

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

Regular Meeting
7:00 p.m.

January 13, 2020

The meeting came to order and roll call was taken.

Members Present: Richard Kiefer, Richard Runyon, William Flott, Joe Stock, Neil Turner and Joan Huisman.

Members Absent: None

Agenda:

Chair Huisman noted the agenda for this meeting. Richard Kiefer moved, seconded by Joe Stock, that the agenda for this January 13, 2020 meeting be approved as presented. This motion was approved by a unanimous vote.

Approval of the Minutes: Will take place at a future meeting.

Business:

Case SU-3-19- Pontiac Flying Service LLC

This a continuation of the December 5, 2019 Livingston County Zoning Board of Appeals meeting at which the review of this zoning case was initiated with this zoning case pertaining to a request for a special use for private use airport and for commercial liquefied fertilizer storage and distribution, proposed to be located in the West Half of Section 16 of Saunemin Township, in an AG, District. This continued meeting began with the testimony from interested parties.

This meetings testimony began with Joseph Randall Masching, 7170 Highway 135, New Salisbury Indiana. Mr. Masching owns property in the area. He is speaking on the behalf of himself and his parents, who also own property in the area. They are concerned about noise, pollution in case of a spill, and well water as well as property values. A question was asked if his family had had well problems. Mr. Masching remarked that they needed to dig a deeper well at one time. He questions that if a lot of water is pulled from the ground would the well go dry again. He thinks there has to be a better place in the county that is less populated, as less susceptible to water drop. Mr. Masching inquired about some documentation, and a copy of the applicant's explanation document was provided to him.

Craig Cramer, 26925 E – 2000 North Rd., Saunemin, IL. provided testimony relative to this zoning case. Mr. Cramer's property is one mile north and east of Rt 47. Mr. Cramer questioned applicant representative as to how much water a plane holds. Mr. Peterson answered that a plane holds 300 to 800 gallons depending on the plane, with 2 to 5 gallons being applied per acre. So this would be for up to 120 trips a day using up to 60,000 gallons of water a day. Mr. Cramer asked about Pontiac Flying Services lease with the City of Pontiac. This lease has three years left on it, from a lease of 10 years.

Mr. Cramer questioned the Peterson's if they would support an increase in windmills in the area. The Peterson's replied that they would not support them as they are a hazard to their business. Mr. Cramer remarked that he supported Ed and Jane Wiebers concern for this project. Upon questioning Mr. Cramer replied he had lived in the area for 43 years, and that he has not had water problems, in that he has a pretty good well, thinking he got lucky on being on a good vein of water. Mr. Cramer noted some area wells are not as good as his well.

Phil Corban, 23699 E – 1900 North Rd., with his property just east of the proposed runway. He asked the board to vote no, because of the noise and congestion that would be added to the area. He has been in the area all of his life, and it is a nice quiet neighborhood. Mr. Corban then commented on water concerns. He noted that old quarry areas are full of water, that may be considered for a water source, and a site closer to these quarry water sites may be better for their operations. Mr. Corban does not have any water problems currently. He had problems in 1988, and since then he has drilled a newer well 103 feet deep. Water usage continues in drought years for crop spraying. Mr. Corban mentioned that the Nutrien pond was dry in 1988, and he is afraid we may have another drought in the future and that is when there would be well problems.

Rick Vitzthum, 16814 N - 2500 East Rd., 1.5 miles to the southwest of the subject property, while owning property just a across the road from the subject property to the southeast. Mr. Vitzthum has a concern with the surface drainage coming off of the subject property with the runways and parking lots. He commented about how their water would cross their property, and more surface water would cross their property, of which he has an issue with, in that the existing drainage is not the best. Mr. Vitzthum's family has had the farm for 75 years, and he plans to keep it. He has concerns with the Wiebers problems. He has not had well problems, but he is aware of an area well that went down this past summer.

Jerry Stout, 26025 E - 1900 North Rd., just north of the proposed runway, had three issues, one being his well, as he has run out of water. His second issue is the noise as he is a 1/3 of a mile north of Mr. Weibers, and Mr. Stout's fiancée who lives in the house goes to bed at 6 pm and gets up at 2 am, would have trouble sleeping the proposed airports peak times. Mr. Stout stated that they also practice competition shooting on the property.

Keith Parrish, 25582 E -1900 North Rd., ³/₄ of a mile west of the proposed runway, has concerns about his water as he raises some organic livestock. His well is 95 feet deep and he has to be cautious on his water use in the summer, which would be during the peak time of the proposed airport. Hauling water from town his not an option for him, since it is chlorinated water, which would not pass the standards for organic practices. He believes that the number of planes proposed would be a nuisance to himself and his neighbors.

