

As Approved October 12, 2006

1 **MINUTES OF REGULAR MEETING**

2 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

3 1776 E. Washington Street  
4 Urbana, IL 61801

5 **DATE:** July 13, 2006

6 **PLACE:** Lyle Shield's Meeting Room  
7 1776 East Washington Street  
8 Urbana, IL 61802

9 **TIME:** 7:00 p.m.

10 **MEMBERS PRESENT:** Doug Bluhm, Dennis Goldenstein, Debra Griest, Joseph L. Irle, Melvin  
11 Schroeder

12 **MEMBERS ABSENT :** Richard Steeves, Roger Miller

13 **STAFF PRESENT :** John Hall, J/R Knight, Leroy Holliday

14 **OTHERS PRESENT :** Ted Kronas, Angela Fred, Kevan Parrett, Frank Kamerer, Doug Emkes,  
15 David Nelson, Tom Knuth, Doug Turner, Don Wauthier, Roy Humphrey,  
16 Rob Eden, Wes Meyers, Gene Bateman, JoAnn Wozniak, Lou Wozniak,  
17 Michael Tague, David Phillippe, Tom Puracchio, Jack Lawlor

18 **1. Call to Order**

19 The meeting was called to order at 7:04pm

20 **2. Roll Call and Declaration of Quorum**

21 The roll was called and a quorum was declared present

22 **3. Correspondence**

23 None

24 **4. Approval of Minutes**

25 Mr. Bluhm moved, seconded by Mr. Irle to approve March 30, 2006 minutes without any additions or  
26 corrections.

27 Ms. Griest asked the Board if the agenda could be rearranged to call case 538-AM-06.

28 Mr. Bluhm moved, seconded by Mr. Goldenstien to rearrange agenda. Motion carried by voice vote.

29 **5. Continued Public Hearing**

30 Case 538-AM-06 Petitioner: Roy Humphrey and Pat Cook d.b.a. Cook Construction. Request: Amend  
31 the zoning Map to change the zoning district designation from Ag-2 Agriculture Zoning District to R-

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1 **1 Single Family Residential Zoning District. Location: The west 3.3 acres in the Northeast Quarter of**  
2 **Fractional Section 1 of Mahomet Township that is commonly known as 3.3 acres of farmland on the**  
3 **west side of Crooked Creek Subdivision and fronting on the CR. 2400N on the south and Limb Drive**  
4 **on the north.**  
5

6 Mr. Hall stated the petitioners had contacted the Planning Office in May of 2006 wanting to change their  
7 property zoning from AG-2 to R-1 Residential. Mr. Hall said ever since the variance case on the nearby  
8 property the petitioner was considering dividing their property and with the restrictions on division of lots  
9 less than five acres in area he said a variance or a rezoning would be necessary and since the property is  
10 located near a public water supply a rezoning would be more feasible. He said Mr. Humphrey has already  
11 started the platting process with the Village of Mahomet and the Village Planning & Zoning Commission  
12 has recommended approval of final plat and the petitioner is here for the re-zoning. He said that JR. Knight  
13 has photos of the property for the Board to review.  
14

15 Ms. Griest asked the board if they have any questions for Mr. Hall and there were none.

16 Ms. Griest called Wesley Meyers.  
17

18 Mr. Wesley Meyers of Vegrzyn Sarver stated this request for re-zoning has a positive recommendation from  
19 the Village of Mahomet for plat approval. He said with regard to the water district it is within the Sangamon  
20 Valley Public Water District and the public water main is along the front of the property on Limb Drive so  
21 the intent is to connect with 1 inch water services to that main and install an additional fire hydrant on a  
22 common property line. He said the plans have been submitted to the Sangamon Valley Water Public District  
23 and the General Manager has approved the plans. He said that regarding the sanitary sewer, there were soil  
24 classification samples taken on each lot and forwarded to the Village of Mahomet for review. He said it has  
25 not been determined but the system may be a combination of aeration and conventional septic. A drain tile  
26 has been provided on the plans from the detention basin along a common lot line through the middle of the  
27 subdivision to act as a collector or perimeter curtain wall drain around the septic system to dewater the  
28 seasonal high water.  
29

30 Ms. Griest asked the Board if there were questions for Mr. Meyers and there were none.

31 Ms. Griest said that concludes the signatures on the witness register to present testimony at this time and  
32 asked if there was anyone else who wished to testify. at this time and there were none.  
33

34 Ms. Griest asked the Board if there was any information they needed or did they want to move to the  
35 Summary of Evidence and Documents of Record and there were none.  
36

37 **Summary of Evidence Documents of Record**  
38

39 Mr. Hall stated the testimony that Mr. Meyers gave regarding the tile outlet for curtain drain should be added  
40 on page 5 under item 15C regarding the adequacy of an individual septic system for the proposed  
41 development. Mr. Hall said he would like to add that as a new item 4 and renumber the following. Wes  
42 Meyers of Vegrzyn Sarver & Associates testified at the July 13, 2006, meeting that an outlet for curtain  
43 drains is to be installed along the common lot lines between lots 2 and 4 and 1 and 4. He said the Soil

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1 Potential Rating Handbook that we use indicated that a curtain drain is generally recommended for this type  
2 of soil.

3  
4 Mr. Bluhm asked Mr. Hall if the plan to add an additional fire hydrant could be included.

5  
6 Mr. Hall agreed that could be added as new item 15D(2) which would read Wes Meyers of Vegrzyn Sarver  
7 & Associates

8  
9 testified at the July 13, 2006, meeting engineering plans for the subdivision indicates a fire hydrant to be  
10 installed between lots 1 and 2 and that the Sangamon Valley Public Water District has approved the  
11 engineering plans.

12  
13 Ms. Griest asked Mr. Hall if he wanted to add anything about the letter of acceptance being submitted.

14  
15 Mr. Hall answered think that it should be adequate to just mention it with the fire hydrant.

16  
17  
18  
19 **Finding of Fact**

20  
21 Mr. Hall said the first decision point in the Finding of Fact is at item 15C in regards to adequacy of an  
22 individual septic system.

23  
24 Mr. Hall said asked Ms. Griest if 15C could read, based on the adequacy of an individual septic system for  
25 the proposed map amendment conforms based on the adequacy of the proposed septic systems in place of the  
26 property.

27  
28 Ms. Griest read item 15C.

29  
30 Mr. Goldenstein stated that item 15C conforms based on the adequacy of the proposed septic systems in  
31 place on the subject property.

32  
33 Ms. Griest read item 15E.

34  
35 Mr. Goldenstien stated that in item 15E the proposed map amendment conforms.

36  
37 Ms. Griest read item 21.

38  
39 Mr. Bluhm stated that item 21 conforms to policy 1.2 regarding transportation facilities because lots 1 and 2  
40 will have frontage on Limb Drive. and lots 3 and 4 will have frontage on CR 2400N. Mr. Bluhm said that  
41 both roads will provide adequate access to these lots and the lots will not cause a significant increase in  
42 Annual Average Dailey Trips for these roads. Mr. Bluhm said that in regards to Policies 2.3, 2.3A, 7.3 and  
43 7.3A and overall adequacy of utilities, the proposed map amendment conforms.

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Ms. Griest read items 26.A. and 26.B.

Mr. Goldenstein said, that based on the review of the relevant residential and agricultural land use policies and goals, the proposed map amendment conforms to this policy in regards to preserving agricultural land and open space because the amendment will not result in residential development intruding further into productive agricultural areas and encourages new residential development in an area having access to utilities and adequate fire protection.

Ms. Griest read items 28B. (1). and 28B. (2).

The consensus of the Board was that overall the proposed map amendment achieves the third general land use goal.

Ms. Griest read item 29.

The consensus of the Board was that the fourth general land use goal will be achieved by the proposed map amendment based on conformance or achievement with the proceeding policies and goals.

**Mr. Irle moved seconded by Mr. Goldenstien to adopt the Summary of Evidence, Documents of Record and Finding of Fact as amended. Motion carried by voice vote**

**Mr. Bluhm moved seconded by Mr. Schroeder by to close the public hearing. Motion carried by voice vote.**

Ms. Griest informed Mr. Humphrey and Mr. Meyer that the Board was short two members short and it is at your direction whether we proceed to the Final Determination with the Board members present. Ms. Griest stated positive approval would require four votes in your favor. Ms. Griest said you can continue this case until a night when you have all members present.

Mr. Humphrey said he would like to proceed with the board members that are present.

**Final Determination in Case 538-AM-06**

**Mr. Irle Moved, seconded by Mr. Goldenstien that pursuant to the authority granted be Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that the Map Amendment request in Case 538-AM-06 should be enacted by the County Board.**

The roll was called

<b>Mr. Bluhm-yes</b>	<b>Mr. Goldenstein-yes</b>	<b>Mr. Irle-yes</b>
<b>Mr. Miller-absent</b>	<b>Mr. Schroeder-yes</b>	<b>Mr. Steeves- absent</b>
<b>Ms. Griest-yes</b>		

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1  
2 Mr. Hall said this case will go to the County Board in August and everyone would receive notice.

