

WINDSOR CHARTER TOWNSHIP PLANNING COMMISSION
REGULAR MEETING – APRIL 8, 2015
MEETING ROOM – 7:00 PM

The regular meeting of the Windsor Charter Township Planning Commission was called to order by Chairman Sandy Pray at 7:00 pm.

Present: Pray, Burton, Blair, Rumsey, Johnson and Bergamini.

Absent: Brija

Also Present: Jim Foulds, CPS; Marcie Dailey, Clerk; Chris Patterson, Township Attorney.

Bergamini moved and Rumsey seconded to approve the agenda as presented.

Carried: 6-0

Bergamini moved and Johnson seconded to approve the minutes of the previous meeting as presented. Carried: 6-0.

Hear Public Present on Agenda Items:

Nate Gambill, a representative of the Attorney General's Office, representing the Michigan State Police on behalf of Jim Harkness; stated that the Michigan State Police object to granting the final site plan due to their opinion that the facility is too close to the State Emergency Operation Center (in violation of state law); the SEOC is located within the ½ mile radius evacuation zone if there is a hazardous material release. The MSP is concerned that the CNG facility would pose three different types of risks to the safe operation of the SEOC: toxic materials, fire and blast hazards. MSP states that the SEOC is the nerve center of the State's logistic operations and that if the final site plan is approved it violates the "Zoning Enabling Act".

Sue Butler, Supervisor of Windsor Charter Township, made the comment that the State of Michigan should have informed the township of their plans of building the SEOC on that location.

Marilyn Lahr, property owner and owner of CNG; purchased the property on the contingency of the rezoning application being approved, which it was; questioned many of the points made in the Attorney Generals letter; questioned what risk analyses Mr. Harkness used; also question #9 of Mr. Harkness' affidavit.

REPORTS:

Board of Trustees: Blair reported that the Township Board will meet on April 14 and the SUP for CNG will be taken up; there are issues concerning Blue Water Village Phase II concerning the sewer system (looking into number of REU's that BWV has)

Board of Appeals: None.

Board of Review:

Chairman Pray announced that there were 50 appeals presented to the Board of Review and the Board is finished with their work until July.

Reports & Announcements: None.

UNFINISHED BUSINESS:

Clarification of the December 10, 2014 minutes.

Chairman Pray read the following statement:

“It was the unexpressed intent of the Windsor Charter Township Planning Commission to recommend to the Township Board to grant the Special Use Permit to PBML Holdings (CNG) for properties listed in the application to support a Compressed Natural Gas fueling station. This motion was made by Commissioner Bergamini and seconded by Commissioner Johnson; subject to conditions being met.”

The Planning Commission’s recommendation will be sent to the Township Board to make a decision.

Comprehensive Plan Update.

Chief Miller distributed the Windsor Township Emergency Services Projected Major Expenditure Forecast so the Comprehensive Plan committee could possibly incorporate this forecast into their plan. Mr. Foulds complimented the joint committees on their cooperation with each other and the pleasant working atmosphere that was created. As mandated by the review there will be a joint Public Hearing sometime around mid-July of 2015.

CNG Final Site Plan.

Mr. James Mullins, HP Legacy, stated that PBML Holdings, INC. is a transparent company and works hand in hand with local fire chiefs and inspectors. He left a prosperous company in California to come to work for this company due to its ethics. Mr. Mullins talked of pressure release devices used on the supply tanks; talked about very small release of gas; verified with Chief Miller that Chief Miller was satisfied with the monitoring of the facility; stated that even the Federal Government is changing its fleets over to CNG; and there are CNG fueling stations in Grand Rapids, Ann Arbor and Detroit.

Marilyn Lahr made the point that during Hurricane Katrina one of the major problems was getting fuel to the rescue workers and emergency workers. With a CNG fueling station in the area of the SEOC it might be an asset to them to be able to obtain fuel.

Jaye Bergamini questioned Chief Miller about his condition #5. Upon clarification of condition #5 from Chief Miller, the applicant will be able to meet all conditions.

Chief Miller’s 7 conditions are listed below:

- 1) The applicant be required to provide training on the safety systems installed at the facility to Emergency Services prior to becoming operational.

