

MANISTEE CITY ZONING BOARD OF APPEALS

70 Maple Street
P.O. Box 358
Manistee, MI 49660

MEETING MINUTES

MAY 22, 1997

A special meeting of the Manistee City Zoning Board of Appeals was held on Thursday, May 22, 1997 at 5:30 p.m. in the City Council Chambers of City Hall, 70 Maple Street, Manistee, Michigan.

The meeting was called to order at 5:30 p.m. by Chair Grabowski.

MEMBERS PRESENT: M. Johnson, D. Jones, E. Grabowski,

MEMBERS ABSENT: E. Gutowski, E. Budnik

ALTERNATE PRESENT: R. Johnson, R. Tetsworth

OTHERS PRESENT: Lori Donnan (Zoning Administrator), Jon Rose (Community Development Officer), Ben Bifoss (City Manager), Sid Scrimger (Fire Chief), Joe Bartz (Earth Tech), Rick Lovas (Plant Manager, Ambar), Wendell Johnson (Ambar), Rick Billings (Ambar), Tom Kubanek (EDO), Lorraine Conway (Mayor), Jan Gavilinski (City Council), Ray Fortier (City Council), David Skory (City Council), Linda Channells, Dan Korzeniewski, Kevin & Heather Pietrasik, Linda Anderson, Jack Rutherford, Ed Kriskywicz, Barry Bauman,

Ambar Chemical Inc.

Lori Donnan read a letter from 28 residents concerned about effects of a Bromine Plant. These residents were against Bromine.

Sid Scrimger presented the City's safety precaution requests for Ambar to follow (letter attached). Ambar has agreed to comply with City's requests. City is confident these precautions would ensure safety to the residents. City supports construction of the processing plant.

Linda Anderson read letter opposing the Bromine plant from Francis & Louise Curtiss.

Tom Kubanek said that the area is Zoned for heavy manufacturing and that height variances have previously been granted in this area. Safety factors can be addressed - Bromine can be safely processed and is presently processed in Ludington.

Ed Grabowski questioned Ambar's 1997 technology compared Technology that was used by Mortons in the 1960's.

Joe Bartz of Earth Tech said that the Department of Environmental Quality, MIOSHA, Michigan Environmental Protection Agency regulates the plant. Less than 1 ppm will be released into the air. Don't believe any single point of error in plant. Numerous monitors will be used to detect any leaks.

Linda Channells asked about alarms in the Fire Department and in the plant. What about neighbors? How will they be alerted?

Sid Scrimger: Alarms city requests and safety design of plant, leak not anticipated into neighborhood. Glass lined plumbing and tanks with valves on the inside prevent loss of material. Air scrubbers also to be used to remove Chlorine or Bromine in the Air. Older processes did not use these techniques. Air will be contained within the structure. Have requested an evacuation plan be designed before Bromine produced.

Linda Anderson asked about the safety of the railroad.

Rick Billings said no past derailments have split opened and leaked.

Dan Korzeniewski asked about any H₂S gas disbursement and toxicity levels.

Sid Scrimger responded that gases are heavier than air - room temperature - rate of disbursement not known.

Dave Vickers said that Chlorine is less toxic than H₂S.

Linda Channells said chlorine gas toxic to lungs will stacks be 300 feet high?

Joe Bartz - Will be 130 feet, Calcium Chloride 165 feet.

Rick Tetzworth asked if all OSHA, EPA and DEQ permits have been pulled and processed.

Joe Bartz said permits are in review and have been applied for. Waste Brine from Martin Marietta to tower - heated to 186° - Chloride Salts produced. Bromine stripped of water - shipped then to storage tanks then 1,500 gallon rail cars - about one car per week.

Rick Tetzworth asked where the extracted liquid was taken?

Rick Billings - to Martin Marietta. Salts equivalent to the safety of table salt. It is halogen exchange. Railroad cars not owned by CSX. Dow & Oxychem?

Rick Tetzworth said that Ambar employees have contacted and told him it is a State-of-the-Art Plant. Can you smell it?

Joe Bartz - No, contained all within plant. Any release will head down to the ground.

Rick Billings - If smell, will not be any stronger than chlorinating your pool.

Linda Channells asked if the railroad cars were filled inside or outside?

Joe Bartz said that they were only unloading inside. Bromine is shipped out by truck.