3  
4 **6. Continued Public Hearing**

5  
6 **Case 520-AM-05 Petitioner: Gene Bateman, owner Dave Phillippe, agent HDC Engineering Amend**  
7 **the Zoning Map Request: Amend the Zoning Map to allow for the development of five single family**  
8 **residential lots in the AG-1 Agriculture Zoning District by adding the Rural Residential Overlay**  
9 **(RRO) Zoning District. Location: a 23 acre tract in the North 631 feet of the East 1042.7 feet and the**  
10 **South 545 feet of the North 1960 feet of the East 641 feet, all of the 2of the Northeast 3 of the Section**  
11 **29 Township 21 north, Range 7 East of the Third Meridian, Champaign County, Illinois.**

12  
13 Mr Hall stated this case was continued from the April 13 meeting and the approved minutes are attached  
14 and the minutes approved tonight from the March 30, 2005 meeting were the first meeting for this case. Mr.  
15 Hall distributed a map and letter from Mr. Bateman and People Gas.

16  
17 Ms. Griest asked if there were questions for Mr. Hall and there were none.

18  
19 Ms Griest called Mr. Gene Bateman.

20  
21 Mr. Michael Tague stated he is an attorney and represents the Mr. Bateman's.

22  
23 Mr. Tague stated that Dave Phillippe would be presenting a new site plan that attempted to address the  
24 concerns raised by other witnesses and the board. The concerns centered around several things including a  
25 concern about visibility at the corner and the new site plan will show a rather sizable visibility triangle to  
26 completely mitigate problems that could be associated with visibility and end up with a better situation than  
27 having corn all the way to the corner. He explained that there was a concern with the number of mailboxes  
28 and driveways and they have proposed to mitigate those by essentially having double entrances for two of  
29 the lots and double entrances for two of the other lots so the site plan goes from five driveways down to three  
30 and covenants will be put in the deeds so that there would have to be double mailboxes on the double  
31 driveway so that it goes from five mailboxes down to three. The drainage tile has been located and is drawn  
32 on Mr. Phillippe's map and initially there was a request for a 75 foot easement by the drainage district so  
33 that's drawn in there and they will comply with that but there may have been additional comments from the  
34 drainage district that they may want an 80 foot easement and we could provide with that too if that five feet  
35 were significant. He said that Mr. Bateman has contacted the Highway Commissioner for Newcomb  
36 Township who has no objection with this development. Mr. Tague said that whether this goes through or not  
37 he hoped that some of the concerns relative to the condition of the road will be met with the road  
38 commissioner putting the oil and chip necessary for the existing roadway. Mr. Tague also stated that Mr.  
39 Bateman also received the letter from People's Gas of July 12<sup>th</sup> and had printed out part of the relevant  
40 regulations but he would need a chance to verify the math on the impact zone.

41  
42 Ms Griest called Mr. Dave Phillippe

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- 1 Mr. Phillippe said he did not have any more to add to what Mr. Tague has already stated.
- 2 Mr. Phillippe distributed maps for the Board to review. Mr. Phillippe said he would answer any questions
- 3 the Board may have.
- 4
- 5 Mr. Irlé asked if Mr. Phillippe would comment on statements made at the last meeting about homes that are
- 6 built too close to the pipeline.
- 7
- 8 Mr. Phillippe stated he had not looked into the regulations regarding separation of homes from the pipeline
- 9 but it is incumbent upon the pipeline company to protect the home owner.
- 10
- 11 Mr. Bluhm referenced the map and asked Mr. Phillippe if the field tile is a 24 inch tile.
- 12
- 13 Mr. Phillippe answered yes.
- 14
- 15 Mr. Bluhm asked if the 24 inch tile enters and exits the property.
- 16
- 17 Mr. Phillippe answered yes
- 18
- 19 Mr. Hall answered tract 1 seems to have the largest difference between the center line and the line of the
- 20 swale and the field tile. He said he didn't know if the Board had to see a drainage easement for the swale
- 21 itself rather than the tile but it looks like the proposed field tile easement does not include the center line of
- 22 the swale.
- 23
- 24 Mr. Phillippe agreed and said it appears that the tile is diverting from the centerline of its greatest location
- 25 although it was not located at that exact point so it could vary from what's shown. He said the intent is to
- 26 create a non-buildable area that would be defined by the dashed lines that would encompass the tile and the
- 27 waterway and the highwater area that's defined where the water would go over the road if the drainage
- 28 structure would become full or inoperable.
- 29
- 30 Ms Griest asked if there were any additional questions and there were none.
- 31
- 32 Mr. Tom Puracchio stated he is a manager of gas storage for People's Gas north of Mahomet. He said he
- 33 worked for people's Gas for twenty two years and was in field storage for five years in Fisher, Illinois. Mr.
- 34 Puracchio stated they have over 190 wells in the area. He said the natural gas is stored about 4000 feet below
- 35 the surface and the pipelines are from 3 to 5 feet deep and about 40 square miles and covers the Brown, East
- 36 Bend and Condit Twp area including the property in question. He said that it covers some parts of Blue
- 37 Ridge Twp. in Piatt County. Mr. Puracchio stated they began drilling in 1959 and injecting gas in 1960. Mr.
- 38 Puracchio said they have about 70 miles of gas pipelines, water pipelines, and alcohol or methanol pipelines.
- 39 Mr. Puracchio said the purpose of his attendance tonight is to provide information to the Zoning Board and
- 40 the potential land owners and residents with information so they make a more informed decision on the
- 41 property. He said he would like the Peoples Gas easements rights be reflected on public record and on all
- 42 plats associated with the property. He said that Peoples Gas has the right to enter the property and access
- 43 those lines and wells and maintain them or install new ones and it is important that the Board and the

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1 property owner is aware of that. Mr. Puracchio said most of the lines are 12 inches and others are 8 ¾ inches  
2 with a maximum of 2000 psi.

3  
4 Mr. Bluhm asked Mr. Purracchio how often do they test those lines.

5  
6 Mr. Puracchio answered about every five years.

7  
8 Mr. Irle asked what is the life of the pipe.

9  
10 Mr. Puracchio said it's hard to say but some has been down since the 1920's.

11  
12 Ms. Griest asked if there were any additional questions and there were none.

13  
14 Doug Turner Newcomb Twp. Drainage District representative said he is not here to oppose or support the  
15 project but is here to ask what we would like to have if this proposal is approved. He said that instead of the  
16 75ft easement the drainage ditch commissioners would like to see an 80ft easement. Mr. Turner said the 80ft  
17 would fall in line with the flood area and would like to see this change in writing if this project is approved.  
18 He went on to say they would not want any permanent structures or trees and the grass maintained as well as  
19 no hookups to the tile without written approval. Mr. Turner said they would like the Bateman's to grass the  
20 entire waterway to help with drainage not just the lots. He said he believes that Peoples Gas does a good job  
21 and tries to work with people but he believes that the homes would be too close if they were put in the  
22 impact area.

23  
24 Mr. Irle asked Mr. Turner if there were any catch basins along the district tile.

25  
26 Mr. Turner answered no.

27  
28 Mr. Irle asked Mr. Turner if there are any lateral tiles.

29  
30 Mr. Turner said he's not sure but believes there is a 15 inch. lateral in a proposed area.

31  
32 Mr. Irle asked Mr. Turner if there any tile blowouts other than the eastside by the bridge along tract 4.

33  
34 Mr. Turner said that's the only one he's aware of but its a few years since any other repairs were done on this  
35 tile.

36  
37 Ms. Griest asked the Board if there were any additional questions and there were none.

38  
39 Mr. Wozniak said he like to correct a statement regarding distance and 200 meters for a class 2 high impact  
40 distance area not 300 meters was the correct distance. He said Mr. Batman is not in class 2 so that does not  
41 apply to him.

42  
43 Ms. Griest asked if there were any additional questions and there were none.

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Ms. Griest said that concludes the witness register for this case.

Mr. Hall said the Board received a lot of new evidence this evening and did not get a chance to review it in great detail and those who provided the information was worked hard in trying to get to you. He said Mr. Bateman would like some direction of how to proceed. Mr. Hall said he would advise not taking any action until you take time and review all the material and come back at the next available meeting date. Mr. Hall said any guidance you can give Mr. Bateman or myself would be appreciated. He said if you feel that the plan needs revising Mr. Bateman can begin working on it.

Ms. Griest asked if the board has any comments or discussion at this time.