- 2) The applicants provide to Windsor Township Emergency Services a copy of all validation reports and or information required under NFPA 52:4.4.1. This is required for their State Storage Tank permits and will assist us with the pre-planning of facility.
- 3) The applicant be required to provide Windsor Township Emergency Services the name/address Emergency Contact Number and Estimated Time of Arrival of the applicants chosen maintenance company to the site prior to the actual storage of any CNG on site.
- 4) That the applicant purchase and install a commercial Knox Box, mounted in a mutually agreeable location that will hold keys for the facility. (Application available from the Chief).
- 5) That the applicant's video feed be monitored by the maintenance company 24 hours a day, 7 days a week. (Security).
- 6) Windsor Township Emergency Services to receive copies of all completed plans for the facility.
- 7) The applicant be required to appear before the planning commission for a special use permit review prior to any additional storage of CNG on the site over the amount of the 161,000 SCF as described in drawing C-3 dated 2-10-15.

Jim Foulds reviewed his Staff Report, dated April 2, along with the supplemental information, dated April 6. Mr. Foulds' final recommendation is as follows:

That the final Site Plan dated 2-10-15 for the construction and occupancy of a 7600 square foot equipment yard, vending, electric room, and four compressed natural gas fueling stations on approximately 7.51 acres to be located on Lansing Road as described in the application legal description be approved subject to the following conditions:

- 1). That the Windsor Charter Township Board of Trustees review and approve the Special Use Permit, as recommended by the Planning Commission, for the construction and operation of a compressed natural gas facility to include a 7600 square foot equipment yard, vending, electric room and four fueling stations on the subject parcel.
- 2). That the applicant comply with the recommendations of the Emergency Services Department in the communication of 3-19-2015 concerning emergency services training, compliance with NFPA 52: 4.4.1, provision of local maintenance contact information, installation of Knox Box system, 24/7 site monitoring and the provision of final construction plans to the Township.
- 3). That, prior to the issuance of building permits for the proposed use, that the Emergency Services Department approve, in writing, the applicant's compliance with Condition No. 2.
- 4). That the applicant shall comply with required permits and requirements of documented local, state and federal agencies that may regulate the proposed use prior to the issuance of building permits.

- 5). That the Eaton County Drain Commissioner, prior to the issuance of building permits, shall review and approve the drainage plans and soil erosion and sedimentation plan as submitted with the 2-10-15 site plan documents.
- 6). That the applicant apply for and receive approval from the Township for a land combination application which describes the combination of the metes and bounds parcels in the site plan application into one legally described parcel.
- 7). That the site plan recommended for approval does not include any development or use of Parcel 3 as described in the site plan document and which has frontage on Billwood Highway. Any future development within this so-called Parcel 3 area will be subject to further review under the Windsor Charter Township Zoning Ordinance.
- 8). That the final site plan document include the location and design of parking spaces for maintenance staff which does not conflict with the normal operation and traffic flow on the site.

Commissioner Bergamini questioned Chief Miller on how did he describe hazardous material release. After his satisfactory answer **Commissioner Bergamini moved to approve the CNG Final Site Plan, dated 2/10/15, subject to:**

- 1) **The applicant meet the 7 conditions discussed in the letter from Chief Miller dated 3-19-2015. (see 1-7 conditions listed above).**
- 2) **Adoption of conditions #1-8 set forth on page 5 & 6 of the April 2, 2015 Plan Review made by James Foulds, the Township's Planning Consultant (see 1-8 conditions listed above).**

Seconded by Commissioner Johnson. Approved: 6-0

NEW BUSINESS: None.

HEAR PUBLIC PRESENT ON ANY SUBJECT:

Nate Gambill renewed the objection of the Michigan State Police to grant the final site plan.

Marilyn Lahr thanked the agencies and the office staff for their help and cooperation. Ms. Lahr also stated that the State had received a site plan.

With no further business **Johnson moved and Bergamini seconded to adjourn the meeting. Carried: 6-0.**

Adjournment: 8:20 pm.

Marceal J. Dailey, Clerk
Windsor Charter Township