Public discussion closed at 6:13 p.m. MOTION by R. Johnson, supported by D. Jones that Ambar's height variance request for a 100 ft Bromine Processing Building be granted. Motion also included the following findings of fact:

Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands structures, or buildings in the same Land Use District.

The literal interpretation of the provisions of this ordinance would NOT deprive the applicant of rights commonly enjoyed by other properties in the same Land Use District under the terms of this Ordinance.

The special conditions and/or circumstances are NOT the result of actions taken by the applicant or the previous property owner since adoption of the current Ordinance.

Granting of the variance would be in harmony with the general purpose and intent of the Ordinance and would NOT be injurious to the neighborhood, or otherwise detrimental to the public welfare.

The reasons set forth in the application justify the variance and is the requested variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

Special conditions as described in the letter dated May 7, 1997 from Sid Scrimger, Fire Chief to Ambar along with their letter dated May 16, 1997 agreeing to these conditions be a part of this variance.

MOTION PASSED UNANIMOUSLY.

Keven & Heather Pietrasik

Chair Grabowski then introduced a request from Keven & Heather Pietrasik for a variance to the ten foot attached accessory side-yard set-back to allow construction of proposed attached accessory building requiring granting of a seven foot side-yard set-back. There were no comment from the audience and no questions from the board. MOTION was made by Jones, with support from Tetsworth that a variance to the ten foot attached accessory side-yard set-back to allow the construction of a proposed attached accessory building requiring the granting of a seven foot side-yard set-back. Motion also included the following findings of fact:

Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands structures, or buildings in the same Land Use District.

The literal interpretation of the provisions of this ordinance would NOT deprive the applicant of rights commonly enjoyed by other properties in the same Land Use District under the terms of this Ordinance.

The special conditions and/or circumstances are NOT the result of actions taken by the applicant or the previous property owner since adoption of the current Ordinance.

Granting of the variance would be in harmony with the general purpose and intent of the Ordinance and would NOT be injurious to the neighborhood, or otherwise detrimental to the public welfare.

The reasons set forth in the application justify the variance and is the requested variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

MOTION PASSED UNANIMOUSLY.

Manistee Vacuum

Ed Kriskywicz introduced a request from Manistee Vacuum, 340 River Street for a variance to the waterfront set-back requirement of 50 feet for construction of proposed deck at requested 32 foot set-back. And a variance to fence height requirement of six feet for construction of 10 foot high privacy fence. The proposed deck and fence have been reviewed by the Historic Overlay Review Committee and they added the condition that they must dog ear the top of the fence. There was no comment from the audience and no questions from the board. MOTION by Jones, with support by R. Johnson that a variance be granted to allow the waterfront set-back requirement of 50 feet for construction of proposed deck at requested 32 foot set-back and that a variance to fence height requirement of six feet to ten feet for a privacy fence. Motion also included the following findings of fact:

Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands structures, or buildings in the same Land Use District.

The literal interpretation of the provisions of this ordinance would NOT deprive the applicant of rights commonly enjoyed by other properties in the same Land Use District under the terms of this Ordinance.

The special conditions and/or circumstances are NOT the result of actions taken by the applicant or the previous property owner since adoption of the current Ordinance.

Granting of the variance would be in harmony with the general purpose and intent of the Ordinance and would NOT be injurious to the neighborhood, or otherwise detrimental to the public welfare.

The reasons set forth in the application justify the variance and is the requested variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

MOTION PASSED UNANIMOUSLY.

Minutes

MOTION by R. Johnson, support by Tetsworth that the minutes of the May 5, 1997, meeting be approved.

APPROVED UNANIMOUSLY.

Other Business

The election of officers that took place in January elected Ed Grabowski as Chairman, Duane Jones as Vice-Chairman and Mary Ann Johnson as Secretary. Review of By-Laws Section 2.1 Selection. At the first scheduled meeting of each year, the Appeals Board shall select from its membership a Chairman, and a Vice-Chairman/Secretary. All officers are eligible for reelection.

After discussion it was decided that instead of amending the By-Laws the Board of Appeals would elect a Vice-Chair/Secretary. MOTION by R. Johnson, supported by Tetsworth that Duane Jones be appointed as Vice-Chair/Secretary.

APPROVED UNANIMOUSLY.