Mr. Hall said the board should make of this information what it can. Both of the petitioners have were notified in the beginning that there are gas lines in this area and at the time it was not clear what that meant. Mr. Hall said he'd like to know what the regulations say about this density versus a greater density but when it comes down to it the pink area is the impact area no matter if it's one house or five houses or fifteen houses.

Mr. Hall said tract one has buildable area outside the pink area but tract three is entirely in the pink area, tract four is entirely in the pink area , tract two is not entirely in the pink area but if it's not in the pink area it is the area it's in the high water area of the drainage swale.

Mr. Irle said the pink area was developed by the United States Department of Transportation and the impact area is based on actual events and hr feels it would be less than responsible not to take this under consideration in dealing with the impact area.

Mr. Hall asked if the concern is that any lot have a realistic buildable area outside the pink area.

Ms. Griest stated that driveways and structures would not be permitted across the easement for drainage tile.

Mr. Bluhm stated he is concerned about the weight on the drainage tile area and especially when there is digging and using a backhoe. He said the shaking of those tracks can crush the tiles especially during construction.

Mr. Hall said these will be plat act lots and there won't be a platted subdivision, and the board could require providing notice to purchasers of these lots. He said that even if it's in the pink area and it's in this part of the county then they should know there is a Manlove storage area below them. He said that like with any lot that would have some part in the pink area the Board could require some covenant or notice to all purchasers.

Mr. Schroeder said he farms over a pipeline and is not sure how deep it is in the ground but they were two blowouts in twenty years on it when they first put it in because they put it in wrong or something but they are in contact with us. He said on both ends of his property there is a pressure gage that they know of and they



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1 would notify us if it would be immediate property damage.

2  
3 Ms. Griest asked Mr. Schroeder if there were any issues he would like to see resolved before this case comes  
4 back.

5  
6 Mr. Schroeder said he has never experienced anything like this before. He said on his property his tile runs  
7 parallel with the pipeline so he never had to cross a tile.

8  
9 Mr. Blum said he is concerned about the 90 foot easement and feels we need more clarification because if  
10 the easement can be increased if another line is installed when does it end.

11  
12 Mr. Goldenstein asked Mr. Puracchio how deep the pipeline is.

13  
14 Mr. Puracchio answered approximately 3 to 5 feet.

15  
16 Mr. Irle asked Mr. Puracchio how old is the pipeline on the Bateman property.

17  
18 Mr. Puracchio answered it was installed in the 70's.

19  
20 Mr. Irle asked Mr. Hall if there were any structures on the property at this time.

21  
22 Mr. Hall answered yes. Mr. Hall went on to say the Board demonstrated a concern about homes being built  
23 in the pink area as well as homes constructed along the drainage district tile area. He said there is a request  
24 for a grass waterway through the whole property.

25  
26 Mr. Irle asked Mr. Hall if the property is tillable.

27  
28 Mr. Hall answered yes. Mr. Hall said if the petitioner took another look at tracts 2 and 3 he may find more  
29 farm ground left there in the revised site plan.

30  
31 Ms. Griest said the next available slot is August 31.

32  
33 Mr. Blum moved, seconded by Mr. Irle to continue Case 520-AM-06 to August 31, 2006. The motion  
34 carried by voice vote.

35  
36 Mr. Schroeder moved, seconded by Mr. Irle for a 5 minute recess. Motion carried by voice vote.

37  
38 Ms. Griest called the meeting back to order

39  
40 **Case 542-AM-05 Petitioner: Louis and Jo Ann Wozniak Request: Amend the Zoning Map to allow for**  
41 **the development of 35 single family homes in the AG-1 Agriculture Zoning District by adding the**  
42 **Rural Residential Overlay Zoning District to the subject property.**

43 **Location: An 81.5 acre tract of land located in the E ½ of SW ¼ of Section 22 of Newcomb Township**  
**and located on the west side of Il. Rt. 47 between CR 2600N and CR 2650N**

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Mr. Hall stated the subject property was not best prime farmland, so the conditions of any approval would just be that the land is suitable for this number of lots and is compatible with surrounding agriculture. He explained that with an RRO of this size the Summary of Evidence is pretty extensive and the department received just this week a packet of information from People's Energy regarding the pipelines that are on three sides of this property on the north, east, and south and there is also an adjacent well on the property to the west. He explained that the board members got that submittal, and there were 10 extra copies on the table tonight and more copies could be made for anyone who didn't get a copy although on the copies for the public the map was in black and white so it wasn't quite as easy to read.

Mr. Hall stated that a late request was sent to the engineer to do an engineering review on this proposed subdivision. He explained that the engineering review is primarily related to the existing swale and the proposal to relocate it and carry the drainage in the roadside ditches, but since the request was sent out late and the engineering review is not back yet. He also explained that he had a concern at the north end of the property where the swale is proposed to be relocated on Lots 115 and 116. He explained that on these and some of the other lots the swale is going to be filled and he was concerned about what that might mean for septic suitability. He said that everything he can find in the Soil Survey and the Soil Potential Ratings indicates that a lot of the soil on this property is wet soil. He explained that the Petitioner has done some perc tests at three locations or maybe five locations and but he did not know how good perc test results are at indicating wet soils. He explained that if this moved on to a full subdivision there would have to be some kind of a soil investigation on each lot and he presumed that might find something different.

He concluded the brief overview by stating that the information in regards to the gas pipelines might mean that this plan needs to be revisited but hoped that the board could give some direction. He also summarized the tables that compare this to typical conditions on page 14 of the Summary of Evidence: for two factors the property is "ideal or nearly ideal" conditions relating to flood hazard status and environmental concerns, for three factors the property is "much better than typical" conditions for road safety, effects of nearby farms, and the LESA score; its "more or less typical" conditions for three factors availability of water, emergency services, and drainage; and "much worse than typical" conditions for two factors septic suitability and other hazards and that's related to the gas pipeline.

Mr. Knight passed out photos of the subject property to the board members.

Mr. Hall added that one frontage protest was received on this case so far from a neighbor to the north who had a very small frontage and so that protest by itself would not trigger the supermajority requirement but frontage protests are additive. He also added that the department had received several calls about the case.

Ms. Griest asked if there were any questions for Mr. Hall and there were none.

Mr. Louis Wozniak distributed material to the board members and staff. He stated he was the co-petitioner with his wife Jo Ann. He handed out a sheet showing the order of the presentation and with drawings stapled to it.

Mr. Wozniak explained that the project location is in Newcomb Township on Rte. 47 approximately four miles north of Mahomet on the west side of the road, section 22. He explained that on the next page is the proposed layout that is really a concept plan and not even preliminary yet. He noted that there are some

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1 lots including outlots and two entrances and that on the drawing north is to the right and Rte. 47 is along the  
2 bottom of the page. He also explained that the property is located between CR 2600 on the south and 2650  
3 on the north.

4 Mr. Wozniak explained that they intended for this to be a rural subdivision in all terms because they know  
5 there are individuals that would like to live in a rural setting, yet are not empowered to own a farm nor  
6 willing to or wish to own a farm. He explained that the lots range anywhere from 1.2 to 2.8 to 3 acres lots,  
7 which is a manageable size for a family and that they would like it to be family oriented and noted that there  
8 are a great deal of cul-de-sacs and they are a very safe area for children to play rather than being on the main  
9 lane through and make great playgrounds. He stated that he is also discussing this with Mahomet and with  
10 Fisher as potential for incorporation with those municipalities.

11 Mr. Wozniak noted on the next page that the subdivision is bordered on the north by a residential area and it  
12 is bordered on the west by a farmstead and it is bordered on the east side, north quarter by a farmstead. He  
13 explained the area is residential in nature which would explain the residence less than half a mile to the south  
14 and the idea of residential is already there and there is nothing new about it with this subdivision. He stated  
15 that the work is going to be done by Farnsworth and Farnsworth is a reputable developer and they will meet  
16 all zoning regulations of the County and the state. He stated that their preference would be to have it as a  
17 County type of rural development.

18 Mr. Wozniak noted a correction he wanted to make to the preliminary memorandum on page 12 where it  
19 stated that the property is bordered to the north by a gas pipeline and it is not, there is a water pipeline to the  
20 north not a gas pipeline and the gas pipelines are along the east side and south side only. He also  
21 commented on the overall ratings on page 14 of the Preliminary Memorandum. He stated that he would not  
22 argue with words like "ideal or nearly ideal" nor "much better than typical" but he asked if the "much less  
23 than typical" on availability of water was for the County because he knows there areas in the County where  
24 you can drill and not get too much. He explained that the subject property happened to be sitting on the  
25 Mahomet valley aquifer so he would believe that it is "better than average". He explained that it is being  
26 serviced by Mahomet fire department but Mahomet fire department has an agreement with Fisher and  
27 Mahomet is about four to five miles away and Fisher is about four to five miles away so it really has two  
28 responding emergency units instead of just one. He stated that in regards to drainage he would let the  
29 drainage experts fight that one out.

