

Westfield Township Board of Zoning Appeals

Public Hearing - September 18, 2013 -7:30 pm

Attendance

The meeting was called to order at 7:30 pm by Mike Schmidt, Chairman. A roll call was taken and the following members were present: Kathleen Lemar, Pat Kwas, Lee Evans, Mike Schmidt and zoning Secretary Sherry Clarkson. Members absent: Kevin Daugherty and Wayne Moore. Guests in attendance: Gary Harris, Ron Oiler, Matt Witmer and Kent Wolf.

Application for Area Variance

Mr. Schmidt proceeded to read the application to those present. The applicant Aydin Manouchehri, of MacArthur Court-Suite 800, Newport Beach, California has been authorized with Clean Energy to act as an authorized agent of Pilot Travel Centers LLC as it relates to the entitlement process, discretionary approvals, or the building permit process for the proposed Liquefied Natural Gas (LNG) system located at 8924 Lake Road, Seville, Ohio (Existing Use: Pilot Truck Stop/Travel Center).

Mr. Schmidt advised those present the an area variance has been applied as follows: Under Section No. of the Zoning Resolution 204 B (1)General Regulation of Structures: 35' maximum height of structures " Due to a rapid increase in LNG fuel demand for long haul trucking, Clean Energy is experiencing considerable difficulty in delivering fuel on-time to the Seville, Ohio station The additional approved 6,000 gallon storage tank (presently not installed) will not meet the additional demand currently experienced, and anticipated at the station. Clean Energy requests a site plan review and height variance for a standard 18,000 gallon 42 ft. 3" tall LNG bulk fuel tank to accompany the existing installed tank. This requires the approval of a 7.3' height variance.

Mr. Manouchehri was sworn in by the secretary. Prior to Mr. Manouchehri providing testimony Ms. Lemar asked Mr. Manouchehri that he was aware and consented to the fact that we were a four board member tonight and it is on the record. Mr. Manouchehri advised yes. Mr. Manouchehri advised things have been going well for Clean Energy. The current location for procurement of fuel is located in Memphis, Tennessee and with this being a new fuel to the country and resources are rather limited. With this in mind the delivery vehicle is approximately 10,000 gallons and time it takes to get from Tennessee to here is approximately two days because of the maximum of 10 hours of driving time for the delivery truck. Therefore we are unable to anticipate the current draw down of fuel with the current 15,000 gallons currently on site the tank, which cannot be taken down to -0-, so we are seeking a standard 18,000 tank be installed. We specifically put in the horizontal tank for this project to be able to comply with the zoning ordinance of the area. However, this location has been much more fruitful and we are now requesting a variance of 7 ft. to meet the needs and we do not require any additional civil construction, which this tank will mirror the footprint of the original 6,000 approved tank. It would however be taller. Mr. Schmidt asked if a tank is available to meet our standards horizontally. The applicant advised they looked and the tank presently is the largest available on the road without an escort. At that point it would make it uneconomically feasible to ship the tank. Ms. Lemar advised you

are going from a 13,000 gallon tank to a 18,000 gallon tank. Mr. Manouchehri advised on site there is a 15,000 horizontal capacity tank and the approval was given for a 6,000 vertical tank. They now want to increase the tank to 18,000 gallon capacity. The pad already exists for the new tank and the tank will be placed on the pad. The company originally assessed for 6,000 gallons, but the present need is for more (citing the difference between cold and warm technology). The demand is greater presently for the capacity. Pat Kwas asked if there was a possibility for another tank to be mounted on an existing tank and Mr. Manouchehri advised this is not possible. The design for vertical tanks is the same for a 6,000 gallon and 18,000 gallon tank. There is a standard design and same pattern. Kathleen Lemar asked if the applicant would be taking out a tank. The applicant advised they will keep a tank and add a tank to the pad, vs. remove a tank and replace as Ms. Lemar thought would be done.