Cary Schmidt, 26836 E – 1900 North Rd., ¹/₂ mile east of the north end of the proposed runway, commented on her concerns about the water situation in that they have replaced their well, and they do not know what they would do if they lost water. Her second concern is about pollution, from the planes exhaust, as she has asthma and her daughter has allergies prone to asthma, and during the summer they spend a lot of time outside utilizing a pool they put in three years ago. This pool serves as a safe place for her daughter and friends. The pollution and noise will make it more difficult to enjoy their pool, with their existing peace and quiet being affected. Noise problems could lead to high blood pressure and asthma. Her husband heart problems and several in the area would have increased stress from the noise. Her husband sleeps some days during the summer, while he works construction at which sometimes he needs to go to work at midnight. They want to maintain their rights of a safe and quiet area, with concerns of the health and welfare of some of the neighbors.

Tim Lannon, 25151 E – 1700 North Rd., a mile to the southwest as the crow flies from the runway. Mr. Lannon said that have lived in their house for 15 years, and they live there for the peace and quiet. He works in Chicago, and he has worked at the airports in Chicago on paving projects. He does not live up there because he chooses to live in the peace and quiet. He is also concerned about a water concerns, though he has not had water problems in the past he does not want problems. Mr. Lannon then commented about would happen of an accident or fire occurred on the proposed airfield, is the Saunemin fire dept. trained, and if not who pays for their training, preferably not the neighbors. He questioned where they would get water to fight a fire, hauling water would hinder fighting a fire. At Chicago O'Hare they are supposed to be on scene spraying foam in three minutes. Mr. Lannon believes that the Pontiac Fire Dept. is better prepared to respond to a fire or disaster at the Pontiac airfield. He is also concerned with noise as part of the flight path may be within a half mile of his house, and he would vote no.

Donald Immke, 18780 E – 1700 North Rd., testified that his son is a pilot for Pontiac Flying Services. Adam has been flying for the last few years. Mr. Immke remarked about the noise and how he has been out at the airport when the planes are taking off, of which he believes is lesser than when they are out working and turning in a field. Mr. Immke commented that sometimes people want the pilots to buzz their house and now there is conversation about noise being an issue. Mr. Immke believes it would be a good thing for the Saunemin area, and he wants to speak in the favor of it.

Michelle Herout, 24614 E – 1900 North Rd., commented that she had just bought her house a couple of years ago and if she knew an airstrip was coming in she would have never bought this house. She works some nights, sleeping during the days with her sleep being affected. Her dog is sensitive and may run into the fields from the noise from the planes. She also has a worry about selling her home in the future with the airport there, with no peace and quiet anywhere. She is also concerned about the water like everyone else. She does not know why they are choosing this location near rural homes. She thinks it can be placed in another area where it would not affect them and their homes. She does not see the economic value to the community.

Roger Gerdes, 17802 N – 2500 East Rd., provided information about his granddaughter with a severe sensory problem, that can get upset during thunderstorms, and they are the primary caregivers of her during the days during the summer. Mr. Gerdes presented a letter from one his granddaughter's health providers. With the potential of 120 flights being proposed, some planes may be circling, creating noise. The rights of some property owners in the area may be affected, such limiting the expansion of the area wind energy. He asked the board to vote no on this matter. The health provider letter was not accepted in that that person was not present.

James Green, 23676 E – 2000 North Rd. Pontiac, testified that he has the 38 acres behind the Schmidt's house. He has concerns about the future of the airport, in that they can also spread cover crops, and that may increase their flights and the duration of their flights in the future, into the fall. He is concerned about property values, and he is concerned about potential future use of the airport with possible increased use.

Aaron Galloway, 8270 N – 1900 East Rd., Fairbury, as an attorney representing Ed and Jane Wiebers, presented testimony relative to this zoning case. He noted that he went to the assessor's page and noted the closest house to the Pontiac Airport is about 1728 feet from the runway. An aerial photo of this house and the Pontiac Airport was marked as Wiebers Exhibit 1. Wiebers exhibit 2 was presented being a document on noise sources and their effects, which demonstrates that a plane at 1000 feet produces 88 dB, while commenting about decibels. Wiebers Exhibit 3 is about sources of aviation noise publication.

