17 technically correct Vistra Energy does own the
18 lake, but that plant is set to close in 2027,
19 and in reality that is a 3,000 acre State park
20 with 2,500 acres of water out there. Yes, they
21 have anhydrous plants there or tanks, and they
22 also have coal ash literally right next to the
23 stream, and they have paid some pretty
24 significant fines for fish kills that they have

1 had. But that doesn't mean that that should be
2 our legacy. We shouldn't say well, we have
3 soiled this place up, so let's keep doing it,
4 let's keep piling it on. There is a resource
5 there. It is a valuable resource, and it is an
6 important resource for the local economy. And
7 to say well, we can stick these tanks there
8 because somebody else had tanks there, I just
9 don't think that's a logical approach to going
10 about things.

11 Since the last time that we were here and
12 since the last time the Zoning Board denied this
13 anhydrous ammonia is still as toxic as it was.
14 This location is still as close to the lake as
15 it was. The risk of a cloud -- I mean anhydrous
16 means absent water, without water. So, this
17 stuff escapes it will go, it is going to creep
18 because it is right next to it. It is a
19 downhill slope. It runs right down to the lake.
20 It will follow the contours of the land right
21 down to the lake. It will bind with that water.
22 It will kill those fish. That's just what it
23 does. If you have firefighters on site there at
24 the very time that it starts to leak, you might

1 be able to knock it down into a trough, but what
2 are the odds of that happening? I mean first
3 you have to know about it.

4 So, if you look at Central Commodity, it is
5 supported by local farmers, right. You have
6 some of the wealthiest landowners, some of the
7 wealthiest farmers in the County. They have got
8 ground. They just don't want this next to their
9 house. They don't want the health risk. They
10 don't want the property value risk. They don't
11 want to have to deal with the eyesore that this
12 place is going to be, but is the Board going to
13 suggest that their desire trumps ours? That's a
14 question, I guess. I guess we will find out.

15 MR. BLAKE TARR: Thank you. Next is
16 Amber Brown.

17 MS. AMBER BROWN: Amber Brown,
18 A-M-B-E-R, B-R-O-W-N. I just have the same
19 things as everyone else here. I oppose it.
20 Nothing has changed. It is just a new write up
21 of what was already posted before.

22 The environmental aspect, the fact that
23 they keep saying it is remote, yet it is just a
24 different area they are moving it in. There is

1 still plenty of houses. Plus you have the
2 Sangchris aspect of it.

3 So, I oppose it, and I think that nothing
4 has changed, and again they shouldn't have
5 bought the land before discussing it with people
6 that live right there. Also there is plenty of
7 people that have land available. You could move
8 this idea there.

9 MR. BLAKE TARR: Thank you. Patricia
10 Brown.

11 MS. PATRICIA BROWN: I think everyone
12 has said what I would say. So, thank you.

13 MR. BLAKE TARR: Switching to the pro,
14 Dale Eggimann.

15 MR. DALE EGGIMANN: I am Dale Eggimann.
16 I am the President of the Board of Midland Fire
17 Protection District. We are not six miles away
18 from the site. Right now we are right across
19 104 from the site. If we would have a big
20 escape, we can't get to our firehouse because
21 this is right across from it. Now, if we get to
22 the firehouse and we can't get to our equipment
23 and we can't get to our radios, we can't do
24 anything to help the town. We can't help

1 anybody. If it is a windy night, we don't have
2 to worry about it. It is going to blow away.
3 If it is not a windy night, it is going to set
4 right there around that firehouse and in town,
5 and we are helpless. Okay, if we get it out of
6 town, then windy night it blows away, we are not
7 in a hurry anyway. On a calm night it is going
8 to sit there. We have plenty of time to get
9 everybody notified. It might not be a perfect
10 solution, but it is a whole lot better than what
11 we have got because at this point with that
12 firehouse sitting right across the street from
13 the tanks we are helpless. I didn't put on
14 there that I was with the Fire Department. So,
15 you might want to do that.

16 MR. BLAKE TARR: Okay.

17 MR. DALE EGGIMANN: We do train. We
18 train once a year. FS comes, and they train us
19 right there in our firehouse. We go right
20 across the street because the tanks are right
21 there.

22 MR. BLAKE TARR: I think that concludes
23 the public comment.

24 CHAIRMAN OVERHOLT: Any further

1 discussion from the Board? The Chair would
2 anticipate a motion.