Mr. Schmidt asked if there were any other questions. Mr. Evans advised he understands it is a standard tank but wanted to make sure it meets the standards of the EPA, Ohio Regulations and Fire regulations. The applicant advised he met and talked to Chief Fletcher and the chief had no problem and the tank meets all codes.

A member of the audience was sworn in. Mr. Kent Wolf, 64 High Street-Seville, Ohio advised he represents the tree farm in back of the property. He asked about the exact location of the tanks and how it would affect the already existing tank. Mr. Wolf was not aware that tanks already existed and asked where they were. Mr. Evans advised you would go to the back parking area, past the islands and the spot is in the middle, and you can see the area from McDonalds. This has been there for 1 ½ - 2 years. Mr. Wolf asked if he could be shown the area on the map, which was done. It was noted that there is 13 ft. to the top of the tank. It was noted the canopy is probably the most visible, although it is hard to see because of the trucks. The applicant advised the canopy is about a 16 ft. deck and a 3 ft. fascia, so 19 feet. Lee Evans asked about signage issues, which can be an issue. He asked if there will be any advertising on the tank. The applicant advised the drawing showed this, but it could be crossed off, there will be no advertising on the tanks. It was noted other than flammable signs, nothing will be placed on the tanks.

The applicant advised since this is a new clean energy, they have been risking running out of fuel (below 8,000 gallons) to meet the current demands. Dillon Trucking of Lodi, is one of the companies currently using this type of fuel for their trucks, by not meeting their demands, they could be negatively impacted at this time.

This is relatively a new energy source for, as propane has been around for some time, noted Mr. Schmidt. He asked if autos will be using this type of energy in the future. It was noted that autos run on CNG, compressed natural gas, liquefied natural gas is actually cooled to a cryogenic temperature to become a liquid similar to liquid nitrogen. Compressed natural gas is gas compressed at very high pressures at about 3600 psi. Honda Civic has a CNG tank (commercially available). You have to be careful as fuel has a shelf live and cryogenically fuel is consumed readily due to its shelf life. The applicant advised to our logistics presently, infrastructure calls for industrial fuel at the end of the day. Their

company does not want to introduce this type of fuel as a residential model. It was noted that a gallon of diesel is equivalent to gas in running vehicles in today's marketplace. Ms. Lemar asked if this type of fuel is more flammable and explosive. The applicant advised he is confident to say that it is a safer fuel than gas/diesel. He advised that he attended a seminar at Texas AM Fire School and in examples made in spills/fire suppression it is a safer due to flame propagation similar to diesel. There is no pressure burst when lit and it is stored at relatively low pressure 60 psi. There is a jacketed tank, similar to oil tankers on the ocean which are double-hulled. The fire flame propagation to the inner tank (bevy) would not happen, if you were to feel the inside of tank, it would be relatively cool.

Pat Kwas advised she thought she saw a lightning rod, it was noted it was a safety vent for the fuel. It was noted that if there were a lightning rod, but not in the case of this area, one would see it in the shape of a star, which is a lightning arrestor and it would be grounded. The tank at this location is grounded. There is a 1 inch thick copper grid which is embedded into concrete and tied into every piece of mechanical equipment in the station. Should one touch the equipment it is grounded immediately. It was asked who controls the applicant. The applicant advised they are regulated by NFPA 52 (National Fire Protection Administration Authority. There is a board and the design meets their standards. There are states which have state level regulations, and Texas was cited as one of those states, which NFPA has standards which must be met. Ms. Lemar asked if there is a leak, who is called? The applicant advised there is an emergency phone outside, and there is on site emergency call, which would be Chief Fletcher. There are detectors on site for Methane detectors, emergency shutdowns at specific locations and dispensers. Once this would be noted, it phones out to Clean Energy advising of a shut down, there is a fail-safe regulation in place. There is a third party company which reviews all plans to make sure that everything complies, advised Mr. Manouchehri. Mr. Schmidt asked if the applicant may have to increase in the future. The applicant advised he foresees no increase, unless in the future an increase would be needed for fuel lanes, at the moment and in the foreseeable future he advised they do not have this need.