On the bottom of page 2 of this document a power run up maintenance and inspection of an airplane. He discussed easements for use of neighbor's air space, such as restrictions on neighbor's construction buildings like a grain bin on airport protection zones. Mr. Galloway noted that the FAA website provides information on how much noise is made by different airplanes. He did research air tractor airplanes. Exhibit 1 also shows the other homes in the area of the Pontiac Airplane. He commented about how distance reduces noise, and with the Wiebers being closer to the planned airport they would have more noise than the noise generated at the closest house to the house at the Pontiac Airport. Wiebers exhibit 4 is a copy of runway protection zones. Wiebers exhibit 5 is a document in considerations in granting and denying a variation. This had highlighted language that Mr. Galloway thinks is important. He mentioned hardships in reference to variations, of which they can complain about when it is self-imposed. Hardships for a variance points were mentioned. Mr. Galloway also looked at relevant case law, first being Cook County vs. Priester. Highlighted areas on page 6 of this document where read. This is relevant on implications on no lights, etc., but if approved they can do what they want according to FAA regulations, in that specific local conditions may not be allowed. The next case is Robrock vs. The County of Piatt, which address a landing strip approval by the county, that was found arbitrary and overturned by a court of appeals. Pages 7 & 8 of this document had highlighted areas, that mention use of nearby property being important. Nearby airports in this case were mentioned, if the context of a need of the airport in question. This case is important in that an airport would be putting a burden on some else's property, without compensation to the area property owners.

The board chair inquired about the Piatt County case as if that were a private airport. Mr. Galloway noted it is about a gyrocopter area. The board chair remarked that the board will need to take time to review the documents from Mr. Galloway, in that he has provided quite a bit of information.

Scott Peterson then questioned Mr. Galloway about the Purdue Study decibel levels and as what type of aircraft was used for that study, horsepower, turbo-prop or piston driven, power settings when the fly by occurred, and the propeller rpm at the time of the fly by. Mr. Galloway knew it was a propeller driven airplane, but did not know answers to Mr. Peterson's other questions. Scott Peterson addressed maintenance run-ups that were mentioned by Mr. Galloway. Mr. Galloway noted a comment from his reference document. Scott Peterson asked if Mr. Galloway had visited the Pontiac Airport to listen to the noise issues he has brought up. Mr. Galloway had not. Kris Peterson mentioned that private use airports are not as limited on developments around airports. Mr. Galloway referred to an Illinois Aviation Act to mirror as much as possible FAA information. Kris Peterson referred back to the State Illinois Department of Transportation regulations, of they would approve the site, and that the airspace restrictions are for public use airports and not private airports. The board chair asked if it was in the application, Kris Peterson said that it was specifically addressing that issue, but state regulations were referenced, with page 10 of the Illinois administrative code had explanation referring to private vs. public use. Pages 8 & 9 of this code also addressed this matter. Private use airports do not restrict developments on neighboring property. Kris Peterson asked about decibel levels on grain bin fans, of which Mr. Galloway did not know. Mr. Galloway noted that the FAA has information on sound related to airports. Issues that communities can look at regarding airports.

The board chair indicated that she would review the documents that Mr. Galloway provided to the board, as to how they would be accepted as evidence. The board chair will also want to review the cases, noting that some information related to variances not to special uses. The board chair indicated we will not finish tonight.

Mr. Galloway related that he moved to Pontiac in 2012 from Chicago after growing up in Flora on 5 acres of land. He left Chicago because he wanted to get away from the noise and hustle and bustle. He moved to Fairbury to be in the peace and quiet. People have different values of property for where they want to be, questioning the value of living next to the proposed airport which would not be of personal value to him. He questioned the value of living in rural quiet areas as they go to with the development of wind farms and the proposed airport. Farm ground is valuable and farming is the best use. He noted the different values of living in rural areas compared to more urban areas, asking the board to vote no. Board member Flott asked Mr. Galloway to review Wiebers exhibit 5 and as to what it says. Mr. Galloway reviewed the hardship aspect of this document. Mr. Galloway believes that this proposal has some zoning restrictions, referring to the Rodrock vs. County of Piatt, legal case notes that land around it is agriculture in nature and zoned therefore, being a negative factor for that proposed airport.