3 MR. DORR: I do have one question.
4 Somebody said that this application is different
5 now than what it was the first time we approved
6 it. So, that was the point I brought up earlier
7 about that was a suggestion, and now it has been
8 implemented in the plan, correct?

9 MR. MARK BAUMAN: Correct.

10 MR. DORR: Which is the green space,
11 the berm, and the other safety precautions.

12 MR. MARK BAUMAN: That's right.

13 MR. DORR: Okay.

14 MR. COPENBARGER: I have a question, I
15 guess, Dave Copenbarger, Zoning. So, the water
16 retention area I am looking at your plan, I see
17 it is like a two foot drop down that slope
18 towards the lake, but there is a finger that
19 kind of comes up towards you there. So, pretty
20 much you are just going to put a berm up around
21 that. You are not going to put any type of --
22 what are you going to do?

23 MR. MARK BAUMAN: So, there is a
24 natural slope that funnels towards the lake in

1 that direction with that U-shaped berm. There
2 will be a gate valve in there that can be opened
3 to allow natural flow of water so that it will
4 back up, and then that can be shut in the event
5 of emergency response people coming in, they
6 need to put water on the cloud of anhydrous.
7 That would put it on the ground so we can shut
8 that gate valve, and back the water up, and keep
9 it on our property there.

10 MR. COPENBARGER: So, no liner.

11 MR. MARK BAUMAN: No liner.

12 MR. MERKER: I have one question. Can
13 I ask a question of the public?

14 CHAIRMAN OVERHOLT: Go right ahead.

15 MR. MERKER: What happens -- there you
16 are.

17 MR. DALE EGGIMANN: I am right behind
18 you.

19 MR. MERKER: What happens, what would
20 happen like right now if there was a release?
21 What would occur out there in Kincaid?

22 MR. DALE EGGIMANN: A lot of it would
23 depend on which way the wind is. If the wind is
24 blowing from the south to the north, there is a

1 subdivision right behind the firehouse that was
2 built after these tanks were put here. If it
3 would come from the west, it is going to go
4 straight into Kincaid. If it comes from the
5 north, it is going to get the south side of
6 Kincaid. If comes from the east, it is going to
7 get into Bulpitt.

8 MR. MERKER: Is there any kind of
9 notification system like a siren or anything
10 like that that you could use to alert the
11 citizens?

12 MR. DALE EGGIMANN: Now we are opening
13 a can of worms. There is a tornado siren, but
14 then you might get into the same thing Hawaii
15 just got into if you set it off for anything but
16 bad weather, nobody is going to believe it.

17 MR. MERKER: Well, it would just seem
18 to me that all of the objections that I have
19 heard in the meetings that I have attended and
20 the packets that I have gotten seem to center on
21 the concern for health damages, injuries to
22 people, et cetera, et cetera. I don't know how
23 effective they are, but it would seem to me that
24 one thing that would put this to bed would be if

1 there was some kind of an alarm, a siren or
2 something that could be tripped if there is some
3 kind of an incident. I know here in town every
4 Tuesday morning they check the sirens, and I
5 think to me it would just put the whole issue to
6 bed if there was some kind of an alarm system
7 that could be used. Again I am not sure how
8 effective where they are, but at least it would
9 be better than nothing.

10 MR. DORR: I have a question. Can you
11 explain to everybody here anhydrous ammonia,
12 what happens, how it is applied, what happens if
13 it leaks, what happens if it comes out of the
14 tank, just a general knowledge of anhydrous
15 ammonia.

16 MR. MARK BAUMAN: Anhydrous ammonia is
17 a gas. It is a liquid when it is in
18 containment. When it is goes to the field, we
19 bring it in what we call nurse tanks. So, we
20 have it in storage tanks, which is what we are
21 proposing for this facility. We use that to
22 fill what we call nurse tanks. So, you see the
23 smaller tanks that are filled, they go up and
24 down the road, those go to the farmer's field.

