

**WESTFIELD TOWNSHIP  
BOARD OF ZONING COMMISSIONERS  
SPECIAL MEETING  
JULY 26, 2011**

Chair Sturdevant called the special meeting of the Westfield Township Board of Zoning Commissioners to order at 7:32 p.m. Permanent Board members, Anderson, Brewer, Brezina and Sturdevant were in attendance. Board member Kemp was absent. Alternate board members Zweifel was also absent. Other individuals in attendance: Ron Oiler, Zoning Inspector Matt Witmer, Gary Harris, The Drakes, Tim Kratzer, The Kerrs, Monica Ulteras and Fire Chief Fletcher

**Chief Fletcher's comments on Clean Energy and the installation of Liquefied Natural Gas Fueling Station at Pilot-8924 Lake Rd.**

Chief Fletcher stated he met with Buck Adams from Medina Emergency Management and his staff to discuss this type of fueling station. He stated he also contacted Mr. Greg Kauffman, a fire inspector in Newark, Ohio where they have a small scale LNG fueling station. Mr. Kauffman's relayed that his concern was how these fueling systems were constructed. He stated that the local gas company was the main source of information as to how such systems were installed and to date commented that they have had no issues with the system. Chief Fletcher stated his concerns were the protection around the tanks i.e. the bollards. He added that he would prefer a vertical LNG tank over a horizontal tank because it would reduce the exposure around the tank. Chief Fletcher added that there were over two hundred parking spots where truckers can park at Pilot and the general area where the LNG tanks would be located was right in the middle of that. Also the land slopes towards where the tanks are proposed. Chief Fletcher stated he did not have an issue with either tank as long as it was properly installed and protective and safety measures were place however a vertical tank would have less exposure.

Chief Fletcher continued that he also reviewed Clean Energy's Emergency Response Plan and the only time local emergency services had to be notified was if there was a category 3 incident (critical disaster). Chief Fletcher stated he would want to be notified of any incident regardless of the level Clean Energy has imposed.

Ms. Brewer asked if special training would be required for the Fire Dept. regarding this system? Chief Fletcher interjected that he would want that to be a requirement. Ms. Brewer also asked if there were surveillance cameras to prevent any mischievous behavior or tampering. Chief Fletcher stated he did not know about cameras but the tank would sit on a 4 ft. concrete wall with a 6 ft. fence around it so he did not know if that would be an issue. He added that the Ohio Fire Code does not address such fueling systems to the extent he would like it to, because it was such new technology but the fire chief he contacted in Newark said the local gas company was very informative.

Zoning Inspector Witmer stated on the site itself there are several light posts and he was concerned about them possibly being too close to the tanks in the event one of them fell

**Page 2 Westfield Twp. Zoning Commission Sp. Meeting July 26, 2011**

especially the post on the east side. He added that the two existing bollards were also ready to come out of the ground and would need to be replaced.

Ms. Monica Ultreas from Clean Energy addressed the Commission. She stated that regarding their Emergency Response Plan, the fueling system was monitored 24-7 by electronic gauges and that information is communicated via the internet. She added she was willing to make as part as their approval that the local emergency services be notified about any/all incidents whether major or minor and would give the Fire Chief all the contact names and numbers accordingly. Regarding training, Ms. Ulteras stated that training would be provided at the building inspection level of the project. The project engineer and manager who oversees the construction also provides the training.

Chair Sturdevant asked who would respond in the event of any incident? Ms. Ulteras stated they have a local staff in every community they have built a system. Headquarters is in Seal Beach, California but Clean Energy has staff throughout the country. The sites are also visited on a daily basis to ensure proper functioning of the system. She commented that in the 15 yrs. they have built these systems there have been no incidents. Ms. Ulteras reiterated that should be willing to indentify what light posts needed to be relocated or restored. Ms. Ulteras stated that Clean Energy was a publicly traded company and took pride in their product, construction and safety measures.