There being no other questions, Mr. Schmidt asked for a motion. A motion was made by Lee Evans that we grant a motion for a 7 ft. 3" height variance to LNG Fuel for their tank, as per the exhibit drawing submitted as per zoning regulation 204 B 1 General Regulations of Structures 35' height maximum. A second to the motion was made by Pat Kwas. A roll call was made as follows: Kathleen LeMar-aye; Pat Kwas-aye, Lee Evans-aye and Mike Schmidt-aye. The motion passes. The board proceeded to complete the application form granting approval of the area variance.

Mr. Manouchehri advised with referencing the question Pat Kwas had about placing tanks on one another, by NFPA 52 Standards and regulations it states that each tank must be placed physically 5 ft. away from one another and the pad is designed with this in mind.

Minutes of August 28, 2013

Mr. Schmidt advised the minutes of the meeting were handed out as well as emailed to everyone earlier. He asked if there were any additions/corrections to the minutes. Pat Kwas advised in the third

paragraph it should be corrected to reflect Highway (not Highways) Engineer's. With no other corrections, **a motion was made by Pat Kwas to approve the minutes as presented with correction made. A second to the motion was made by Lee Evans. All were in favor.**

The Zoning Inspector provided members with another Area Variance Application (information handed out to members) for Jack A. Byrd. Photos were given to each board member as well a copy of the application. Members asked about the pictures presented (kitty litter & coffee cup). The zoning inspector advised pictures were taken because the neighbor after being asked not to drive his 4 wheeler onto Mr. Byrd's property got mad and dropped these items onto Mr. Byrd's property. He also shot his home with a paint ball gun; thus this is why he is seeking a variance for fencing his property to stop this. The zoning inspector advised that he and Mr. Evans have visited the property.

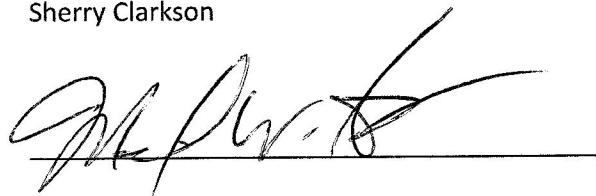
The zoning inspector also advised he had a phone call from a person who may be going for a use variance, as they would like to put a beauty shop in the prior urgicare medical facility in the truck stops, which is leaving effective October 1, 2013, due to lack of business. It was also noted North Coast Soccer has given Bill Thorne a variance application (Mike Sweeney).

The date for the board members selected to meet on the Byrd application is October 15, 2013 at 7:30 pm. Mr. Moore and Mr. Daugherty will be emailed notified to make sure they can attend. After discussion the BZA members advised they will send a request to the Zoning Commission to review definitions of Front, Side and rear yards as well as fencing.

With no other discussion, the meeting was adjourned at 8:20 pm.

Respectfully Submitted

Sherry Clarkson

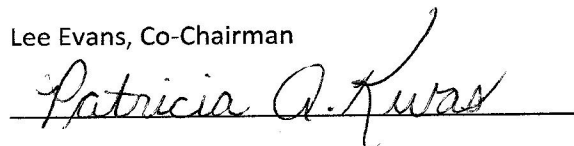


Mike Schmidt, Chairman

11/6/13

Date

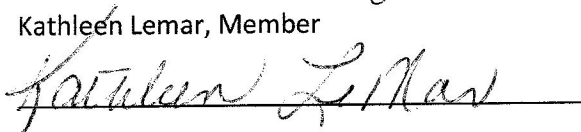
Lee Evans, Co-Chairman



Date

11/06/2013

Kathleen Lemar, Member



Date

11/6/13

Patricia Kwas, Member

Date