30 Mr. Wozniak stated that gas lines have to be upgraded by Ameren inside Champaign or Urbana so while  
31 there is a pink area on this map and the Board might be afraid of pink that is not the purpose because if that  
32 were the purpose then if the gas company needs 600 feet on each side they should have gotten an easement  
33 of 600 feet on each side but they don't and it's as simple as that. He stated that he should have mentioned in  
34 the other case that there was a commentary made in the minutes of the previous case from the previous time  
35 and he was quoted as saying that the gas company must remove its lines and the minutes show that's what he  
36 said but he did not believe that is what he said but he might have. He explained that what he believed he  
37 said is that when the density of homes or when the class location changes then the gas company must  
38 increase the safety factor of its lines or move the lines and as he understand it there was at least one case in  
39 the Manlove reservoir where a line was actually moved because it was not feasible to upgrade it there and  
40 they had to move it. He stated that he fully agreed that they have the easement and the easement they have is  
41 over his property and he has no question that they can do whatever they want in that easement but while they  
42 are doing that they have to meet the federal regulations and if they can't do it there then they have to get an  
43 easement somewhere else. He explained that they have to meet that and they have a certain period of time

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1 and he thought it is something like two years after a change in class location and after two years they must be  
2 in accordance to the regulations. He stated that he did not know if there is a tape that he can look at and  
3 correct it but he said it here and if he said it incorrectly he stands corrected and he appreciates catching it  
4 but he did not believe that he didn't mean that and he knew that all along that that was the case.

5 Mr. Wozniak said that he was now working on the handout and the rest of his notes are from the material  
6 that he received and that everyone received from People's Energy. He stated that he already said something  
7 about the potential impact radius and he noticed that People's Mr. Puracchio's memo or notes refer to  
8 192.901, which defines the potential impact radius but he did not mention 192.609/611 which specifically  
9 says that it is the responsibility of the utility to fix so that they are in accord with the federal regulations. Mr.  
10 Wozniak explained that the packet he handed out has the relevant clauses in there so they can be digested by  
11 the members of the board. Mr. Wozniak pointed out that there are ten or twelve houses along 47 in the pink  
12 area and that actually increases the safety because that line will have to be upgraded if it is not already  
13 meeting the specifications so it will actually be a safer place for people like Mr. Kameron who resides on the  
14 northeast corner right across 47 and he is within the pink area and will be safer because the line will be a  
15 safer line. Mr. Wozniak also referred to the discussion of noise from venting operations on occasion and  
16 this is a critical issue because Chicago could be half supplied on a cold winter's night by Manlove. Mr.  
17 Wozniak stated we have public alert sirens that blare out around homes and those at least have to be loud  
18 because they have to alert the residents of some impending danger but the pipe at the injection wells he  
19 assumed that is where they do the relief because it would not be from the line and those don't have to be  
20 noisy. He explained that automobiles have mufflers and mufflers are pretty much standard technology and  
21 it's probably \$500 worth of reshaping the port where the gas exits will quiet it down to where it wouldn't  
22 disturb anybody. Mr. Wozniak also noted that the frequency of venting was not cited but it states that this  
23 can happen and sure homes within the urban setting can blow up and lines can blow up. Mr. Wozniak  
24 explained that when the tornado struck Ogden ten years ago there were so many fires and so many leaks and  
25 so many torn meters that the power company had to shut off the gas in order to fix them so things can  
26 happen. Mr. Wozniak went to their page three comment one that they say that the total easement is 90 feet.  
27 He explained that three pipelines, thirty feet a piece, 90 feet, he can multiply but it turns out their pipelines  
28 are all within the first 30 or 40 feet along Rte. 47. Mr. Wozniak said look at the implication of what this  
29 really means and this means that if they put all their pipelines within 30 or 40 of Rte. 47 then they have three  
30 easements, 30, 30, 30. He explained that the grant paper that's recorded does not state where these  
31 easements are and there is no dimensioning of them so how they could conceivably come back to a farmer  
32 who has a pipeline through the front of his house and say hey my second easement or my third easement  
33 happens to go through your bathroom you better remove your sewage disposal, whatever. He stated that if  
34 what they say is true, then this could conceivably be done because they did not use those easements, those  
35 easements are free, and there are no pipelines there. He also noted that the easement was granted in 1965  
36 and in 1980 the easement was renewed and subtracting 65 from 80 gives 15. He explained that he has not  
37 checked this out with legal council and he was just giving a presumption at this time but for some reason or  
38 another 15 years after the original they renewed it and the easements are not in perpetuity. He continued that  
39 from 1980 to 2006 it's been 26 years and the easements have not been renewed and are the easements really  
40 still there and is there such a thing as squatter's rights why have they not been renewed again, or reaffirmed?  
41 Mr. Wozniak noted on page four the comment number 3, the County subdivision articles and they quote  
42 this and give the number, easements shall contain no structure and/or accessory buildings, private or public  
43 easements, ok that sounds reasonable, they have an easement, I keep my house off of it, but what they ask the

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1 board to do is the following: the People's version is prohibit garages, tool sheds, and paving, this means that  
2 the farmer with a homestead which has given an easement can't really have a driveway going over it. Mr.  
3 Wozniak explained that it turns out that in the plan he very carefully avoided placing any driveways and  
4 there's no access to 47 and all access is internal specifically to keep paving off. Mr. Wozniak explained that  
5 he did not feel bound to not put a perimeter walking path or a perimeter bicycle path and he stated that he  
6 had a perfect right to do that.

7 Mr. Wozniak stated that had a couple other questions on Mr. Puracchio's memo and he was wondering on  
8 page 5 there is a list of questions and question 1 is did the board check whether the proposal is consistent  
9 with minimum lot requirements. Mr. Wozniak said that is almost derogatory and his experience has been  
10 that the board and staff are overly careful about these things. Mr. Wozniak continued with question 2, cul-  
11 de-sacs 1300 feet in length; well the proposed plan that was given clearly shows the scale and it shows that  
12 there are no cul-de-sacs there are greater than 800 or 900 feet in length. Mr. Wozniak stated that's all and he  
13 hoped that it has not been too long and he was open to questions from the board.

14  
15 Ms. Griest asked if there were any questions for Mr. Wozniak from the Board.

16  
17 Mr. Irle asked if Mr. Wozniak received any payments for easements.

18  
19 Mr. Wozniak answered that he did not receive any payment for the easement at this time but that he did not  
20 think that the easement continued payment but he was not sure but the person he bought it from may be  
21 receiving payment. He stated that for the easement it's reasonable to assume that its where the line is located  
22 and there's a gas line, a water line, and an alcohol line, and they are all within the first 30 feet or so, so what  
23 are we doing out at 90 feet, why are they claiming they have an easement out there. He stated that it's not  
24 specified in the easement agreement where it is but it's only reasonable to assume that if an easement  
25 agreement has been performed that the pipeline is on that easement agreement. Mr. Wozniak asked if that  
26 answered Mr. Irle's question.

27  
28 Mr. Irle stated not quite and it indicated in the easement that's recorded that you should receive a payment  
29 and that's why I was wondering if you received a payment or whether you forfeited those in the exchange  
30 process.

31  
32 Mr. Wozniak stated that at this time he received no payment and that he never questioned that.

33  
34 Mr. Goldenstein stated that payment was to be received on or before May 1<sup>st</sup> each such calendar year at \$45  
35 per acre.

36  
37 Mr. Irle stated that the petitioner submitted a drainage report on May 20<sup>th</sup> of this year and was wondering if  
38 he was going to submit an updated drainage report because the current report states that there will be 35  
39 residences built.

40  
41 Mr. Hall stated that 35 residences is the correct number.

42  
43 Mr. Wozniak stated that he wanted to add something about the perc test that he did. He explained that he did

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1 one in March when there was water in the ditches and there was ponding on the surface and when he dug  
2 down 27 inches there was water there and when he did the perc test the last six inches obviously did not go  
3 down but they did just barely meet the six inches in six hours requirement. He explained that when he did it  
4 two weeks ago, though, the water just went straight down, it was not a problem, but it was marginal in  
5 March.

6  
7 Mr. Goldenstein asked Mr. Wozniak how long he had owned the property.

8  
9 Mr. Wozniak answered that he and his wife bought it earlier this year and he thought it was in January.

10  
11 Mr. Goldenstein asked if Mr. Wozniak knew the pipelines were there when he bought the property.

12  
13 Mr. Wozniak answered of course.

14  
15 Mr. Bluhm asked Mr. Wozniak if he knew what size the drainage tile under the swale was.

