

MINUTES
LIVINGSTON COUNTY ZONING BOARD OF APPEALS
Livingston County Historic Courthouse
112 W. Madison St.
Pontiac, Illinois

Recessed Meeting Continuation
7:00 p.m.

September 11, 2017

The meeting came to order and roll call was taken.

Members Present: Michael Cornale, Richard Kiefer, Richard Runyon, William Flott, Gerald Earing and Joan Huisman.

Members Absent:

Business:

Case ZT-3-17 - County Board of Livingston County

This is the continuation of the recess review of a zoning case that pertains to the review of an application for zoning text amendments to Chapter 56, Zoning, Code of Ordinances, Livingston County, Illinois, which focuses on the most recent considerations for amending the Livingston County wind energy regulations. Proposed text amendments are to Sec. 56.1- General Definitions to add the definition of Hearing Facilitator, are to Article VIII, Wind Energy, Code of Ordinances, Livingston County, Illinois, and to Sec 692-Procedures-9b.

Chair Huisman acknowledged that Mr. Bryan was back to answer questions. Mr. Bryan said they are still up in the air in regard to new school funding; they are now being funded at last year's level. Mr. Cornale said that his question depends on the previous testimony evidence and depends on the decision as to how past evidence will be allowed. Chair Huisman has not completed her review yet and she does not have an answer this evening.

Thomas Kulasik, 27575 E – 3000 North Rd., Dwight, IL. presented testimony relative to this zoning case, starting by passing out copies of his exhibits. Mr. Kulasik indicated he has about 10 documents. The first page was to be marked as Kulasik 1 – A document providing lightning information, thereafter the documents were marked as Kulasik 2- A copy of Grounding of Wind Power systems and Wind Power Generators Kulasik 3- A oil refinery incident document from Chuck Goudie, Kulasik 4- A map indicating setback areas from an Exxon Mobil Oil Corporation facility, Kulasik 5- A material Safety Data Sheet on Lead, Kulasik 6- A material Safety Data Sheet on Sulfuric Acid, Kulasik 7- A material Safety Data Sheet on Castrol Gear Lubricant, Kulasik 8- A material Safety Data Sheet on mineral oil, Kulasik 9- A document, Calculating Wind Turbine Setbacks with Science Instead of Politics, by Paul Crowe, Kulasik 10- A map indicating the distance of a wind turbine from Tri-Point Elementary, Kulasik 11- A second map indicating the distance of another wind turbine from Tri-Point Elementary.

Mr. Kulasik provided his background as a new Livingston County citizen since 2013. He was born in Chicago and raised in the suburbs. His background is in public safety firefighting and EMS and emergency management. Tonight Mr. Kulasik wanted to address safety aspects starting with his first two exhibits, Kulasik 1 – A document providing lightning information and Kulasik 2- A copy of Grounding of Wind Power systems and Wind Power Generators. Mr. Kulasik commented about how he saw lightning hit one of the wind power generators about 3 miles south of his house and his exhibit 1 gives an idea as to how much energy is involved in this, a billion joules in a lightning bolt and lightning comes very fast. Mr. Kulasik then mentioned the amps that can occur being 5000 to 20,000 amps, but they have been recorded as high as 200,000. Mr. Kulasik explained that an amp in comparison to a 100 watt light bulb using .83 amps. Mr. Kulasik then read the remainder of Kulasik exhibit 1. His concern with these facts when you start placing the wind turbines closer to people's property, people are going to incur damages when lightning strikes it, grounding will help but it will happen. When lightning strikes damage will happen, especially to electronics. In regard to Kulasik exhibit 2 Mr. Kulasik concentrated on page 4, reading from the paragraph under the headline of Additional Electrical Protection. His third exhibit depicts when oil was released in the air, and that it will carry more than 1600 feet. With Kulasik 4 being a map indicating setback areas from an ExxonMobil Oil Corporation facility to indicate how far the oil spread. The next four exhibits are material safety data sheets on materials you will find in near or on these wind farm facility's, Kulasik 5- A material Safety Data Sheet on Lead, Kulasik 6- A material Safety Data Sheet on Sulfuric Acid, Kulasik 7- A material Safety Data Sheet on Castrol Gear Lubricant, Kulasik 8- A material Safety Data Sheet on mineral oil. Mr. Kulasik found this data after researching tier two reports in Grundy County. Mr. Kulasik noted some of the hazards of lead, and sulfuric acid while mentioning the health rating of sulfuric acid. Mr. Kulasik commented about protective actions that should be taken in case of a fire. Then Mr. Kulasik mentioned the hazards of the gear lubricant and mineral oil. Mr. Kulasik said that if more than 100 lbs. of one of these materials is to be released into the air it is to be reported to the Illinois Environmental Protection Agency, and 100 lbs. is not a lot of material. This material should be cleaned up. On the next exhibit Kulasik 9- A document, Calculating Wind Turbine Setbacks With Science Instead of Politics, by Paul Crowe, Mr. Kulasik noted the 500 meter safety radius, but it does not specify if it is for trained or untrained personnel, which have different zones they should be in, and on the side of error that can be increased to 1.5 or 2 times. His final exhibits Kulasik 10- A map indicating the distance of a wind turbine from Tri-Point Elementary and Kulasik 11- A second map indicating the distance of another wind turbine from Tri-Point Elementary, show that he could not find anything closer than 2000 feet from a school. Mr. Kulasik once again is presenting this from the view of safety concerns, and he does not believe that a 1600 to 1800 foot radius is reasonable and that for safety, it should be increased. If it was so reasonable the municipal waiver would not be in the documents. He urges that the county zoning board of appeals and the county board to look at the safety of all people. Chair Huisman clarified that Mr. Kulasik lived in Dwight Township. Then Mr. Kulasik clarified that his exhibits 3 and 4 go together. Gerald Earing asked if all of the firemen are trained for these types of fires. Mr. Kulasik noted that if the smaller rural fire districts do not have the resources they can use MABAS. Mr. Kulasik also commented that emergency plans have been exercised in Grundy County. Mr. Kulasik commented that if there is a fire they are probably just going to watch it burn since there is little they can do.