Ms. Ulteras continued that regarding a vertical tank vs. a horizontal tank, Clean Energy prefers a vertical tank as this is the system that is most standard and manufactured however; both systems function in the same manner and are safe. The reason they decided not to go with a vertical tank is that it would require a variance. Ms. Ulteras commented that as a result of the direction and position of the Township, Clean Energy did purchase a horizontal tank for this site.

Chair Sturdevant asked if it was accurate that when Clean Energy was notified about the height restrictions, they did not want to go before the BZA to request a height variance for a vertical tank and wait to move forward with the project. Ms. Ulteras responded that she was informed that Pilot has exceeded height restrictions and signage, and therefore Clean Energy did not want to proceed with a vertical tank and wait for a vote which could be a denial. Also, Clean Energy would need to go before the BZA for a variance for the logo sign on the tank regardless of whether the tank was vertical or horizontal and felt it was in the best interest of Clean Energy to limit their exposure and to ask for the least amount of variances from the Township.

Chair Sturdevant stated that former Commission member Miller asked that other agencies be contacted regarding LNG fueling systems. She added she contacted Mr. Kurt Prinic who is the Director of the EPA for Medina County located in Twinsburg, Ohio, Mr. Shawn Vadas who is a subcontractor for the EPA who handles air control issues as well as Mr. Ed Steele from the Public Utilities Commission of Ohio. Both agencies stated that regulations on natural gas in Ohio are more stringent due to certain type of shale that is

**Page 3 Westfield Twp. Zoning Commission Sp. Meeting July 26, 2011**

more abundant in this area of the country. The EPA stated they were also in the process of closing many nationwide loopholes in the regulation of natural gas. Chair Sturdevant stated she was also provided information that under Chapter 4906 of the Ohio Revised Code there is the authority of a Power Sighting Board as well as definitions. The PUCO was not certain if Clean Energy would fall under the regulations of that board but Mr. Steele said he was going to contact the Attorney General today to find out who would be responsible for such regulations. Chair Sturdevant stated that Mr. Steele told her not to move forward with the approval process this evening until he received information as to who was to be involved in the approval process.

Chair Sturdevant continued that the subcontractor for the EPA Mr. **Fadiou** sent her a list of exemptions on different types of tanks for air quality and commented that Clean Energy may be exempt but he would need to do some research to clarify that. She added that all the individuals she spoke with would like to set up a meeting with Clean Energy to determine what agencies would be responsible for the approval process for this type of fueling system since this was such new technology. Chair Sturdevant stated she would like to see a meeting set up with both agencies and Clean Energy before a final determination was made.

Ms. Ulteras stated that Clean Energy was exempt from EPA regulations and would be willing to provide a letter to that affect. Ms. Ulteras added she was willing to accommodate the Township but was concerned that every time she appears before the Commission, additional information surfaces and in turn then makes it difficult for her to go back to headquarters and report more delays in the process. Ms. Ulteras continued that regarding the article Chair Sturdevant provided at the last meeting about the vapor cloud incident; that happened in the 1040's. The materials were used in an improper manner and this incident triggered the regulations that were in place today.

Ms. Ulteras stated at the planning and zoning level they introduce the concept, scope of work, layout of the site, flow of traffic, etc. When they submit to the building department that was a whole other arena consisting of construction plans, electrical, materials, etc. Ms. Ulteras stated it was at this time that local energy providers were notified. Ms. Ulteras said she understood the concerns of the Township, but added it was imperative the Commission make a decision this evening. Ms. Ulteras went on to say that she understood the cautiousness of the Ohio EPA and PUCO because this would be the first such system in this state. However she respectfully requested the talk be about the concept and land use and not the technicality or operation of the system because that would be looked at by the Medina County Building Dept. She added it would be at this point she would be willing to bring in any individual who would be responsible in addressing those technical aspects about the operation. Again Ms. Ulteras stated she would be willing to write specific conditions to be complied with on the site plan to obtain approval for this system as she had to move forward with this project.