16  
17 Mr. Wozniak answered that he inspected the tile when a culvert was put in on CR 2600N and at the time he  
18 thought it was a twelve-inch tile. He then went and asked Kevin Furtney, who is the road commissioner, if it  
19 was a twelve-inch tile and he said it was a six inch tile. Mr. Wozniak didn't recall that being the case so he  
20 went back and dug up pieces of tile that turned out to be twelve inch tile and he went back to Mr. Furtney  
21 and said the tile appeared to be twelve inches and Mr. Furtney said that was the settling basin. Mr. Wozniak  
22 thought that seemed a little skimpy and maintained that it was a twelve inch tile but admitted he didn't know  
23 for sure. Mr. Wozniak added that the tile was in very poor condition because there were pits along the swale  
24 where the tile goes under, and this is the usual sign that something is broken and the soil is dumping into it.

25  
26 Ms. Griest asked if there were anymore questions for Mr. Wozniak.

27  
28 Mr. Wozniak said that the drainage tile he dug up would be replaced and maintained and he said there was  
29 no question about that because it would serve double duty because it will also carry the effluent from the  
30 property's sumps and things like that.

31  
32 Mr. Irle asked Mr. Wozniak if he intended to keep the waterway as it was shown on the map of the Shiloh  
33 Swale Subdivision.

34  
35 Mr. Hall pointed out that the map Mr. Irle was looking at was from the Natural Resource Report.

36  
37 Mr. Irle asked if Mr. Wozniak intended to maintain the tile along the whole length or just along the spot he  
38 dug up.

39  
40 Mr. Wozniak answered that he would maintain the tile along the whole length. Mr. Wozniak also mentioned  
41 that there was one significant difference between the Concept Plan in the Preliminary Memorandum and  
42 what he was now planning. He explained that and the plan showed a four acre outlot that was to contain a  
43 detention pond and everyone seemed to agree that a detention pond was unnecessary, so he was now

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1 planning to not have a detention pond and leave that whole area as a wilderness type of area. He said that he  
2 spoke with John Jay of the fire department and Mr. Jay neither approved nor disapproved of the subdivision  
3 but did state that he could service it. The Mahomet school system neither approved nor disapproved but said  
4 they could service the subdivision and Kevin Furtney the road commissioner also stated he did not  
5 disapprove of it and he could service the area.

6  
7 Mr. Goldenstein asked Mr. Wozniak if he was saying that the density of lots he was going to place along the  
8 pipeline would require the pipeline company to upgrade the pipes.

9  
10 Mr. Wozniak answered absolutely, that's federal regulations unless there's a chance that the pipeline already  
11 meets the more stringent requirements for the 10 homes per mile area and in that case they don't have to do  
12 anything but if it doesn't then within two years they have to bring that to the higher safety standard.

13  
14 Mr. Goldenstein asked if he heard the pipeline company testify during the last case that they have the right to  
15 add additional pipelines wherever they want on the property.

16  
17 Mr. Wozniak answered that he thought that was a legal question and he could only offer his feeling on the  
18 issue which was that they have three pipelines and they claim to have thirty feet a piece for easement and if  
19 they add one they would have to take one out.

20  
21 Mr. Goldenstein said he had one hypothetical question and he mentioned that the way Mr. Wozniak  
22 described the layout of the proposed subdivision, with the cul-de-sacs that they make very good playgrounds  
23 and if the cul-de-sac in the pink zone were there and there were children playing in that cul-de-sac with  
24 neighbor kids and whatever, and you had a ruptured pipeline, what would happen?

25  
26 Mr. Wozniak answered that probably the same thing that would happen if there were kids in the backyard of  
27 a house and it blew up because of a natural gas leak in the house.

28  
29 Mr. Goldenstein said that Mr. Wozniak testified that the pressure in a house was very minimal compared to  
30 these pipelines.

31  
32 Mr. Wozniak answered that the pressure has nothing to do with it because the house will fill up with gas and  
33 when it blows up it will take the whole yard. He said that as a matter of fact, although he didn't know this,  
34 but from his engineering knowledge he would guess that a 2000 PSI pipeline would cause less havoc than a  
35 1000 PSI because it would be such an intense heat that it would draw like a chimney so that all the air from  
36 around would come in radially toward that and the wind could not shift it. The blowing up of a house will  
37 kill you just as dead. He said that he understood that in the incident in 1998 the side of a house was scorched  
38 by the gas but in a case like this if the house is off then everyone gets into their garage they get in the car and  
39 away they go. He stated that's the reason for the federal regulation or else the regulation would read do not  
40 build in flashing pink zones but that's not what it reads, it reads the line has to be upgraded to take that into  
41 consideration. That's what was done in Champaign-Urbana when the city moved on to the high pressure  
42 pipelines then they had to be upgraded.

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1 Ms. Griest asked if there were anymore questions for Mr. Wozniak. There were none.

2

3 Mr Tom Puracchio, Manager of Gas Storage for the People's Gas, Light, and Coke Company, stated that as  
4 he had said before he has been with People's for twenty two years and has been the manager of the gas  
5 storage field for the last five. He said that he neglected to mention before that he is an engineer and has a  
6 degree in Industrial Engineering from Bradley University. He stated he would like to repeat most of what he  
7 said earlier so that it is in the record for this case as well and they operate the underground storage field north  
8 of Mahomet known as Manlove Field, and the field underlies approximately 40 square miles of ground  
9 encompassing virtually all of Newcomb Township and parts of Brown, East Bend, and Condit Townships  
10 and parts of Blue Ridge Township in Piatt County. Mr. Puracchio explained that Peoples and their affiliates  
11 began drilling operations in 1959 and began injecting gas in the early 1960's and the operations progressed  
12 to the point that they now have about 90 wells in total and they have about 70 miles of gas pipelines, water  
13 pipelines, and alcohol or methanol pipelines. He explained that the natural gas is stored about 4000 feet deep  
14 and the pipelines are in the neighborhood of 3 to 5 feet deep. He stated that the gas that is stored in Manlove  
15 field is ultimately used in the City of Chicago and as he said earlier on a cold winter day as much as half of  
16 the gas used in Chicago can come from their facility. He said that his purpose tonight is to provide the  
17 Zoning Board with information and also potential land owners and residents with information so that they  
18 can make a more fully informed decision on the property. He said that he had also requested that a certain  
19 statement be corrected and he understands Mr. Wozniak corrected that. Mr. Puracchio also requested that  
20 People's Gas easement rights be reflected on the public record and on all plats associated with the property  
21 and that one of their primary objectives is to get that on the plat so that all people will be fully informed  
22 before they buy the property and so the board is fully informed before they make a decision on the property  
23 as to what their rights are. He said that People's Gas easement rights are very clear and they are spelled out  
24 in the easement document and they are perpetual and those rights are that People's Gas has the right to store  
25 gas, they have the right to their existing pipelines and they have the right to install new pipelines. He  
26 explained that the document clearly contemplates that and provides for that and those easement rights  
27 encompass the entire parcel, the entire 81 acres and there are similar rights governing the installation of new  
28 wells near the pipeline installation. He added that People's Gas also has the right to enter the property and  
29 access those lines and wells and maintain them or install new ones and it's important that the Board as well  
30 as future land owners be aware of that. He said that he was starting to sound like a broken record but what  
31 he wanted to accomplish that future land owners and the Board and the public record indicate what People's  
32 Gas rights are. He explained that there have been several instances over the past few years where people  
33 have purchased property and a lot of times he gets phone calls on the day of the closing or the day before the  
34 closing from people wanting to know what the easement is all about and in his opinion one of the things he  
35 wants to accomplish is to move forward in educating the board and the public to the extent that this is a  
36 public hearing that People's Gas has easement rights and people need to be aware of what they are before  
37 they buy the property and he thinks that is in everybody's best interests. Mr. Puracchio explained that the  
38 proposed subdivision as currently drawn shows only thirty feet of easement for People's Gas lines and the  
39 document clearly states that People's Gas has a certain width of right of way for each line depending on the  
40 diameter of the line and in this case, these three lines each have a right of way equivalent of thirty feet. He  
41 stated that in the instances where People's Gas has three lines along the eastern boundary and along the  
42 easternmost portion of the southern boundary People's Gas has 90 feet of easement and where People's Gas  
43 has two lines along the remaining of the southern boundary People's Gas has 60 feet of easement and along



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1 the northern boundary People's Gas currently has 30 feet of easement. He explained that the document  
2 gives People's Gas the right to install additional pipelines on the parcel and while People's Gas has only one  
3 line across the northern boundary currently, the document gives them the right to install other lines. He  
4 explained that the proposed subdivision shows a bike and walking path around the perimeter and it was not  
5 clear to him from the note that it extended around the entire perimeter but he suspected that it does he would  
6 like clarification on that.