Mr. Earing asked about how tall the Exxon structure was, of which Mr. Kulasik indicated it was less than 300 feet. Mr. Kulasik said that this is not the flare, but oil did escape with complaints coming from persons living in Channahon. Mr. Earing asked about the fire districts being trained. Mr. Kulasik noted that industry have their own emergency plans. Mr. Kulasik noted that the chemical sheets are current of 2016. Chair asked about the lightning strike he witnessed. Mr. Kulasik said that he saw lightning hit the blade with blue sparks and that was it, and he has no idea if anything happened internally. Mr. Kulasik did his fire service in Joliet and the suburbs, and he mentioned confinement rescuing also. Mr. Earing asked about the fire in his area, about lighting rods, and is worth putting money into lighting rods. Mr. Kulasik said it is worth it but how often do you check it and maintain it makes it more valuable. Mr. Kiefer asked about the list of materials he provided. Mr. Kulasik said he got that information through a freedom of information request. Mr. Bryan asked about existing farm machinery has some of the same chemical in them. Mr. Kulasik said wind turbines in larger amounts. County Board Chair Bob Young asked about when the wind farms where put in Grundy County. Mr. Kulasik said they were put in prior to 2014 and he does not know the setbacks for those windmills. Mr. Kulasik knows they turn them off in the morning and in the night when a sun casts a shadow on some people's property to prevent flicker. Mr. Kulasik thinks they are about 4 to 5 per square mile, and he has not talked to Grundy County about this matter. Mr. Redlingshafer asked about the sources for exhibit 1. Mr. Kulasik said he got the information from open sources including text books and the internet and his fire education. Mr. Redlingshafer focusing on the Tier Two reports he asked about the name of the Grundy County wind farm. Mr. Kulasik replied that is named Top Crop and he got the information by submitting a FOIA request to the county. Mr. Kulasik said they are 2017 tier two reports, with 2016 information. Mr. Kulasik got the list of chemicals from Grundy County and he looked up the MSDS information based on the county information. Gerald Earing asked what do new turbines use for oils, of which Mr. Kulasik does not know. Mr. Earing noted the setback in the Odell area is about 1300 feet and he does not know if anyone looked at that. Mr. Kulasik thinks they have not changed much, but they get bigger using more chemicals. Mr. Flott asked about when the information and did he not find out how much of the products were being used. Mr. Kulasik indicated when you FOIA anything with chemicals you just get what is there, not how much or where it is stored. Mr. Kulasik based his estimates in the amounts of oil on page 4 of this second exhibit. Mr. Cornale asked about exhibit 9 on the back page and the 500 meter setback, in considering that setback with workers getting closer than the general public and does Mr. Kulasik feel that setback of 500 meters is for the general public or the workers. Mr. Kulasik said that information does not tell him, but he would increase it as a safety factor. Mr. Cornale then asked if this information indicated any information about a home within 500 meters. Mr. Kulasik commented that his opinion would more or less based on if lightning damage may occur.

Chair Huisman commented on the remaining question on exhibits being allowed, and her knowledge of a person wanting to come testify at a future meeting. So at this point no more testimony or evidence is available tonight. So the meeting can be called early and recessed to the 18th. Chair Huisman related that Will Gerber would like to testify on the 18th. Mr. Flott asked about ruling on exhibits and with a lawyer present should they not use his opinion.

Chair Huisman related that they had discussed it and it is not a clear cut issue. They want to make sure it is researched thoroughly, and they are not prepared to say where they are at. Future meeting dates were then discussed. The question of using past evidence was further discussed, with a need to be thorough. Mr. Cornale noted that evidence from the previous text amendment has some of their past reasoning for their decisions within those documents and that have yet to be made part of record as he expressed that he felt they need to be part of the record. Chair Huisman mentioned that all of the zoning board members have copies of those documents of which they based their decision and she thinks it should be brought in the right way. It was clarified to Mr. Blackard about the previous zoning text hearings on wind energy regulations that involve detailed findings of recommendation detailing the changes they made, and they the zoning board sent that recommendation to county board. It was concluded the Mr. Blackard missed an early meeting of this zoning text review. The review of minutes was discussed. Review of the tape was discussed. The UCLC video tapes were discussed being on a web site, and website information was given to Mr. Blackard so he may have an opportunity to review those tapes of past meetings. The evidence from the first text amendment review was discussed again. Mr. Blackard asked if he asks questions of Mr. Gerber will he be able answer those questions. Yes, depending on what he presents. Chair Huisman noted a lot of time was put in on these issues. Daryl Holt commented about first meeting. Review of meeting minutes was further discussed.

Richard Kiefer moved, seconded by Gerald Earing, that this hearing for this zoning case be recessed until September 18, 2017 at 7:30 pm.

This motion was approved a unanimous voice vote.

This meeting was recessed at 8:10 p.m.

Material regarding these proceedings is on file in the Livingston County Regional Planning Commission Office, in the Livingston County Historic Courthouse, 112 W. Madison St., Pontiac, Illinois.

Respectfully submitted,

Charles T. Schopp, Secretary
Livingston County Regional
Planning Commission