**Page 4 Westfield Twp. Zoning Commission Sp. Meeting July 26, 2011**

Chair Sturdevant stated she appreciated Ms. Ulteras accommodations to the Township but believed per her conversations with the EPA and PUCO that the Commission was not to move forward until a definitive answer was received from them about who was responsible in the approval process. She added in Ohio zoning also was to consider the health, safety and welfare of the community. Chair Sturdevant asked that Clean Energy provide their exemption letter as that too may make the process more simplified. Ms. Ulteras interjected that she wished that was relayed to her sooner so she could have brought it with her to which Chair Sturdevant responded that she just heard back from these agencies today.

Ms. Ulteras stated she understood and added she provided any/all information on safety factors to the Fire Chief and would also accept providing the exemption letter from the EPA but stressed she had to move forward with the project accordingly.

It was then asked how Trustee Harris if the Zoning Commission should move forward with this site plan without first hearing back from the EPA or PUCO? Trustee Harris asked how long it would take to hear back from the EPA/PUCO? Chair Sturdevant stated she would put Ms. Ulteras in touch with them and she could contact them directly. Chair Sturdevant stated that both agencies seemed surprised they were not contacted when this project originally started.

Ms. Ulteras responded that if they were dealing with compressed natural gas (CNG) they would have to tap into an existing gas line and would be required to obtain permits to see if a line could be tapped, what the pressure of the line was and if Clean Energy could be accommodated on that line. She added Clean Energy builds compressed natural gas systems throughout the country as well. CNG gas is used with smaller vehicles like taxi's and shuttles. LNG is for larger vehicles like tanker trucks. LNG is natural gas but cooled to (-) 268 degrees Fahrenheit putting it into a liquid status. This process is done at one of our plants. Then it is transported by means of a tanker to various gas stations. A hose is connected from the tanker truck to the permanent tank on site and is offloaded. EPA approval is not needed to operate a LNG system.

Mr. Brezina asked how often the tanks were filled? Ms. Ulteras stated it depends on the usage but probably on a daily basis. She added they build their sites where they know that there is a tanker fleet that will be converting their vehicles from diesel to LNG.

Ms. Ulteras stated planning and zoning approval allows Clean Energy to submit to the building department and this goes through the technical process. She added she would like to set up a conference call with not only the agencies mentioned by Chair Sturdevant but Chief Fletcher, Chair Sturdevant and the Zoning Inspector and their engineer and chief operating officer for Clean Energy. Ms. Ulteras commented that this type of fuel helps the environment which produces much less emissions and therefore that is why EPA permits are not required.

**Page 5 Westfield Twp. Zoning Commission Sp. Meeting July 26, 2011**

All Commission members except Chair Sturdevant agreed to move forward with a vote with conditions mentioned to be made to the site plan. Chair Sturdevant stated she had concerns with the vertical tank versus the horizontal tank. Also she wanted confirmation by the EPA and PUCO regarding the approval or exemption of such permits by those agencies if applicable.

Mr. Tim Kratzer (5669 Greenwich Rd.) addressed the Commission. He stated he was a Township Trustee for many years as well as a Zoning Commission member. He said that the Commission is to review compliance for use, setbacks, height restrictions, etc. He suggested the Commission go ahead and approve the site plan with conditions and felt the issue of the EPA/PUCO would be handled at the County level. Zoning Inspector Witmer interjected that if permits were needed from the EPA and or PUCO the Medina County Building Dept. would stop their approval process until that was produced.

It was then asked of Fire Chief Fletcher if he would require a vertical tank to be built? Chief Fletcher responded he would prefer a vertical tank over a horizontal tank due to the exposure factor, so if a horizontal tank was built there would need to be reinforcement of the area. Chief Fletcher stated he was not requiring the tank to be vertical. He added the Fire Code spells out that the bollards had to be 4 inch diameter, concrete filled, 36 inches tall and a spacing of 4 ft. between bollards.