7 Mr. Puracchio stated that he wanted the Board to be aware that People's Gas does have an outstanding safety  
8 record even though there had been a lot of talk about the 1998 event. He stated there's no question that was  
9 spectacular, an eye opener, and as he stated earlier the 390 feet of impact zone the federal regulations now  
10 discuss is a fair approximation of what was seen in the 1998 event. He explained that in that event the wind  
11 was blowing from the southwest to the northeast and the farm ground was scorched for quite a distance to  
12 the northeast direction and he was sure that local people who were here at the time, he wasn't, would testify  
13 to that as well. He explained that based on the weather conditions, one shouldn't expect it to go straight up.  
14 He stated that People's Gas does take their responsibility quite seriously and they do endeavor to meet or  
15 exceed all regulations regarding pipeline safety and are not trying to avoid or setting the stage to avoid  
16 meeting those regulations and it is with their pleasure that they meet those regulations and that is what their  
17 job. He pointed out that the safety regulations do define a potential impact radius as the radius of a circle  
18 within which the potential failure of a pipeline could have a significant impact on people or property and this  
19 definition became part of the pipeline safety codes in 2004.

20 Mr. Puracchio stated that clearly the regulations do not in any way require that building not be allowed  
21 within that zone and that's clearly not the intent of the code and that's not what he was trying to tell the  
22 board but he was suggesting that the board keep in mind what that definition means and the fact that it's in  
23 the pipeline safety regulations and it is worthy of consideration and certainly worthy of knowing that its there  
24 and not just the board but future land owners or potential buyers and home builders on those lots deserve to  
25 know that before they buy the property. He agreed that the subdivision that is drawn up is not dense enough  
26 to trigger those particular pipeline safety regulations regarding that potential impact radius and the way the  
27 codes are written as many as twenty homes, or twenty buildings intended for human occupancy would have  
28 to fall inside a single circle of that radius, and clearly the way the subdivision is drawn up is not even close  
29 to that. He explained that on the other hand, the code refers to a high consequence as an identified site, such  
30 as a public place, a playground, a school, that kind of thing and if a single identified site falls within that  
31 radius then the regulations kick in. He explained that People's Gas is not suggesting to the board that they  
32 limit construction for the purpose of People's Gas avoiding the regulations but to let everyone know  
33 People's Gas' easement rights and the potential if a pipeline does rupture and it is crucial that people  
34 understand that People's Gas pipelines are at a much higher pressure with a normal operating pressure of  
35 1750 pounds with a maximum allowable operating pressure for those pipelines by code of 2000 pounds. He  
36 explained that when calculating the potential impact radius he used the 2000 pounds rating or pressure and  
37 that equates to the 393 feet and if you use the usual operating pressure of 1750 pounds it drops to 368 feet  
38 but for purpose of the regulations the regulations require that we use the maximum allowable operating  
39 pressure of 2000, not the normal operating pressure of 1750. He stated it is critical again that everyone  
40 understand that People's Gas lines are at that higher pressure and not 30 or 40 or 60 or 150 pounds that  
41 might be running through a normal subdivision or town and the impact radius is therefore much greater  
42 because of the higher pressure.

43 Mr. Puracchio stated he would like to take a moment to clear up the different sections of the code that have

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1 been talked about tonight. He explained that he has been talking about the potential impact radius and if that  
2 portion of the code is triggered pipeline companies like People's Gas have to take extra steps to ensure the  
3 integrity of the pipeline, that portion of the code is known as the pipeline integrity portion, and if those  
4 regulations are triggered; they're not in this case, but if they are People's Gas has to take additional steps of  
5 additional monitoring and testing to continually verify the integrity on that line either through re-hydro  
6 testing or some other means of collecting corrosion data or pipe condition data on that line and the pipeline  
7 integrity portion of the code does not discuss replacing the pipe or upgrading the pipe. He explained that the  
8 other portion of the code that's been brought up tonight about class location is an entirely separate portion of  
9 the code so there's an apples and oranges comparison going on here and it's one that can be easily clarified  
10 with a little bit of time but the pipeline classification portion of the code is designed to require a certain  
11 safety factor in the design pressure formula based on relative population density around the pipeline. He  
12 further explained that the higher the population density the more stringent the safety factor is built into the  
13 designed pressure calculation and if the population density increases to the point that a more stringent safety  
14 factor is required, there's no doubt that People's Gas is required to abide by that and they fully intend to.  
15 Mr. Puracchio explained that in this particular instance the pipe that is in the ground around that property  
16 already meets the more stringent requirements of the Class 2 area and as it stands right now he did not  
17 believe that People's Gas would have to replace any of the piping if the subdivision were built as proposed  
18 but nevertheless there is a distinction between those two sections of the code that discuss class location and  
19 pipeline integrity.

20 Mr. Puracchio summarized by saying that People's Gas easements are clearly spelled out in the document  
21 and are perpetual and do grant People's Gas the right to lay additional lines and do specify that there's a  
22 certain width of easement for each pipeline and People's Gas would like to have that on the property plats  
23 and to make people aware of it.

24  
25 Mr. Goldenstein asked if there were any plans now or in the future to add additional pipelines on the  
26 northern boundary of the property

27  
28 Mr. Puracchio answered they don't have any immediate plans to add additional lines there but he could not  
29 rule out the future plans.

30  
31 Mr. Bluhm stated that Mr. Puracchio was also going to clarify Part 2 of the easement that doesn't apply  
32 anymore.

33  
34 Mr. Puracchio answered that there was some discussion about an annual payment and the way these  
35 documents are written is that the first sentence after the land description states that for and in consideration  
36 of the payment of \$63 per acre and then later on in about the third paragraph it says that in the event that the  
37 consideration heretofore paid is not in excess of \$45, the grantee shall pay grantor each calendar year \$2 per  
38 acre and so in this case we paid \$63 per acre so therefore the \$2 annual payment does not apply.

39  
40 Mr. Bluhm asked if basically they paid it all up front and there are no annual payments. Mr. Puracchio stated  
41 that was correct.

42  
43 Mr. Bluhm stated that People's Gas has a 90 foot easement along Route 47 and asked if People's Gas would

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1 decide to run another pipeline and could they put it all the way to the western portion of that 90 foot  
2 easement?

3  
4 Mr. Puracchio answered that they could lay another pipeline there however, that same section has two  
5 distinct concepts and one is the width of the right-of-way and one is the placement of the pipeline within that  
6 right-of-way. He explained that the document clearly states that the pipeline does not have to be in the  
7 center of that right-of-way and the document also states that when they lay pipelines they have to be within  
8 50 feet of a highway centerline, section line, quarter line, or established fence line. He explained that under  
9 the scenario just put forth, laying it somewhere near 90 feet from the highway right-of-way line would seem  
10 to be precluded by the 50 foot requirement. He summarized by saying that People's Gas has an easement  
11 strip that is 90 feet wide which gives them access to both sides of the pipeline and builds in a little safety  
12 factor to keep people from putting a foundation or other structures next to the pipeline and at the same time  
13 there's a requirement that the pipes themselves be within 50 feet but that's two distinct concepts. He stated  
14 that the placement of the pipe within 50 feet and the width of the easement depending on the diameter of the  
15 pipeline with a certain width for each pipeline and normally speaking People's Gas wouldn't have occasion  
16 to lay more than the three they have because they carry three things: alcohol, gas, and water. He said that he  
17 thought that was contemplated when the easement was written and that's why the statement is in there that  
18 allows them to lay additional lines in the future but the prospect of People's Gas laying three lines side by  
19 side in a 90 foot strip was contemplated when the document was written, and that, in part, is also why the 50  
20 foot restriction is in there as well.

21  
22 Mr. Irle asked, in regards to the perpetuity of the easement, is the easement automatically renewable without  
23 ratification of all concerned parties.

24  
25 Mr. Puracchio answered that the easement is clearly perpetual and carries on to subsequent owners or a  
26 subsequent company that may purchase People's. He stated that there is a document in the record that  
27 indicates the document was reaffirmed but he does not know what occurred to cause that to happen but he  
28 thinks it was superfluous. He explained that People's Gas has easements over 40 square miles of property  
29 and they don't reaffirm them regularly. He suspected there was a property issue that came up and somebody  
30 asked for it to be done, so it was done as an exception rather than a rule.

31  
32 Mr. Irle stated that the only language he could find that indicated when an easement would be terminated  
33 was on the occasion of People's abandonment of the line.

34  
35 Mr. Puracchio stated that clearly if they abandon operations and abandon the lines that's a different case, but  
36 they haven't and they don't intend to.

37  
38 Mr. Schroeder stated that he could see why they would have to expand if the demand for their product would  
39 be more in the Chicago area, there would come a time when you would have to expand and have more lines.  
40 As the cities grow you have to have width there, you can't be isolated. He could see why that would happen  
41 even if houses were built over here, you could still have a pipeline pretty close to your house, and a 50 or 90  
42 foot line.