Jon Rose stated that Fire Suppression, means of egress and Barrier Free Access may be appealed by Ambar. Also that a request has been received from Carol Blain for an Appeals Board Meeting. This meeting will take place on Thursday, May 29th at 5:30 p.m. in the Council Chambers.

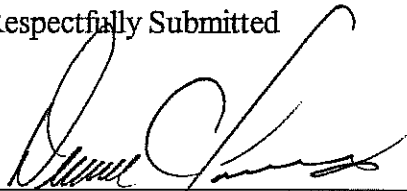
Adjournment

There being no further business a motion to adjourn was made by R. Johnson, supported by D. Jones.

APPROVED UNANIMOUSLY.

Meeting adjourned at 6:40 p.m.

Respectfully Submitted



Duane Jones, Secretary



616-723-2558
FAX 616-723-1111

70 Maple Street • P.O. Box 358 • Manistee, Michigan 49660

May 7, 1997

Richard Lovas
Ambar Chemical Inc.
1501 Main Street
Manistee, Michigan 49660

Dear Mr. Lovas:

As you know, the Zoning Board of Appeals has delayed a vote on the requested variance for your facility until their meeting of May 22, 1997. The issues that need to be addressed are as follows.

It is possible that multiple system failures, sabotage or a natural disaster could cause a leak of toxic vapors that will escape the area of the plant. Ambar should commit to the creation of an area evacuation plan and an annual update to that plan.

The letter I received from Earth Tech specified chlorine and bromine sensing alarms throughout the plant and on the fence outside the plant. In order to assure a more rapid response by the Fire Department the perimeter fence alarms should be transmitted directly to an alarm company as well as the plant.

In the event of an accidental release of chemicals, wind direction, velocity and temperature become critical issues. This should be known to fire fighters before they respond so they can plan routes of approach and areas to protect. Ambar should pay for the installation of a fixed weather station to be installed at the Fire Department to gather such information. The cost of this installation should be less than \$1,000.

Movement of chlorine as a raw material is a major concern as chlorine is probably the more hazardous of the chemicals that will be involved in the process and will be handled in larger single containers. Ambar should commit to keep not more than three full tank cars of chlorine on site at one time and provisions should be made so that a minimum of three empty cars can be held within the perimeter of the plant.

AMBAR[®]

CHEMICAL, INC.

1501 Main Street
Manistee, Michigan 49660
(616) 723-6266 ★ FAX (616) 723-8840

May 16, 1997

Chief Sid Scrimger
Fire Department
City of Manistee
70 Maple Street
Manistee, Michigan 49660

Via - Fax 723-1546

Re: Safety Considerations and Conditions

Dear Chief Scrimger:

Thank you for your letter to me of May 7, 1997. Our safety team has carefully reviewed each of your suggestions and I am pleased to announce that AMBAR[®] Chemical accepts each of your proposals without exception. I would, therefore, respectfully suggest that the Zoning Board of Appeals condition their approval of the requested variance subject to the following conditions being attached thereto:

- 1. Within 180 days of the issuance of the variance, the Landowner shall cause to be developed a plan of evacuation in the event of an unexpected excursion from the plant into the atmosphere. The plan shall cover an area of one-half mile from the battery limits of the proposed bromine plant. The plan shall be reviewed annually and updated by the Landowner as necessary. The plan and its updates shall be submitted to the City for the approval of the Fire Chief.*
- 2. Bromine and chlorine gas sensors shall be installed along the Plant's fence line. These sensors, in the event of activation shall cause an alarm to be sent directly to an independent alarm company which shall have instructions from AMBAR[®] to notify the Fire Department immediately of the alarm.*
- 3. The Landowner shall reimburse the City for the installation at the Fire Station located at 281 First Street, Manistee, MI 49660, of a fixed weather station to provide Fire Department personnel with accurate information as to the wind direction, wind velocity and temperature. Such reimbursement*

Chief Sid Scrimger
Manistee Fire Department
May 16, 1997
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I trust that the foregoing *conditions* will meet with your approval and the approval of the Zoning Board of Appeals. If there is any disagreement as to the language we have proposed, I am sure that a little word smithing will remedy the issue. Please contact me should you wish to discuss any of these points or other concerns you may have regarding the safety of Manistee's citizens, especially police and fire personnel responding to an emergency. Safety *should be* and *is* our first concern.

Very truly yours,



RICHARD S. LOVAS
Plant Manager

RSL:wp

cc: Rick A. Billings, Exec. V.P.