Chair Sturdevant asked what the height of the vent stack would be if vertical versus horizontal? Ms. Ulteras responded the vent height stack was 20 ft. regardless of whether the tank was vertical or horizontal. Chair Sturdevant stated that made her more secure regarding the different tank types.

Mr. Anderson asked how tall was a vertical tank? Ms. Ulteras stated approximately 54 ft.

Chair Sturdevant made a motion to approve the site plan for a Liquefied Natural Gas fueling system for Clean Energy to consist of a horizontal tank at Pilot Travel Center located at 8924 Lake Rd. with the following conditions:

1. Clean Energy Emergency Response Plan will notify Local Emergency Services of any/all incidents regarding the LNG fueling system.
2. Training will be provided of all Emergency Services Staff and Fire Dept. will take place at the time of building final inspection.
3. The relocation, repair or removal of lamp poles within the immediate compound
4. The protection of the site shall be in compliance with Fire Code 1301:7-7-03
5. Clean Energy will provide approval/exemption letters from EPA/PUCO.



**Page 6 Westfield Twp. Zoning Commission Sp. Meeting July 26, 2011**

It was seconded by Mr. Anderson.

ROLL CALL-Sturdevant-yes, Anderson-yes, Brewer-yes, Brezina-yes.

**MISC.**

Chair Sturdevant stated Zoning Commission member Miller has formally resigned. The Trustees named Mr. Greg Brezina as a permanent member of the Zoning Commission. The Trustees have also agreed to allow for a small reception for Mr. Miller to recognize his service to the Township. This reception would be held based on Mr. Miller's availability.

**APPROVAL OF MEETING MINUTES**

**June 28, 2011 meeting minutes**

Ms. Brewer made a motion to approve the June, 28, 011 meeting minutes as amended. It was seconded by Mr. Brezina.

ROLL CALL-Brewer-yes, Brezina-yes, Anderson-abstain (not sitting at meeting)  
Sturdevant-yes.

**July 12, 2011 meeting minutes**

Mr. Anderson made a motion to approve the July 12, 011 meeting minutes as amended. It was seconded by Mr. Brezina.

ROLL CALL-Anderson-yes, Brezina-yes, Brewer-abstain (not sitting at meeting)  
Sturdevant-yes.

Chair Sturdevant stated Pilot has revised their site plan to put the previously approved DEF tanks underground so therefore another meeting would need to be set for review and approval.

Chair Sturdevant made a motion to set a special meeting for the revised site plan for Pilot Travel Center on August 23, 2011 at 7:30 p.m. It was seconded by Ms. Brewer.

ROLL CALL-Sturdevant-yes, Brewer-yes, Brezina-yes, Anderson-yes.

**Announcements**

Zoning Commission Reg. Meeting-August 9, 2011 @ 7:30 p.m.

August 23, 2011 @ 7:30 p.m. Special meeting of Zoning Commission for revised site plan for Pilot.

**Adjournment**

Having no further business before the Commission, Mr. Anderson made a motion to adjourn. It was seconded by Ms. Brewer.

ROLL CALL-Anderson-yes, Brewer-yes, Brezina-yes, Sturdevant-yes.

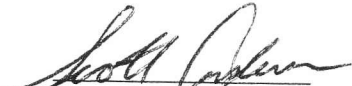
**Page 7 Westfield Twp. Zoning Commission Sp. Meeting July 26, 2011**

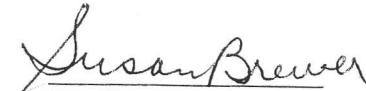
The meeting was officially adjourned at 8:52 p.m.

Respectfully Submitted,  
Kim Ferencz, Zoning Secretary

  
Heather Sturdevant, Chairperson

  
Greg Brezina

  
Scott Anderson

  
Sue Brewer