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1 Mr. Puracchio stated that what they have asked for is for the board to not allow building within their 90 foot  
2 easement and they haven't asked the board to preclude someone from building within the red zone on the  
3 map but they put that red zone there most importantly to educate the board and the public about what the  
4 pipeline safety codes say. He said that People's Gas fully recognize that the codes do not in any way by  
5 themselves prohibit anyone from building within that zone and they are not asking the board to prohibit that  
6 and it is there for informational purposes for the Board and for future potential landowners and residents to  
7 know about.

8  
9 Mr. Hall stated that he had a question not related to this case, and asked if it was often they find someone  
10 building a home within their easement.

11  
12 Mr. Puracchio answered no, not within the easement.

13  
14 Mr. Hall stated that the County permits homes in Newcomb Township all the time and it's true that the  
15 Ordinance states that the Department can't authorize construction in an easement but the Department has no  
16 record of where the easements are. He added that most of the homes in Newcomb Township aren't even in  
17 recorded subdivisions and he was just wondering how full proof the system really is but he understood Mr.  
18 Puracchio to be saying that it hasn't been a problem.

19  
20 Mr. Puracchio stated that to his knowledge there are none within an easement.

21  
22 Ms. Griest stated that she understood the premise that People's has 90 feet of easement because the easement  
23 document stated that the pipeline constructed herein need not be laid in the center of its own right of way  
24 strip, but she asked about the areas where there were less than three pipelines, if an easement were recorded  
25 in the process that says they only have a 30 foot easement, then how does that protect future landowners or  
26 People's as the easement holder in the future if they want to come in and lay two more pipelines? She asked  
27 if People's has the perpetual right to continue to go in and capture additional easement at their discretion.

28  
29 Mr. Puracchio stated they do within the constraints of the document and those are that the pipelines have to  
30 be within 50 feet and they have to follow a border of some type: a section line, a highway right of way line, a  
31 quarter section line.

32  
33 Mr. Irle asked if People's has a maximum easement of 90 feet.

34  
35 Ms. Griest asked if there was any provision in the easement document that prevented them from laying more  
36 than three pipelines other than just their current need to not have more than three.

37  
38 Mr. Puracchio stated that there was not.

39  
40 Ms. Griest stated that the document of easement and pipeline right-of-way gives People's the legal right as  
41 long as you're within the bounds of the section and road line to continue to expand your easements  
42 indefinitely within those parameters.

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1 Mr. Puracchio stated that was correct.

2

3 Mr. Goldenstein stated that was where he was going when he asked if there any plans to lay any more pipes  
4 near the property.

5

6 Ms. Griest stated that she thought that was what she was hearing but she wanted to make sure.

7

8 Mr. Irle asked if the development density would prevent People's from laying additional lines.

9

10 Mr. Puracchio stated that it would not prohibit them and they are mixing up the two different parts of the  
11 code again. He explained that the population density around the line can add additional obligations on their  
12 part and those obligations are if the class location were to change to a higher density class then they would  
13 have to use a more stringent safety factor in the design pressure calculation which means People's Gas  
14 would either have to downgrade the pipe to operate at a lower pressure or potentially replace the pipe with  
15 stronger pipe to meet that more stringent requirement. He explained that the situation here is that the pipe  
16 that's in the ground already meets that more stringent safety factor of a class 2 area so if 11 more homes are  
17 built within a mile People's Gas will have to use a more stringent safety factor in the design pressure  
18 calculation and won't be affected by that because the pipe in the ground already meets that more stringent  
19 safety factor. He said he believed it is 20 or more homes within a single impact circle and clearly that's not  
20 the case here or an identified site such as a school, a playground, or some other area of public assembly  
21 would have to fall within that circle or zone, but even if that did happen People's Gas would have to do  
22 additional monitoring and investigation requirements would kick in and they would not be required to  
23 replace the pipe in that scenario either. He explained that the federal codes are confusing and long but they  
24 are clearly understood by the company and they fully understand their obligations and fully intend to comply  
25 with them and they are not asking the County Board to relive them of any of those obligations.

26

27 Ms. Griest asked the Board if they had any questions and there were none.

28

29 **Mr. Irle moved, seconded by Mr. Goldenstein to extend the meeting 15 more minutes. The motion**  
30 **carried by voice vote.**

31

32 Mr. Jack Lawler declined to speak.

33

34 Mr. Frank Kamerer, 2648 CR 350E, stated that he owned 80 acres to the east of Mr. Wozniak's on the east  
35 side of Route 47. He stated that he has a livestock operation and he's been up there for 54 years which is  
36 longer than the gas company has been up there. Mr. Kamerer said he was gone 21 months, 10 days during  
37 the Korean War, and that's the only time he was gone. He explained that now he has got neighbors to the  
38 north of him and to the east of him and they're on 5 acre plots and some of these people have come in and  
39 built almost on top of the pipeline. He said that they don't know what they are doing and they think it's the  
40 little gas line in the city and they still want to stay there. Mr. Kamerer said he did not know why they would  
41 want to build on a gas line. Mr. Kamerer said his home is around 300 feet from the one across the road and  
42 that's too close because he was up there when the line blew and it blew a couple of years before that to the  
43 west. Mr. Kamerer said a joint blew out and it put a hole in the ground so big you could put a bus in it. Mr.

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1 Kamerer said he had problems with some of the neighbors around there trying to close his livestock  
2 business. He said at the south end of that 80 acres and a quarter mile to the east he has another livestock  
3 operation and people have called the EPA trying to put him out of business. Mr. Kamerer said the EPA said  
4 his businesses are grandfathered in but when if get him surrounded they might have a chance. He said that he  
5 raised hogs for years and now he has cattle and the people across the road and he both thinks it smells bad  
6 part of the time. Mr. Kamerer said he asks these people if they knew where they were building and they tell  
7 him that they do. He stated he doesn't want to hear one word of complaint about noise, smell, or spreading  
8 manure and no one has complained but when they get him surrounded they might get him. He said he hopes  
9 they have enough money to buy him out.

10  
11 Mr. Kamerer said when you get to the gas company, he's probably got near 2 miles of gas line and three  
12 wells and they replaced three quarters of a mile last year. He said it's been 2 years so he guesses its doing  
13 alright. Mr. Kamerer said their lines can run along roadways, fence lines and now they got one along this  
14 subdivision and he doesn't see where the demand is for it. He said we have for sale signs nearly every corner  
15 around there and why would you want to put people in danger of this pipeline. He said these pipes are man  
16 made and some day it's going to fail he said they did a pretty good job so far. He said he thinks there's going  
17 to be a playground. Mr. Kamerer asked why would someone put children on a pipeline and it just doesn't  
18 make any sense to him. He said he doesn't know if there is that much of a demand for people to move out  
19 there or not, maybe there is.

20  
21 Ms. Griest asked Mr. Kamerer how many head of cattle he has. Mr. Kamerer answered he has had 60 to 70  
22 head of cattle 35 chickens and 1000 turkeys but right now all I have is my cattle. Ms. Griest asked Mr.  
23 Kamerer if right now he has 50 to 70 head of cattle. Mr. Kamerer answered no, about 60 to 70 head  
24 including small calves.

25  
26 Ms. Griest asked if anyone had any questions and there were none.

27  
28 Doug Emkes stated in 1978 he was Mr. Kamerer's only neighbor and now there are about 70 families out  
29 there. He said he and his wife own 5 acres where the house is and the 40 acres next to the property in  
30 question and a 14 acre lake. He said there are 35 houses and mom and pop both have to work to pay for the  
31 house and some who may have homes may not have kids and others may have 2 kids. He said if you are a  
32 boy you come home and start talking on the phone to your boyfriend where do you think those 2 boys are  
33 going to be? He asked who's responsibility is it to keep them out of the lake how big of fly swatter is his  
34 wife suppose to have and who's to put up the fence and is it his problem or is it Mr. Wozniak's. He said that  
35 he was there first and you were talking about squatter's rights and he is just asking. He said he agreed with  
36 Mr. Kamerer there are houses back there for sale 3or 4hundred thousand dollars. He said the next thing is, is  
37 there a requirement of house size and what is all this going to do to the value of houses out there already and  
38 is there any concern about that. He said those are questions he and his wife have and that's the reason they  
39 moved out there. He said they are farmers and that's why they moved to the country. He said he has ground  
40 saturation problems on the 40 acres he owns and about 90 percent of that drains to the east and Frank  
41 Kamerer's drains to the west. He said the tile that Mr. Wozniak was talking about when he dug it up was a  
42 12-inch tile and it goes across the road not a drainage district tile. He said the tile that is broke down is eight  
43 to ten inches according to CFM. He said I need to know what my ground impact is going to be and if my tile

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1 is going to be plugged up. He said he spent \$9,800.00 a couple of years ago just to tile a wet spot that only  
2 drains to the east and what is that going to him and where is all his ground water going to go. He said that  
3 those are concerns of his and he thinks he has a legitimate case. He said he would like the board to take that  
4 under consideration not that he has a problem with neighbors, Mr. Kamerer has been grouchy enough for the  
5 last 2 to 3 years but he learned to live with it but if there is 35 of them he doesn't know how he is going to do.  
6 He said his main concern is who is going to keep the kids off of his property and the drainage issue. Mr.  
7 Emkes said there are county roads on both sides and he lives on Newcomb Twp. Border and the impact of 35  
8 to 70 people on that road maybe it is a good idea not to be able to pull out onto Route 47 with it bad enough  
9 as it is on that road but the impact on 2600 and 2650 what's it going to be like now. He said right across  
10 from his driveway 2 years ago they had an accident where a lady got hit pulling out of her driveway and he  
11 would like the Board to take that under review.