The Board Chair then had some questions for the applicant about relocating to the subject property from the City of Pontiac, in part of concerns of shut downs. Kris Peterson said they did not have any shutdowns, but did have access to their facilities limited one year, so they needed to use trucks to load their planes, so they worked around it, including concerns with no airplane tie downs. In a question about benefits to the Saunemin area with seasonal jobs. They hire about 9 seasonal employees to load aircraft and maintain the property. An engine run up enclosure was asked about. They not plan on having one. Would a condition of the special use be needed. Kris Peterson believe that one is not needed because they only use 50% power for this, and a takeoff would be noisier. No one has one in similar facilities nationwide. They were asked about water available in case of a crash, they would hope to have at least 8000 gallons. Additional water sources were asked about and answered in general terms. Pontiac Airport cannot be sold, and it is classified differently. A question on how much water is used per acre regarding ground application vs. aerial application. Ground application is 10 to 15 gallons per acre and aerial application is 2 to 5 gallons per acre. Most of their applications are 2 to 3 gallons per acre. A flight pattern map was asked about, the map provided to the regional planning commission, was incorrect. They are not required to have flight patterns, but they try to avoid houses. Kris drew on an aerial map, how they would take off, generally with the same routes back in. Chemical storage was then discussed. The Illinois Department of Ag would permit as a farm chemical facility, with Kris Peterson referring to the engineered drawing that they had provided that includes containment area.

In regards to the main water sources, Kris Peterson noted that water supply is their concern and the neighbors concern, and they have not intentions to affect local water supply, while needing water for their business. He noted that Prairie State Water Systems had provided water well information from the area and they do not believe that their water usage should be a problem, given the time it will have to recharge during their off season. The sand and gravel system in the area provides good water. A test well has been suggested with a test of that test well, and the recharge for the well. Mr. Peterson then presented a map of area wells with a title of Illinois Groundwater resources, with wells marked with estimated yields which included drilling records with several records indicating a potential production of 50 gallons per minute. Kris Peterson indicated that records that the Village of Saunemin averages 32,500 gallons of water use a day, their average use is 690,000 gallons of water 4% of the Saunemin water use, with an average of 46,000 gallons a day, so a new well should serve them, but if not they will truck water from another source. This would not increase traffic on the road. Their water needs is their issue and they will find a solution, trucking water in. It was noted that these findings differ from the testimony from the area residents, can the difference be explained. Kris Peterson referenced the information without knowing the difference.

A pump being used may not be pumping the capacity of the area wells. They do not know if they will be on the same aquifer that the Village of Saunemin is on.

Closing statements were discussed to begin, as part of a discussion of how the board is to proceed concerning the hour.

Kris Peterson then said he has some additional information he would like to present now. Kris Peterson noted his certificates and degrees. In addressing the City of Pontiac, they have a fine relationship with the City of Pontiac, they just have an opportunity to improve their situation on family owned property. As far as taking the project somewhere else, the subject property is family owned land, with geographic benefits for their proposal, with flat land with no major obstacles and is located on a main all weather road, that intersects with another close by highway. The Village of Saunemin setbacks will prevent further wind energy development near the planned airfield. They have land a mile long in length. These benefits would be difficult to find in other areas. Other rural airstrips do not meet their needs. Maintenance issues were discussed. The FAA and Dept. of AG would inspect their property. The additional traffic planned for the site would add only 40 extra vehicles, only 2.2 percent increase in vehicles during potential peak activity. Their economic issue is that they provided a unique service to the area farmers and their crops. The efficiency of use of aircraft was then discussed. The benefit of using their services was discussed in regard to return in investment. They have a millions of dollars impact in the area, up to 9 million dollars. They have pride in their work. They house outside pilots in area housing, with them using local businesses such as restaurants supporting the area economy. They support several area organization and activities. They have a peak season in which 80 percent of their business is done. So they have a short condensed season. They meet county ordinance requirements for setbacks, and they ask for approval of their proposal. A question of this being geographically located was asked, with Kris Peterson saying most of their work is southeast of Pontiac.

Scott Peterson noted that he is owner of the business, and he mentioned his credentials. In regards to noise, he broke it down to the loudest noise would be 5 to 10 but he will skew it to 15 seconds during takeoffs, with 120 takeoffs a day it would be 1800 seconds a day or 30 minutes in a 24 hour day. Quieter airplanes would not be used. Landings noise are less than 5 seconds so only minutes of noise would be heard. Mr. Peterson then noted that several grain dryers on bins are located in the area. Grain dryers run continuously when operating, with a 24 hour continuous noise levels. He does not remember people coming out to hear the noise levels at Pontiac airport. During their three week period they will have a total of 12.6 hours of continuous noise, less than what is generated by bin dryers. They plan on being good neighbors, they are professional in what they do.

The continuation of this zoning meeting was then discussed, considering the hour.

A conclusion that the zoning board could meet to continue the review of this case on March 11th.

William Flott moved, seconded by Richard Kiefer, that his public hearing for Livingston County Zoning Case SU-3-19, Pontiac Flying LLC be continued to March 11, 2020 at 7:00 pm.

This motion was approved by a voice vote of all ayes.

This part of the hearing on this day ended at 10:20 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