1 They have an applicator that is pulled behind
2 the tractor. That liquid that's in the tank
3 goes through hoses, goes to a manifold. At that
4 point it loses compression and turns to a gas,
5 and it is injected into the ground. It adheres
6 to the soil. The purpose of the anhydrous
7 ammonia is nitrogen. It is 82 percent nitrogen,
8 and it is primarily for the production of corn.
9 Anhydrous once it loses compression, so if there
10 is a valve that leaks or breaks, turns to a
11 vapor, goes up into the air. As Dale said if it
12 is a windy day, it is really less of an issue,
13 although we look at those dispersion models, but
14 it rapidly diffuses into the air. Our
15 atmosphere is made mostly of nitrogen. So, if
16 it is a windy day, you can stand close by and be
17 unaffected. The worse scenario is if there is
18 no wind and it is releasing, then it kind of
19 gathers in a concentration, and that's when it
20 becomes a dangerous situation.

21 MR. DORR: So, it is a liquid that
22 turns into a gas. So, if it leaks, it is going
23 to turn into a gas, not be a liquid flowing down
24 a stream.

1 MR. MARK BAUMAN: It will not.

2 MR. DORR: Okay.

3 MS. ADCOCK: I am sorry, I had another
4 question.

5 MR. MARK BAUMAN: Yes.

6 MS. ADCOCK: So, Pana, Dunkel, all of
7 our locations how many are there where there is
8 anhydrous?

9 MR. MARK BAUMAN: There is 12 in the
10 County including ours.

11 MS. ADCOCK: The size of those tanks
12 roughly just an estimate?

13 MR. MARK BAUMAN: It varies by
14 location. I mean many sites have around 60,000
15 gallons of storage. 30,000 gallon tanks are
16 common. The two that are in Kincaid are
17 actually 18 and a 12. So, it is one of our
18 smaller sites.

19 MS. ADCOCK: So, you train the Fire
20 Department, sorry, how often did you say you do
21 that?

22 MR. MARK BAUMAN: Yearly.

23 MS. ADCOCK: Yearly, then you also
24 train your crew at FS as well?

1 MR. MARK BAUMAN: That's right. They
2 undergo annual training.

3 CHAIRMAN OVERHOLT: After discussion by
4 the Board is there any other Board discussion
5 before we move on? It appears not. In that
6 case the Chair would entertain either a motion
7 to approve or a motion to deny the request by
8 Central Commodity FS.

9 MR. DORR: I make a motion that we
10 approve the application.

11 CHAIRMAN OVERHOLT: Is there a second?
12 A motion has been made to approve the
13 application by Central Commodity FS. We need a
14 second.

15 MS. ADCOCK: I will second.

16 CHAIRMAN OVERHOLT: A second was made
17 to the motion to approve. Let's do a roll-call
18 vote. Chairman Jim Overholt, I will vote
19 present. Adrian Adcock.

20 MS. ADCOCK: Yes.

21 CHAIRMAN OVERHOLT: David Copenbarger.

22 MR. COPENBARGER: Yes.

23 CHAIRMAN OVERHOLT: Joe Dorr.

24 MR. DORR: Yes.

1 CHAIRMAN OVERHOLT: Glen Goodrich.

2 MR. GOODRICH: No.

3 CHAIRMAN OVERHOLT: Joann Howard. Gary
4 Merker. Gary Merker.

5 MR. MERKER: Yes.

6 CHAIRMAN OVERHOLT: Yes. The motion
7 passes. At this time the Chair would entertain
8 a motion for adjournment.

9 MR. MERKER: So moved.

10 MR. DORR: I will second it.

11 CHAIRMAN OVERHOLT: The meeting is
12 adjourned.

13 (Which were all of the proceedings
14 had on this meeting as of this
15 date.)

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1 STATE OF ILLINOIS)
) SS
2 COUNTY OF CHRISTIAN)

3

4 I, Sandra K. Haines, I, Sandra K. Haines, a
5 Notary Public and Certified Shorthand Reporter,
6 do hereby certify that on August 29, 2023 the
7 foregoing Zoning Board of Appeals was taken down
8 stenographically by me and afterwards reduced to
9 typewritten form by me, and that the foregoing
10 transcript contains a true and accurate
11 translation of all such shorthand notes.

12 Given under my hand and seal this 1st day
13 of September, 2023 at Taylorville, Illinois.

14

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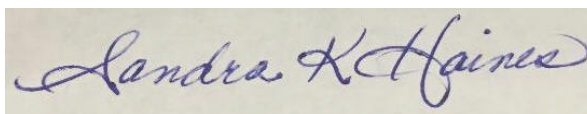
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