12

13 Ms. Griest asked Mr. Hall if he has any questions for Mr. Emkes.

14

15 Mr. Hall asked Mr. Emkes if he said he replaced some tile a few years ago connected to the tile on this  
16 property.

17

18 Mr. Emkes replied that he hooked into existing tile.

19

20 Mr. Hall asked Mr. Emkes if he knew where the tile is located.

21

22 Mr. Emkes answered he has a tile map of them.

23

24 Mr. Hall stated that if you know where tile is on the subject property this Board could require that to be  
25 taken into account here in the planning stage.

26

27 Mr. Emkes said it was all done by GPS along with the gas company and he knows they have maps of that.  
28 He said Scott Day would have provided the gas company with those tunnel maps also.

29

30 Mr. Hall said if you can provide the Board with the location of those tiles it would be much easier to take  
31 that into account at this stage rather than later.

32

33 Mr. Emkes said mine would be GPS into the existing tile and he's not saying that's all the tile that's out  
34 there.

35

36 Mr. Hall said any location you could give this Board could be taken into account.

37

38 Ms. Griest said if you could provide John those maps within the next week or so that would be great.

39

40 Ms. Griest asked if there were any other questions for Mr. Emkes.

41

42 Mr. Irle asked Mr. Emkes if he would like a fence between his property and the proposed subdivision.

43

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1 Mr. Emkes answered yes, some kind of fence. We put our pond far enough off the road so no one would ever  
2 know it was back there.

3  
4 Ms. Griest if there were any other questions for Mr. Emkes and there were none.

5  
6 Dave Nelson who lives at 2659 N Co. Rd. 350E Mahomet and he said he has a lot of issues he would like to  
7 discuss in depth but due to the time he would just hit some of the high points.

8  
9 Ms Griest interrupted and said he will have another opportunity as well and you are welcome to submit your  
10 comments in writing in advance.

11  
12 Mr. Nelson said that a lot of the people in Champaign County are like himself, surprised that we are even  
13 talking about putting a subdivision four miles outside of Mahomet in the country. He said that we have been  
14 talking about this with Peoples Gas and what the neighborhood expectations are and everybody who moved  
15 out there expected to live in the country not in a subdivision. He said that all the other properties around  
16 there are five acres plus with Doug's probably the biggest. He said in 2002 there was a change and he didn't  
17 know if everyone along with himself understood what that change was but he did not think anybody wanted  
18 the change to consist of putting a subdivision anywhere in Champaign County without it being adjoining to a  
19 city or being a proposed expansion of that city in the future. Mr. Nelson said that he is all for expansion and  
20 growth but this is four miles out, four miles north. He said it is going to be a while before this gets built in.  
21 He said there are some subdivisions that already went through with five-acre tracts and he would like to see  
22 everything continue to stay in five-acre tracts.

23  
24 Ms. Griest interrupted and asked for a motion to continue the hearing.

25  
26 **Mr. Goldenstien moved seconded by Mr. Bluhm to continue the hearing for another 15 minutes. The**  
27 **motion carried by voice vote.**

28  
29 Mr. Nelson said that the perc tests need to be reviewed because we have been under a drought and this  
30 should be reviewed under normal conditions as opposed to the drought that we had. He said that it is  
31 incomplete as to what drainage tile we need through there for proper drainage. He said that his property  
32 adjoins the creek downstream and he did not see anything with regards to an environmental impact with any  
33 of these reports on what it is going to do to the water and the erosion factor downstream. He said that the  
34 creek does flood and the creek bed does overflow and it gets to be four to five feet at times so he said he is  
35 concerned with the erosion on the backside of his property from the expanding creek and also concerned  
36 about the environmental impact which so far does not address and how water gets off of the property. He  
37 said they are not looking at the downstream effect. Mr. Nelson said that sewage factors are another concern.  
38 He said that if a subdivision gets put in there will be special problems for sewage. Mr. Nelson said that after  
39 living out here for the past ten years we have had problems with some of the septic systems out there and the  
40 neighbors have been able to work it out but there is theory and then there is practical reality. He said that  
41 finding someone to service these systems and maintain them for you is not as easy as you think it might be  
42 due to proprietary rights. Mr. Nelson said that People's Gas are great neighbors and he thinks they try to  
43 keep the gas line safe but you have to remember that People's Gas did not manufacture the pipe line that's



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1 being put in the ground. He said that the gas lines you are talking about with People's Gas are totally  
2 different than the feeder lines that run through Champaign and Urbana. He said that he was there at the 1998  
3 event and he has video of it if the Board would like to see it. He said the only caution is he could not get the  
4 camera to capture it at 3:00am because his house is one mile away from where the line blew up but he said it  
5 sounded like a jet landed on Route 47. He said the staging area for the Corn Belt Fire Department was  
6 Shiloh Methodist Church and they could not go any closer until People's Gas shut that gas line down. Mr.  
7 Nelson said he could get his camera to focus in on the flames until it died down. Mr. Nelson asked if  
8 government agencies have the right to inform the people. He said that the realtor did not fully inform of what  
9 it was and he was told that a two hundred foot radius was fine. He said that he is three hundred feet away  
10 from a well head and he said he is too close. He said that the governmental bodies do have the right and duty  
11 to keep people informed. He said these maps are excellent and wish he would have had them before he  
12 bought his house.

13  
14 Ms. Griest asked if there were any questions and there were none.

15  
16 Mr. Tom Knuth who lives at 336 CR2650N across the street from the proposed subdivision said that the  
17 entrance is across from his driveway. He said he may be the newest member out there and that he retired  
18 from the military and just moved out there last year. He said he has a drainage ditch that runs along the west  
19 side of his property and circles around the north end of his property and Mr. Nelson informed him that a few  
20 years ago that half of his back yard was under water. He said that he is concerned about where that drainage  
21 is going to go if there is extra drainage from that land. He said he has a lot more to learn about what the  
22 future of the subdivision might be but he did appreciate the conversations tonight and appreciates the  
23 opportunity to address the Board.

24  
25 Ms. Griest asked if there were any questions for Mr. Knuth and there were none.

26  
27 Ms. Griest said that concludes the names on the witness register and will not ask for additional  
28 signatures at this time. Ms. Griest asked Mr. Hall if he needed anything from the Board or if he had a  
29 continuation date.

30  
31 Mr. Hall answered that if the Board thinks there should be changes to this plan they should pass that along at  
32 this time.

33  
34 Mr. Irle asked if this is a carbon copy from the prior case.

35  
36 Ms. Griest said that I think there is one additional factor here that we don't have in the last case and that is  
37 related to the adjacent livestock operation.

38  
39 Mr. Hall said he will follow up with Mr. Kamerer on that and find out the locations and have them mapped  
40 for the next time.

41  
42 Mr. Bluhm said he would like to find out the location of the drain tile because he believes this is an  
43 agricultural tile and should be used for agricultural purposes and not for residential.

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Mr. Goldenstien said he did not think much has been done about the swale especially to the north because they run between two or three lots.

Mr. Hall said the proposal is to refashion the swale so that it's a roadside ditch. He said he has some concerns about that but he will have the engineers report on it by the next meeting.

Mr. Bluhm said he would like clarification on Mr. Wozinak's bike path on that outlot but there seems to be no paving and that would be within that 90 foot easement.

Mr. Hall said he did not think in the proposal there were supposed to be paving but just grass.

Mr. Bluhm said that if he is having a walking/ bike path it should not be grass for bike path.

Ms. Griest asked if this case could be heard on August 31, 2006.

Mr. Hall answered yes.

**Mr. Bluhm moved seconded by Mr. Irlle to continue Case 542-AM-06 Louis and JoAnn Wozniak to August 31, 2006. The motion carried by voice vote.**

**Staff Report**

No report

**Other Business**

No report

**Adjournment**

Ms. Griest declared meeting adjourned. 10:27pm

Respectfully submitted

Secretary of Zoning Board of Appeals